

IN THE MATTER OF	*	BEFORE THE
DIANA LUBIC, Pharm Tech	*	STATE BOARD
REGISTRATION NO.: T11601	*	OF
Respondent	*	PHARMACY
	*	Case No.: PT-14-019

* * * * *

**FINAL ORDER OF REVOCATION
OF PHARMACY TECHNICIAN'S REGISTRATION**

On August 19, 2015, the State Board of Pharmacy (the "Board"), notified **DIANA LUBIC**, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to Revoke her pharmacy technician registration.

The Notice also informed the Respondent that, unless she requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than 30 days have elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The basis for the Board's action was pursuant to State Gov't Code Ann. ("S.G.") § 10-226 (c) (1) (2014 Repl. Vol. II), and the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Heath Occ. ("H.O.") §§ 12-101 *et seq.* (2014 Repl. Vol. II).

The relevant provisions are as follows:

S.G. § 10-226:

- (c) (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:
 - (i) written notice of the facts that warrant suspension or revocation;
 - and
 - (ii) an opportunity to be heard.

H.O. § 12-6B-09. Grounds for reprimand or denial, probation, suspension, or revocation of registration.

Subject to the hearing provision of § 12-315 of this title, the Board may deny a pharmacy technician's registration to any applicant, reprimand a registered pharmacy technician, place any pharmacy technician's registration on probation, or suspend or revoke a pharmacy technician's registration if the applicant or pharmacy technician registrant:

- (3) Fraudulently uses a pharmacy technician's registration;
- (8) Willfully fails to file or record any report that is required by law;
- (25) Violates any regulation adopted by the Board [;].

The Board further charges the Respondent with a violation of its Pharmacist and Pharmacy Technician Code of Conduct, Code Md. Regs. tit. 10.34.10 (2001):

§.01. Patient Safety and Welfare.

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

**FACTS THAT WARRANT
THE REVOCATION OF THE RESPONDENT'S REGISTRATION**

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in Maryland. The Respondent was first registered on March 29, 2013. The Respondent's registration expired on September 30, 2014.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech for a National pharmacy ("Pharmacy A") in Charles County.

3. On or about August 13, 2013, Pharmacy A's Loss Prevention personnel received a tip from another employee of Pharmacy A that the Respondent had passed medication to her boyfriend on July 10, 2013. After receiving confirmation of same, the Respondent was interviewed on August 13, 2013 by Loss Prevention personnel and the

Respondent admitted, both verbally and in a written statement, to passing or stealing outright various medications, including Hydrocodone.¹

4. The Respondent stated that the pills were for her friends and landlord to offset her apartment rent. She admitted that she stole the pills by placing them in her smock or through the drive-in window. As a result of these admissions, the Respondent was terminated from employment with Pharmacy A.

5. Pharmacy A also filed a Drug Enforcement Administration (DEA) report of theft or loss, stating that the following medications were stolen by the Respondent:

- A. Acetaminophen-Cod #3², 3 tablets;
- B. Hydrocodone-APAP 5/500³ #3, 10 tablets;
- C. Hydrocodone-APAP, 5/325⁴, 1 tablet.

6. As a result of the above, the Respondent was criminally charged in the District Court of Maryland for Charles County, with the following:

- A. Count One Theft Scheme, less than \$1000;
- B. Count Two Pres Ill-Pos w/In Dist; and,
- C. Count Three Prescr Obtain By Fraud⁵

7. Based upon the above, on April 24, 2014, the Board issued a Summary Suspension against the Respondent's registration. The Respondent failed to request a hearing.

¹Hydrocodone is an opioid pain medication.

²Codeine is an opioid pain medication, sometimes called a narcotic. Acetaminophen is a less potent pain reliever that increases the effects of codeine, and is used to relieve moderate to severe pain.

³Hydrocodone/APAP (or under brand names such as Lortab, Norco or Vicodin) is a combination opioid narcotic analgesic drug consisting of hydrocodone and paracetamol (acetaminophen) used to relieve moderate to severe pain. This combination consists of 5 mg of Hydrocodone and 500 mg of APAP.

⁴This combination consists of 5 mg of Hydrocodone and 325 mg of APAP.

⁵On June 13, 2014, the charges were stetted.

8. The Respondent's conduct as described above, constitutes a violation of H.O. §12-6B-09 (3), (8) and (25), and COMAR 10.34.10.01 B (3).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §§12-6B-09 (3), (8) and (25) of its Act, and COMAR 10.34.10.01B (3).


ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **DIANA LUBIC**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§4-101 *et seq.* (2014 Vol.).

NOTICE OF RIGHT OF APPEAL

In accordance with § 12-316 of the Act and the SG. §§ 10-201, *et seq.*, you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforesaid authority.

10/21/2015
Date


Mitra Gavvani, Pharm.D., President
Board of Pharmacy