

BEFORE THE STATE BOARD OF PHARMACY

STATE BOARD OF PHARMACY)

Petitioner)

VICKI L. WEISS)

NO. 84-39

Respondent)

OPINION AND ORDER

This matter was heard before the Board of Pharmacy on its own motion on February 8, 1984. The hearing was conducted by Durwood Felton, III, Esquire, who previously had been appointed to hear the matter as a hearing officer pursuant to Virginia Code Sections 54-958 and 54-959 and was appointed by vote of the Board immediately prior to the commencement of the hearing.

Respondent did not appear in person nor did anyone appear to represent her interests.

Paul A. Sinclair, Esquire, Assistant Attorney General, presented the evidence to the Board.

William Addison Hurst, Pharmacy Inspector, Department of Health Regulatory Boards, appeared and gave testimony under oath on behalf of the Board and Jack B. Carson, Executive Director of the Board of Pharmacy.

FINDINGS OF FACT

1. Respondent is a pharmacist licensed by the Board of Pharmacy.
2. Respondent was given a proper notice of hearing on January 25, 1984 by certified mail, Return Receipt Requested, the said receipt bearing the signature, V. Weiss having been returned to the Board Office on February 5, 1984.

Vicki L. Weiss

Page 2

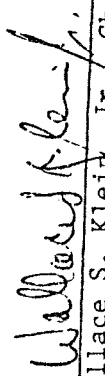
3. Respondent was given a notice of an Informal Conference on November 14, 1983 with a certified mail return receipt requested having been returned to the Board Office prior to the conference date.
4. Respondent has in no way communicated with the Board regarding either of the notices in number 2 or 3 above.
5. Respondent signed a consent order on November 24, 1981 in which three conditions were imposed.
6. Respondent did not enroll in a drug therapy program as imposed in the consent order.
7. Respondent did not inform her employer, K-Mart Pharmacy, Manassas, Virginia in August 1982 of the probationary status of her license and did advise her employer in her employment application that she had had no charges against her with respect to violation of drug regulations.

CONCLUSIONS OF LAW

The Board concluded that Respondent has violated the terms and conditions of probation which was imposed by the Board on December 8, 1981 subsequent to Respondent's agreement on November 24, 1981.

WHEREFORE, after due consideration of the Findings of Fact and the Conclusion that Respondent has violated the terms and conditions of probation, it is hereby ORDERED that the license of Respondent be, and is, hereby REVOKED.

Entered this 2ND day of APRIL, 1984.


Wallace S. Kleit, Jr., Chairman

Vicki L. Weiss

Page 2


3. Respondent was given a notice of an Informal Conference on November 14, 1983 with a certified mail return receipt requested having been returned to the Board Office prior to the conference date.
4. Respondent has in no way communicated with the Board regarding either of the notices in number 2 or 3 above.
5. Respondent signed a consent order on November 24, 1981 in which three conditions were imposed.
6. Respondent did not enroll in a drug therapy program as imposed in the consent order.
7. Respondent did not inform her employer, K-Mart Pharmacy, Manassas, Virginia in August 1982 of the probationary status of her license and did advise her employer in her employment application that she had had no charges against her with respect to violation of drug regulations.

CONCLUSIONS OF LAW

The Board concluded that Respondent has violated the terms and conditions of probation which was imposed by the Board on December 8, 1981 subsequent to Respondent's agreement on November 24, 1981.

WHEREFORE, after due consideration of the Findings of Fact and the Conclusion that Respondent has violated the terms and conditions of probation, it is hereby ORDERED that the license of Respondent be, and is, hereby REVOKED.

Entered this 2ND day of APRIL, 1984.



Wallace S. Kleit, Jr., Chairman

Vicki L. Weiss

Page 2

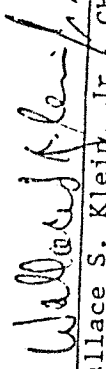
3. Respondent was given a notice of an Informal Conference on November 14, 1983 with a certified mail return receipt requested having been returned to the Board Office prior to the conference date.
4. Respondent has in no way communicated with the Board regarding either of the notices in number 2 or 3 above.
5. Respondent signed a consent order on November 24, 1981 in which three conditions were imposed.
6. Respondent did not enroll in a drug therapy program as imposed in the consent order.
7. Respondent did not inform her employer, K-Mart Pharmacy, Manassas, Virginia in August 1982 of the probationary status of her license and did advise her employer in her employment application that she had had no charges against her with respect to violation of drug regulations.

CONCLUSIONS OF LAW

The Board concluded that Respondent has violated the terms and conditions of probation which was imposed by the Board on December 8, 1981 subsequent to Respondent's agreement on November 24, 1981.

WHEREFORE, after due consideration of the Findings of Fact and the Conclusion that Respondent has violated the terms and conditions of probation, it is hereby ORDERED that the license of Respondent be, and is, hereby REVOKED.

Entered this 2ND day of APRIL, 1984.


Wallace S. Klein, Jr., Chairman

IN THE MATTER OF

* BEFORE THE

VICKI L. WEISS, P.D.

* MARYLAND STATE BOARD

RECEIVED

* OF PHARMACY

OCT 8 1984

* *

BOARD OF PHARMACY

FINDINGS OF FACT
CONCLUSIONS OF LAW AND ORDER

Upon certain information coming to the attention of the Maryland State Board of Pharmacy (the "Board") the Board directed an investigation of the pharmacy practice of Vicki Weiss, P.D., (the "Respondent"). As a result of the investigation the Board suspended the license of Respondent on an emergency basis in May of 1983. Subsequent to the emergency suspension the Board charged Respondent pursuant to §12-311(b)(1) and (23) of the Health Occupations Article (the "Act").

Appropriate notice of the charges and the grounds upon which they were based was given to Respondent by letter dated August 3, 1984. A hearing on the charges was scheduled for September 19, 1984. A prehearing conference on the charges was scheduled for August 20, 1984.

The prehearing conference was held on August 20, 1984, and was attended by Respondent, Bernard B. Lachman, President of the Board, Roslyn Scheer, Executive Director of the Board, Ronald S. Gass, Assistant Attorney General, counsel to the Board, and Susan B. Feldman, Assistant Attorney General, and the Administrative Prosecutor. At the prehearing conference the Respondent and Ms. Feldman presented their suggestions for settlement of the case to Dr. Lachman, a representative of the Board. Respondent, who did not retain an attorney, agreed to enter into the following Consent Order.

FINDINGS OF FACT

Based upon the information known and available to it the Board finds that:

1. At all times pertinent to the charge, Respondent was a pharmacist licensed to practice in Maryland and was and is subject to the jurisdiction of the Board;
2. When Respondent, filed an application for examination as a pharmacist with the Board in December, 1980, Respondent failed to state that Respondent was licensed to practice pharmacy in Virginia on November 1, 1979.
3. Respondent also failed to state she had been charged by the Virginia Board of Pharmacy on or about November 19, 1980 for diverting schedule II controlled dangerous substances for Respondent's use without an authorized prescriber's prescription from Respondent's place of employment between March and June, 1980.
4. Respondent failed to notify the Maryland Board between December, 1981 and August, 1983 that Respondent had been disciplined by the Virginia Board.
5. Respondent also failed to notify the Maryland Board that the Virginia Board had revoked Respondent's license on or about April 2, 1984.
6. Respondent's license was revoked by the Virginia Board of Pharmacy because Respondent failed to enroll in a drug therapy program pursuant to a 1981 Virginia Board Order and failed to inform her Virginia and Maryland employers concerning Virginia Board's disciplinary action.
7. The disciplinary action taken by the Virginia Board was also based upon Respondent's admissions that while employed in a professional capacity as a registered pharmacist at Drug

Fair, Inc. Restan, Va., Respondent diverted certain Schedule II drugs for her own personal use and without a prescription from a licensed M.D.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact the Board hereby concludes as a matter of law that Respondent violated §12-311(b)(1) and (2) of the Act:

(1) Fraudulently or deceptively obtains or attempt to obtain a license for the applicant or licensee or for another;

(23) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law it is this 10th day of October, 1984, by unanimous vote of those members of the Board considering this case:

ORDERED that Respondent's license to practice pharmacy is hereby REVOKED and be it further

ORDERED that said revocation is **IMMEDIATELY STAYED** and Respondent is placed on **PROBATION** subject to the following conditions:

1. Respondent shall contact the Committee for the Impaired Pharmacists (the "Committee") and make arrangements to meet with this Committee within thirty (30) days of the Order;
2. Respondent shall comply with any and all recommendations made by the Committee in the time suggested by the Committee;

3. Respondent shall immediately provide the Board with

the Com-

4. Respondent shall arrange for the Committee to submit written quarterly reports indicating Respondent is making satisfactory progress in therapy. The first report shall be submitted to the Board within 90 days after date of the Order.
5. After the first year of Respondent's probation, with the Board's approval, the Respondent shall arrange for the Committee to submit bi-annual written reports to the Board indicating that Respondent continues to make satisfactory progress;
6. Respondent shall continue with the Committee until such time she is discharged from treatment by the Committee. Upon discharge from treatment by the Committee, Respondent shall arrange for the Committee to submit a written discharge report;
7. In the event Respondent discontinues treatment with the Committee prior to her discharge by the Committee, the Committee shall immediately notify the Board in writing;
8. In the event the Committee reports to the Board that Respondent is incapable of practicing pharmacy safely, the Respondent shall voluntarily discontinue the practice of pharmacy until such time as the Committee indicates that Respondent is capable of resuming her practice of pharmacy;
9. Respondent shall immediately notify any and all of her pharmacy employers that she has been placed on probation by the Board and inform the employers of the conditions of her probation. Within thirty (30) days of being hired as a pharmacist Respondent shall submit written proof to the Board that she has notified her employer of the conditions of probation contained in this Order;
10. Respondent shall arrange for any and all of her pharmacy employers to submit to the Board written quarterly reports evaluating her job performance and describing the nature

and duties of her position. The first report shall be due a month after Respondent assumes a position as a pharmacist and shall continue until all conditions are removed from Respondent's license;

11. In the event that Respondent changes jobs as a pharmacist, or decides not to practice pharmacy, Respondent shall immediately notify the Board, in writing, identifying her new employer by name, address, telephone number and describing her new position;

12. Commencing thirty (30) days from the date of this Order, Respondent shall send written quarterly reports to the Board describing the progress she feels she is making, what problems she presently faces and how she is coping with these problems;

13. Respondent shall notify the Board, in writing, of her current address. In the event that Respondent moves she shall promptly notify the Board in writing of the change of address and any change in his telephone number;

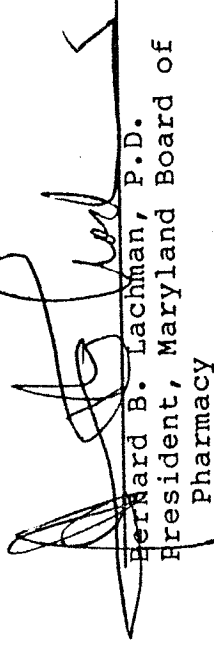
14. Respondent shall refrain from engaging in the conduct which led to her violation of the Maryland Pharmacy Act; and

15. Respondent shall practice in accordance with the Maryland Pharmacy Act and in a competent manner; and be it further

ORDERED, that if Respondent violates any of the foregoing conditions of probation or fails to practice in accordance with the laws governing the practice of pharmacy in Maryland or if the Board receives an unsatisfactory report from the Respondent's therapist, the Board may, after notification and hearing and a determination of violation, withdraw Respondent's

probationary status and may impose such disciplinary action as provided by law; and be it further

ORDERED that 2 years from the date of this Order the Board shall entertain a petition for termination of Respondent's probationary status and full reinstatement of her license to practice pharmacy without any conditions or restrictions as to the scope of practice provided that Respondent has complied with the conditions of probation. If the Board determines that the termination of probation and complete reinstatement would not be appropriate at the time the Board may modify one or more of the conditions upon which Respondent was placed on probation.


Bernard B. Lachman, P.D.
President, Maryland Board of
Pharmacy

CONSENT

By this consent, knowingly and voluntarily executed by me, I hereby consent and submit to the foregoing Order and its conditions. I do not admit the truth of the charges but acknowledge the validity of the Order as if made after a hearing at which I would have had the right to counsel, to confront witnesses, to give testimony and to call witnesses on my behalf and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my rights to appeal any adverse ruling of the Maryland State Board of Pharmacy that might have followed such a hearing. By this Consent, I waive all such rights. I acknowledge that if I fail to abide by the conditions

set forth in the Order, I may suffer disciplinary action against my license to practice pharmacy in the State of Maryland.

Vicki L. Weiss P.D.
Vicki L. Weiss, P.D.

STATE OF MARYLAND)
CITY OF BALTIMORE) ss:

I HEREBY CERTIFY that on this 1st day of NOVEMBER, 1984, before me, a Notary Public of the State and City aforesaid, personally appeared IN MY PRESENCE, P.D. and she made oath in due form of law that the foregoing Consent was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Thomas G. Dillard
Notary Public

My commission expires: _____, 198

THOMAS G. DILLARD
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 1986