

IN THE MATTER OF

DIANA LUBIC, Pharm Tech

REGISTRATION NO.: T11601

Respondent

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BEFORE THE

STATE BOARD

OF

PHARMACY

Case No.: PT-14-019

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ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2) (2009 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby suspends the registration to practice as a Pharmacy Technician (Pharm Tech) in Maryland issued to **DIANA LUBIC** (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. §§ 12-101, *et seq.*, (2009 Repl. Vol.). This Order is based on the following investigative findings which the Board has reason to believe are true:

INVESTIGATIVE FINDINGS

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 expires on August 31, 2014.
2. At all times relevant hereto, the Respondent was employed as a Pharm Tech for a National pharmacy ("Pharmacy A") in Baltimore 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 III-Pos w/In Dist; and,
- C. Count Three Prescr Obtain By Fraud

7. As set forth above, by stealing drugs from her employer, the Respondent is a threat to the public health, safety and welfare.

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.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. §10-226(c) (2) (2009 Repl. Vol.).

ORDER

Based on the foregoing, it is, therefore, this 24th day of April, 2014, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted to the Board by Md. St. Gov't. Code Ann. §10-226(c) (2) (2009 Repl. Vol.), the registration held by the Respondent to practice as a Pharm Tech in Maryland, Registration No. T11601, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that, upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued, regarding the Respondent's fitness to practice as a Pharm Tech and the danger to the public; and be it further

ORDERED that the Respondent shall immediately turn over to the Board her wall certificate and wallet-sized registration to practice as a Pharm Tech issued by the Board; and be it further

ORDERED that this document constitutes a Final Order of the Board and is, therefore, a public document for purposes of public disclosure, as required by Md. State Gov't Code Ann. §10-617(h) (2009 Repl. Vol.).



Laverne G. Naesea, Executive Director
Board of Pharmacy

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.