

IN THE MATTER OF * * * * * BEFORE THE
VICKI L. WEISS, P.D. * * * * * MARYLAND BOARD
* * * * * OF PHARMACY
* * * * *

ORDER FOR EMERGENCY SUSPENSION
OF PHARMACY LICENSE

Based on information received from the Virginia State Board of Pharmacy (the "Virginia Board") regarding the pharmacy practice of Vicki L. Weiss, P.D. (the "Respondent") and further investigation by the Maryland Board of Pharmacy (the "Maryland Board"), the Maryland Board makes the following findings:

1. That Respondent took and passed the Virginia Board's licensure examination and was issued pharmacist license #5828 on November 1, 1979.

2. That by letter dated November 19, 1980, the Virginia Board charged Respondent with violating Virginia pharmacy law and issued a Statement of Particulars which alleged:

On the basis of Gary E. Anderson, Compliance Manager and W. Addison Hurst, Inspector, for the Department of Health Regulatory Boards, you are charged with violating provisions of the Drug Control Act as set forth below.

1. You violated Section 54-524.67(a) in that you, a registered pharmacist, diverted certain Schedule II drugs, specifically Percodan, Percocet 5 and Percodan Demitabets during the period of March, 1980, through June, 1980, for your own personal use and without a prescription from a licensed physician.

See Exhibit A.

3. That on December 10, 1980, Respondent prepared an Application for Examination as Pharmacist (the "Application"), which was filed with the Maryland Board on December 22, 1980.

See Exhibit B.

4. That on page 2 of the Application, the following information regarding Respondent's previous examination record was requested:

"If applicant has previously taken Board examination for Registered Pharmacist license in this or other state, he must disclose, places, dates and results in the following spaces."

See Exhibit B (emphasis added).

5. That Respondent left the spaces provided on page 2 of the Application for disclosing her previous examination record blank.
6. That on page 2 of the Application, spaces were provided for the Respondent to disclose her previous licensure as a registered pharmacist.
7. That Respondent left the spaces provided on page 2 of the Application for disclosing her previous licensure as a registered pharmacist blank.
8. That on page 2 of the Application, Respondent was required to state that "[n]o charges involving moral turpitude or violation of pharmacy, liquor, or narcotics laws ever made or pending." See Exhibit B.
9. That on page 2 of the Application, Respondent wrote: "No charges involving moral turpitude or violation of pharmacy, liquor, or narcotic laws ever made or pending." See Exhibit B.
10. That in a signed, notarized statement on page 2 of the Application, Respondent made the following affirmation:

I, Vicki Lee Weiss, do solemnly swear and affirm that I have personally filled in this form, and that the information in the foregoing paragraphs is true and correct to the best of my knowledge and belief.

See Exhibit B.
11. That this statement was subscribed and sworn to on December 12, 1980 before Martha A. Oswald, a notary public licensed in Pennsylvania.
12. That Respondent took and passed the Maryland Board's licensure examination and was issued pharmacist license #9521 on March 18, 1981.

13. That on December 8, 1981, Respondent entered into a Consent Order with the Virginia Board in the case captioned In re Vickie [sic] Weiss, R.Ph., Bd. No. 82-9 (the "1981 Order") pursuant to which her license to practice pharmacy in Virginia was suspended for a period of 30 days; however, that suspension was stayed, Respondent was placed on probation for a period of two (2) years subject to certain terms and conditions of probation, and was fined \$500.00. See Exhibit C, at 2-3.

14. That Finding of Fact #2 on page 1 of the 1981 Order states:

Vickie [sic] Weiss, while employed in her professional capacity as a registered pharmacist at Drug Fair, Inc., Reston, Virginia, diverted certain controlled substances during the period from March 1980, through June 1980, for her personal use and without a prescription from a licensed physician.

See Exhibit C.

15. That Finding of Fact #3 on page 1 of the 1981 Order states that Respondent admitted the truth of Finding of Fact #2 in a signed statement before W. Addison Hurst, Investigator for the Virginia Department of Health Regulatory Boards. See Exhibit C, at 1.

16. That two of the conditions of probation on page 3 of the 1981 Order provide as follows:

3. Vickie [sic] Weiss agrees, upon the resumption of employment as a registered pharmacist, to inform her employer that the Board has placed her license on probation and further consents to the release of information in the Board's Bulletin that said probation is due to diversion of controlled substances, for her personal use and without a prescription from a licensed physician;

4. Vickie [sic] Weiss agrees to enroll in a drug therapy program acceptable to the Board and agrees to have her therapist supply the Board every six months with reports as to her progress including a discharge summary at the time her therapy is terminated; or she agrees to supply the Board with a letter from a licensed therapist or physician which states that Vickie [sic] Weiss is not now drug depen-

dent, and is therefore, not in need of therapy for such dependency.

See Exhibit C.

17. That in August, 1983, Respondent filed an application for renewal of her license to practice pharmacy in Maryland (the "Renewal Application"). See Exhibit D.

18. That the Renewal Application included the following three questions:

Has your license been denied, suspended or revoked in any state?

Has any other action ever been taken against your license, or are you now under investigation?

Have you been convicted of any violation of law pertaining to your profession?

See Exhibit D.

19. That Respondent answered each of the foregoing questions on the Renewal Application in the negative. See Exhibit D.

20. That Respondent signed the bottom of the Renewal Application where it states:

I affirm that the information I have given in this application is true and correct to the best of my knowledge and belief.

See Exhibit D.

21. That in an Opinion and Order in State Board of Pharmacy v. Weiss, No. 84-39, dated April 2, 1984 (the "1984 Order"), the Virginia Board made the following findings of fact regarding Respondent:

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.

See Exhibit E, at 2.

22. That in its 1984 Order, the Virginia Board ordered that Respondent's license to practice pharmacy in Virginia be revoked because she violated the terms and conditions of probation as set forth in the 1981 Order. See Exhibit E, at 2.

23. That since March 1, 1983, Respondent has been practicing pharmacy in Maryland as a contractual employee at the Maryland House of Correction, Jessup, Maryland.

24. That as of April 30, 1984, the warden of the Maryland House of Correction, Howard N. Lyles, was unaware that Respondent's license had been suspended in 1981 and revoked in 1984 by the Virginia Board because she had diverted Schedule II controlled dangerous substances for her personal use.

25. That based on the foregoing information, the Board has good cause to believe:

A. That Respondent diverted certain Schedule II controlled dangerous substances while employed as a pharmacist at a Virginia pharmacy during the period from March, 1980 through June, 1980 for her personal use and without a prescription from a licensed physician and that she admitted these facts in a signed statement dated June 30, 1980.

B. That when Respondent filed her Application for Examination as Pharmacist with the Maryland Board in December, 1980, she made the following fraudulent or deceptive omissions or misrepresentations under oath:

(1) That she had not taken an examination for licensure in another state even though she was licensed by examination in Virginia and was issued pharmacist license #5828 on November 1, 1979.

(2) That she failed to state that she was licensed to practice pharmacy in Virginia.

(3) That she failed to state in her Application that she had been charged by the Virginia Board on or about November 19, 1980 for diverting Schedule II controlled dangerous substances for her personal use without an authorized prescriber's prescription from her place of employment between March and June, 1980.

C. That between December, 1981 and August, 1983, Respondent failed to notify the Maryland Board that she had been disciplined by the Virginia Board.

D. That even though the Maryland Board's August, 1983 Renewal Application specifically asked whether Respondent had ever been disciplined in another state, she denied that she had had her license suspended by the Virginia Board.

E. That since the Virginia Board revoked Respondent's license on April 2, 1984, Respondent has not notified the Maryland Board about that disciplinary action.

26. That based on Respondent's fraudulent or deceptive omissions and misrepresentations to the Maryland Board, the Virginia Board's disciplinary actions against her, and Respondent's failure to comply with the terms and conditions of probation as set forth in the Virginia Board's 1981 Order, the Maryland Board suspects that her drug problem may remain unresolved because she failed to enroll in a drug therapy program pursuant to the 1981 Order and she failed to inform her Virginia and Maryland employers about the Virginia Board's disciplinary action.

27. That for the reasons set forth in the foregoing paragraphs, the Board concludes that emergency action is required in this case pursuant to Article 41, § 250A(c) of the Annotated Code of Maryland because Respondent's continued access to controlled dangerous substances poses an imminent and grave danger to the public health, welfare and safety and that that situation imperatively requires emergency action by the Board prior to its filing and considering charges against Respondent's license to practice pharmacy.

ORDER

IT IS THIS 23rd day of May, 1984, by the Maryland Board of Pharmacy,

ORDERED that pursuant to the authority vested in the Board by Article 41, § 250A(c) of the Annotated Code of Maryland, Respondent's license to practice pharmacy is hereby SUMMARILY SUSPENDED; and be it further

ORDERED that on presentation of this Order, Respondent shall immediately deliver to the Board's investigator (1) her diploma-sized Certificate of the Maryland Board of Pharmacy, (2) her current Department of Health and Mental Hygiene License Renewal Certificate, and (3) her current wallet-size license renewal card; and be it further

ORDERED that a hearing to consider this emergency suspension shall be held before the Board within ten (10) business days of the date upon which the Board receives a request for such a hearing from Respondent.



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