

**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0001**

**IN THE MATTER OF THE INDIANA
PHARMACY TECHNICIAN
CERTIFICATION OF:

LYNDA MAIKE, C.PH.T.,
CERTIFICATION NUMBER: 67001946A.**

FILED

APR 18 2013

Indiana Professional
Licensing Agency

**FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

The Indiana Board of Pharmacy ("Board") held an administrative hearing on April 8, 2013, in Room W064 of the Indiana State Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, concerning an Administrative Complaint ("Complaint") filed against Lynda Maike, C.Ph.T. ("Respondent"), on February 8, 2013.

The State of Indiana ("Petitioner") was represented by Darren R. Covington, Deputy Attorney General. Respondent did not appear in person or by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 6-0-0, finds Respondent to be in default. The Board, by another vote of 6-0-0, issues the following Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent's address on file with the Indiana Professional Licensing Agency ("IPLA") is 1018 Foster Drive, South Bend, Indiana 46617.
2. Respondent is a certified pharmacy technician in the State of Indiana having been issued certification number 67001946A on November 6, 2003.

3. At all times relevant herein, Respondent was employed as a pharmacy technician with CVS Pharmacy in South Bend, Indiana.

4. On or around October 5, 2012, CVS Pharmacy loss prevention personnel began an investigation into the loss of ten suboxone film 8 mg after receiving information from Miami Correctional Facility that a greeting card, with ten suboxone films attached to the inside, was mailed to Justin Maike, and signed by Respondent, who is Justin Maike's mother.

5. An audit conducted by CVS revealed a discrepancy of ten suboxone films missing.

6. On or around October 24, 2012, Respondent was questioned by loss prevention personnel. During the interview, Respondent left the pharmacy and did not return to work. Respondent's employment was then suspended for being uncooperative and abandoning her job.

7. On or around January 14, 2012, the Indiana Board of Pharmacy summarily suspended Respondent's certification for ninety days.

8. A Complaint was filed by the Petitioner against Respondent on February 8, 2013.

9. On February 18, 2013, the IPLA sent a hearing notice to Respondent at her last address of record informing her of the date, time, and place of the administrative hearing on the Complaint scheduled for March 11, 2013, at 2:00 p.m.

10. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the hearing and Respondent failed to appear for the scheduled hearing in person or by counsel on March 11, 2013.

11. On March 11, 2013, the Board voted 5-0-0 to issue a Notice of Proposed Default Order. On March 22, 2013, the Notice of Proposed Default Order was mailed to Respondent's address of record.

12. Respondent failed to submit a written response within seven (7) days as required by Ind. Code § 4-21.5-3-24.

13. On April 8, 2013, the Board voted 6-0-0 to hold Respondent in default.

ULTIMATE FINDINGS OF FACT

Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by her taking of suboxone films from CVS Pharmacy without authorization.

CONCLUSIONS OF LAW

Respondent's violations are cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or revocation and a fine up to the amount of \$1,000 per violation as detailed in Ind. Code § 25-1-11-12.

ORDER

Based upon the above Findings of Fact, Ultimate Findings of Fact, and Conclusions of Law, the Board issues the following Order:

1. Respondent's certification is **REVOKED**.
2. Within thirty (30) days of the date of this Order, pursuant to Ind. Code § 4-6-14-10(b), Respondent shall pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee

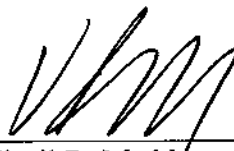
shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Indiana Office of the Attorney General
ATTN: Katherine Lee
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

ORDERED, this 18 day of April, 2013.

INDIANA BOARD OF PHARMACY

By: _____


Virgil R. Madden
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order" has been duly served upon:

Lynda Maike
1018 Foster Dr.
South Bend, IN 46617
Service by U.S. Mail

Darren R. Covington, Deputy Attorney General
Office of the Indiana Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204
Service by Email

4/18/13
Date

Jackie Day
Jackie Day

Indiana Board of Pharmacy
Indiana Government Center South
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Phone: 317-234-2067
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Explanation of Service Methods

Personal Service: by delivering a true copy of the aforesaid document(s) personally.

Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.

Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.