

IN THE MATTER OF THE LICENSE OF:)
)
SHELDON'S EXPRESS PHARMACY #6)
)
LICENSE NO: 60006386A (ACTIVE))



ADMINISTRATIVE COMPLAINT

The State of Indiana ("Petitioner"), by counsel, Deputy Attorney General Ryan P. Eldridge, on behalf of the Office of the Indiana Attorney General, and pursuant to Ind. Code § 25-1-7-7, Ind. Code ch. 25-1-5, Ind. Code § 25-23-1-7, the Administrative Orders and Procedures Act, Ind. Code ch. 4-21.5-3, and Ind. Code ch. 25-1-9, files its Administrative Complaint against the Indiana pharmacy license of Sheldon's Express Pharmacy #6 ("Respondent"), and in support alleges and states the following:

FACTS

1. Respondent is a licensed Pharmacy in the State of Indiana having been issued license number 60006386A by application on July 10, 2014.
2. Respondent's address on file with the Indiana Professional Licensing Agency is 1810 North Main Street, Suite A, Huntingburg, Indiana 47542.
3. On June 15, 2018, Courtney Jones ("Ms. Jones") was hired by Respondent as a pharmacy technician.
4. On June 26, 2018, Ms. Jones received her Pharmacy Technician In-Training ("PTIT") permit.

5. On August 19, 2018, Cynthia Fehribach (“Ms. Fehribach”) was hired by Respondent as a pharmacy technician. At this time, Ms. Fehribach was not licensed as a technician, but was offered a technician position.

6. On June 26, 2019, Ms. Jones’s PTIT permit expired.

7. On August 1, 2019, Respondent failed an Indiana Board of Pharmacy inspection. One of the noted violations involved the employment of unlicensed and expired technicians on staff. Both Ms. Jones (expired) and Ms. Fehribach (unlicensed) were employed at the time of the inspection.

8. At the time of the inspection, Ms. Jones’s licensure issues were resolved and a pharmacy technician license was issued to her on August 1, 2019.

9. On or about September 12, 2019, Ms. Fehribach received her PTIT license after a personal appearance in front of the Board.

RELEVANT LAW

10. Ind. Code § 25-26-19-9(b) states, “An individual may not act as a pharmacy technician in training unless the individual has obtained a permit under this chapter or the individual is acting as a pharmacy technician in training during the period permitted under section 6(b) of this chapter. (c) An individual who knowingly violates this section commits a Level 6 felony.”

VIOLATIONS

11. By Respondent allowing an expired PTIT and an unlicensed individual to practice in the pharmacy, Respondent has allowed the pharmacy license to be used in connection with an individual who renders services beyond the scope of that individual’s training, experience, or competence, and is subject to discipline for a violation of Ind. Code § 25-1-9-4(a)(6).

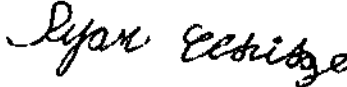
12. By Respondent allowing an expired PTTF and an unlicensed individual to practice in the pharmacy, Respondent has assisted another person in committing an act that would be grounds for disciplinary sanctions under this chapter, and is subject to discipline for a violation of Ind. Code § 25-1-9-4(a)(13).

ACCORDINGLY, Petitioner demands this Board enter an order finding that:

1. Respondent is subject to discipline according to Ind. Code § 25-1-9;
2. Imposes an appropriate disciplinary sanction;
3. Directs the Respondent to immediately pay all cost incurred in the prosecution of this case; and
4. Provides any further relief that the Board deems just and proper.

Respectfully submitted,

Curtis T. Hill, Jr.,
Attorney General of Indiana
Atty. No.: 13999-20

By: 
Ryan Eldridge
Deputy Attorney General
Attorney No. 34578-49

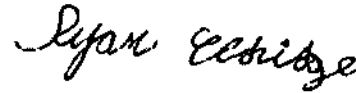
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Administrative Complaint" has been served upon the Respondent at the address listed below, by United States First Class Mail on this 3rd day of September, 2020.

Sheldon's Express Pharmacy #6
1810 North Main Street, Suite A
Huntingburg, Indiana 47542

By:



Ryan P. Eldridge
Deputy Attorney General

OFFICE OF THE INDIANA ATTORNEY GENERAL

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