

BEFORE THE INDIANA STATE  
BOARD OF PHARMACY  
CAUSE NO. 2000 IBP 010

STATE OF INDIANA,

Petitioner,

v.

RANDALL BLOCK, R.Ph.,  
License Number 26011427A,

Respondent.

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**FILED**

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HEALTH PROFESSIONS  
BUREAU

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

The Indiana State Board of Pharmacy ("Board") held an administrative hearing on February 11, 2002, in Rooms 1 & 2 of the Conference Center of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, concerning the request by Randall Block, R.Ph. ("Respondent"), to modify the terms of probation on his license.

The State of Indiana was represented by Deputy Attorney General, Georgeanna Orlich. Respondent appeared in person and waived his right to be represented by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 6 to 0, issues the following Findings of Fact,

Conclusions of Law and Order:

## FINDINGS OF FACT

1. Respondent, whose mailing address is 7700 Ridgemont Drive, Newburgh, Indiana 47630, is a duly registered pharmacist in the State of Indiana holding license number 26011427A.
2. The Health Professions Bureau sent, and Respondent received, timely and proper notice of the date, time and location of this hearing pursuant to Indiana Code §4-21.5-3-20.
3. The Board is empowered to hold this administrative hearing pursuant to the authority of Indiana Code §25-1-9-9 and Indiana Code §4-21.5-3.
4. The Board placed Block's license on probation in January 2001 because he had diverted drugs from his employer for his own use and the use of his family. He also submitted fraudulent insurance claims for the drugs he had taken.
5. In a letter dated December 29, 2001, Respondent asked that the probation on his license be modified. He wanted to have the following terms removed from the terms and conditions on his license:
  - 2.g) Respondent shall not serve as the qualifying pharmacist for any facility for the duration of probation.
  2. h) Respondent shall neither serve as the sole supervisor of pharmacy technicians nor serve as a pharmacy manager for the duration of probation.
6. Respondent testified that having restrictions 2.g and 2.h on his license severely limited his employment opportunities and that as a result he had only worked twenty seven days last year. All of Block's employment has come through Metro RPh as a temporary replacement pharmacist.

7. During the testimony, Block conceded that his not being able to be a qualifying pharmacist did not limit his job possibilities. His major problem was not being able to be the sole supervisor of pharmacy technicians.
8. The Respondent has fully complied with the terms of probation on his license and stated that he was truly sorry for what he had done.
9. The deficiencies that led to the discipline on Respondent's license involved diversion from his employer and theft from insurance companies. Respondent's compliance with his probation constitutes changed circumstances warranting a modification of the terms and conditions of probation on his license.

#### **CONCLUSIONS OF LAW**

1. "The board may withdraw or modify the probation ... if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order." IC 25-1-9-9(b).

2. Respondent's compliance with his probation constitutes evidence of changed circumstances warranting a modification of the terms and conditions of probation on his license.

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board **MODIFIES** the probationary order on Respondent's license, which was issued on January 12, 2001, as follows:

1. Paragraph 2.h) of the terms and conditions of probation on the Respondent's license is modified to now read, "Respondent shall not serve as a pharmacy manager for the duration of probation."
2. All other terms and conditions on the Respondent's license will remain in full force and effect.

**SO ORDERED** this 14<sup>th</sup> of February, 2002.

INDIANA STATE BOARD OF PHARMACY

By: \_\_\_\_\_

*Lisa Hayes*  
Lisa Hayes  
Executive Director  
Health Professions Bureau

Copies to:

Randall Block, RPh.  
7700 Ridgemont Drive  
Newburgh, Indiana 47630

**SENT CERTIFIED MAIL NO. \_\_\_\_\_**  
**RETURN RECEIPT REQUESTED**

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