

BEFORE THE INDIANA
BOARD OF PHARMACY
2014 IBP 0008

IN THE MATTER OF THE LICENSE OF)
)
KELLY LAUREN AKERS, C. PH.T.,)
)
LICENSE NO. 67019040A)



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

The Indiana Board of Pharmacy ("Board") held an administrative hearing on April 14, 2014, in Room W064 of the Indiana State Government Center South, 402 West Washington Street, Indianapolis, Indiana, 46204, concerning an Administrative Complaint ("Complaint") filed against Kelly Lauren Akers, Ph.T. ("Respondent") on February 25, 2014.

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 finds Respondent to be in default. The Board by another vote of 6-0 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 is 2510 Swan Sea Drive, Indianapolis, Indiana 46239.
2. Respondent is a licensed pharmacy technician in the State of Indiana having been issued license number 67019040A on February 23, 2011.
3. At all times relevant herein, Respondent was employed as a pharmacy technician with CVS Pharmacy in Indianapolis, Indiana.

4. On or around December 2, 2013, CVS Pharmacy reported to the Drug Enforcement Agency (DEA) a loss of 690 tablets of hydrocodone 5/325 mg and 2,075 tablets of alprazolam 0.5 mg due to employee diversion.

5. In a signed statement, dated November 27, 2013, Respondent admitted to CVS Pharmacy Loss Prevention that she had stolen merchandise from two CVS stores as well as Norco and alprazolam. Respondent did not admit to the diversion of all the hydrocodone and alprazolam that was reported as a loss to the DEA.

6. A Complaint was filed by the Petitioner against Respondent on February 25, 2014.

7. On February 25, 2014, IPLA sent a hearing notice to Respondent at her listed address informing her of the date, time and place of the administrative hearing on the Complaint scheduled for March 10, 2014 at 1:30 p.m.

8. 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 10, 2014.

9. On March 10, 2014, the Board voted 6-0-0 to issue a Notice of Proposed Default Order. On March 12, 2014, the Notice of Proposed Default Order was mailed to Respondent's address of record.

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

11. On April 14, 2014, the Board voted, 6-0, 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 signed statement admitting to diverting hydrocodone and alprazolam.

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 § 25-1-9-9.

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 license 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: Kathryn Shively
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

ORDERED this 22nd day of April, 2014.

INDIANA BOARD OF PHARMACY

By: Nicholas W. Rhoad
Nicholas W. Rhoad
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:

Kelly Akers
2510 Swan Sea Dr.
Indianapolis, IN 46239
Service by Mail

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

4/22/14
Date


Jessi N. Rager, Litigation Specialist

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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.