

BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0008

IN THE MATTER OF THE LICENSE OF
AMERICAN MEDICAL OXYGEN SALES CORP.
LICENSE NO. 69000056A (ACTIVE)

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COMPLAINT

This complaint is brought against the home medical equipment services provider license of American Medical Oxygen Sales Corp. (Respondent), by the Office of the Attorney General, by counsel, Deputy Attorney General Darren R. Covington, on behalf of the State of Indiana (Petitioner) and pursuant to Ind. Code § 25-1-7-7, Ind. Code § 25-1-5-3, Ind. Code ch. 25-26-13, the Administrative Orders and Procedures Act, Ind. Code art. 4-21.5 and Ind. Code ch. 25-1-9 and in support alleges and states:

FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 1708 Lincolnway, Suite C, Valparaiso, Indiana 46383.
2. Respondent is a licensed home medical equipment services provider in the State of Indiana having been issued license number 69000056A on July 14, 2006.
3. Respondent has operated as a durable medical equipment provider since 1960 and currently has three locations – Hammond, Valparaiso, and LaPorte, Indiana. The corporate headquarters are located in Hammond.
4. On or around May 10, 2012, Respondent relocated from its facility at 1708 Lincolnway, Suite C to 2701 Beech Street in Valparaiso. Respondent failed to notify the Board of this move prior to moving.

5. On or around July 3, 2012, Wanda Levendoski, Compliance Officer, Indiana Board of Pharmacy, conducted an inspection at the facility on Beech Street. Levendoski issued a "fail" to Respondent. Levendoski cited, among other items, the following deficiencies for this location: no policy and procedure manuals for personnel policies, equipment maintenance policies, quality assurance policies, vehicle policies; no current patient records or employee files; and, failure to properly clean, repair, store, segregate, or identify equipment.

6. On or around July 30, 2012, Respondent, in a letter to Petitioner, indicated that policy and procedure manuals for personnel policies, equipment maintenance policies, quality assurance policies, vehicle policies, patient records, and employee files were maintained at the Hammond office.

7. Respondent was given the opportunity to have a follow-up inspection, but failed to appear for this inspection.

COUNT I

8. Paragraphs 1 through 7 are incorporated by reference herein.

9. Respondent violated Ind. Code § 25-1-9-4(a)(3) in that Respondent has violated Ind. Code § 25-26-21-8 as evidenced by Respondent's failure to notify the Board of its move from Lincolnway to Beech Street in Valparaiso, and failure to have the license transferred to the Beech Street address.

COUNT II

10. Paragraphs 1 through 7 are incorporated by reference herein.

11. Respondent violated Ind. Code § 25-1-9-4(a)(3) in that Respondent has violated Ind. Code § 25-26-21-6(b)(1) by Respondent's failure to comply with federal and state law and

regulatory requirements for home medical equipment services as evidenced by Respondent's "fail" inspection by the Indiana Board of Pharmacy Compliance Officer.

WHEREFORE, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and,
3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

Gregory F. Zoeller
Attorney General of Indiana
Atty. No. 1958-98

By:

D - R S -

Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon the Respondent, by
United States mail, first-class, postage prepaid, on this 17th day of January, 2013.

American Medical Oxygen Sales Corp.
1708 Lincolnway, Ste. C
Valparaiso, IN 46383

By: D - R S -
Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

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