

BEFORE THE INDIANA STATE
BOARD OF PHARMACY
CAUSE NUMBER: 2010 IBP 0074

IN THE MATTER OF THE LICENSE OF)
DOUGLAS DALE ANDERSON, R.PH.)
LICENSE NO: 26018910A (ACTIVE))



COMPLAINT

This complaint is brought against the pharmacist license of Douglas Dale Anderson, R.Ph. (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 § 25-26-13, the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-1 *et seq.* and Ind. Code § 25-1-9-1 *et seq.* and in support alleges and states:

FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 580 N Washington Road, Wheatland, Indiana 47597. Respondent is a Pharmacist in the State of Indiana having been issued license number 26018910A on August 1, 1996.

2. On or around September 18, 2006, Respondent began his employment with Walgreen Pharmacy (Walgreen) located at 505 College Avenue in Vincennes, Indiana.

3. On or around January 18, 2010, Walgreen management discovered that negative adjustments had been made to the pharmacy inventory for the previous year for Ibudone 10/200 and HC-Ibuprofen 7.5/200. Both of these drugs are Schedule III

controlled substances. Forty Ibudone tablets and 899 Ibuprofen tablets had been adjusted. Due to these adjustments, the staff was asked to perform daily counts on these drugs.

4. On or around January 27, 2010, Walgreen Loss Prevention installed a covert camera which was positioned to record the shelf containing the Ibudone and Ibuprofen.

5. On or around February 9, 2010, Walgreen staff reported that between 10 p.m. on February 4, 2010 and 8 a.m. on February 6, 2010, ten Ibudone tablets had been removed from its overstock bottle.

6. Walgreen Loss Prevention then reviewed the covert camera tapes for February 5, 2010. At 8:16 a.m. on February 5, 2010, Respondent removed the Ibudone bottle from the shelf and a bottle of over-the-counter Ibuprofen which was placed near the Ibudone bottle. Respondent was observed removing pills from the Ibuprofen bottle and concealing the Ibudone bottle in his hand. Respondent walked out of sight of the covert camera and then returned both bottles back to the shelf. No prescription orders had been received for Ibudone.

7. On or around February 10, 2010, Respondent was questioned about his actions on February 5, 2010. Respondent stated and signed a voluntary statement admitting that he had stolen Ibudone and HC-Ibuprofen for his own personal use. Respondent agreed to pay restitution of \$923.54 for the 940 missing tablets of both Ibudone and HC-Ibuprofen. Respondent's employment was then terminated.

8. On or around April 15, 2010, Respondent signed a Treatment and Recovery Agreement Contract (TRAC) with the Pharmacists Recovery Network (PRN). As of November 9, 2010, he has been in full compliance with the terms of his TRAC.

9. On or around May 20, 2010, Respondent, through his counsel, submitted a letter to the Petitioner in which he admitted that he had stolen prescription medications from Walgreen. Respondent's counsel also stated that Respondent underwent an evaluation at Resurrection Behavioral Health and was a patient of Dr. Richard Hinchman.

10. On or around June 30, 2010, Respondent renewed his Indiana pharmacist license online and answered "no" to the question, "Since you last renewed, have you been treated for or received a diagnosis for alcohol or substance abuse or addiction?"

11. On or around August 9, 2010, Respondent was charged in Knox County, Indiana Superior Court with Theft, a Class D Felony, under Cause Number 42D02-1008-FD-000935, stemming from Respondent's diversion of controlled substances from Walgreen Pharmacy.

COUNT I

12. Paragraphs 1 through 11 are incorporated by reference herein.

13. Respondent violated Ind. Code § 25-1-9-4(a)(1)(A) in that Respondent engaged in material deception in order to obtain a license to practice as evidenced by his failure to disclose that he received treatment for substance abuse or addiction issues on his June 2010 online license renewal.

COUNT II

14. Paragraphs 1 through 11 are incorporated by reference herein.

15. Respondent violated Ind. Code § 25-1-9-4(a)(1)(B) in that Respondent engaged in material deception in the course of professional services or activities as evidenced by his admission that he stole Ibudone and HC-Ibuprofen for his own personal use from his employer, Walgreen.

COUNT III

16. Paragraphs 1 through 11 are incorporated by reference herein.

17. Respondent violated Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent has become unfit to practice due to addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing his ability to practice safely as evidenced by Respondent's diversion of controlled substances from Walgreen for his own personal use and his admission that he has sought and is obtaining treatment for substance abuse issues.

COUNT IV

18. Paragraphs 1 through 11 are incorporated by reference herein.

19. Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent diverted a legend drug as evidenced by his admission that he stole Ibudone and HC-Ibuprofen for his own personal use from his employer, Walgreen.

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.

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon the Respondent and Respondent's counsel, by United States mail, first-class, postage prepaid, on this 20th day of Dec, 2010.

Douglas Anderson
580 N. Washington Rd.
Wheatland, IN 47597

Michael McMains, *Esq.*
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By:

D - R - G -

Darren R. Covington
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