

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

IN THE MATTER OF THE INDIANA
PHARMACIST LICENSE OF:

DOUGLAS DALE ANDERSON, R.PH.,
LICENSE NUMBER: 26018910A.

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FILED

MAR 03 2011

Indiana Professional
Licensing Agency

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

The Indiana Board of Pharmacy ("Board") held an administrative hearing on February 14, 2011 in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, concerning a Complaint filed against the Indiana pharmacist license of Douglas Dale Anderson, R.Ph. ("Respondent") on December 20, 2010.

The State of Indiana was represented by Darren R. Covington, Deputy Attorney General. Respondent appeared in person and chose to proceed without counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 6-0-0, 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 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 Walgreens Pharmacy ("Walgreens") in Vincennes, Indiana.

3. On or around January 18, 2010, Walgreens 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 those drugs.

4. On or around January 27, 2010, Walgreens 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, Walgreens 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. Walgreens 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 in the amount of \$923.54.

8. On or around April 15, 2010, Respondent signed a contract with the Pharmacists Recovery Network ("PRN").

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 Walgreens. 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 Walgreens Pharmacy.

12. On or around November 30, 2010, Respondent pled guilty to Conversion, a Class A Misdemeanor, in Knox County Superior Court. Respondent received a one year suspended sentence, one year probation and was ordered to complete a drug and alcohol program.

13. On December 20, 2010, the State of Indiana filed a Complaint against Respondent with the Board.

14. At the administrative hearing held on February 14, 2011, Carol Dunham, liaison between the Board and PRN, testified that Respondent had been in full compliance with his PRN contract since signing a contract. Respondent testified that his date of sobriety was March 8, 2010 and that he was in compliance with the terms of his criminal probation.

ULTIMATE FINDINGS OF FACT

1. 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.

2. 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, Walgreens.

3. 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 Walgreens for his own personal use and his admission that he has sought and is obtaining treatment for substance abuse issues.

4. 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, Walgreens.

CONCLUSIONS OF LAW

Respondent's violations of Indiana law are cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1,000.00 per violation, as detailed at Ind. Code § 25-1-9-9.

ORDER

Based upon the above Findings of Fact, the Board issues the following Order:

1. Respondent's Indiana pharmacist license is placed on **INDEFINITE PROBATION**. Respondent may not petition for withdraw of probation until he has successfully completed his PRN contract.

2. Within sixty (60) days of the date of this Order, Respondent shall pay a **FINE** in the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)** payable to the Indiana Professional Licensing Agency.

3. Within one (1) year of the date of this Order, Respondent shall submit proof of completion to the Board of twelve (12) contact hours of continuing education in ethics.

4. Respondent shall be governed by the following **TERMS** and **CONDITIONS** while he remains on probation:

a. Respondent shall keep the Board apprised of the following information and update it as necessary:

i. Respondent's current home address, mailing address, e-mail address, and residential telephone number.

ii. Respondent's place of employment, employment telephone number, employment e-mail address, and name of supervisor.

iii. Respondent's occupation title and work schedule, including the number of hours worked per week.

b. Respondent shall present this Order to his pharmacy employer and have the employer sign a copy and return to the Board within seven days from when the Order is issued, or within seven (7) days of obtaining employment.

c. Respondent shall cause his pharmacy employer to submit monthly written reports to the Board for the first year of probation and quarterly written reports

thereafter, advising the Board of Respondent's professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others.

d. Respondent shall submit monthly self-reflection reports to the Board for the first year of probation and quarterly written reports thereafter.

e. Respondent shall maintain his PRN contract while on probation and shall comply with the requirements of his PRN contract.

f. Respondent shall immediately notify the Board in writing on any relapse.

g. Respondent shall submit a copy of any prescription he receives for personal use to the Board.

h. Respondent shall appear before the Board on a monthly basis for the first year of probation and quarterly thereafter. **The initial appearance will be on March 14, 2011.**

i. Respondent shall not work more than ten (10) hours in any single day or forty (40) hours per week.

j. Respondent shall perform twelve (12) hours of community service each quarter for the first year of probation and shall cause the responsible person for the establishment at which he performed the service to verify in writing the number of hours of community service Respondent performed. Respondent shall submit such verification to the Board on a quarterly basis.

k. Respondent may not work as a qualifying pharmacist.

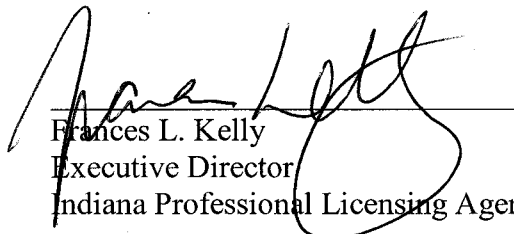
l. Respondent shall immediately notify the Board in writing of any disciplinary action taken against any pharmacist license he might hold or if any criminal charges are filed against him in this state or another state.

5. Respondent's violation of this Final Order or any non-compliance with the statutes or regulations regarding the practice of pharmacy may result in the State requesting an emergency suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

ORDERED this 03 day of March, 2011.

INDIANA BOARD OF PHARMACY

By:


Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Copies To:

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

**SENT CERTIFIED MAIL NUMBER: 91 7190 0005 2720 0006 5541
RETURN RECEIPT REQUESTED.**

Darren R. Covington, Deputy Attorney General
OFFICE OF THE INDIANA ATTORNEY GENERAL
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204

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Wheatland, IN 47597-8145

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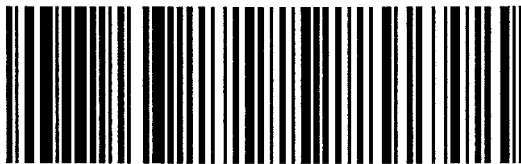
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