

BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0112

IN THE MATTER OF THE PHARMACY
TECHNICIAN LICENSE OF:

KATHRYN LOUISE BARRETT, C. PH. T.
LICENSE NO. 67021737A

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FILED

JUL 30 2014

Indiana Professional
Licensing Agency

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

An Administrative Hearing ("Hearing") was scheduled to be held before an the Indiana Pharmacy Board ("Board"), on June 9, 2014, in the Auditorium of the Indiana State Government Center South, 302 West Washington Street, Indianapolis, Indiana, 46204, concerning the administrative Complaint filed against the Indiana pharmacy technician license of Kathryn Louise Barrett ("Respondent").

The State of Indiana ("Petitioner") was represented by Amanda R. Elizondo, Deputy Attorney General. The Respondent was not present in person or represented by counsel.

On or about April 29, 2014, the Indiana Professional Licensing Agency ("IPLA") sent notice to the Respondent's last reported address informing the Respondent of the date, time, and place of the Hearing scheduled for June 9, 2014.

A Notice of Proposed Default was granted by the Board on June 9, 2014, after Respondent failed to appear for the scheduled Hearing. A Notice of Proposed Default Order was mailed to Respondent on or about June 13, 2014. No response was received.

The Board, after considering the Motion and taking official notice of its file in this matter, by a vote of 6-0-0, finds Respondent to be in **DEFAULT**. The Board, by another 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 IPLA is 3686 Shoreline Drive, Greenwood, Indiana 46143.
2. Respondent is a certified pharmacy technician in the State of Indiana having been issued certification number 67021737A on September 26, 2012.
3. At all times relevant herein, Respondent was employed as a certified pharmacy technician with Walgreens Pharmacy #4592 in Greenwood, Indiana ("Walgreens").
4. On August 27, 2013, the Pharmacy Manager of Walgreens notified the Walgreens Loss Prevention Manager that a customer had called and stated that she had been shorted twelve tablets of hydrocodone 10/325 tablets on August 23, 2013. The Pharmacy Manager stated that he reviewed the CCTV, and that the video revealed that Respondent placed the hydrocodone in question in her pocket. The Pharmacy Manager stated that another customer had called and stated that they were shorted tablets on August 19, 2013, and review of the CCTV footage revealed the Respondent placed the tablets in her pocket on August 19.
5. On August 28, 2013, the Loss Prevention Manager interviewed the Respondent, and the Respondent admitted to taking seventy (70) hydrocodone tablets and ten (10) oxycodone tablets. Respondent admitted in a signed written statement on August 28, 2013 to being addicted to prescription pain killers since late 2012 after she had a concussion. The Loss Prevention Manager terminated the Respondent's employment, and notified the Indiana State Police.

6. On or around October 21, 2013, Respondent was charged in Johnson County, Indiana Circuit Court with Theft, a Class D Felony, under Cause Number 41C01-1310-FD-000700. A jury trial is currently scheduled for June 4, 2014.

CONCLUSIONS OF LAW

1. Respondent is in violation of Ind. Code § 25-1-9-4(a)(8)(A) by having diverted a legend drug as defined in IC §16-18-2-199

2. Respondent is in violation of Ind. Code § 25-1-9-4(a)(4)(D) by continuing to practice although becoming unfit to practice due to addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely.

ULTIMATE FINDINGS OF FACT

Respondent's violation is 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 one thousand dollars (\$1,000) per violation as detailed in Ind. Code § 25-1-11-12.

ORDER

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

1. The Respondent's Indiana funeral director license is **REVOKED**.
2. The Respondent shall, within ninety (90) days of the Final Order, pursuant to Ind. Code § 4-6-14-10(b), 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:

Office of the Indiana Attorney General
Attn: Kathryn Shively

302 West Washington Street, 5th Floor
Indianapolis, IN 46204

SO ORDERED this 30th day of July, 2014.

INDIANA BOARD OF PHARMACY

By:

Herbert W Rhoad

Nicholas W. Rhoad

Executive Director

Indiana Professional Licensing Agency

for

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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:

Kathryn Barrett
3686 Shoreline Dr.
Greenwood, IN 46143
Service by U.S. Mail

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

7-30-2014
Date


Jessi N. Rager, Litigation Specialist

Indiana Pharmacy Board
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2067
Email: pla4@pla.in.gov

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.