

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2012 IBP 0065

IN THE MATTER OF THE INDIANA
PHARMACY LICENSE OF:

MICHAEL HOWARD ARNOLD, R.PH.
LICENSE NUMBER: 26023987A.

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SUMMARY SUSPENSION EXTENSION ORDER

An administrative hearing was held on November 5, 2012, before the Indiana Board of Pharmacy ("Board") in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, to consider whether to extend the summary suspension of the license of Michael Howard Arnold, R.Ph. ("Respondent").

The State of Indiana was represented by Darren R. Covington, Deputy Attorney General. Respondent failed to appear in person or by counsel.

The Board, pursuant to Ind. Code § 4-21.5-4-1 *et seq.* and Ind. Code § 25-1-9-10, by a vote of 7-0-0, **EXTENDS THE SUMMARY SUSPENSION** on the license held by Respondent for an additional ninety (90) days from the expiration date of the Board's previous Summary Suspension Order, as the Board finds that an emergency continues to exist and that Respondent represents a clear and immediate danger to the public health and safety if allowed to practice pharmacy in the State of Indiana.

This **NON-FINAL** emergency order is based on evidence supporting the following findings:

1. This Board has jurisdiction to suspend Respondent's license in accordance with the provisions of Ind. Code ch. 4-21.5-4 and Ind. Code § 25-1-9-10.

2. Respondent's address on file with the Indiana Professional Licensing Agency is 1268 Little Road, Arcanum, Ohio 45304.

3. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26023987A on May 26, 2011.

4. At all times relevant herein, Respondent was employed as a pharmacist with Wal-Mart Pharmacy in Richmond, Indiana.

5. On or around June 12, 2012, Respondent was observed acting strangely at the pharmacy. Respondent was confused, misfilled prescriptions, and disorganized.

6. On or around June 22, 2012, Respondent was witnessed taking one generic Valium 5 mg tablet while at the pharmacy. Respondent was asked to submit to a urine drug screen. Respondent tested positive for benzodiazepines.

7. Respondent admitted that he had diverted lorazepam and diazepam from pharmacies in Richmond, Muncie, and New Castle, Indiana where he had worked. Respondent stated that he took the drugs to cope with pain following a surgery.

8. On or around June 25, 2012, Respondent's employment was terminated for drug diversion.

9. On August 28, 2012, the Board summarily suspended Respondent's license for ninety (90) days.

10. The Summary Suspension on Respondent's license is set to expire to before the Board has its next regularly scheduled meeting on December 10, 2012.

11. There is no evidence that Respondent is no longer a clear and immediate danger.

12. In the interest of protecting public safety, the Board issues this Summary Suspension Extension Order.

WHEREFORE, RESPONDENT IS ORDERED to continue to cease all acts constituting the practice of pharmacy for an additional period of ninety (90) days, up to and including February 9, 2013.

ORDERED, this 9th day of November, 2012.

INDIANA BOARD OF PHARMACY

By:



Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "Summary Suspension Extension Order" has been duly served upon:

Michael Arnold
1268 Little Rd.
Arcanum, OH 45304
Service by U.S. Mail

Terry O'Maley
Boston Bever Klinge Cross & Chidester
27 N. 8th St.
Richmond, IN 47374
Service by U.S. Mail

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
Service by Email

11/13/12
Date

Jackie Day
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Explanation of Service Methods

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Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.