

BEFORE THE INDIANA
BOARD OF PHARMACY
2012 IBP 0065

IN THE MATTER OF THE LICENSE OF)
MICHAEL HOWARD ARNOLD, R.PH.)
LICENSE NO. 26023987A (SUMMARY SUSPENSION))

FILED

JAN 14 2013

Indiana Professional
Licensing Agency

COMPLAINT

This complaint is brought against the pharmacist license of Michael Howard Arnold, 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 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 1268 Little Road, Arcanum, Ohio 45304.
2. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26023987A on May 26, 2011.
3. At all times relevant herein, Respondent was employed as a pharmacist with Wal-Mart Pharmacy in Richmond, Indiana.
4. On or around June 12, 2012, Respondent was observed acting strangely at the pharmacy. Respondent was confused, misfilled prescriptions, and disorganized.
5. 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.

6. 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.

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

8. On or around August 10, 2012, Respondent was charged in Wayne County, Indiana Superior Court with one count of Theft, a Class D Felony, under Cause Number 89D01-1208-FD-000325. A pretrial conference is currently scheduled for January 24, 2013.

9. On or around August 13, 2012, the Indiana Board of Pharmacy summarily suspended Respondent's license for ninety days.

10. On or around November 5, 2012, the Indiana Board of Pharmacy extended the summary suspension of Respondent's license for an additional ninety days.

COUNT I

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

12. Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by the fact that Respondent took lorazepam and diazepam from Wal-Mart pharmacies in Indiana without proper authorization.

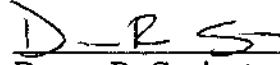
WHEREFORE, Petitioner demands an order against the Respondent that:

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:

A handwritten signature in dark ink, appearing to read 'D-R-S', is written over a horizontal line.

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 and Respondent's counsel, by United States mail, first-class, postage prepaid, on this 14th day of January, 2013.

Michael Arnold, R.Ph.
1268 Little Rd.
Arcanum, OH 45304

Terry O'Maley
27 N 8th St.
Richmond, IN 47374

By:

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

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