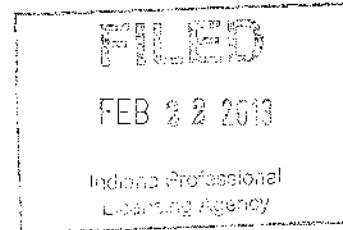


**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2012 IBP 0065**

**IN THE MATTER OF THE INDIANA
PHARMACIST LICENSE OF:**

**MICHAEL HOWARD ARNOLD, R.PH.
LICENSE NUMBER: 26023987A.
(SUMMARY SUSPENSION)**

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NOTICE OF PROPOSED DEFAULT AND SUMMARY SUSPENSION ORDER

An administrative hearing was scheduled to be held on February 11, 2013, 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 the Administrative Complaint ("Complaint") filed against Michael Howard Arnold, R.Ph. ("Respondent"), by the State of Indiana ("Petitioner") on January 14, 2013.

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 § 4-21.5-3-24, voted 6-0-0 to issue a Notice of Proposed Default and Summary Suspension Order on the following grounds:

1. Respondent's address on file with the Indiana Professional Licensing Agency ("IPLA") is 1268 Little Road, Arcanum, Ohio 45304.
2. A Complaint was filed by the Petitioner against Respondent on January 14, 2013.
3. On January 23, 2013, IPLA sent a hearing notice by mail to Respondent at his listed address informing him of the date, time, and place of the administrative hearing on the Complaint scheduled for February 11, 2013 at 2:00 p.m.

4. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the hearing and Respondent failed to appear for the scheduled hearing in person or by counsel on February 11, 2013.

NOTICE OF PROPOSED DEFAULT ORDER

For Respondent's failure to appear for the scheduled hearing, the Board issued the following Notice of Proposed Default:

In accordance with Ind. Code § 4-21.5-3-24, Respondent must file a written motion within seven (7) days of service of this Order requesting the Board not enter a default order in this case and stating the reasons relied upon for that request. Failure of Respondent to file such a written motion within seven (7) days shall result in the issuance of a default order. If Respondent timely files a motion, the Board shall consider said motion along with any relevant facts in determining whether a default order should be entered. Should a default order be entered against Respondent, the Board may hold further proceedings it deems appropriate to complete this case without the participation of Respondent.

SUMMARY SUSPENSION ORDER

The Board, pursuant to Ind. Code § 4-21.5-4-1 *et seq.* and Ind. Code § 25-1-9-10, by a vote of 6-0-0, **SUMMARILY SUSPENDS** the license held by Respondent for ninety (90) days 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. At all times relevant herein, Respondent was employed as a pharmacist with Wal-Mart Pharmacy in Richmond, Indiana.

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

3. 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.

4. 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.

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

6. 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.

WHEREFORE, RESPONDENT IS ORDERED to immediately cease all acts constituting the practice of pharmacy for a period of ninety (90) days, effective February 11, 2013.

ORDERED, this 22 day of February, 2013; this Summary Suspension Order is effective as of February 11, 2013.

INDIANA BOARD OF PHARMACY

By: _____

Virgil R. Madden

Executive Director

Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "Notice of Proposed Default Order and Summary Suspension Order" has been duly served upon:

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

Terry O'Maley
Attorney for Respondent
27 N 8th St.
Richmond, IN 47374
Service by U.S. Mail

Darren R. Covington, Deputy Attorney General
Office of the Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204
Service by E-Mail

2/22/13
Date

Jackie Day
Jackie Day

Indiana Board of Pharmacy
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2067
Fax: 317-233-4236
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.