

**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.**

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

The Indiana Board of Pharmacy ("Board") held an administrative hearing on March 11, 2013, in Room W064 of the Indiana State Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, concerning an Administrative Complaint ("Complaint") filed against Michael Howard Arnold, R.Ph. ("Respondent"), on January 14, 2013.

The State of Indiana ("Petitioner") was represented by Darren R. Covington, Deputy Attorney General. Respondent did not appear in person or by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 5-0-0 finds Respondent to be in default. The Board, by another vote of 5-0-0, 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 ("IPLA") 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.

9. A Complaint was filed by the Petitioner against Respondent on January 14, 2013.

10. On January 23, 2013, IPLA sent a hearing notice to Respondent at his listed address, and Respondent's counsel, informing them of the date, time, and place of the administrative hearing on the Complaint scheduled for February 11, 2013 at 2:00 p.m.

11. 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.

12. On February 11, 2013, the Board voted 6-0-0 to issue a Notice of Proposed Default Order. On February 22, 2013, the Notice of Proposed Default Order was mailed to Respondent's address of record, and Respondent's counsel.

13. Respondent submitted a response, by counsel, indicating that he did not object to the entry of a default order.

14. On March 11, 2013, the Board voted, 5-0-0, to hold Respondent in default.

ULTIMATE FINDINGS OF FACT

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.

CONCLUSIONS OF LAW

Respondent's violations are 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 \$1,000 per violation as detailed in Ind. Code § 25-1-9-9.

ORDER

Based upon the above Findings of Fact, Ultimate Findings of Fact, and Conclusions of Law, the Board issues the following Order:

1. Respondent's license is **REVOKED**.
2. Within thirty (30) days of the date of this Order, pursuant to Ind. Code § 4-6-14-10(b), Respondent shall pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee

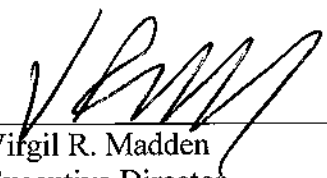
shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Indiana Office of the Attorney General
ATTN: Katherine Lee
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

ORDERED, this 22 day of March, 2013.

INDIANA BOARD OF PHARMACY

By:



Virgil R. Madden
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

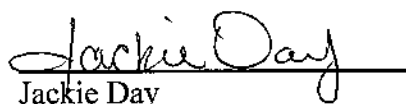
I certify that a copy of the "Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order" has been duly served upon:

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 Indiana Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204
Service by Email

3/22/13
Date


Jackie Day

Indiana Board of Pharmacy
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
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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.