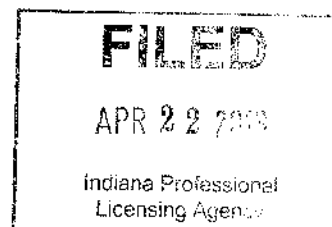


BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0036

IN THE MATTER OF THE LICENSE OF

JAROSLAV BALAZ, R.PH.

LICENSE NO. 26013971A (SUMMARY SUSPENSION)



COMPLAINT

This complaint is brought against the pharmacist license of Jaroslav Balaz, 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 of record with the Indiana Professional Licensing Agency is 15 Cypress Drive, Schererville, Indiana 46375.
2. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26013971A on July 12, 1978.
3. At all times relevant herein, Respondent was employed as a pharmacist with Target Pharmacy ("Target") in Munster, Indiana.
4. On or around January 12, 2013, Respondent was interviewed by Target loss prevention concerning losses of controlled substances.
5. During this interview, Respondent admitted that he had taken non-controlled substances for his own personal use, including azithromycin, Ibuprofen 800mg, Mobic, and

myloxicome. Respondent also admitted to taking approximately 100 tablets of hydrocodone. Finally, Respondent admitted to giving medication to technicians for their own personal use.

6. As a result of these admissions, Respondent's employment was terminated from Target.

7. On or around March 11, 2013, the Indiana Board of Pharmacy summarily suspended Respondent's license for ninety days.

COUNT I

8. Paragraphs 1 through 8 are incorporated by reference herein.

9. Respondent is subject to disciplinary sanctions pursuant to Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by his misappropriation of drugs from Target for his own personal use.

COUNT II

10. Paragraphs 1 through 8 are incorporated by reference herein.

11. Respondent is subject to disciplinary sanctions pursuant to Ind. Code § 25-1-9-4(a)(13) in that Respondent has assisted pharmacy technicians at Target in diverting drugs as evidenced by his misappropriation of drugs from Target for the pharmacy technicians' use.

COUNT III

12. Paragraphs 1 through 8 are incorporated by reference herein.

13. Respondent is subject to disciplinary sanctions pursuant to Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by his misappropriation of drugs from Target for use by pharmacy technicians employed at Target.

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:

D-R S

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 22nd day of April, 2013.

Jaroslav Balaz, R.Ph.
15 Cypress Dr.
Schererville, IN 46375

John Maksimovich, *Esq.*
1946 N. Main St.
Crown Point, IN 46307

By:

D - R S -

Darren R. Covington
Deputy Attorney General
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