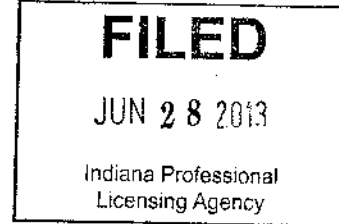


BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0036

IN THE MATTER OF THE INDIANA
PHARMACIST LICENSE OF:

JAROSLAV BALAZ, R.PH.,
LICENSE NUMBER: 26013971A.

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)



**FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

The State of Indiana ("Petitioner"), by the Office of the Attorney General, by Deputy Attorney General Darren R. Covington and Jaroslav Balaz, R. Ph. ("Respondent"), by counsel, John Maksimovich, *Esq.*, signed a Proposed Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action by the Petitioner and the Indiana Board of Pharmacy ("Board") regarding the Respondent's license, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the June 10, 2013 meeting held in Conference Room C of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement, which is attached hereto and incorporated herein as Exhibit A, and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 5-0-1. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law and Order. Additionally, by oral agreement of the parties at the settlement presentation, Respondent agrees to provide copies of any prescription for personal consumption to the Board.

WHEREFORE, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby **ORDERED** to abide by all the terms of the Agreement.

ORDERED, this 28th day of June, 2013.

INDIANA BOARD OF PHARMACY

By: Herbert W Rhoad
for Nicholas W. Rhoad
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

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

Jaroslav Balaz, R. Ph.
15 Cypress Dr.
Shererville, IN 46375
Service by U.S. Mail

John Maksimovich, *Esp.*
1946 N. Main St.
Crown Point, IN 46307
Service by U.S. Mail

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

6/28/13
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.

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))

FILED

JUN 10 2013

Indiana Professional
Licensing Agency

PROPOSED SETTLEMENT AGREEMENT

The State of Indiana (Petitioner), by Darren R. Covington, Deputy Attorney General, and Jaroslav Balaz, R.Ph. (Respondent), by counsel, John Maksimovich, hereby execute this Agreement to a disposition of the Complaint filed in this cause. This Agreement is subject to the review and approval of the Indiana Board of Pharmacy (Board) pursuant to Ind. Code § 25-1-9 et seq. and the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 et seq.

STIPULATED 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

Exhibit A

800mg, Mobic, and myloxicome. Respondent also admitted to taking approximately 100 tablets of hydrocodone to deal with pain.

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.

STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

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.

AGREED DISPOSITION

It is now therefore agreed by the Respondent and Petitioner as follows:

1. The Board has jurisdiction over the Respondent and the subject matter in this disciplinary action.
2. The parties execute this Agreement voluntarily.
3. Both parties voluntarily waive their rights to a public hearing on the Complaint.
4. Petitioner agrees that the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against the Respondent's Indiana pharmacist license.
5. Respondent's Indiana pharmacist license shall be placed on **INDEFINITE SUSPENSION**.

6. Prior to reinstatement, Respondent shall obtain an addictionology assessment through the Pharmacists Recovery Network (PRN). If Respondent is eligible to sign a contract, Respondent may not petition for reinstatement until he has signed a PRN contract and PRN submits a letter in support of his petition for reinstatement.

7. If Respondent is not eligible to sign a PRN contract, Respondent shall submit a letter to that effect from PRN to the Board and Respondent's license shall automatically be placed on **INDEFINITE PROBATION**. Respondent shall then be governed by the following **TERMS** and **CONDITIONS**.

a. Respondent shall keep the Board apprised of the following:

i. Current residence, mailing address, email address, and residential telephone number;

ii. Place of employment, employment phone number, and name of supervisor; and,

iii. Occupation and work schedule, including number of hours worked per week.

b. Respondent shall cause his pharmacy employer to submit monthly reports to the Board, for the first year of probation, and quarterly thereafter, indicating his professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others.

c. Respondent shall present the Board's Order to his pharmacy employer and cause them to submit a signed copy acknowledging the Order back to the Board ten (10) days after receipt of the Order.

d. Respondent shall notify the Board in writing of any discipline incurred in other states, including any criminal or licensing charges pending.

e. Respondent shall not be a qualifying pharmacist.

f. Respondent shall make quarterly personal appearances before the Board.

g. Respondent shall submit proof of completion of four (4) hours of community service every quarter.

h. Respondent may not petition for withdrawal of probation until one (1) year from the date of the Board's Order.

8. Within thirty (30) days of the Board's Order, Respondent shall pay a **FINE** in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** payable to the Indiana Professional Licensing Agency.

9. Within thirty (30) days of the Board's Order, Respondent shall, pursuant to I.C. § 4-6-14-10(b), 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 West Washington Street, 5th Floor
Indianapolis, IN 46204

10. The Respondent has carefully read and examined this Agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

11. The Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of pharmacy, or any violation of the Agreement may result in the Petitioner requesting an emergency suspension of the Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of the Respondent's license.

12. The parties agree to the continuing jurisdiction of the Board and that the discipline agreed to, terms of discipline, and licensure status will apply even if the Board renews the Respondent's license at a later date.

Jaroslav Balaz
Jaroslav Balaz, R.Ph.
Respondent

6-10-13
Date

John Maksimovich
John Maksimovich
Attorney for Respondent

6-10-2013
Date

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

6/10/13
Date