

**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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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana State Board of Pharmacy ("Board") held an administrative hearing on October 7, 2013, in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, concerning Jaroslav Balaz's ("Balaz") request to reinstate his license.

The State of Indiana was represented by Deputy Attorney General, Darren Covington and Graduate Legal Intern, Tim Weber. Balaz appeared in person and by counsel, John Maksimovich.

The Board, after considering the evidence presented and taking official notice of its file in this matter, voted 4 to 0 to issue the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Balaz, who resides at 15 Cypress Drive, Schererville, Indiana 46375, is a duly registered pharmacist in the State of Indiana holding license number 67023115A.

2. The Indiana Professional Licensing Agency sent, and Balaz received, timely and proper notice of the date, time, and location of this hearing pursuant to Ind. Code § 4-21.5-3-20.
3. The Board is empowered to hold this administrative hearing pursuant to the authority of Ind. Code § 25-1-9-9 and Ind. Code ch. 4-21.5-3.
4. In June 2013, the Board voted to suspend Balaz's license because he had diverted medications including narcotics from his employer.
5. Balaz signed a three year Treatment and Recovery Agreement Contract with the Pharmacist Recovery Network ("PRN") in July 2013.
6. The Board placed a condition of reinstatement of Balaz's license of being in compliance with his contract with PRN and having PRN's support of a request to reinstate his license.
7. At the hearing on reinstatement, Balaz testified that he has fulfilled all the conditions for reinstatement of his license. The medical director of PRN, Dr. Andrew Sonderman, concluded that he was safe to practice if he was monitored by PRN. Report from Dr. Andrew Sonderman dated June 18, 2013.
8. The Board concluded that the evidence demonstrates that Balaz may practice pharmacy with reasonable skill and safety to the public, but only under restrictions.

CONCLUSIONS OF LAW

1. "The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board

may impose disciplinary or corrective measures authorized under this chapter.” Ind. Code § 25-1-9-11.

2. Because Balaz has established that he may practice with reasonable skill and safety to the public if he complies with the terms of his probation, he qualifies for reinstatement of his license on probation.

ORDER

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

Balaz’s license shall be placed on **INDEFINITE PROBATION**. Balaz may not seek withdrawal of the probationary status of his license until after one year from the date of this order.

1. During the Probationary Period, Balaz’s pharmacist’s license shall be governed by the following **TERMS AND CONDITIONS**:
 - a. Balaz shall keep the Board apprised of his current residence, mailing address, e-mail address, and residential telephone number at all times;
 - b. Balaz shall keep the Board apprised of his place of employment, employment telephone number, and name of his supervisor at all times.
 - c. Balaz shall keep the Board informed of his occupation title and work schedule, including the number of hours worked per week at all times.
 - d. Balaz shall cause his pharmacy employer to submit supervisory reports to the Board in care of the Indiana Professional Licensing Agency addressing his professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others throughout the probationary period. The

reports are to be submitted monthly for the first year he is on probation and quarterly thereafter.

- e. Balaz shall provide a copy of all Board orders, including this one, imposing discipline or limiting practice to any pharmacy employer who shall sign and return a copy of such orders to the Board within ten (10) days of employment or receipt of the Order.
- f. Balaz shall submit a copy of any prescription he receives for personal consumption to the Board.
- g. Balaz shall notify the Board in writing of any discipline incurred in other states during the duration of his probation; including any relevant criminal or licensing charges pending.
- h. Balaz may not be a qualifying pharmacist while he is on probation.
- i. Balaz shall make probationary appearances before the Board at the normally scheduled monthly board meetings on a quarterly basis. His first appearance will be on **December 9, 2013**.
- j. Balaz shall maintain his contract with the PRN throughout the duration of his probation.
- k. Balaz shall perform four hours of community service a quarter while he is on probation and submit written proof thereof when he makes his personal appearances.
- l. Balaz is currently on criminal probation and he must submit documentation of the completion of that probation when it is concluded.

m. Balaz must take six continuing education hours in ethics and the law in the practice of pharmacy and complete those courses within six months of the date of this order. These hours are in addition to the continuing education hours necessary for him to renew his license.

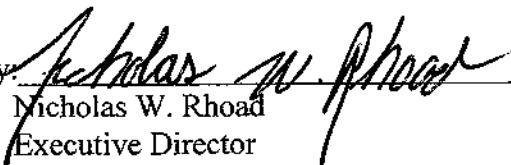
2. It is further Ordered that:

- a. Any information received by any other regulatory agency that indicates non-compliance with the statutes or regulations regarding the competent practice of pharmacy;
- b. a positive urine drug screen; or
- c. a violation of the Final Order,

may result in the State requesting an emergency suspension of Balaz's license, as well as possible reinstatement of the initial action giving rise to this resolution, an Order to Show Cause as may be issued by the Board, or a new cause of action being filed pursuant to Ind. Code § 25-1-9-4(a)(10), any or all of which could lead to additional sanctions, up to and including a revocation of Balaz's license.

SO ORDERED this 17th day of October 2013.

INDIANA STATE BOARD OF PHARMACY

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

CERTIFICATE OF SERVICE

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

Jaroslav Balaz
15 Cypress Drive
Schererville, IN 46375
Service by U.S. Mail

John Maksimovich
1946 North Main Street
Crown Point, IN 46307
Service by U.S. Mail

Darren Covington
Attorney
Indiana Attorney General's Office
302 West Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
Service by Email

10/17/13
Date


Jessi N. Rager, Litigation Specialist

Indiana Board of Pharmacy
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2043
Fax: 317-233-4236
Email: pla4@pla.in.gov

Explanation of Service Methods

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