

BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0036

IN THE MATTER OF THE LICENSE OF:)
JAROSLAV BALAZ, R.PH.)
LICENSE NO: 26013971A)



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

An Administrative Hearing ("Hearing") was held before the Indiana Board of Pharmacy ("Board"), on June 9, 2014, in the Auditorium of the Indiana State Government Center South, 302 West Washington Street, Indianapolis, Indiana 46204, concerning the Order to Show Cause ("OTSC") filed against the Indiana pharmacy technician in training license of Jaroslav Balaz, R.Ph. ("the Respondent"). The State of Indiana ("the Petitioner") was represented by Amanda R. Elizondo, Deputy Attorney General. The Respondent appeared and was represented by counsel, John Maksimovich. The Board, by a vote of 6-0-0, issues the following Findings of Fact, Ultimate Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. The Respondent's address on file with the Board is 15 Cypress Drive, Schererville, Indiana 46375. The Respondent is a licensed Pharmacist in the State of Indiana having been issued license number 26013971A on July 12, 1978.
2. The Respondent's license was suspended in June 2013 due to his admission that he had been terminated from for diverting drugs from his employer.
3. On October 17, 2013, the Respondent's license was reinstated on probation with conditions.

4. Among other requirements, the terms of the Respondent's license probation required him to enter into a contract with the Pharmacists' Recovery Network ("PRN") and comply with its terms. The Order reinstating the Respondent's license further stated that any positive urine drug screens would be grounds for further sanctions to be placed on his license.

5. On April 21, 2014, PRN was informed that a urine drug screen of the Respondent's had tested positive for barbituates. A second test of the sample confirmed the positive result.

6. On April 24, 2014, PRN was informed that a second urine drug screen of the Respondent's tested positive for barbituates.

7. On or about May 2, 2014, PRN terminated the Respondent's contract due to non-compliance.

ULTIMATE FINDINGS OF FACT

The Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(10) in that the Respondent has failed to comply with an order imposing conditions under section 9 of this chapter.

CONCLUSION OF LAW

The Respondent's violation is 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 one thousand dollars (\$1,000) per violation as detailed in Ind. Code § 25-1-9-9.

ORDER

Based upon the above Findings of Fact, the Board issues the following Order:

1. Respondent's Indiana pharmacy license is placed on **INDEFINITE SUSPENSION**. The Respondent may not petition for reinstatement until he has completed six (6) months of full compliance with a new PRN contract, during which time he must not have any positive urine drug screens.

2. Respondent shall, within ninety (90) days of the Final Order, pursuant to Ind. Code § 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:

Office of the Indiana Attorney General
Attn: Kathryn Shively
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

3. Respondent's violation of this Final Order or any non-compliance with the statutes or regulations regarding the practice of nursing may result in Petitioner requesting a summary suspension of 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 Respondent's license.

SO ORDERED this 13th day of June, 2014.

INDIANA BOARD OF PHARMACY

By:

for

Maureen Bennett

Nicholas W. Rhoad

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:

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

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

6/13/14
Date


Jessi N. Rager, Litigation Specialist

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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.