

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NO.: 2004 IBP 0033

IN THE MATTER OF THE LICENSE OF

KATHRYN BEARSS (FORMERLY WROBLEWSKI), Ph. T.
LICENSE NO.: 67003506A

FILED

AUG 20 2018

Indiana Professional
Licensing Agency

ORDER TO SHOW CAUSE

Comes now the Indiana Board of Pharmacy ("Board") pursuant to Ind. Code § 4-21.5-3-20 and Ind. Code § 35-48-3-5 and issues the follow Order to Show Cause:

1. The Board hereby notifies Kathryn Bearss Ph. T. ("Petitioner"), 2203 East 73rd Avenue, Merrillville, Indiana 46410.
2. This notice is being provided to counsel for the State of Indiana, Timothy Weber and Ryan Eldridge, Deputy Attorney General, Office of the Attorney General, Indiana Government Center South, 302 West Washington Street, 5th Floor, Indianapolis, Indiana, 46204, telephone number 317-232-6256.
3. The official cause number of this action is: 2008 IBP 0033.
4. This action is an administrative hearing to consider Petitioner's Violation of all terms in her Findings of Fact, Conclusions of Law and Order filed March 28th, 2018.
5. A hearing regarding this matter will be held on **September 10th, 2018 at 1:30 p.m.**, Local Time, in the Indiana Government Center South, Room W064, of the Indiana Professional Licensing Agency, 402 West Washington Street, Indianapolis, Indiana 46204.
6. The Board is empowered to hold this administrative hearing pursuant to the authority of Ind. Code ch. 25-1-9 and Ind. Code art. 4-21.5.

7. The Indiana Board of Pharmacy is designated as the administrative law judge in this matter. Darren R. Covington, J.D., Director, may be contacted to obtain information concerning hearing schedules and procedures by mail in care of the Indiana Professional Licensing Agency, 402 West Washington Street, Room W072, Indianapolis, Indiana 46204, by e-mail at pla4@pla.in.gov, by telephone at (317) 234-2067.
8. The hearing will address the issues contained in Respondent's Findings of Fact, Conclusions of Law and Order, a copy of which is attached hereto and incorporated herein by reference as **Exhibit A**.
9. Any party may be advised and represented by counsel at the party's own expense.
10. A party who fails to attend or participate in a pre-hearing conference, hearing, or other later stage of this proceeding may be held in default or have the proceeding dismissed under Ind. Code § 4-21.5-3-24.

SO ORDERED this 20th day of August, 2018.

INDIANA BOARD OF PHARMACY

By: Winnie Landis, RPh / [Signature]
Winnie Landis, R.Ph., President

CERTIFICATE OF SERVICE

I certify that a copy of the "Order to Show Cause" has been duly served upon:

Kathryn Bearss
2203 East 73rd Avenue
Merrillville, Indiana 46410
Service by U.S. Mail

Ryan Eldridge, Deputy Attorney General
Timothy Weber, Deputy Attorney General
Office of the Attorney General
Indiana Government Center South
302 West Washington Street, 5th Floor
Indianapolis, Indiana 46204
Service by Email: laura.iosue@atg.in.gov

8/20/2008

Date


Nathaniel Black, Litigation Specialist

Indiana Board of Pharmacy
Indiana Government Center South
402 West Washington Street, Room W072
Indianapolis, Indiana 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.

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BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NO. 2004 IBP 0033

IN THE MATTER OF THE LICENSE OF:)

KATHRYN BEARSS (FORMERLY WROBLEWSKI), PH.T.)

LICENSE NO.: 67003506A)

FILED

MAR 28 2018

Indiana Professional
Licensing Agency

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana Board of Pharmacy ("Board") conducted a hearing on March 12, 2018 in Room W064 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning Kathryn Bearss' request to reinstate her license as a pharmacy technician.

Bearss appeared in person and waived her right to be represented by counsel. Tim Weber and Ryan Eldridge of the Attorney General's Office represented the State of Indiana.

The Board, after taking official notice of the file in this matter, votes 5 to 0 to issue the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Bearss, whose mailing address is 2203 East 73rd Avenue, Merrillville, Indiana 46410 is a pharmacy technician with license number 67003506A.
2. Bearss 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.

Exhibit A

4. In June 2005 the Board suspended her license because she had diverted narcotics from her employer.

5. In January 2018 Bearss requested that her license be reinstated.

6. At the hearing on reinstatement, Bearss presented evidence that she has learned her lesson over the years. She was never an addict and realizes that what she had done was wrong.

7. She is willing to obtain an addictionology report and knows that she needs to update her skills as a pharmacy technician.

8. Bearss has established that she may practice with reasonable skill and safety to the public provided she complies with the following terms and conditions on her license.

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 Bearss has established that she may practice with reasonable skill and safety to the public, her license may be reinstated on probation.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board issue the following Order.

1. Bearss's license as a pharmacy technician will be reinstated on **INDEFINITE PROBATION**. She may petition to have the probationary order withdrawn after two (2) years from the date of this order.

2. Bearss's practice as a pharmacy technician shall be governed by the following **TERMS AND CONDITIONS**.

a) Bearss must keep the Board apprised of the following information in writing and update it as necessary:

1. Her current home address, mailing address, e-mail address and residential telephone number; and

2. Her place of employment, employment telephone number, employment e-mail address and name of supervisor.

b) Bearss shall provide a copy of all Board orders imposing discipline or limiting practice to any employer who shall sign and return a copy of such orders to the Board within seven (7) days of employment or receipt of the Order.

c) Bearss must undergo an addictionology assessment within ninety (90) days of the date of this order and submit the results to the Board. Depending on the results of the assessment, the Board reserves the right to set this matter down for a probation modification hearing.

d) Within six (6) months Bearss shall take and pass the Pharmacy Technician Certification Exam or complete a Board-approved technician in training program.

e) Bearss must submit a list of her personal prescriptions.

f) Bearss must make quarterly personal appearances before the Board at the Board's regularly scheduled meetings.

g) Bearss must immediately report any future arrests, discipline at work, licensing charges, or relapses to the Board in writing.

3) The failure of Bearss to comply with the terms of this order may subject her to a show cause hearing and the imposition of further sanctions.

SO ORDERED this 28th of March 2018.

INDIANA BOARD OF PHARMACY

By: Maurice Bennett
for Winnie Landis, R.Ph., Chair
Indiana Board of Pharmacy

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CERTIFICATE OF SERVICE

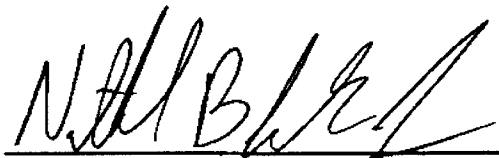
I certify that a copy of the "Findings of Fact, Conclusions of Law and Order" has been duly served upon:

Kathryn Bearss
2203 East 73rd Avenue
Merrillville, IN 46410
Service by U.S. Mail

Tim Weber
Ryan Eldridge
Deputy Attorney General
Indiana Attorney General's Office
302 West Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
Service by e-mail:
Timothy.weber@atg.in.gov
Ryan.eldridge@atg.in.gov

3-28-18

Date



Nathaniel Black Jr., Litigation Specialist

Indiana Board of Pharmacy
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