

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2004 IPB 0033

IN THE MATTER OF THE INDIANA
PHARMACY TECHNICIAN CERTIFICATION OF:

KATHRYN BEARSS, PH. T.
CERTIFICATION NO: 67003506A



FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana Board of Pharmacy ("Board") held an administrative hearing on September 10, 2018, in Room W064 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana concerning the "Order to Show Cause" issued by the Board which alleges that Kathryn Bearss violated the terms of probation on her certificate and should have her certification as a pharmacy technician disciplined.

Timothy Weber, Deputy Attorney General, represented the State of Indiana. Bearss appeared in person and waived her right to be represented by counsel.

The Board, after considering the evidence and taking official notice of its file in this matter, by a vote of 5 to 0 issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Bearss, who has a mailing address of 2203 East 73rd Avenue, Merrillville, Indiana 46410, is a pharmacy technician with certification number 67003506A.
2. In August 2018, the Board issued an "Order to Show Cause" against Bearss alleging that Bearss' certification should be disciplined because she violated the terms of probation on her certificate. The allegations were based on the assertion that she was not making her personal appearances. The terms of probation on her certification stated specifically that she should make personal appearances before the Board on a quarterly basis.

3. During the hearing Bearss admitted that she had missed personal appearances. Neither has she taken the pharmacy technician exam or completed a Board approved technician in training program.

4. Bearss maintained that she did not come to the appearances because of confusion about when the appearances were to take place.

5. Bearss did submit the results of an addictionology exam. The report concluded that she did not have current problems with addiction.

6. Bearss' violation of the terms of her probation constitute changed circumstances warranting a modification of the terms of probation on her license.

CONCLUSIONS OF LAW

1. A pharmacy technician's certificate is subject to discipline if she violated an order of the Board. Ind. Code § 25-1-9-4(a)(10).

2. The board may withdraw or modify the probation ... "if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order." Ind. Code § 25-1-9-9(b).

3. Bearss violation of the terms of her probation constitute changed circumstances warranting a modification of the terms of probation on her license.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board **MODIFIES** the terms of probation on Bearss' license as follows. Bearss' license as a pharmacy technician will remain on **INDEFINITE PROBATION**. She may petition to have the probationary order withdrawn after two years from the date of this order.

2. Bearss' practice as a pharmacy technician shall be governed by the following

TERMS AND CONDITION.

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) Within six months Bearss shall take and pass the Pharmacy Technician Certification Exam or complete a technician in training program.

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

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

f) 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.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

SO ORDERED this 2nd of November, 2018.

INDIANA BOARD OF PHARMACY

By: Maureen Beane
for Winnie Landis, R.Ph., President

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

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

Timothy Weber, Deputy Attorney General
Office of the Indiana Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204
Service by E-mail: timothy.weber@atg.in.gov

11.2.18
Date


Nathaniel Black Jr., Litigation Specialist

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.