

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER 2004 IBP 0033

IN THE MATTER OF THE LICENSE OF)
)
KATHRYN BEARSS, PH.T.)
)
LICENSE NO: 67003506A)



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

An administrative hearing was held on April 8, 2019 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 against the Indiana pharmacy technician license of Kathryn Bearss, Ph.T. ("Respondent") on January 16, 2019.

Deputy Attorney General Ryan P. Eldridge represented the State of Indiana. Respondent failed to appear in person or by counsel.

Petitioner requested that Respondent be held in default pursuant to Ind. Code § 4-21.5-3-24(c). The Board, after considering the evidence presented and taking official notice of the Board's file in this matter, held Respondent to be in **DEFAULT** by a vote of 6-0-0. The Board presided over further proceedings necessary to complete the matter without the participation of Respondent, including admitting evidence and taking official notice of the file in this matter. The Board issues the following Findings of Fact, Ultimate Finding of Fact, Conclusion of Law, and Order.

FINDINGS OF FACT

1. Respondent is a pharmacy technician ("Ph.T.") in the State of Indiana having been issued license number 67003506A on December 2, 2003.
2. Respondent's address on file with the Indiana Professional Licensing Agency ("IPLA") is 2203 East 73rd Ave., Merrillville, Indiana 46410.

3. On June 1, 2005 the Board issued a Final Order and Approval. The Order indefinitely suspended Respondent's license for a minimum of two (2) years.
4. On March 28, 2018 Respondent successfully petitioned the Board for the reinstatement of her license on probation. Respondent's license shall remain on probation for a minimum of two (2) years.
5. While Respondent's Indiana license was on indefinite probation, it was to be governed by terms and conditions, including but not limited to, the following:
 - a. Respondent will keep the Board apprised of her current home address, mailing address, e-mail address and residential telephone number.
 - b. Respondent will keep the Board apprised of her place of employment, employment telephone number, employment e-mail address and name of supervisor.
 - c. Respondent 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.
 - d. Respondent must undergo an addictionology assessment within ninety (90) days of the date of the probationary 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.
 - e. Respondent shall within six (6) months take and pass the Pharmacy Technician Certification Exam or complete a Board-approved technician in training program.
 - f. Respondent must submit a list of her personal prescriptions.

g. Respondent must make quarterly personal appearance before the Board at the Board's regularly scheduled meetings.

6. On November 2, 2018 Respondent appeared for an Order to Show Cause Hearing. The Board found that Respondent's failure to appear for quarterly personal appearances constituted changed circumstances warranting a modification of her probation. The Board reset the two (2) year minimum that Respondent must wait to petition for the withdrawal of the probationary status from her license. At this hearing Respondent claimed that there was confusion about where the appearances were to take place.

7. On January 16, 2019 IPLA sent notice to Respondent at her listed address informing Respondent of the date, time and place of another Order to Show Cause Hearing.

8. On February 11, 2019 Respondent failed to appear in person or by counsel for the administrative hearing.

9. Pursuant to Indiana Code § 4-21.5-3-20, Respondent was provided adequate notice of the Order to Show Cause hearing and failed to appear for said hearing.

10. On March 7, 2019 a Notice of Proposed Default Order was issued.

11. Respondent failed to submit a written response within seven (7) days as required by Ind. Code § 4-21.5-3-24.

12. On April 8, 2019 Petitioner requested the Board take official notice of the file in this matter. Respondent's official file maintained by IPLA showed Respondent failed to appear for her scheduled quarterly personal appearances.

ULTIMATE FINDING OF FACT

13. Respondent's conduct is in violation of Ind. Code § 25-1-9-4(a)(10), for failing to comply with an order imposing a sanction under Ind. Code § 25-1-9-9.

CONCLUSION OF LAW

14. 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, revocation, and/or a fine up to the amount of one thousand dollars (\$1000.00) per violation as detailed in Ind. Code § 25-1-9-9.

ORDER

Based upon the above Recommended Findings of Fact, the Board issue the following Order.

1. Respondent's Indiana pharmacy technician license shall be **INDEFINITELY SUSPENDED**.

SO ORDERED, this 23rd day of May 2019.

INDIANA BOARD OF PHARMACY

By: Maureen Bennett
for Mark Smosna, R. Ph., Board President

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CERTIFICATE OF SERVICE

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

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Service by U.S. Mail

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Explanation of Service Methods

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