

**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2014 IBP 0012**

**IN THE MATTER OF THE LICENSE OF:)
)
STEPHEN DAY, R.PH.)
)
LICENSE NUMBER: 26013076A)**



ORDER WITHDRAWING PROBATION

Stephen Day appeared at a hearing before the Indiana Board of Pharmacy ("Board") on August 14, 2017, in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana concerning his request to have the probationary terms withdrawn from his license as a pharmacist.

Tim Weber, Deputy Attorney General, represented the state of Indiana. Day appeared in person and waived his right to be represented by counsel.

The Board, after considering the file and the testimony of Day, by a vote of 7 to 0, issued the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Day, whose mailing address is P.O. Box 61, Tipton, Indiana 46072, is a pharmacist with license number 26013076A.
2. The Indiana Professional Licensing Agency sent, and Day 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. The Board placed Day's license on probation on July 18, 2014 because of fraudulent billing of the Medicaid program.

5. In June 2017 Day requested that the probation be withdrawn from his license.

6. At the hearing on withdrawal of probation, Day testified that he had complied with the terms of his probation which included doing additional continuing education in the field of ethics.

7. The deficiency that led to the probation of Day's license involved fraudulent billing. Day's compliance with his probation constitutes evidence that this problem has been remedied.

CONCLUSIONS OF LAW

1. "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).

2. Day's compliance with his probation constitutes evidence that the deficiency that required disciplinary action has been remedied.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board **WITHDRAWS** the probation on Day's license.

CERTIFICATE OF SERVICE

I certify that a copy of the "Order Withdrawing Probation" has been duly served upon:

Stephen Day, R.Ph.
P.O. Box 61
Tipton, IN 46072
Service by U.S. Mail

Tim Weber
Attorney General's Office
302 West Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
Service by Email: timothy.weber@atg.in.gov

8-21-17

Date


Nate Black, 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.

SO ORDERED this 21st of August 2017.

INDIANA BOARD OF PHARMACY

By: Maureen Bennett
for Steven Anderson, R. Ph.
President
Indiana Board of Pharmacy

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