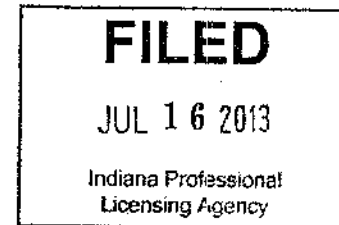


BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0065

IN THE MATTER OF THE LICENSE OF)
)
CUSTOM MED APOTHECARY, LLC)
)
LICENSE NO. 60005496A (ACTIVE))



COMPLAINT

This complaint is brought against the pharmacy license of Custom Med Apothecary, LLC (Respondent), by the Office of the Attorney General, by counsel, Deputy Attorney General Darren R. Covington, on behalf of the State of Indiana (Petitioner) and pursuant to Ind. Code § 25-1-7-7, Ind. Code § 25-1-5-3, Ind. Code ch. 25-26-13, the Administrative Orders and Procedures Act, Ind. Code art. 4-21.5 and Ind. Code ch. 25-1-9 and in support alleges and states:

FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 5510 Lafayette Road, #260, Indianapolis, Indiana 46254.
2. Respondent is a licensed pharmacy in the State of Indiana having been issued license number 60005496A on December 13, 1999.
3. On or around January 17, 2012, the Petitioner received a consumer complaint alleging that Respondent was filling prescriptions written by Carol Velasquez, a non-licensed midwife.
4. On or around March 21, 2012, Respondent provided a written response to the consumer complaint to the Petitioner. In this response, Respondent stated that a local physician introduced Velasquez as a new midwife in the Indianapolis area. Respondent also stated that it verified Velasquez's license and Medicare NPI numbers. Respondent filled prescriptions written

by Velasquez from the spring of 2010 until February 2011 when an anonymous caller to Respondent stated that Velasquez was not licensed. These prescriptions were primarily for progesterone suppositories and T4/T3 capsules.

5. An individual's Indiana license can be verified online through the Indiana Professional Licensing Agency's website. A search of "Carol Velasquez" would have returned no results, indicating Velasquez was not licensed in Indiana.

6. An individual's NPI number can be verified online through the NPI registry website of the Department of Health and Human Services. A search of "Carol Velasquez" returns a result of NPI number 1114172236 for Carol Velasquez, a midwife; however, the only licenses are for Tennessee and South Carolina.

7. Respondent did not exercise due diligence in trying to verify whether Velasquez had an Indiana license. Had Respondent done so, Respondent would have discovered that Velasquez was not a licensed practitioner in Indiana.

COUNT I

8. Paragraphs 1 through 7 are incorporated by reference herein.

9. Respondent violated Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent continued to practice although becoming unfit to practice due to failure to keep abreast of current professional theory or practice as evidenced by Respondent filling prescriptions for an individual who did not have an Indiana license, and for failing to exercise due diligence to identify whether Velasquez had an Indiana license.

WHEREFORE, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;

2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and,

3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

Gregory F. Zoeller
Attorney General of Indiana
Atty. No. 1958-98

By:

D-R S-
Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon the Respondent, by
United States mail, first-class, postage prepaid, on this 16th day of July, 2013.

Custom Med Apothecary, LLC
5510 Lafayette Rd. #260
Indianapolis, IN 46254

Kelly J. Green, *Esq.*
Attorney for Respondent
Benesch Law
One American Square, Ste. 2300
Indianapolis, IN 46282

By:

D-R S-

Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

OFFICE OF THE INDIANA ATTORNEY GENERAL
Indiana Government Center South
302 West Washington St., Fifth Floor
Indianapolis, IN 46204-2770
Telephone Number: 317-233-6506
Facsimile Number: 317-233-4393
Email: darren.covington@atg.in.gov