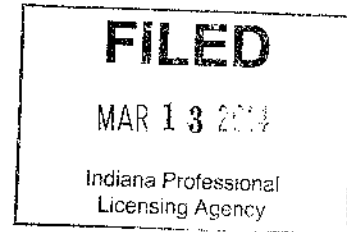


**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IPB 0065**

**IN THE MATTER OF THE INDIANA
PHARMACY PERMIT OF:**

**CUSTOM MED APOTHECARY, LLC
PERMIT NUMBER: 60005496A**



FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana Board of Pharmacy (“Board”) held an administrative hearing on March 10, 2014, Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana concerning the administrative complaint filed by the Consumer Protection Division of the Attorney General’s Office, which alleges that Custom Med Apothecary (“Respondent”) should have its permit as a pharmacy disciplined.

Darren Covington, Deputy Attorney General, represented the State of Indiana. Respondent appeared in person by counsel, Nabeela Virjee and Dina Cox.

The Board, after considering the evidence and taking official notice of its file in this matter, by a vote of 5 to 0 with 1 abstention, issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent, who has a mailing address of 6005 West 71st Street, Indianapolis, Indiana 46278, is a permitted pharmacy with permit number 60005496A.

2. In July 2013, the Consumer Protection Division of the Attorney General’s Office filed an administrative complaint against the Respondent. The Complaint alleged that Respondent’s permit should be disciplined because it knowingly violated state law regulating the practice of pharmacy. The allegations were based on the assertion that it had filled prescriptions written by

a person who held herself out as a nurse midwife, but who did not have an Indiana license.

Specifically the State's charge is set out as follows:

Respondent violated Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent continued to practice although it became 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 failing to exercise due diligence to identify whether Velasquez had an Indiana license.

3. Custom Med Apothecary is a compounding pharmacy located at 5510 Lafayette Road in Indianapolis and is owned by Jeff Jackson and his wife. The Jacksons are pharmacists licensed in the state of Indiana.

4. Mr. Jackson is acquainted with Dr. Charles Beck who treated a patient named Carol Velasquez.

5. Dr. Beck believed that Velasquez was a nurse midwife and introduced her to Mr. Jackson as a midwife with prescriptive authority.

6. Velasquez is a licensed midwife in South Carolina and Tennessee. But she has never been licensed in Indiana.

7. Velasquez began writing prescriptions that were filled by Custom Med. The prescriptions were facially valid and for substances that a nurse midwife might prescribe for a patient.

8. Custom Med did not verify that Velasquez had a license before filling the prescriptions.

9. Eventually Custom Med received an anonymous tip that Velasquez did not have an Indiana license and immediately researched the matter and confirmed that fact.

10. Custom Med stopped filling prescriptions for Velasquez and informed the patient who had been receiving the medications of the circumstances.

11. Custom Med has taken steps to assure that it will verify licensure status of prescribers in the future.

12. The underlying circumstances of this case are disturbing and Velasquez has been charged criminally. That said, however, the State did not present sufficient evidence to support the disciplinary charge that Custom Med has failed to keep abreast of current professional theory or practice.

CONCLUSIONS OF LAW

1. A pharmacy's permit is subject to discipline if it violates the laws regulating the practice. Ind. Code § 25-1-9-4.

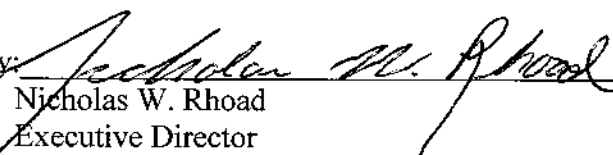
2. The Board concluded that the State did not show through a preponderance of evidence that Custom Med Apothecary, LLC, had violated the practice act.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board **DISMISSES** the State's "Complaint" in this matter.

SO ORDERED, this 13th day of March, 2014.

INDIANA BOARD OF PHARMACY

By: 
Nicholas W. Rhoad
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

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

Custom Med Apothecary, LLC
6005 West 71st Street
Indianapolis, IN 46278
Service by U.S. Mail

Dina Cox
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Date


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Explanation of Service Methods

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