

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0043

IN THE MATTER OF THE INDIANA
PHARMACY TECHNICIAN
CERTIFICATION OF:

KATIE CANADA-HOWARD, C.PH.T.,
CERTIFICATION NUMBER: 67014833A.



**FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER**

The Indiana Board of Pharmacy ("Board") held an administrative hearing on July 8, 2013, in Conference Room C of the Indiana State Government Center South, 302 West Washington Street, Indianapolis, Indiana 46204, concerning an Administrative Complaint ("Complaint") filed against Katie Marie Canada-Howard, C.Ph.T. ("Respondent") on May 7, 2013.

The State of Indiana ("Petitioner") was represented by Darren R. Covington, Deputy Attorney General. Respondent did not appear in person or by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 5-0-0, finds Respondent to be in default. The Board by another vote of 5-0-0, issues the following Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent's address on file with the Indiana Professional Licensing Agency is 5990 State Road 42, Martinsville, Indiana 46151.
2. Respondent is a certified Pharmacy Technician in the State of Indiana having been issued certification number 67014833A on December 2, 2008.

3. At all times relevant herein, Respondent was employed as a pharmacy technician with Kroger Pharmacy ("Kroger") in Danville, Indiana.

4. On or about February 26, 2013, the Respondent was responsible for checking in the controlled substances at Kroger. The Respondent reported a bottle of 100 hydrocodone tablets was missing prior to going to the bathroom. Another employee went to the bathroom after the Respondent, and located the missing bottle in the trashcan. The Respondent was suspended from Kroger at this time.

5. On or around March 13, 2013, Kroger submitted a DEA Form 106 Report of Theft or Loss of Controlled Substances, which reported a loss of 1,788 Hydrocodone-APAP 10-325 Tablets, 1,009 Hydrocodone-APAP 10-500 Tablets, 659 Hydrocodone-APAP 7.5-325 Tablets, and 289 Alprazolam 2 mg tablets due to employee pilferage.

6. At the April 8, 2013 administrative hearing, Respondent was identified by Kroger Pharmacy Coordinator Roy Huckaby as being the individual responsible for the reported loss. Respondent was placing controlled substances in the trash and removing them from the store.

7. On or around April 8, 2013, the Indiana Board of Pharmacy summarily suspended Respondent's certification for ninety (90) days.

8. A Complaint was filed by the Petitioner against Respondent on May 7, 2013.

9. On May 14, 2013, the Indiana Professional Licensing Agency sent a hearing notice to Respondent at her last address of record informing her of the date, time, and place of the administrative hearing on the Complaint scheduled for June 10, 2013 at 2:00 p.m.

10. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the hearing and Respondent failed to appear for the scheduled hearing in person or by counsel on June 10, 2013.

11. On June 10, 2013, the Board voted, 6-0-0, to issue a Notice of Proposed Default Order. On June 28, 2013, the Notice of Proposed Default Order was mailed to Respondent's address of record.

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

13. On July 8, 2013, the Board voted, 5-0-0, to hold Respondent in default.

ULTIMATE FINDINGS OF FACT

Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by her misappropriation of hydrocodone from Kroger.

CONCLUSIONS OF LAW

Respondent's violations are cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or revocation and a fine up to the amount of \$1,000 per violation as detailed in Ind. Code § 25-1-9-9.

ORDER

Based upon the above Findings of Fact, Ultimate Findings of Fact, and Conclusions of Law, the Board issues the following Order:

1. Respondent's certification is **REVOKED**.
2. Within thirty (30) days of the date of this Order, pursuant to Ind. Code § 4-6-14-10(b), Respondent shall pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Indiana Office of the Attorney General
ATTN: Katherine Lee
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

ORDERED, this 15th day of July, 2013.

INDIANA BOARD OF PHARMACY

By:


Nicholas W. Rhoad
Executive Director
Indiana Professional Licensing Agency

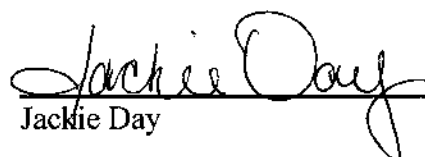
CERTIFICATE OF SERVICE

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

Katie Marie Canada-Howard
5990 State Road 42
Martinsville, IN 46151
Service by U.S. Mail

Darren R. Covington, Deputy Attorney General
Office of the Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204
Service by Email

7/15/13
Date


Jackie Day

Indiana Board of Pharmacy
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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.