

FINDINGS OF FACT

1. Respondent's address on file with the Board is 1301 Mesker Park Drive, Evansville, Indiana, 47720, and she is a licensed pharmacist in the State of Indiana holding license number 26018447A.

2. Respondent worked for St Mary's Medical Center ("St. Mary's") in Evansville, Indiana, as a pharmacist from on or around July 11, 1994 to on or around April 20, 2005.

3. On or around April 20, 2005, Respondent's employment with St. Mary's was terminated because Respondent used her employee discount to purchase medications for her friend.

4. Respondent dispensed Alprazolam 0.5 mg tablets to her friend on different occasions at St. Mary's from February 2001 through January 2005.

5. Pharmacy records indicated Bryan G. Laura, D.O., ("Dr. Laura") was the prescribing physician; however, Dr. Laura did not concede to authorizing certain quantities of the Alprazolam Respondent dispensed.

6. The medical records for Respondent's friend from Dr. Laura were not conclusive as to the quantities and/or the specific medications prescribed for Respondent's friend.

7. On or around March 16, 2006, Respondent underwent an addiction assessment by Richard L. Hinchman, M.D., ("Dr. Hinchman"). In Dr. Hinchman's opinion, Respondent did not meet the DSM-IV criteria for substance abuse or dependence. Furthermore, Dr. Hinchman opined that Respondent is safe to practice as a licensed pharmacist.

8. Respondent began employment as a pharmacist at the CVS pharmacy in Mt. Vernon, Indiana, in May 2006 and continues to be employed in good standing at the pharmacy.

ULTIMATE FINDINGS OF FACT

Respondent's conduct constitutes a violation of 856 IAC 1-20-1(7).

ORDER

Based upon the above Findings of Fact, the Board issues the following Order:

1. Respondent's license to practice pharmacy is placed on probation for up to two (2) years. The probation shall not automatically terminate at the end of the two (2) year period. Respondent shall appear before the Board prior to the removal of the probationary status on her license. Respondent shall not petition to modify probation on her license for one (1) year from the date of the Board's final order. Respondent shall not petition to withdraw the probationary status on her license for two (2) years from the date of the Board's final order.

2. The following are conditions of Respondent's probation:

a. Respondent shall keep the Board apprised of the following information and update it as necessary:

i. Current home address, mailing address, and residential phone number.

ii. Place of employment, employment phone number, and name of supervisor.

iii. Occupation title and work schedule, including the number of hours worked per week – on a quarterly basis.

iv. Respondent shall cause her employer to submit quarterly reports to the Board advising the Board of Respondent's professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others.

- b. Respondent will provide a copy of this final order to any employer who will sign and return a copy of such order to the Board within seven (7) days of employment or receipt of this Order.
- c. Respondent shall make quarterly appearances before the Board.
- d. Respondent shall provide the Board with a standing order from a physician for random urine tests for drug use. Respondent shall undergo quarterly random urine drug screens for the first year of probation at Respondent's expense and shall have reports of the same submitted directly to the Board following each screen within seven (7) days of receipt of the results. If a drug screen is positive, Respondent shall have seven (7) days in which to submit a prescription to the Board.
- e. Respondent shall complete three (3) hours of continuing education in pharmacy law and ethics at her expense and shall submit verification of said hours to the Board within thirty (30) days of the final order generated by this agreement. Respondent understands that completion of the aforementioned three (3) hours of continuing education in pharmacy law and ethics is in addition to the completion of the continuing education requirement for the current biennium, which ends on June 30, 2008, for a total of thirty-three (33) hours.

3. Respondent further understands that:

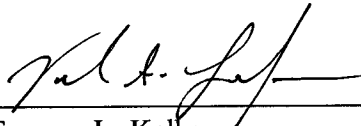
- a. any non-compliance with the statutes or regulations regarding the practice of pharmacy; or

b. any violation of the Settlement Agreement;

may result in: (1) the State requesting an emergency suspension of Respondent's license, pending a reinstatement of the initial action giving rise to this resolution, (2) an Order to Show Cause as may be issued by the Board, or (3) a new cause of action pursuant to IND. CODE §25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

SO ORDERED this 28TH day of DECEMBER, 2006.

INDIANA BOARD OF PHARMACY

By:  FOR FRANCES KELLY
Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Copies to:

Tara Lynn Feldhaus, R.Ph.
1301 Mesker Park Drive
Evansville, Indiana 47720

SENT CERTIFIED MAIL NO. 7003 3110 0004 5093 6327
RETURN RECEIPT REQUESTED.

Kelly Green
Krieg Devault, LLP
12800 N. Meridian Street
Carmel, IN 46032

SENT CERTIFIED MAIL NO. 7003 3110 0004 5093 6334
RETURN RECEIPT REQUESTED.

Deputy Attorney General Laura E. Wilford
OFFICE OF THE ATTORNEY GENERAL
302 West Washington Street, 5th Floor
Indianapolis, Indiana 46204-2770