

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NO.: 2005 IBP 0055

STATE OF INDIANA,)
)
 Petitioner,)
)
 v.)
)
 TARA LYNN FELDHAUS, R.PH.,)
 License Number 26018447A,)
)
 Respondent.)



FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana Board of Pharmacy (“Board”) held an administrative hearing on March 9, 2009, in Room W064 of the Indiana Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, concerning the request by Tara Feldhaus (“Respondent”) to withdraw the probation on her license.

Respondent appeared in person and waived her right to be represented by counsel. Mark Mader, Deputy Attorney General, represented the State of Indiana.

The Board, after considering the evidence presented and taking official notice of its file in this matter, issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent, whose mailing address is 1301 Mesker Park, Evansville, Indiana 47720, is a duly registered pharmacist in the State of Indiana holding license number 26018447A.

2. The Indiana Professional Licensing Agency sent and Respondent received timely and proper notice of the date, time and location of this hearing pursuant to Indiana Code § 4-21.5-3-20.
3. The Board is empowered to hold this administrative hearing pursuant to the authority of Indiana Code § 25-1-9-9 and Indiana Code § 4-21.5-3.
4. The Board placed Respondent's pharmacy license on probation in December 2006 because she used her employee discount to purchase medications for her friend. Various requirements were imposed as conditions of her probation.
5. Respondent asked that the probation on her license be withdrawn in December 2008.
6. The Respondent testified at the hearing on withdrawal that she has fully complied with the terms of her probation. She has changed how she practices pharmacy and does a better job of documenting and witnessing the disposal of legend drugs.
7. The deficiencies that led to the discipline on Respondent's license involved using her employee discount to purchase medications for a friend. Respondent's compliance with her 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." IC 25-1-9-9(b).
2. Respondent's compliance with her 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 grants the Respondent's request for withdrawal and therefore **WITHDRAWS** the probation on Respondent's license.

SO ORDERED this 19 of March, 2009.

INDIANA BOARD OF PHARMACY

By: 

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Copies to:

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

SENT CERTIFIED MAIL NO. _____
RETURN RECEIPT REQUESTED

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