

**BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0015**

**IN THE MATTER OF THE LICENSE OF)
)
TARA LYNN FELDHAUS, R.PH.)
)
LICENSE NO. 26018447A (ACTIVE))**



COMPLAINT

This complaint is brought against the pharmacist license of Tara Lynn Feldhaus, R.Ph. (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 1301 Mesker Park Drive, Evansville, Indiana 47720.
2. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26018447A on October 27, 1994.
3. At all times relevant herein, Respondent worked as a pharmacist with CVS Pharmacy in Evansville, Indiana.
4. On or around April 4, 2012, CVS Pharmacy reported a loss of 360 tablets of methadone to the Drug Enforcement Agency.
5. During the course of this investigation, Respondent provided a written statement, signed on April 10, 2012.

6. In this statement, Respondent admitted that she filled one methadone prescription early for Patient A, and filled a second methadone prescription early, and without having received a hard-copy of the prescription, for Patient A. Respondent also admitted to altering the log book to reflect that the prescription was dispensed on the correct date, and not early. Finally, Respondent stated that she took a hard-copy prescription home, with the intent to later return with the prescription altered to reflect that it was filled on the correct date.

7. A prescription for methadone was dispensed on January 27, 2012 for Patient A by Respondent. The log was changed to reflect that the prescription was dispensed on February 1, 2012.

8. A prescription for methadone was dispensed on February 22, 2012 for Patient A by Respondent. The hard-copy prescription was not received until February 23, 2012, which was the date the prescription was written. The instructions on the prescription were to not fill until February 28, 2012. The prescription information in CVS Pharmacy's computer was changed to reflect that the prescription was dispensed on February 28, 2012.

9. A prescription for methadone was dispensed on March 22, 2012 for Patient A by Respondent. The hard-copy prescription was dated March 29, 2012.

10. Methadone is a Schedule II controlled substance.

11. Pursuant to 21 CFR 1306.11(a), a prescription for a Schedule II controlled substance may only be dispensed pursuant to a written prescription signed by the prescriber, and the original, written prescription must be reviewed prior to dispensing.

12. Pursuant to 21 CFR 1306.14(e), a prescription for a Schedule II controlled substance with instructions to not fill before a certain date, may not be filled before that date.

13. Pursuant to 21 CFR 1304.04(h), prescriptions for controlled substances must be maintained by the pharmacy.

14. Respondent was previously disciplined in December 2006 by the Indiana Board of Pharmacy for dispensing alprazolam in quantities greater than prescribed to her friend. Respondent was placed on probation, and her probation was withdrawn in March 2009.

COUNT I

15. Paragraphs 1 through 14 are incorporated by reference herein.

16. Respondent violated Ind. Code § 25-1-9-4(a)(1)(B) in that Respondent has engaged in fraud or material deception in the course of her professional duties as evidenced by her admission to altering drug logs to reflect that prescriptions were filled on their correct date.

COUNT II

17. Paragraphs 1 through 14 are incorporated by reference herein.

18. Respondent violated Ind. Code § 25-1-9-4(a)(3) in that Respondent knowingly violated 21 CFR 1306.11(a) as evidenced by her admission that she filled a prescription for a Schedule II controlled substance prior to reviewing the original, written prescription.

COUNT III

19. Paragraphs 1 through 14 are incorporated by reference herein.

20. Respondent violated Ind. Code § 25-1-9-4(a)(3) in that Respondent knowingly violated 21 CFR 1306.14(e) as evidenced by her admission that she filled a prescription for a Schedule II controlled substance prior to the fill date indicated on the prescription.

COUNT IV

21. Paragraphs 1 through 14 are incorporated by reference herein.

22. Respondent violated Ind. Code § 25-1-9-4(a)(3) in that Respondent knowingly violated 21 CFR 1304.04(h) as evidenced by her admission that she retained an original, written prescription for herself, instead of maintaining the prescription in the pharmacy.

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 8th day of February, 2013.

Tara Feldhaus
1301 Mesker Park Dr.
Evansville, IN 47720

By:

D-R S-

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

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