

**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0015**

**IN THE MATTER OF THE INDIANA
PHARMACIST LICENSE OF:**

**TARA LYNN FELDHAUS, R.PH.,
LICENSE NUMBER: 26018447A.**

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

The Indiana Board of Pharmacy (“Board”) held an administrative hearing on April 8, 2013, in Room W064 of the Indiana State Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, concerning an Administrative Complaint (“Complaint”) filed against Tara Lynn Feldhaus, R.Ph. (“Respondent”), on February 8, 2013.

The State of Indiana (“Petitioner”) was represented by Darren R. Covington, Deputy Attorney General. Respondent appeared in person and chose to proceed without counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 5-0-1, 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 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.

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. 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.

14. During the hearing, Respondent testified that psychological stressors clouded her judgment. Respondent also admitted to filling prescriptions early, to filling prescriptions prior to seeing the original, hard-copy prescription, and to altering the logs.

ULTIMATE FINDINGS OF FACT

1. 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.

2. 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.

3. 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.

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 § 25-1-9-4.

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 license is hereby **INDEFINITELY SUSPENDED**. Respondent may petition for reinstatement after six (6) months from the date of this Order.

2. Prior to petitioning for reinstatement, Respondent shall:

a. Undergo a complete examination to be performed by a Board-approved addictionologist. A copy of that exam shall be submitted to the Board upon completion.

b. Undergo a complete psychological evaluation to be performed by a Board-approved psychologist. A copy of that exam shall be submitted to the Board upon completion.

3. Within thirty (30) days of the Board's Order, Respondent shall, pursuant to Ind. Code § 4-6-14-10(b), 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 West Washington Street, 5th Floor
Indianapolis, IN 46204

4. Within thirty (30) days of the Board's Order, Respondent shall pay **COSTS** in the amount of **EIGHTY SIX DOLLARS AND SIXTY CENTS (\$86.60)** payable to the Indiana Professional Licensing Agency.


5. Within thirty (30) days of the Board's Order, Respondent shall pay **COSTS** in the amount of **TWELVE DOLLARS AND EIGHTY CENTS (\$12.80)** payable to the Office of the Attorney General.

6. Within six (6) months of the Board's Order, Respondent shall pay a **FINE** in the amount of **THREE THOUSAND DOLLARS (\$3,000.00)** payable to the Indiana Professional Licensing Agency.

7. Respondent's violation of the Final Order, or any non-compliance with the statutes or regulations regarding the practice of pharmacy may result in the State requesting a summary suspension of Respondent's certification, an Order to Show Cause as may be issued by the Board, or 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.

ORDERED this 18 day of April, 2013.

INDIANA BOARD OF PHARMACY

By: 

Virgil R. Madden
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:

Tara Feldhaus
1301 Mesker Park Dr.
Evansville, IN 47720
Service by U.S. Mail

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

4/18/13
Date

Jackie Day
Jackie Day

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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.