

**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2012 IBP 0035**

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

**J. LYNNE FREIBERGER, R.PH.
LICENSE NUMBER: 26011641A**

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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 June 11, 2012, in Conference Room C of the Indiana State Government Center South, 402 West Washington Street, Indianapolis, Indiana, 46204, concerning an Administrative Complaint (“Complaint”) filed against J. Lynne Freiburger, R.Ph. (“Respondent”) on May 2, 2012.

The State of Indiana 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 6-0-0 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 2919 Freiburger Road, Floyds Knob, Indiana 47119.
2. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26011641A on October 29, 1963. Respondent is the qualifying

pharmacist for The Drug Store, Inc., located in Georgetown, Indiana. The Drug Store, Inc. is a dispenser of controlled substances.

3. Ind. Code § 35-48-7-8.1 requires all dispensers of controlled substances to transmit to the Indiana Scheduled Prescription Electronic Collection and Tracking Program (INSPECT) a list of all controlled substances dispensed by the dispenser within seven days of dispensing.

4. As the qualifying pharmacist, Respondent is responsible for the legal operations of the pharmacy.

5. On or around May 5, 2011, INSPECT sent a letter of non-compliance to The Drug Store, Inc. after an audit revealed that The Drug Store Inc.'s last transmission of data to INSPECT was completed on April 13, 2011.

6. A second non-compliance letter was issued on July 8, 2011 by INSPECT. The Drug Store, Inc. made only three transmissions between May 21 and June 27, 2011; there should have been six transmissions.

7. A final non-compliance letter was issued on December 6, 2011 by INSPECT. The Drug Store, Inc. made only six transmissions between October 15 and December 3, 2011; there should have been eight transmissions.

8. The Drug Store Inc. was scheduled to appear before the Indiana Board of Pharmacy on January 9, 2012 to address its noncompliance. The Drug Store Inc. failed to attend this meeting.

ULTIMATE FINDINGS OF FACT

1. Respondent violated Ind. Code § 25-1-9-4(a)(3) by violating Ind. Code § 35-48-7-8.1 as evidenced by Respondent's failure as the qualifying pharmacist to ensure that weekly data transmissions to INSPECT of controlled substances dispensed from The Drug Store Inc. were made.

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 license shall be placed on **INDEFINITE PROBATION**. Respondent may not petition for withdrawal of probation until one year from the date of this Order.
2. While on probation, Respondent, as a qualifying pharmacist, shall comply fully with the laws and regulations regarding INSPECT.
3. Within thirty (30) days of the Board's Order, Respondent shall, pursuant to I.C. § 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 Thorpe
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

4. Respondent's violation of the Final Order, 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 Committee, 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 certification.

SO ORDERED this 26th day of June, 2012.

INDIANA BOARD OF PHARMACY

By:

for 
Frances L. Kelly
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:

J. Lynne Freiburger, R.Ph.
2919 Freiburger Rd.
Floyds Knob, IN 47119
Service by U.S. Mail

Darren R. Covington
Deputy Attorney General
302 W. Washington St., 5th Flr.
Indianapolis, IN 46204
Service by Email

6/27/10

Date



Greg Pachmayr

Indiana Board of Pharmacy
Indiana Government Center South
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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.