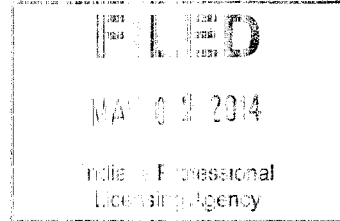


BEFORE THE INDIANA  
BOARD OF PHARMACY

CAUSE NO: 2014 IBP 0024

IN THE MATTER OF THE INDIANA )  
PHARMACIST LICENSE OF )

J. LYNNE FREIBERGER, R.PH. )  
LICENSE NUMBER 26011641A (PROBATION) )



COMPLAINT

This complaint is brought against the pharmacist license of J. Lynne Freiburger, R.Ph. ("Respondent"), by the Office of the Attorney General, by counsel, Deputy Attorney General Maritza K. Webb, 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 of record with the Indiana Professional Licensing Agency is 2919 Freiburger Road, Floyds Knobs, Indiana 47119.
2. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26011641 on October 29, 1963.
3. At all times relevant herein, Respondent was the qualifying pharmacist for The Drug Store, Inc. in Georgetown, Indiana.
4. As the qualifying pharmacist, Respondent is responsible for ensuring that the pharmacy operates in accordance with law.

5. On or around June 6, 2013, a routine inspection took place at The Drug Store, Inc., which was cited for having expired medications stocked in active inventory and work stations that were too cluttered to practice in a safe and sanitary manner.

6. Respondent had been warned about expired medications during previous inspections that took place on September 10, 2009 and February 24, 2012. Respondent had been warned about maintaining a clean and sanitary work area during previous inspections that took place on February 24, 2012 and May 9, 2012.

7. The June 6, 2013 inspection resulted in a required corrective action plan from Respondent, which was due within five days. No such plan was ever submitted.

8. On or around July 10, 2013, a follow-up inspection took place. Expired medication remained in active inventory and the work areas and aisles remained cluttered and unsanitary. The inspection resulted in a failure.

9. Respondent is currently on probation for failure to report to INSPECT.

**COUNT I**

10. Paragraphs 1 through 9 are incorporated by reference herein.

11. Respondent violated Ind. Code § 25-1-9-4(a)(3) in that Respondent violated her duty as the qualifying pharmacist under Ind. Code § 25-26-13-2 as evidenced by Respondent's repeated failures to insure that no expired medications were stored in active inventory and that the pharmacy workspace was maintained in a safe and sanitary manner.

**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: Maritza K. Webb  
Maritza K. Webb  
Deputy Attorney General  
Attorney No. 30904-49

**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 2<sup>nd</sup> day of May, 2014.

J. Lynne Freiberger  
2919 Freiberger Rd.  
Floyds Knobs, IN 47119

By: Maritza Webb  
Maritza K. Webb  
Deputy Attorney General  
Attorney No. 30904-49

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