

(with the consensus of the parties), that Respondent cease operations of the The Drug Store, Inc.
by January 17, 2017.

SO ORDERED, this 30th day of January, 2017.

INDIANA BOARD OF PHARMACY

By: Maureen Bennett
for Steven Anderson, R.Ph.
Board President

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CERTIFICATE OF SERVICE

I certify that a copy of the "Final Order Accepting Proposed Findings of Fact, Conclusions of Law, and Order" has been duly served upon:

J. Lynne Freiburger
2919 Freiburger Road
Floyds Knobs, IN 47119
Service by U.S. Mail

Timothy M. Weber
OFFICE OF THE INDIANA ATTORNEY GENERAL
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Service by Email

1-30-17
Date

Donna Moran
Donna Moran, Litigation Specialist

Indiana Board of Pharmacy
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2067
Fax: 317-233-4236
Email: pla4@pla.in.gov

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.

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2014 IBP 0024

IN THE MATTER OF THE LICENSE OF:)
)
J. LYNNE FREIBERGER, R.PH.)
)
LICENSE NO: 26011641A)

FILED
JAN 06 2017
Indiana Professional
Licensing Agency

PROPOSED SETTLEMENT AGREEMENT

The State of Indiana ("Petitioner"), by counsel Timothy M. Weber, Deputy Attorney General, and The Drug Store, Inc., ("Respondent"), hereby execute this Proposed Settlement Agreement ("Agreement") to a disposition of the Order to Show Cause ("OTSC") filed in this cause. This Agreement is subject to the review and approval of the Board pursuant to Ind. Code § 25-1-9 *et seq.* and the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 *et seq.*

STIPULATED FACTS

1. Respondent is a pharmacy in the State of Indiana having been issued license number 26011641A on October 29, 1963.
2. Respondent's address on file with the Indiana Professional Licensing Agency is 2919 Freiburger Road, Floyds Knobs, Indiana 47119.
3. Respondent is the qualifying pharmacist and owner for The Drug Store, Inc., a licensed pharmacy in Indiana located at 1044 North Luther Rd, Georgetown, Indiana, 47122.
4. On November 14, 2016, an OTSC hearing was held, and concerns were raised about Respondent's controlled substance filling practices.
5. On December 7, 2016, a Final Order was filed in this matter which modified Respondent's indefinite probation. The terms of the modification, in relevant part, are:
 - a. Respondent shall not fill prescriptions for controlled substances;

Exhibit A

- b. The needs assessment ordered for The Drug Store, Inc., by the Board's August 26, 2015 order shall be completed; and
- c. Respondent shall not be the qualifying pharmacist of The Drug Store, Inc.
6. Respondent is still the qualifying pharmacist for The Drug Store, Inc.
7. Respondent has not completed the needs assessment ordered by the Board's August 26, 2015 order.
8. Following receipt of the December 7, 2016 order, Respondent continued to fill prescriptions for controlled substances for several days.

STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

1. Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(10).

AGREED DISPOSITION

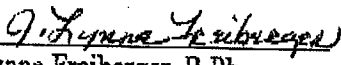
It is now therefore agreed by Respondent and Petitioner as follows:

1. The Board has jurisdiction over Respondent and the subject matter in this disciplinary action.
2. The parties execute this Agreement voluntarily.
3. Both parties voluntarily waive their rights to a public hearing on the Order to Show Cause.
4. Petitioner agrees the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against Respondent's license.
5. Respondent's license shall be placed on **INDEFINITE SUSPENSION**.
6. Respondent may petition for reinstatement after **SEVEN (7) YEARS**.

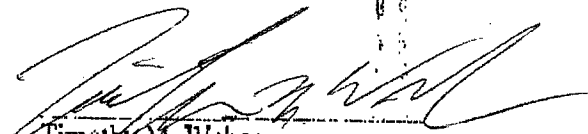
7. Respondent has carefully read and examined this agreement and fully understands its terms and that, subject to a final order issued by the Board this Agreement is the final disposition of all matters and not subject to further review.

8. Respondent further understands that a violation of the Final Order or non-compliance with the statutes or regulations regarding the practice of pharmacy or any other provision of this Agreement may result in Petitioner requesting a summary suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of discipline pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions and including a revocation of Respondent's license.

9. The parties agree to the continuing jurisdiction of the Board and the discipline agreed to, terms of discipline, and licensure status will apply even if the Board suspends Respondent's license at a later date.


J. Lynne Freiburger, R.Ph.
Respondent

January 5, 2017
Date


Timothy M. Weber
Deputy Attorney General
Attorney No. 31559-49

January 6, 2017
Date

