

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2012 IBP 0094

IN THE MATTER OF THE INDIANA
PHARMACY TECHNICIAN
CERTIFICATION OF:

JESSICA DALLEY, C.PH.T.
CERTIFICATION NUMBER: 67021200A.

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**FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

The State of Indiana ("Petitioner"), by the Office of the Attorney General, by Deputy Attorney General Darren R. Covington and Jessica Dalley, C.Ph.T. ("Respondent"), signed a Proposed Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action by the Petitioner and the Indiana Board of Pharmacy ("Board") regarding the Respondent's certification, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the March 11, 2013 meeting held in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement, which is attached hereto and incorporated herein as Exhibit A, and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 5-0-0. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law and Order.

WHEREFORE, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby **ORDERED** to abide by all the terms of the Agreement.

ORDERED, this 22 day of March, 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 "Final Order Accepting Proposed Findings of Fact, Conclusions of Law, and Order" has been duly served upon:

Jessica Dalley
612 W. Adams St.
Alexandria, IN 46001
Service by U.S. Mail

Jessica Dalley
220 S Martin Ave.
Muncie, IN 47303
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

3/22/13
Date

Jackie Day
Jackie Day

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
2012 IBP 0094

IN THE MATTER OF THE LICENSE OF)
JESSICA DALLEY, C.PH.T.)
LICENSE NO. 67021200A (SUMMARY SUSPENSION))

FILED

MAR 11 2013

Indiana Professional
Licensing Agency

PROPOSED SETTLEMENT AGREEMENT

The State of Indiana (Petitioner), by Darren R. Covington, Deputy Attorney General, and Jessica Dalley, C.Ph.T. (Respondent), hereby execute this Agreement to a disposition of the Complaint filed in this cause. This Agreement is subject to the review and approval of the Indiana Board of Pharmacy (Board) pursuant to Ind. Code ch. 25-1-9 and the Administrative Orders and Procedures Act, Ind. Code art. 4-21.5.

STIPULATED FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 220 S. Martin Avenue, Muncie, Indiana 47303. Respondent's last known address is 612 W. Adams Street, Alexandria, Indiana 46001.
2. Respondent is a licensed pharmacy technician in the State of Indiana having been issued license number 67021200A on June 25, 2012.
3. At all times relevant herein, Respondent worked as a pharmacy technician at Meijer Pharmacy in Muncie, Indiana.
4. On or around October 31, 2012, Respondent's employment was terminated from Meijer Pharmacy for diverting hydrocodone.
5. On or around November 2, 2012, Respondent was charged in Delaware County, Indiana Circuit Court with one count of Theft, a Class D Felony and, one count

EXHIBIT A

of Possession of a Controlled Substance, a Class D Felony, under Cause Number 18C03-1211-FD-0234.

6. On or around December 10, 2012, the Indiana Board of Pharmacy summarily suspended Respondent's license for ninety days.

STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

1. Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by her unauthorized taking of hydrocodone from Meijer Pharmacy.

AGREED DISPOSITION

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

1. The Board has jurisdiction over the 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 Complaint.

4. Petitioner agrees that the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against the Respondent's Indiana pharmacy technician license.

5. Respondent's license shall be **REVOKED**.

6. Within thirty (30) days of the date of the Board's Order, Respondent shall, pursuant to Indiana Code 4-6-14-10 (b), pay a fee of Five Dollars (\$5.00) within thirty (30) days of the date of the Final Order in this matter, to be deposited into the Health

Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order made 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

8. The 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 a final disposition of all matters and not subject to further review.

Jessica Renee Dalley
Jessica Dalley
Respondent

March 7, 2013
Date

D. R. S.
Darren R. Covington
Deputy Attorney General
Atty. No. 28511-16

3/11/13
Date

STATE OF INDIANA)
COUNTY OF Madison) SS:

Before me a Notary Public for said County and State, personally appeared Jessica Dalley and being first duly sworn by me upon her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 8th day of March, 2013.

Stephanie A. McCune Stephanie A. McCune
Signature Printed

My Commission Expires: Sept 15, 2020
County (or Parish) of Residence: Madison

