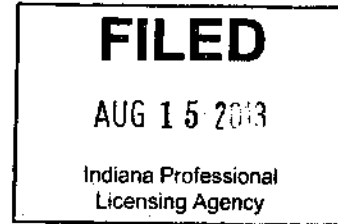


**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0011**

**IN THE MATTER OF THE INDIANA)
PHARMACY TECHNICIAN)
CERTIFICATION OF:)
)
ASHLYNN GILDNER, C.PH.T.,)
CERTIFICATION NUMBER: 67016432A.)**



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

The Indiana Board of Pharmacy (“Board”) held an administrative hearing on August 12, 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 Ashlynn Margaret Gildner, C.Ph.T. (“Respondent”) on May 31, 2013.

The State of Indiana (“Petitioner”) was represented by Darren R. Covington, Deputy Attorney General. Respondent did not appear in person or by 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, finds Respondent to be in default. The Board, by another 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 132 East Marion Street, Mishawaka, Indiana 46545.
2. Respondent is a certified pharmacy technician in the State of Indiana having been issued certification number 67016432A on September 16, 2009.

3. At all times relevant herein, Respondent worked as a pharmacy technician at Meijer Pharmacy in Mishawaka, Indiana.

4. On or around October 21, 2012, Respondent signed three statements to Meijer loss prevention personnel admitting that she had diverted Norco and Tussionex Cough Syrup, both controlled substances, for her own personal use.

5. On or around December 7, 2012, Respondent was charged in St. Joseph County, Indiana Superior Court with Theft and Possession of a Controlled Substance, both Class D Felonies, under Cause Number 71D01-121-FD-0011066.

6. On or around February 7, 2013, the Indiana Board of Pharmacy summarily suspended Respondent's certification for ninety (90) days. The Board summarily suspended Respondent's certification for an additional ninety days on May 13, 2013.

7. A Complaint was filed by the Petitioner against Respondent on May 31, 2013.

8. On June 13, 2013, the Indiana Professional Licensing Agency sent a hearing notice to Respondent at her last address of record informing her of the date, time, and place of the administrative hearing on the Complaint scheduled for July 8, 2013 at 2:00 p.m.

9. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the hearing and Respondent failed to appear for the scheduled hearing in person or by counsel on July 8, 2013.

10. On July 8, 2013, the Board voted 5-0-0 to issue a Notice of Proposed Default Order. On July 15, 2013, the Notice of Proposed Default Order was mailed to Respondent's address of record.

11. Respondent failed to submit a written response within seven (7) days as required by Ind. Code § 4-21.5-3-24.

12. On August 12, 2013, the Board voted 6-0-0 to hold Respondent in default.

ULTIMATE FINDINGS OF FACT

1. Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by her stealing controlled substances from Meijer Pharmacy for her own personal use.

2. Respondent violated Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent has continued to practice although she has become unfit to practice due to addiction to, abuse of, or severe dependency upon drugs that impair her ability to practice safely as evidenced by her admission that she diverted controlled substances for her own personal use.

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 certification is **REVOKED**.
2. Within thirty (30) days of the date of this Order, pursuant to Ind. Code § 4-6-14-10(b), Respondent shall 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 W. Washington St., 5th Floor
Indianapolis, IN 46204

ORDERED, this 15th day of August, 2013.

INDIANA BOARD OF PHARMACY

By: Maureen Bennett
for Nicholas W. Rhoad
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:

Ashlynn Margaret Gildner
132 E. Marion St.
Mishawaka, IN 46545
Service by U.S. Mail

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

8/15/13
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.