

BEFORE THE INDIANA BOARD OF
PHARMACY
CAUSE NO.: 2007 IPB 0010

IN THE MATTER OF THE LICENSE OF:)
)
)
BARNEY T. DOTSON, R.P.H.)
LICENSE NO: 26014491A)



COMPLAINT

The State of Indiana, by counsel, Deputy Attorney General, Mark E. Mader, on behalf of the Office of the Attorney General (“Petitioner”), and pursuant to Indiana Code § 25-1-7 *et seq.*, Ind. Code §25-1-5 *et seq.*, Ind. Code § 25-34.5-2 *et. seq.*, the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 *et seq.* and Ind. Code § 25-1-9 *et seq.* files its Complaint against the Indiana Pharmacist license of Barney T. Dotson (“Respondent”), and in support alleges and states:

FACTS

1. Respondent's address, as listed with the Board, is 5376 Race Road, Cincinnati, Ohio 45247, and he is a duly licensed Pharmacist in the State of Indiana having been issued license number 26014491A.
2. On April 12, 2007, the Indiana Board of Pharmacy received notification from the Ohio Board of Pharmacy that the Respondent had been summarily suspended by that Board on April 3, 2007.
3. The Summary Suspension Order dated April 3, 2007 determined that the Respondent was addicted to the use of controlled substances.

4. The Ohio Board found that the Respondent was addicted to or abusing drugs or alcohol and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

5. That the Respondent admitted to an agent of the Ohio Board that he was addicted to both drugs and alcohol.

6. That he had been an in-patient for alcohol treatment previously and had stated an intention to enter into treatment again.

7. The Respondent admitted that he had stolen Fentanyl and Hydromorphone from his employer for his own abuse every other day and had been stealing Vicodin since he began practicing pharmacy in 1980.

8. That the Respondent's use of Hydromorphone began with ingestion of 2 mg per occasion and escalated to 8 to 10 mg. each use currently.

9. That the Respondent's abuse was discovered on March 16, 2007, when he was arrested after having passed out while driving his car and struck another vehicle.

10. That Respondent admitted that on or about March 16, 2007, and on various dates preceding, he did steal Fentanyl and Hydromorphone from his employer.

11. On May 22, 2007, Respondent's license to practice pharmacy in the State of Indiana was summarily suspended by the Indiana Board of Pharmacy.

12. On July 27, 2007, Respondent entered into an agreement for a Voluntary Summary Suspension until such time as discipline had been entered against his Ohio license.

13. Respondent's attorney agreed to notify counsel for the State of Indiana at such time as Respondent's Ohio license was disciplined at which time this matter would be set for further hearing.

14. On August 17, 2007, the Indiana Board of Pharmacy issued a Voluntary Extension of Summary Suspension Order suspending Respondent's Indiana Pharmacist's license until such time as discipline had been entered against his Ohio license.

15. On December 10, 2007, the Indiana Attorney General's Office received a certified copy of the Order by the Ohio Board of Pharmacy suspending indefinitely the pharmacist license of the Respondent without the ability to apply for reinstatement for three (3) years from the effective date of the Order, December 5, 2007.

COUNT I

16. Averments 1 through 15 are repeated and incorporated herein by reference.

17. Respondent's actions constitute a violation of Indiana Code § 25-1-9-4(a)(7) in that he has had disciplinary action taken against the practitioner or the practitioner's license to practice in any other state or jurisdiction on grounds similar to those under this chapter, to wit: On December 5, 2007, the Ohio Board of Pharmacy indefinitely suspended the pharmacist license of the Respondent after a hearing and finding that Respondent was addicted to or abusing drugs or alcohol and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy. Further, that Respondent did on or about March 16, 2007, and on various dates preceding, divert controlled substances, Fentanyl and Hydromorphone from his employer, Curascripts Infusion Pharmacy. Finally, that on or about August 8, 2007, Respondent pled guilty to three (3) counts of theft of drugs, felonies in the fourth degree in State of Ohio v. Barney T. Dotson, case No. 0703688. Respondent was granted intervention in Lieu of Conviction. Diversion, addiction and conviction of a crime having a direct bearing on a practitioner's ability to practice his profession constitute grounds similar to those under Indiana Code § 25-1-9-4(a).

18. Respondent's failure to comply with the above referenced standards is cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1,000.00 per violation, as detailed at Ind. Code § 25-1-9-9 and Ind. Code § 25-23-1-7.

The conduct described above constitutes a violation of Indiana Code § 25-1-9-4(a) and warrant(s) the imposition of disciplinary sanctions on the Respondent's Pharmacist license.

WHEREFORE, Petitioner demands an order against the Respondent, that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to pay all the cost incurred in the prosecution of this case;
3. Provides any other relief the Board deems just and proper.

Respectfully submitted,

STEVE CARTER
Attorney General of Indiana

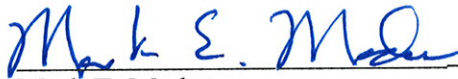
By: 
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Complaint" has been served upon the individual(s) listed below, by United States mail, first class postage prepaid, on this 6th day of May, 2008:

Barney T. Dotson
5376 Race Road
Cincinnati, Ohio 45247

Harry B. Plotnick
810 Syracuse Street
Sixth Floor
Cincinnati, Ohio 45202



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