

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2007 IPB 0010

IN THE MATTER OF THE LICENSE OF:)
)
BARNEY T. DOTSON, R.PH.,)
LICENSE NUMBER: 26014491A,)
)
RESPONDENT.)



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

The Petitioner, the State of Indiana, by Mark E. Mader, Deputy Attorney General, Division of Consumer Protection ("Petitioner"), and the Respondent, Barney T. Dotson, R.Ph., ("Respondent") and his counsel, Harry B. Plotnick, signed a Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action against the Respondent's license by the Indiana Board Of Pharmacy ("Board"), which Agreement is submitted to the Board for approval.

The Board, after reviewing the Agreement at its July 13, 2009 meeting, 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 this Agreement as fully set forth herein and approves and adopts in full this Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 7 in favor and 0 against and 0 abstaining. Incorporated into the Agreement was the consensus of both parties to the following Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order. The Board, hereby issues the following Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order:

FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 5367 Race Road, Cincinnati, Ohio 45247, and he is a duly licensed pharmacist in the State of Indiana having been issued license number 26014491A.

2. The Indiana Attorney General's Office received a consumer complaint which alleged that Respondent was in violation of Indiana Code § 25-1-9-4.

3. After an investigation, the Attorney General's Office prepared and filed a Complaint with the Board in this matter.

4. 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.

5. The Summary Suspension Order dated April 3, 2007 determined that the Respondent was addicted to certain controlled substances.

6. 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.

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

8. That he had been admitted to an in-patient treatment facility for alcohol abuse previously and he intended to enter into treatment again.

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

10. 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.

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

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

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

14. 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.

15. 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.

16. 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.

17. 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.

ULTIMATE FINDINGS OF FACT

Respondent's actions constitute a violation of Indiana Code § 25-1-9-4(a)(7) in that he has had disciplinary action taken against his practitioner's license to practice in any other state or jurisdiction on grounds similar to those under this chapter.

CONCLUSIONS OF LAW

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 \$1000.00 per violation, as detailed at Indiana Code § 25-1-9-9.

ORDER

Respondent's Indiana Pharmacist license is hereby **SUSPENDED INDEFINITELY**. Prior to petitioning for reinstatement, Respondent must submit to the Indiana Board of Pharmacy a certified copy his reinstatement order by the Ohio Board of Pharmacy containing all the terms and conditions of his reinstatement imposed therein by the Ohio Board of Pharmacy, if any.

Violation of this final Order could lead to additional sanctions against the Respondent's Indiana Pharmacist license, up to and including a revocation of said license.

The Petitioner agrees that the terms of the Agreement adopted by the Board resolve any and all outstanding claims or allegations or potential claims or allegations relating to disciplinary action against Respondent's license arising out of facts and circumstances surrounding the Complaint filed May 6, 2009.

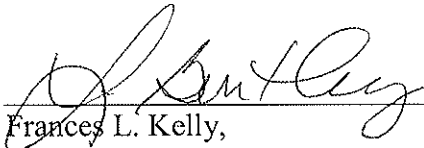
The Respondent carefully read and examined the Agreement adopted herein by the Board and fully understands its terms. This Agreement, having been approved and incorporated in the

final order, pursuant to the terms contained therein is a final disposition of all matters and **not** subject to judicial review.

So ORDERED, this 4th day of September, 2009; this Order is effective as of the 13th day of July, 2009.

INDIANA BOARD OF PHARMACY

By:


Frances L. Kelly,
Executive Director
Indiana Professional Licensing Agency

Copies to:

Barney T. Dotson

5367 Race Road

Cincinnati, Ohio 45247

SENT CERTIFIED MAIL NO. _____

RETURN RECEIPT REQUESTED.

Harry B. Plotnick

Attorney at Law

810 Sycamore Street

Sixth Floor

Cincinnati, Ohio 45202

SENT CERTIFIED MAIL NO. _____

RETURN RECEIPT REQUESTED.

Mark E. Mader

Deputy Attorney General

Office of the Attorney General

Indiana Government Center South

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Indianapolis, Indiana, 46204

