

**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2007 IBP 0010**

**IN THE MATTER OF THE INDIANA
PHARMACIST LICENSE OF:**

**BARNEY DOTSON, R.PH.,
LICENSE NUMBER: 26014491A.**

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FILED

APR 18 2013

Indiana Professional
Licensing Agency

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana State Board of Pharmacy ("Board") held an administrative hearing on April 8, 2013, in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, concerning Barney Dotson's ("Dotson") request to reinstate his license.

The State of Indiana was represented by Tim Weber, Certified Legal Intern, and Darren Covington, Deputy Attorney General. Dotson appeared in person and waived his right to be represented by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, voted 6 to 0 to issue the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Dotson, who resides at 5367 Race Road, Cincinnati, Ohio 45247, is a duly registered pharmacist in the State of Indiana holding license number 26014491A.

2. The Indiana Professional Licensing Agency sent, and Dotson received, timely and proper notice of the date, time, and location of this hearing pursuant to Ind. Code § 4-21.5-3-20.
3. The Board is empowered to hold this administrative hearing pursuant to the authority of Ind. Code § 25-1-9-9 and Ind. Code ch. 4-21.5-3.
4. In September 2009, the Board voted to suspend Dotson's license because he was impaired due to addiction to drugs and alcohol.
5. Dotson is licensed in Ohio and the authorities in that state suspended his license in 2007.
6. As a condition of reinstatement of Dotson's Indiana license, he had to show the Board that his license in Ohio had been reinstated.
7. At the hearing on reinstatement, Dotson testified that he has fulfilled all the conditions for reinstatement of his license. The Ohio board reinstated his license with restrictions in 2012. He also signed a monitoring agreement with the Pharmacists Rehabilitation Organization in Ohio in that same year. He has fully complied with the terms and conditions on his Ohio license.
8. The Board concluded that the evidence demonstrates that Dotson may practice pharmacy with reasonable skill and safety to the public, but only under restrictions.

CONCLUSIONS OF LAW

1. "The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board

may impose disciplinary or corrective measures authorized under this chapter.” Ind. Code § 25-1-9-11.

2. Because Dotson has established that he may practice with reasonable skill and safety to the public if he complies with the terms of his probation, he qualifies for reinstatement of his license on probation.

ORDER

Based upon the above Findings of Fact and Conclusions of Law the Board issues the following Order:

Dotson’s license shall be placed on **INDEFINITE PROBATION**. Dotson may not seek withdrawal of the probationary status of his license until after the probation is withdrawn from his Ohio license.

1. During the Probationary Period, Dotson’s pharmacist’s license shall be governed by the following **TERMS AND CONDITIONS**:
 - a. Dotson shall keep the Board apprised of his current residence, mailing address, e-mail address, and residential telephone number at all times;
 - b. Dotson shall keep the Board apprised of his place of employment, employment telephone number, and name of his supervisor at all times.
 - c. Dotson shall keep the Board informed of his occupation title and work schedule, including the number of hours worked per week at all times.
 - d. Dotson may not work in Indiana until after a hearing before this Board. At that time, the Board will draft an appropriate probationary order that will regulate his practice in this state.

- e. Dotson shall provide copies to the Indiana Board of all the documents that he provides to the Ohio Board as a result of the probation on his Ohio license.
- f. Dotson shall comply with the terms of probation on his Ohio license and the terms of his contract with the Pharmacists Rehabilitation Organization.
- g. Dotson shall make probationary appearances before the Board at the normally scheduled monthly Board meetings every six months. His first appearance will be on May 13, 2013.

2. It is further Ordered that:

- a. Any information received by any other regulatory agency that indicates non-compliance with the statutes or regulations regarding the competent practice of pharmacy;
- b. a positive urine drug screen; or
- c. a violation of the Final Order,

may result in the State requesting an emergency suspension of Dotson's license, as well as possible reinstatement of the initial action giving rise to this resolution, an Order to Show Cause as may be issued by the Board, or a new cause of action being filed pursuant to Ind. Code § 25-1-9-4(a)(10), any or all of which could lead to additional sanctions, up to and including a revocation of Dotson's license.

ORDERED, this 18 of April, 2013.

INDIANA STATE BOARD OF PHARMACY

By: _____

Virgil R. Madden
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

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

Barney Dotson
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Cincinnati, OH 45211
Service by U.S. Mail

Barney Dotson
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Service by U.S. Mail

Darren R. Covington, Deputy Attorney General
Office of the Indiana Attorney General
Indiana Government Center South
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Service by Email

4/18/13
Date

Jackie Day
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Explanation of Service Methods

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