

BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0046

IN THE MATTER OF THE INDIANA)
PHARMACIST LICENSE OF)
)
JOSEPH MICHAEL DONES, R.PH.)
LICENSE NUMBER 26016602A (ACTIVE))



COMPLAINT

This complaint is brought against the pharmacist license of Joseph Michael Dones, R.Ph. (Respondent), by the Office of the Attorney General, by counsel, Deputy Attorney General Darren R. Covington, on behalf of the State of Indiana (Petitioner) and pursuant to Ind. Code § 25-1-7-7, Ind. Code § 25-1-5-3, Ind. Code ch. 25-26-13, the Administrative Orders and Procedures Act, Ind. Code art. 4-21.5 and Ind. Code ch. 25-1-9 and in support alleges and states:

FACTS

1. Respondent's address of record with the Indiana Professional Licensing Agency is 6530 Pioneer Trail NE, Georgetown, Indiana 47122.
2. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26016602A on August 4, 1989.
3. At all times relevant herein, Respondent was the qualifying pharmacist for Mathes Pharmacy in New Albany, Indiana.
4. On or around October 15, 2012, an Indiana Board of Pharmacy compliance officer made an unannounced inspection of Mathes Pharmacy.
5. The compliance officer observed Bryce Nowak performing technician duties and wearing a nametag which identified him as a "pharmacy intern."

6. Nowak's application for a pharmacy technician-in-training permit was received on October 22, 2012.

7. As the qualifying pharmacist, Respondent is responsible for ensuring that the pharmacy operates in accordance with law, including ensuring that all employees are appropriately licensed.

COUNT I

8. Paragraphs 1 through 7 are incorporated by reference herein.

9. Respondent violated Ind. Code § 25-1-9-4(a)(3) in that Respondent violated his duty as the qualifying pharmacist under Ind. Code § 25-26-13-2 as evidenced by his failure to ensure that all pharmacy employees were properly licensed and for allowing Nowak to work as a pharmacy technician-in-training without being licensed.

WHEREFORE, Petitioner demands an order against the Respondent that:

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

Respectfully submitted,

Gregory F. Zoeller
Attorney General of Indiana
Atty. No. 1958-98

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

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon the Respondent, by
United States mail, first-class, postage prepaid, on this 22nd day of April, 2013.

Joseph Dones
6530 Pioneer Trail NE
Georgetown, IN 47122

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

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