

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0046

IN THE MATTER OF THE INDIANA
PHARMACIST LICENSE OF:

JOSEPH MICHAEL DONES, R.PH.,
LICENSE NUMBER: 26016602A.

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**FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

The State of Indiana ("Petitioner"), by the Office of the Attorney General, by Deputy Attorney General Darren R. Covington and Joseph Michael Dones, R. Ph. ("Respondent") signed a Proposed Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action by the Petitioner and the Indiana Board of Pharmacy ("Board") regarding the Respondent's license, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the June 10, 2013 meeting held in Conference Room C of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, 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 the Agreement, which is attached hereto and incorporated herein as Exhibit A, and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 6-0-0. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law and Order.

WHEREFORE, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby **ORDERED** to abide by all the terms of the Agreement.

ORDERED, this 28th day of June, 2013.

INDIANA BOARD OF PHARMACY

By: Nicholas W. Rhoad
Nicholas W. Rhoad
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

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

Joseph Michael Dones, R. Ph.
6530 Pioneer Trail NE
Georgetown, IN 47122
Service by U.S. Mail

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

6/28/13
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.

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)

FILED

JUN 03 2013

Indiana Professional
Licensing Agency

PROPOSED SETTLEMENT AGREEMENT

The State of Indiana (Petitioner), by Darren R. Covington, Deputy Attorney General, and Joseph Michael Dones, R.Ph. (Respondent), hereby execute this Agreement to a disposition of the Complaint filed in this cause. This Agreement is subject to the review and approval of the Indiana Board of Pharmacy (Board) pursuant to Ind. Code § 25-1-9 et seq. and the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 et seq.

STIPULATED 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."

Exhibit A

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.

STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

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.

AGREED DISPOSITION

It is now therefore agreed by the Respondent and Petitioner as follows:

1. The Board has jurisdiction over the Respondent and the subject matter in this disciplinary action.
2. The parties execute this Agreement voluntarily.
3. Both parties voluntarily waive their rights to a public hearing on the Complaint.
4. Petitioner agrees that the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against the Respondent's Indiana pharmacist license.
5. Respondent's Indiana pharmacist license shall be issued a **LETTER OF REPRIMAND** attached as Exhibit A.

6. Within thirty (30) days of the Board's Order, Respondent shall pay a FINE in the amount of FIVE HUNDRED DOLLARS (\$500.00) payable to the Indiana Professional Licensing Agency.

7. Within thirty (30) days of the date of the Board's Order, Respondent shall, pursuant to Indiana Code 4-6-14-10 (b), pay a fee of Five Dollars (\$5.00) within thirty (30) days of the date of the Final Order in this matter, to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order made payable to the State of Indiana, and submitted to the following address:

Indiana Office of the Attorney General
Attn: Katherine Lee
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

8. The Respondent has carefully read and examined this Agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

9. The Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of pharmacy, or any violation of the Agreement may result in the Petitioner requesting an emergency suspension of the Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of the Respondent's license.

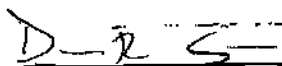
10. The parties agree to the continuing jurisdiction of the Board and that the discipline agreed to, terms of discipline, and licensure status will apply even if the Board renews the Respondent's license at a later date.



Joseph Dones, R.Ph.
Respondent

5/31/13

Date



Darren R. Covington
Deputy Attorney General
Atty. No. 28511-16

6/2/13

Date

[DATE]

Joseph Dones
6530 Pioneer Trail NE
Georgetown, IN 47122

Re: In the matter of the license of Joseph Michael Dones, R.Ph.
Before the Indiana Board of Pharmacy

Dear Mr. Dones:

This letter of reprimand is issued as part of the Settlement Agreement reached between you and the State resulting from charges filed by the Office of the Attorney General on April 22, 2013 with the Indiana Board of Pharmacy.

The purpose of this reprimand is to stress the important responsibility that you have by reason of possessing a license to practice as a pharmacist in this state. As a pharmacist, you are responsible for ensuring that your practice is in accordance with the standards of the profession.

The Findings of Fact, Conclusions of Law and Order is attached hereto and incorporated herein as part of this official reprimand.

Sincerely,

By: Herbert W. Puce
Virgil R. Madden
for Executive Director
Indiana Professional Licensing Agency

Exhibit A