

**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0012**

**IN THE MATTER OF THE
INDIANA PHARMACY TECHNICIAN
CERTIFICATION OF:**

**MICHAEL ESPINOZA, C.P.H.T.,
CERTIFICATION NUMBER: 67003292A.**

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HEARING NOTICE

Comes now the **INDIANA BOARD OF PHARMACY** ("Board") pursuant to Ind. Code. § 4-21.5-3-20 and issues the following Hearing Notice:

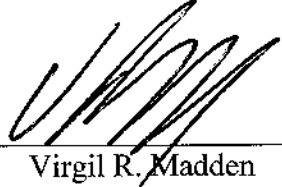
1. This notice is being provided to **Michael Espinoza** ("Respondent"), 737 Conner Dr., Mishawaka, Indiana 46544.
2. This notice is being provided to counsel for Petitioner, State of Indiana, **Darren R. Covington**, Deputy Attorney General, Office of the Attorney General, Indiana Government Center South, 302 West Washington Street, 5th Floor, Indianapolis, Indiana 46204, telephone number (317) 233-6506.
3. The official cause number of this action is: **2013 IBP 0012**.
4. This action is a hearing to determine whether the Board should extend the summary suspension of the Respondent's pharmacy technician certification.
5. A hearing regarding this matter will be held on **May 13, 2013, at 2:00 p.m.**, Local Time, in Conference Room W064 of the Indiana Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204.
6. The Board is empowered to hold this hearing pursuant to the authority of Ind. Code ch. 25-1-11 and Ind. Code art. 4-21.5.

7. The Board will be presiding as administrative law judge in this matter. Greg Pachmayr, Director of the Board, may be contacted to obtain information concerning hearing schedules and procedures by mail in care of the Indiana Professional Licensing Agency, 402 West Washington Street, Room W072, Indianapolis, Indiana 46204, by e-mail at gpachmayr@pla.in.gov, by facsimile at (317) 233-4536, or by telephone at (317) 234-2067.
8. The hearing will address the issues contained in the summary suspension order filed by the State on February 22, 2013, which is attached hereto and incorporated herein by reference as Exhibit A.
9. Any party may be advised and represented by counsel at the party's own expense.
10. A party who fails to attend or participate in a pre-hearing conference, hearing, or other later stage of this proceeding may be held in default or have the proceeding dismissed under Ind. Code § 4-21.5-3-24.
11. Pursuant to Ind. Code § 4-21.5-3-34, this Board may afford parties the opportunity to informally settle matters; however, this section does not require any person to settle a matter under this agency's informal procedures.

ORDERED, this 2 day of May, 2013.

INDIANA BOARD OF PHARMACY

By: _____


Virgil R. Madden
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "Hearing Notice" has been duly served upon:

Michael Espinoza
737 Conner Dr.
Mishawaka, IN 46544
Service by U.S. Mail

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

5/2/13

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

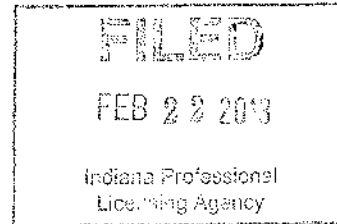
Personal Service: by delivering a true copy of the aforesaid document(s) personally.

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
CAUSE NUMBER: 2013 IBP 0012**

**IN THE MATTER OF THE INDIANA)
PHARMACY TECHNICIAN)
CERTIFICATION OF:)
MICHAEL ANTHONY ESPINOZA, C.PH.T.)
CERTIFICATION NUMBER: 67003292A.)**



SUMMARY SUSPENSION ORDER

An administrative hearing was held on February 11, 2013, before the Indiana Board of Pharmacy ("Board"), in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, to consider the Petition for Summary Suspension ("Petition") filed against Michael Anthony Espinoza, C.Ph.T. ("Respondent"), by the State of Indiana ("Petitioner") on February 7, 2013.

The State of Indiana was represented by Darren R. Covington, Deputy Attorney General. Respondent failed to appear by person or by counsel.

The Board, pursuant to Ind. Code § 4-21.5-4-1 *et seq.* and Ind. Code § 25-1-9-10, by a vote of 6-0-0, **SUMMARILY SUSPENDS** the certification held by Respondent for ninety (90) days as the Board finds that an emergency exists and that Respondent represents a clear and immediate danger to the public health and safety if allowed to practice pharmacy in the State of Indiana.

This **NON-FINAL** emergency order is based on evidence supporting the following findings:

1. This Board has jurisdiction to suspend Respondent's certification in accordance with the provisions of Ind. Code ch. 4-21.5-4 and Ind. Code § 25-1-9-10.

Exhibit A

2. Respondent's address on file with the Indiana Professional Licensing Agency is 737 Conner Drive, Mishawaka, Indiana 46544.

3. Respondent is a certified pharmacy technician in the State of Indiana having been issued certification number 67013292A on December 1, 2003.

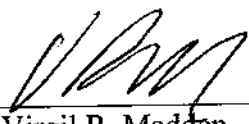
4. At all times relevant herein, Respondent worked as a pharmacy technician at Meijer Pharmacy in Mishawaka, Indiana.

5. On or around October 18, 2012, Respondent signed a statement to Meijer loss prevention personnel that he had diverted hydrocodone for his own personal use. Meijer loss prevention personnel noted a loss of 944 tablets and that Respondent was the only individual on video surveillance seen handling the bottles which had missing tablets.

WHEREFORE, RESPONDENT IS ORDERED to immediately cease all acts constituting the practice of pharmacy for a period of ninety (90) days, effective February 11, 2013.

ORDERED, this 22 day of February, 2013; **this Summary Suspension Order is effective as of February 11, 2013.**

INDIANA BOARD OF PHARMACY

By: 
Virgil R. Madden
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "Summary Suspension Order" has been duly served upon:

Michael Espinoza
737 Conner Dr.
Mishawaka, IN 46544
Service by U.S. Mail

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

2/22/13
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.