

BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0012

IN THE MATTER OF THE LICENSE OF)
MICHAEL ANTHONY ESPINOZA, C.Ph.T.)
LICENSE NO. 67003292A (SUMMARY SUSPENSION))



COMPLAINT

This complaint is brought against the pharmacy technician license of Michael Anthony Espinoza, C.Ph.T. (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 on file with the Indiana Professional Licensing Agency is 737 Conner Drive, Mishawaka, Indiana 46544.
2. Respondent is a licensed pharmacy technician in the State of Indiana having been issued license number 67003292A on December 1, 2003.
3. At all times relevant herein, Respondent worked as a pharmacy technician at Meijer Pharmacy in Mishawaka, Indiana.
4. 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.

Exhibit A

5. On or around December 7, 2012, Respondent was charged in St. Joseph County, Indiana Superior Court with Theft and Possession of a Controlled Substances, both Class D Felonies, under Cause Number 71D01-1212-FD-01068.

6. On or around February 7, 2013, the Indiana Board of Pharmacy summarily suspended Respondent's license for ninety days. This was extended an additional ninety days on May 13, 2013.

7. On or around February 22, 2013, Respondent entered into the St. Joseph County Drug Court program.

COUNT I

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

9. Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by his admission to stealing hydrocodone tablets.

COUNT II

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

11. Respondent violated Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent has continued to practice although he has become unfit to practice due to addiction to, abuse of, or severe dependency upon drugs that impair his ability to practice safely as evidenced by his admission that he diverted controlled substances for his own personal use.

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 31st day of May, 2013.

Michael Anthony Espinoza
737 Conner Dr.
Mishawaka, IN 46544

By:

D - R S -

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

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