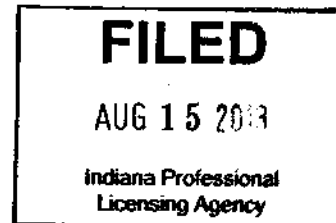


BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0012

IN THE MATTER OF THE INDIANA
PHARMACY TECHNICIAN
CERTIFICATION OF:

MICHAEL ESPINOZA, C.PH.T.,
CERTIFICATION NUMBER: 67003292A.

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**FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER**

The Indiana Board of Pharmacy ("Board") held an administrative hearing on August 12, 2013, in Room W064 of the Indiana State Government Center South, 402 West Washington Street, Indianapolis, Indiana, 46204, concerning an Administrative Complaint ("Complaint") filed against Michael Anthony Espinoza, C.Ph.T. ("Respondent") on May 31, 2013.

The State of Indiana ("Petitioner") was represented by Darren R. Covington, Deputy Attorney General. Respondent did not appear in person or by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 6-0-0, finds Respondent to be in default. The Board, by another vote of 6-0-0, issues the following Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent's address on file with the Indiana Professional Licensing Agency is 737 Conner Drive, Mishawaka, Indiana 46544.
2. Respondent is a certified pharmacy technician in the State of Indiana having been issued certification 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.

5. A Complaint was filed by the Petitioner against Respondent on May 31, 2013.

6. On June 13, 2013, the Indiana Professional Licensing Agency sent a hearing notice to Respondent at his last address of record informing him of the date, time, and place of the administrative hearing on the Complaint scheduled for July 8, 2013 at 2:00 p.m.

7. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the hearing and Respondent failed to appear for the scheduled hearing in person or by counsel on July 8, 2013.

8. On July 8, 2013, the Board voted 5-0-0 to issue a Notice of Proposed Default Order. On July 15, 2013, the Notice of Proposed Default Order was mailed to Respondent's address of record.

9. Respondent failed to submit a written response within seven (7) days as required by Ind. Code § 4-21.5-3-24.

10. On August 12, 2013, the Board voted 6-0-0 to hold Respondent in default.

ULTIMATE FINDINGS OF FACT

1. 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.

2. 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.

CONCLUSIONS OF LAW

Respondent's violations are cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or revocation and a fine up to the amount of \$1,000 per violation as detailed in Ind. Code § 25-1-9-9.

ORDER

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

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

Indiana Office of the Attorney General
ATTN: Katherine Lee
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

ORDERED, this 15th day of August, 2013.

INDIANA BOARD OF PHARMACY

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

CERTIFICATE OF SERVICE

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

Michael Anthony Espinoza
737 Conner Dr.
Mishawaka, IN 46544
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

8/15/13
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.