

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 104

IN THE MATTER OF THE INDIANA
PHARMACY TECHNICIAN
CERTIFICATION OF:

DEBORAH JUNE DRAKE, C.PH.T.
LICENSE NUMBER: 67001610A

FILED

MAR 11 2014

Indiana Professional
Licensing Agency

**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 Deborah June Drake, C.Ph.T. ("Respondent"), signed a Proposed Settlement Agreement ("Agreement"), filed on March 6, 2014, 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.

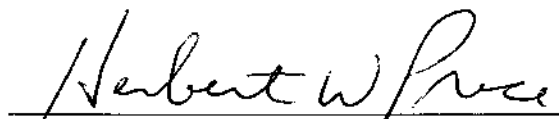
The Board, after reviewing the Agreement at the March 10, 2014 meeting held in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable 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. 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.

SO ORDERED, this 11th day of March 2014.

INDIANA BOARD OF PHARMACY

By:



Nicholas W. Rhoad

Executive Director

for

Indiana Professional Licensing Agency

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PROPOSED SETTLEMENT AGREEMENT

The State of Indiana (Petitioner), by Darren R. Covington, Deputy Attorney General, and Deborah June Drake, C.Ph.T. (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 on file with the Indiana Professional Licensing Agency is 6903 Old Trail Road, Ft. Wayne, Indiana 46809.
2. Respondent is a certified pharmacy technician in the State of Indiana having been issued license number 67001610A on October 29, 2003.
3. On or around February 17, 2009, Respondent was charged in Allen County, Indiana Superior Court with Possession of Marijuana, Hash Oil, or Hashish, a Class D Felony, and Maintaining a Common Nuisance, a Class D Felony, under Cause Number 02D04-0902-FD-00157. These charges were filed after Respondent allegedly grew or cultivated more than 30 grams of marijuana for her own personal use.

EXHIBIT A

4. On or around August 12, 2009, Respondent's charges were amended to Possession of Marijuana, Hash Oil, or Hashish, a Class A Misdemeanor. On this same date, Respondent pled guilty to Possession of Marijuana, a Class A Misdemeanor.

5. Respondent was placed on probation for one year and ordered to complete 30 hours of community service. Respondent was successfully discharged from probation on August 18, 2010.

6. On or around May 21, 2010, Respondent renewed her pharmacy technician certification online and answered "no" to the question, "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?"

7. On or around January 3, 2013, Respondent was charged in Allen County, Indiana Superior Court with Operating while Intoxicated, a Class C Misdemeanor, and Operating with a BAC between 0.08% - 0.14%, a Class C Misdemeanor, under Cause Number 02D06-1301-CM-000084.

8. On or around March 28, 2013, Respondent pled guilty to Operating While Intoxicated. Respondent's driving privileges were suspended for 90 days and she received a 60 day suspended sentence. Respondent was prohibited from consuming alcohol during this period.

9. On or around April 24, 2013, an "Affidavit of Violation of Suspended Sentence" was filed after Respondent violated the zero tolerance policy and failed to pay urine drug screen fees.

10. On or around September 30, 2013, Respondent admitted that she violated the terms of her criminal probation. Respondent was sentenced to thirty days in incarceration, with credit for time served.

11. On or around January 9, 2014, Respondent was evaluated for alcohol/drug dependency and/or abuse at Park Center in Fort Wayne, Indiana. Respondent tested negative on a urine drug screen and Park Center did not recommend further treatment.

STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

1. Respondent violated Ind. Code § 25-1-9-4(a)(1)(A) in that Respondent engaged in fraud or material deception in order to obtain a license to practice as evidenced by Respondent's false answer regarding whether she had been convicted of any crimes on her 2010 certification renewal application.

2. Respondent violated Ind. Code § 25-1-9-4(a)(2)(B) in that Respondent has been convicted of a crime that is harmful to the public as evidenced by her guilty pleas to Possession of Marijuana and Operating while Intoxicated.

3. Respondent violated Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent has continued to practice upon alcohol or other drugs that impair her ability to practice safely as evidenced by Respondent's use of marijuana, her guilty pleas to Possession of Marijuana and Operating while Intoxicated, and her failure to comply with the terms of her sentencing order for Operating while Intoxicated.

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 pharmacy technician license.

5. Respondent's Indiana pharmacy technician license shall be placed on **INDEFINITE PROBATION.**

6. Respondent shall be governed by the following **TERMS** and **CONDITIONS.**

a. Respondent shall keep the Board apprised of the following:

i. Current residence, mailing address, email address, and residential telephone number;

ii. Place of employment, employment phone number, and name of supervisor; and,

iii. Occupation and work schedule, including number of hours worked per week.

b. Respondent shall cause her pharmacy employer to submit monthly reports to the Board, for the first year of probation, and quarterly thereafter, indicating her professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others.

c. Respondent shall present the Board's Order to her pharmacy employer and cause them to submit a signed copy acknowledging the Order back to the Board ten (10) days after receipt of the Order.

d. Respondent shall notify the Board in writing of any discipline incurred in other states, including any criminal or licensing charges pending.

e. Respondent shall refrain from the use of alcohol and illegal drugs.

f. Respondent shall provide a copy of each prescription for personal use to the Board.

g. Respondent shall submit to random urine drug screens, at her expense, as directed by the Board.

h. Respondent shall make quarterly personal appearances before the Board.

i. Respondent may not petition for withdrawal of probation until one (1) year from the date of the Board's Order.

7. 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.

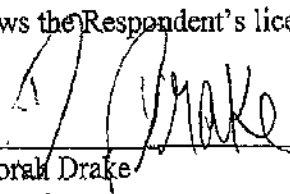
8. Within thirty (30) days of the Board's Order, Respondent shall, pursuant to I.C. § 4-6-14-10(b), pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State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

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

9. 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.

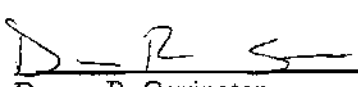
10. The Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of pharmacy, or any violation of the Agreement may result in the Petitioner requesting an emergency suspension of the Respondent's license, an Order to 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.

11. 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.



Deborah Drake
Respondent

2-26-14
Date



Darren R. Covington
Deputy Attorney General
Fax 317-233-4393

3/4/14
Date

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:

Deborah Drake
5005 Buell Dr.
Ft. Wayne, IN 46807
Service by U.S. Mail

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

3/12/14
Date


Jessi N. Rager, Litigation Specialist

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.