

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NO: 2001 IBP 0008

STATE OF INDIANA,)
)
PETITIONER,)
)
V.)
)
FREEBORN M. ESIGBONE,)
LICENSE NUMBER: 26016811A,)
)
RESPONDENT.)



FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana Board of Pharmacy ("Board") held an administrative hearing on June 8, 2009, in Conference Room C of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana concerning Freeborn M. Esigbone's ("Respondent") request to reinstate his Indiana pharmacist license.

Respondent appeared in person and waived his right to be represented by counsel. Mark E. Mader, Deputy Attorney General, represented the State of Indiana.

The Board, after considering the evidence and taking official notice of its file in this case, by a vote of 7 in favor, 0 against, 0 abstaining, issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent testified that he was residing at 245 North Delaware Street, Indianapolis, Indiana 46204, which is the address for Wheeler Mission, although his address listed with the Board for licensure purpose is 2175 South Highway 121, Lewisville, Texas, 75067. Respondent is a duly licensed pharmacist having been granted license number

26016811A. However, Respondent's pharmacist license expired June 30, 2002 and he has not renewed it since that time.

2. Respondent received timely and proper notice of the date, time and location of this hearing pursuant to Indiana Code § 4-21.5-3-20.

3. The Board is empowered to hold this administrative hearing pursuant to the authority of Indiana Code § 25-1-9-9 and Indiana Code § 4-21.5-3.

4. The Board voted to indefinitely suspend Respondent's license in February 2002 because he was convicted of a crime that had direct bearing on his ability to continue to practice competently and he had engaged in fraud or material deception in order to obtain a license to practice.

5. The Respondent asked that his Indiana pharmacist license be reinstated in a letter dated April 30, 2009.

6. At the hearing on reinstatement the Respondent testified that he wanted to return to the practice of pharmacy and had taken several positive steps to remedy problems he has had in the past.

7. The Respondent testified that he returned from living in Texas in 2008 in order to serve a sentence of two hundred (200) days which he received in October 1999 which Board records show to be the result of his conviction for Invasion of Privacy in Marion Superior Court Cause No. 49D17-9901-CM-011447. Respondent testified that he served all 200 days of the sentence.

8. The Board took official notice of its records in this cause which established the following criminal record in Indiana for the Respondent:

- December 24, 1997, Respondent was arrested for Battery. On March 19, 1998, the Respondent pled guilty to the charge of Battery.

- On January 22, 1999, the Respondent was charged with class A misdemeanor, Battery, and class D felony, Criminal Recklessness.
- On May 20, 1999, the Respondent was charged with class B misdemeanor, Public Intoxication.
- On June 1, 1999, the Respondent was charged with class A misdemeanor, Battery, and two class B misdemeanors for Invasion of Privacy.
- On June 29, 1999, the Respondent pled guilty to Public Intoxication.
- On September, 1999, the Respondent was convicted of class A misdemeanor, Battery and Invasion of Privacy.
- On October 25, 1999, the Respondent was sentenced to 180 days in jail for Invasion of Privacy and 730 days in jail for Battery with 530 days suspended. Respondent's sentences were order to be served concurrently, leaving the Respondent 200 days to serve.

9. The Respondent testified that he was currently on parole in Indiana, although it is more likely that he is on criminal probation.

10. The Respondent testified that he had served time in Texas for Driving While Intoxicated in October 2005. The Respondent also testified that he had worked at a number of different places in Texas including Wal-Mart as a stocker and the Denton State School where he provided care for handicapped people.

11. The Respondent testified that his Texas Pharmacist license was voluntarily surrendered. Further, just prior to returning to Indiana, he was living in Welcome House, a facility for substance abusers, and the Dallas Life Shelter.

12. The Respondent presented certificates for more that eighty (80) continuing education hours that he had obtained online in 2007 and 2008 at the Indianapolis Public Library, although Board members questioned whether it was possible for him to obtain a certificate showing completion of 44 hours of CEU on February 5, 2007.

13. The State presented no additional evidence.

14. The Board determined that the deficiencies that led to the indefinite suspension of Respondent's license have not been remedied and the Respondent still presents a threat to the safety of the public.

15. Further, the Board determined that it was lacking information concerning the Respondent's current state of chemical dependency which could possibly be remedied by the Respondent's enrollment in the Pharmacists Recovery Network (PRN).

CONCLUSIONS OF LAW

1. "The Board may reinstate a license which has been suspended under this chapter if, after a hearing, the Board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the Board may impose disciplinary or corrective measures authorized under this chapter." Indiana Code § 25-1-9-11.

2. Because the Respondent did not establish that he has remedied the issues which led to his indefinite suspension or maintained his professional knowledge by completion of continuing education courses, he does not qualify for reinstatement of his Indiana pharmacy license.

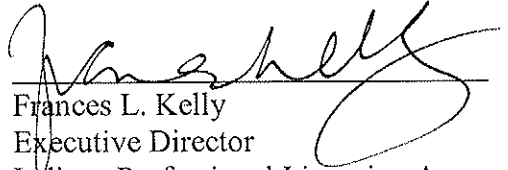
ORDER

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

The Respondent's Indiana Pharmacy license will continue on **INDEFINITE SUSPENSION** without the right to seek reinstatement until he has successfully **completed six (6) months** with the **Pharmacists Recovery Network (PRN)**

SO ORDERED, this 25 day of August, 2009.

INDIANA BOARD OF PHARMACY



Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Copies to:

Freeborn M. Esigbone
245 North Delaware Street
Indianapolis, Indiana 46204

CEERTIFIED MAIL: _____
RETURN RECEIPT REQUESTED

Mark E. Mader
Indiana Government Center South, 5th Floor
302 West Washington St,
Indianapolis, IN 46204
(317) 233-3972

