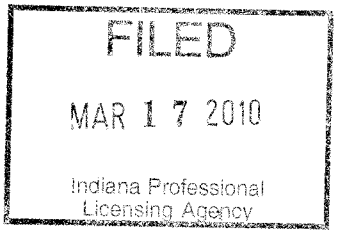
BEFORE THE INDIANA BOARD OF PHARMACY
CAUSE NO: 2001 IBP 0008

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 February 8, 2010, in Room W064 of 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 205 North Delaware Street, Indianapolis, Indiana 46204, which is the address for Wheeler Mission, although his address listed with the Board for licensure purpose is Progress House Inc., 201 Shelby Street, Indianapolis, IN 46202. Respondent was duly licensed as a pharmacist and was granted license

number 26016811 in 1989 by endorsement. 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 Ind. Code § 4-21.5-3-20.

3. The Board is empowered to hold this administrative hearing pursuant to the authority of Ind. Code § 25-1-9-9 and Ind. 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. Respondent asked that his Indiana pharmacist license be reinstated in a letter dated April 30, 2009.

6. After a hearing, the Board concluded Respondent had not remedied the issues which led to his indefinite suspension or maintained his professional knowledge by completion of continuing education courses and denied his reinstatement.

7. Respondent's pharmacist license was continued on indefinite suspension without the right to seek reinstatement until he has successfully completed six (6) months with the Pharmacists Recovery Network ("PRN")

8. On January 14, 2010, Respondent again requested reinstatement.

9. Respondent's requested reinstatement was set down for hearing on February 8, 2010.

10. On February 8, 2010, the matter was again heard. Respondent testified as did Carol Dunham of PRN. Dunham testified Respondent had signed a five (5) year contract with

PRN and was in compliance with it. She noted Respondent had been given two (2) urine drug screens, both in January. Respondent introduced a letter from Richard Hinchman, MD, his addictionologist, that indicated Dr. Hinchman believed Respondent was not a danger to the public from his addiction problems if he were to be permitted to return to the practice of pharmacy.

11. The Board next heard from its counsel Respondent had not been licensed for more than seven (7) years. Having not been licensed for more than seven (7) years requires applicants to complete the application process, pay the application fee and successfully complete the NAPLEX examination and the MPJE examination.

12. The State presented no additional evidence.

13. The Board determined that the deficiencies that led to the indefinite suspension of Respondent's license have not been remedied and Respondent still presents a threat to the safety of the public if he were to be permitted to return to the practice of pharmacy.

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." Ind. Code § 25-1-9-11.

2. Because Respondent did not establish 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 pharmacist license.

3. Because Respondent had not been licensed for more than seven (7) years, he is required to complete the application process for a pharmacist license, pay the application fee, and successfully complete the NAPLEX examination and the MPJE examination.

4 Because the Board was familiar with Respondent's background, it determined that it would not be necessary for him to appear before the Board to request permission to take the NAPLEX and MPJE examinations.

ORDER

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

The Respondent's Indiana Pharmacist license will continue on **INDEFINITE SUSPENSION** without the right to seek reinstatement until he completes the **application process** for his pharmacist license, **pays the fee**, **successfully completes the NAPLEX and MPJE examinations** and **successfully maintains** his contract with the **Pharmacists Recovery Network (PRN)**

ORDERED, this 17 day of March, 2010.

INDIANA BOARD OF PHARMACY

By: _____
Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Copies to:

Freeborn M. Esigbone
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RETURN RECEIPT REQUESTED

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