BEFORE THE INDIANA BOARD OF PHARMACY
CAUSE NUMBER: 2001 IBP 0008

IN THE MATTER OF THE INDIANA PHARMACIST LICENSE OF:	)	FILED MAR 22 2013 Indiana Professional Licensing Agency
FREEBORN ESIGBONE, R.PH., LICENSE NUMBER: 26016811A.	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana State Board of Pharmacy ("Board") held an administrative hearing on March 11, 2013, in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, concerning Freeborn Esigbone's ("Esigbone") request to reinstate his license.

The State of Indiana was represented by Deputy Attorney General, Darren Covington and Tim Weber, Certified Legal Intern. Esigbone appeared in person and by counsel, Swaray Conteh.

The Board, after considering the evidence presented and taking official notice of its file in this matter, voted 5 to 0 to issue the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Esigbone, whose mailing address is 4701 East Washington Street, #23, Indianapolis, Indiana 46201, is a duly registered pharmacist in the State of Indiana holding license number 26016811A.

2. The Indiana Professional Licensing Agency sent, and Esigbone 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 ch. 4-21.5-3.

4. In February 2002, the Board voted to suspend Esigbone's license because he was convicted of a crime that had a 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. The crime was alcohol related and the Board was concerned that he had a dependency issue.

5. Esigbone asked that his license be reinstated in 2009, but the request was denied and the Board directed him to comply with a contract with the Pharmacists Recovery Network ("PRN") for over 6 months.

6. In 2010, Esigbone again requested that his license be reinstated. He was complying with his contract with PRN, but by then, he had been out of the practice for an extended period of time. The Board directed him to take and pass the NAPLEX and MPJE examinations.

7. At the hearing for reinstatement, Esigbone testified that he has fulfilled all the conditions for reinstatement of his license. He has complied with his PRN contract and the medical director of PRN, Dr. Richard Hinchman, maintains that he is safe to practice from a chemical dependency standpoint. The letter from Dr. Richard Hinchman was dated January 29, 2013.

8. Esigbone's sobriety date is July 25, 2005, and his alcoholism is in full remission.

9. Esigbone applied to renew his license and completed his continuing education for last year.

10. In addition, Esigbone passed the NAPLEX and the MPJE.

11. The Board concluded that the evidence demonstrates that Esigbone may practice pharmacy with reasonable skill and safety to the public without restrictions.

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 Esigbone has established that he may practice with reasonable skill and safety to the public, he qualifies for the reinstatement of his license.

ORDER

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

Esigbone's license is **REINSTATED**.

ORDERED, this 22 of March, 2013.

INDIANA STATE BOARD OF PHARMACY

By: _____
Virgil R. Madden
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

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

Freeborn Esigbone
4701 East Washington Street #23
Indianapolis, IN 46201
Service by U.S. Mail

Swaray Conteh
The Law Office of Swaray Conteh
6201 La Pas Trail, Suite 1100
Indianapolis, IN 46268
Service by U.S. Mail

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

3/22/13
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.