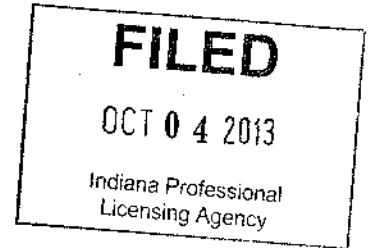


BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0101

IN THE MATTER OF THE CERTIFICATION OF)
)
DENNIS FLEMING, C. PH. T.)
)
LICENSE NO. 67018261A (ACTIVE))



PETITION FOR SUMMARY SUSPENSION

The State of Indiana ("Petitioner"), by counsel, Office of the Indiana Attorney General, by Deputy Attorney General Darren R. Covington, moves the Indiana Board of Pharmacy ("Board") to summarily suspend the pharmacy technician certification of Dennis Fleming, C. Ph. T. ("Respondent") for ninety (90) days and in support of its petition states the following:

1. This Board has jurisdiction to suspend Respondent's certification in accordance with the provisions of Ind. Code ch. 4-21.5-4 and Ind. Code § 25-1-9-10.
2. Respondent's address on file with the Indiana Professional Licensing Agency is 1503 Barrington Drive, Auburn, Indiana 46706.
3. Respondent is a certified pharmacy technician in the State of Indiana having been issued certification number 67018261A on August 26, 2010.
4. At all times relevant herein, Respondent was employed as a certified pharmacy technician with CVS 06495 in Auburn, Indiana ("CVS").
5. On or about June 17, 2013, CVS's Regional Loss Prevention Manager ("RLPM") began conducting an investigation at CVS that included several audits. On July 15, 2013, RLPM received a call from a floater pharmacist indicating the pharmacist

had found drugs, including hydrocodone 5/500, in the trash can in the pharmacy area at closing.

6. On or about July 17, 2013, the Respondent admitted orally and in writing to drug diversion. The Respondent admitted to discarding the drugs in the trash on July 15, 2013, because the Respondent believed another technician had seen him consuming a tablet. The Respondent stated that he would steal the drugs by "scooping" extra tablets during a fill, admitted that he occasionally would consume the tablets at work, and admitted to taking 300 Vicodin ES, 15 Sulfa Ds, and 30 Tamsulosin over the course of five months. The Respondent's employment was suspended after the interview.

7. The Respondent's conduct was reported to the Auburn Police Department, and the Respondent admitted to drug diversion to the police after the Respondent was read his Miranda rights.

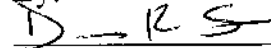
8. Due to the above facts, Respondent represents a clear and immediate danger to the public health and safety if allowed to continue to practice as a pharmacy technician in Indiana.

WHEREFORE, the State of Indiana requests that this Board set a hearing on this Petition for Summary Suspension and suspend Respondent's certification for a period of ninety (90) days and for all other proper relief.

Respectfully submitted,

Gregory F. Zoeller
Attorney General of Indiana
Atty. No. 1958-98

By:



Darren R. Covington
Deputy Attorney General
Atty. No. 28511-16

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Petition for Summary Suspension" has been sent to the Respondent's last known address by first-class mail, on this 4th day of October, 2013.

Dennis Fleming
1503 Barrington Drive
Auburn, IN 46706

D R S

Darren R. Covington
Deputy Attorney General
Atty. No. 28511-16

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