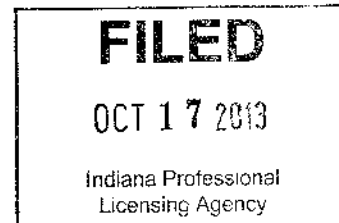


BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0101

IN THE MATTER OF THE INDIANA
PHARMACY TECHNICIAN
CERTIFICATION OF

DENNIS FLEMING, C. PH. T.
LICENSE NO. 67018261A.

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SUMMARY SUSPENSION ORDER

An administrative hearing was held on October 7, 2013 before the Indiana Board of Pharmacy ("Board") in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, to consider the Petition for Summary Suspension ("Petition") filed against Dennis Fleming, C. Ph. T. ("Respondent") by the State of Indiana ("Petitioner") on October 4, 2013.

The State of Indiana was represented by Tim Weber, Graduate Legal Intern, and Darren R. Covington, Deputy Attorney General. Respondent failed to appear in person or by counsel.

The Board, pursuant to Ind. Code § 4-21.5-4-1 *et seq.* and Ind. Code § 25-1-9-10, by a vote of 4-0-0, **SUMMARILY SUSPENDS** the license held by Respondent for ninety (90) days as the Board finds that an emergency exists and that Respondent represents a clear and immediate danger to the public health and safety if allowed to practice pharmacy in the State of Indiana.

This **NON-FINAL** emergency order is based on evidence supporting the following findings:

1. This Board has jurisdiction to suspend Respondent's license 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.

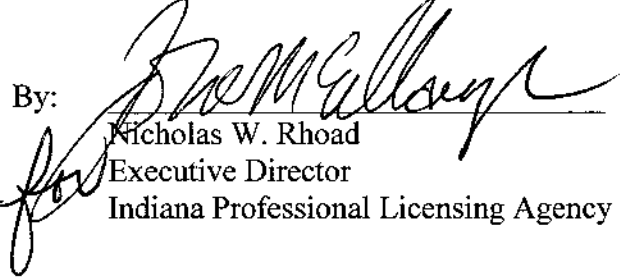
7. The Respondent's conduct was reported to the Auburn Police Department, and the Respondent admitted to drug diversion to the police after the Respondent was read his Miranda rights.

WHEREFORE, RESPONDENT IS ORDERED to immediately cease all acts constituting the practice of pharmacy for a period of ninety (90) days, effective October 7, 2013.

ORDERED, this 17th day of October, 2013; this Summary Suspension Order is effective as of October 7, 2013.

INDIANA BOARD OF PHARMACY

By:


Nicholas W. Rhoad

Executive Director

for
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

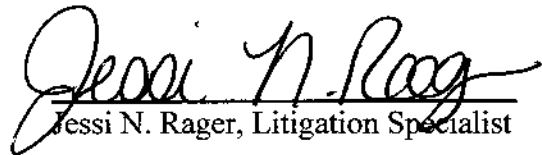
I certify that a copy of the "Summary Suspension Order" has been duly served upon:

Dennis Fleming
1503 Barrington Drive
Auburn, IN 46706
Service by U.S. Mail

Yoder & Kraus, PC
515 Professional Way
P.O. Box 633
Kendallville, Indiana 46755
Service by U.S. Mail

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

10/17/13
Date


Jessi N. Rager, Litigation Specialist

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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.