

BEFORE THE INDIANA
BOARD OF PHARMACY
2012 IBP 0072

IN THE MATTER OF THE LICENSE OF)
KEITH MICHAEL JUNKER, R.PH.)
LICENSE NO. 26021773A (SUMMARY SUSPENSION))



COMPLAINT

This complaint is brought against the pharmacist license of Keith Michael Junker, R.Ph. (Respondent), by the Office of the Attorney General, by counsel, Deputy Attorney General Darren R. Covington, on behalf of the State of Indiana (Petitioner) and pursuant to Ind. Code § 25-1-7-7, Ind. Code § 25-1-5-3, Ind. Code ch. 25-26-13, the Administrative Orders and Procedures Act, Ind. Code art. 4-21.5 and Ind. Code ch. 25-1-9 and in support alleges and states:

FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 4112 Liberty Street, Bremen, Indiana 46506.
2. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26021773A on July 15, 2005.
3. At all times relevant herein, Respondent was employed as a pharmacist with CVS Pharmacy in Plymouth, Indiana, prior to October 2011, and in South Bend, Indiana from October 2011 until July 2012.
4. On or around June 16, 2012, Respondent was interviewed regarding variances in narcotic drug counts. During this interview, Respondent admitted that he began diverting hydrocodone in December 2010 or January 2011 to cope with depression, anxiety, and pain.

5. Respondent admitted to diverting from the Plymouth Pharmacy: 3,500 tablets of hydrocodone 10/325; 1,000 tablets of hydrocodone 5/325; 1,500 – 1,700 tablets of hydrocodone 10/660; 2,500 tablets of hydrocodone 7.5/325; 200 – 300 tablets of hydrocodone 10/650; and, 200 – 300 tablets of hydrocodone 10/500.

6. Respondent also admitted to diverting from the South Bend Pharmacy 1,500 – 2,000 tablets of hydrocodone 10/325.

7. On or around August 7, 2012, Respondent was charged in Marshall County, Indiana Superior Court with Theft, a Class D Felony, under Cause Number 50D01-1208-FD-000356.

8. On or around August 13, 2012, the Indiana Board of Pharmacy summarily suspended Respondent's license indefinitely, by agreement of the Petitioner and Respondent.

9. On or around October 3, 2012, Respondent signed a contract with the Pharmacist Recovery Network (PRN).

10. On or around March 11, 2013, an Amended Information was filed in Marshall County charging Respondent with three counts of Conversion, a Class A Misdemeanor.

11. On or around April 3, 2013, Respondent pled guilty to three counts of Conversion. Respondent received a three-year suspended sentence, three years on probation, must pay restitution of approximately \$13,000, and is required to comply with his PRN contract.

COUNT I

12. Paragraphs 1 through 11 are incorporated by reference herein.

13. Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by Respondent's guilty plea to Conversion for stealing controlled substances from Plymouth Pharmacy.

COUNT II

14. Paragraphs 1 through 11 are incorporated by reference herein.

15. Respondent violated Ind. Code § 25-1-9-4(a)(2)(A) in that Respondent has been convicted of a crime that has a direct bearing on his ability to practice safely as evidenced by his guilty plea to Conversion for theft of controlled substances.

COUNT III

16. Paragraphs 1 through 11 are incorporated by reference herein.

17. Respondent violated Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent continued to practice although he became unfit to practice due to addiction to, abuse of, or severe dependency upon alcohol or other drugs that impair his ability to practice safely as evidenced by his illicit use of controlled substances.

WHEREFORE, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and,
3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

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

By: D - R S -
Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon the Respondent, by
United States mail, first-class, postage prepaid, on this 14th day of May, 2013.

Keith Junker, R.Ph.
4112 Liberty St.
Bremen, IN 46506

Shelley Jackson, *Esq.*
Plews Shadley Racher & Braun LLP
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Indianapolis, IN 46202

By: D-R-S
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