

BEFORE THE INDIANA STATE
BOARD OF PHARMACY
CAUSE NUMBER: 2011 IBP 0013

IN THE MATTER OF THE LICENSE OF)
SANDRA MARIE HAYES, R.PH.)
LICENSE NO: 26018300A (ACTIVE))



COMPLAINT

This complaint is brought against the pharmacist license of Sandra Marie Hayes, 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 ch. 4-21.5-1 *et seq.* and Ind. Code § 25-1-9-1 *et seq.* and in support alleges and states:

FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 416 West Walnut Street, Flora, Indiana 46929. Respondent is a Registered Pharmacist in the State of Indiana having been issued license number 26018300A on July 28, 1994.

2. At all times relevant herein, Respondent was employed as a pharmacist with Marsh Pharmacy, located on East Washington Street in Indianapolis, Indiana.

3. On June 23, 2010, Respondent provided a written statement to Marsh Pharmacy in which she admitted that she had diverted 100 tablets of hydrocodone 10/325 in April 2010 and 100 tablets of hydrocodone 7.5/325 in May 2010. Respondent stated that she took the medication, without having a valid prescription, due to her addiction to

the medication. Respondent stated that she may have also diverted thirty tablets of zolpidem (Ambien) while filling her own prescription.

4. Respondent stated that in December 2005 she had surgery and following the surgery was prescribed hydrocodone. She eventually went to a pain management clinic where she was prescribed methadone 10 mg and hydrocodone 10/325, as-needed. Later, Respondent was prescribed Percocet 10/325, as-needed. Respondent stated that she is also prescribed Zoloft, Ambien, trazadone and Klonopin. Respondent admitted that she became addicted to Percocet.

5. On or around July 7, 2010, Respondent's employment was terminated from Marsh Pharmacy.

6. On or around August 10, 2010, the Petitioner received a letter from Respondent in which she stated that in November 2009 her husband died of a sudden illness. In an effort to cope, she began using eight tablets of Percocet a day, along with methadone. By April 2010, she stated she was using up to twelve Percocet tablets a day. Respondent stated that she ran out of her prescription early and then took 100 tablets of hydrocodone 10/325 from Marsh Pharmacy. Respondent stated that she again ran out of her Percocet prescription early in May 2010 and took forty tablets of Norco 7.5 mg and seventy tablets of Norco 10 mg. Respondent stated that after she was informed her employment would be terminated, she attempted to commit suicide. Finally, Respondent stated that she had enrolled in therapy at Methodist Hospital's Intensive Outpatient Drug Addiction Program.

COUNT I

7. Paragraphs 1 through 6 are incorporated by reference herein.

8. Respondent violated Ind. Code § 25-1-9-4(a)(1)(B) in that Respondent engaged in material deception in the course of professional services or activities as evidenced by Respondent's admission that she diverted hydrocodone from her employer, Marsh Pharmacy.

COUNT II

9. Paragraphs 1 through 6 are incorporated by reference herein.

10. Respondent violated Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent has continued to practice although she has become unfit to practice due to addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing her ability to practice safely, as evidenced by Respondent's admission that she misused her Percocet prescription, diverted hydrocodone from Marsh Pharmacy for her own personal use, and has sought treatment at Methodist Hospital's Intensive Outpatient Drug Addiction Program.

COUNT III

11. Paragraphs 1 through 6 are incorporated by reference herein.

12. Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent diverted a legend drug as evidenced by Respondent's admission that she took hydrocodone from Marsh Pharmacy without proper authorization.

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 and Respondent's counsel, by United States mail, first-class, postage prepaid,
on this 21st day of Feb, 2011.

Sandra Hayes
416 West Walnut Street
Flora, IN 46929

John J. Uskert, *Esq.*
Attorney for Respondent
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By:

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