

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2014 IBP 0023

IN THE MATTER OF THE PHARMACY)
TECHNICIAN LICENSE OF:)

COLIN ANDREW HUFF, C.PH.T.,)
LICENSE NO: 67018656A.)

FILED

JUL 30 2014

Indiana Professional
Licensing Agency

**FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER**

The Indiana Board of Pharmacy ("Board") held an administrative hearing on July 14, 2014, in Room W064 of the Auditorium of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, 46204, concerning the Amended Administrative Complaint ("Complaint") filed against Colin Andrew Huff, C.Ph.T. ("Respondent") on May 01, 2014.

The State of Indiana ("Petitioner") was represented by Kelsie E. Duggan, Deputy Attorney General. Respondent did not appear in person or by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 5-0-1 finds Respondent to be in default. The Board by another vote of 5-0-1 issues the following Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent's address on file with the Indiana Professional Licensing Agency is 23372 Greenleaf Boulevard, Elkhart, Indiana 46514.
2. Respondent is a licensed Certified Pharmacy Technician ("C.Ph.T.") in the State of Indiana having been issued license number 67018656A on November 24, 2010.

3. At all times relevant herein, Respondent was employed as a CPhT with Walgreens Drug Store #11393, located in Goshen, Indiana ("Walgreens").

4. On or about October 24, 2013, Walgreens Store Manager Kipp Barhydt ("Barhydt") notified Walgreens Loss Prevention Manager Scott Wilson ("Wilson") that he was noticing several negative adjustments of various strengths of hydrocodone.

5. On or about November 6, 2013, Barhydt notified Wilson that only Respondent worked shifts matching the dates of all of the shortages.

6. On or about November 13, 2013, Wilson placed a covert video recorder system in the Walgreens pharmacy.

7. On or about November 25, 2013, Wilson's review of the video disclosed several occasions in which Respondent was observed taking various medications from the pharmacy and placing them into his pockets.

8. On or about November 26, 2013, Wilson interviewed Respondent in the presence of Barhydt.

9. During the interview Respondent admitted he had stolen approximately 2,500 tablets of various medications from the pharmacy over the previous seven (7) to nine (9) months including several strengths of hydrocodone, Vicodin, Ultracet, tramadol, Ultram and Tylenol-Codeine totaling approximately \$2,548.69.

10. Respondent also provided a written statement acknowledging his diversion of the medications.

11. On or about November 26, 2013, Respondent was terminated from his employment at Walgreens for the theft of controlled drugs.

12. On or about December 2, 2013, Respondent was charged in Elkhart County, Indiana, with one (1) count of Theft, a Class D Felony, and one (1) count of Possession of a Controlled Substance, a Class D Felony, in Cause No. 20D05-1312-FD-1271.

13. On or about April 7, 2014, Respondent pled guilty to and was convicted of one (1) count of Possession of a Controlled Substance, a Class D Felony, in Cause No. 20D05-1312-FD-1271. The other count was dismissed with prejudice.

14. Respondent was sentenced to six (6) months executed to be served on Michiana Community Corrections electronic monitoring and twelve (12) months of reporting probation.

ULTIMATE FINDINGS OF FACT

Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by his verbal and written statements admitting to diverting various strengths of hydrocodone, tramadol, and Tylenol-Codeine.

Respondent also violated Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent has continued to practice despite being unfit to practice due to an addiction to, abuse of, or severe dependence on alcohol or other drugs as evidenced by his verbal and written statements indicating an addiction to controlled substances.

Respondent also violated Ind. Code § 25-1-9-4(a)(2)(A) in that Respondent has been convicted of a crime which has direct bearing on Respondent's ability to practice safely as evidenced by his conviction for Possession of a Controlled Substance, a Class D Felony, in Cause No. 20D05-1312-FD-1271.

CONCLUSIONS OF LAW

Respondent's violations are cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or

revocation and a fine up to the amount of \$1,000 per violation as detailed in Ind. Code § 25-1-9-

9.

ORDER

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

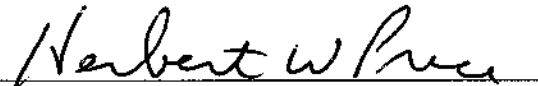
1. Respondent's license is **REVOKED**.
2. Within thirty (30) days of the date of this Order, pursuant to Ind. Code § 4-6-14-10(b), Respondent shall pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Indiana Office of the Attorney General
ATTN: Kathryn Shively
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

ORDERED this 30th day of July, 2014.

INDIANA BOARD OF PHARMACY

By:



Nicholas W. Rhoad

Executive Director

Indiana Professional Licensing Agency

for

CERTIFICATE OF SERVICE

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

Colin Andrew Huff
23372 Greenleaf Boulevard
Elkhart, Indiana 46514
Service by U.S. Mail

Colin Andrew Huff
1838 Greenleaf Boulevard
Elkhart, Indiana 46514
Service by U.S. Mail

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

7-30-2014
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.