

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

**IN THE MATTER OF THE INDIANA
PHARMACIST LICENSE OF:**

COLIN ANDREW HUFF, CPhT,

LICENSE NUMBER: 67018656A

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COMPLAINT

This complaint is brought against the pharmacy technician license of Colin Andrew Huff, CPhT ("Respondent"), by the Office of the Attorney General, by counsel, Deputy Attorney General Joshua W. Timmons, 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 23372 Greenleaf Boulevard, Elkhart, Indiana 46514.
2. Respondent is a licensed Certified Pharmacy Technician ("CPhT") 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.

COUNT I

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

16. 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.

COUNT II

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

18. Respondent 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.

COUNT III

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

20. Respondent has 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.

WHEREFORE, Petitioner demands an order against the Respondent that:

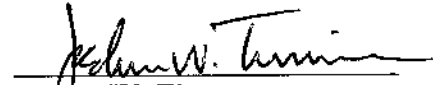
1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and,

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:

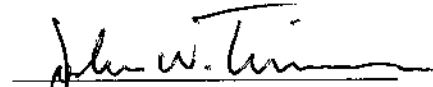

Joshua W. Timmons
Deputy Attorney General
Attorney No. 30932-49

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 ^{29th}~~28~~th day of April 2014.

Colin Andrew Huff
23372 Greenleaf Boulevard
Elkhart, IN 46514

By:


Joshua W. Timmons
Deputy Attorney General
Attorney No. 30932-49

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