

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0003

IN THE MATTER OF THE INDIANA
PHARMACY TECHNICIAN
CERTIFICATION OF:

FERN JACKSON, C.PH.T.,
CERTIFICATION NUMBER: 67010459A.

FILED

MAR 22 2013

Indiana Professional
Licensing Agency

**ORDER OF DEFAULT AND FINAL ORDER ACCEPTING PROPOSED
SETTLEMENT AGREEMENT**

The Indiana Board of Pharmacy ("Board") held an administrative hearing on March 11, 2013, in Room W064 of the Indiana State Government Center South, 402 West Washington Street, Indianapolis, Indiana, 46204, concerning an Administrative Complaint ("Complaint") filed against Fern Johnette Nichole Jackson, C.PH.T. ("Respondent") on January 14, 2013.

The State of Indiana ("Petitioner") was represented by Darren R. Covington, 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 5-0-0 finds Respondent to be in default. The Board by another vote of 5-0-0 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 ("IPLA") is 1201 S 13th Street, Goshen, Indiana 46526.
2. A Complaint was filed by the Petitioner against Respondent on January 14, 2013.

3. On January 23, 2013, IPLA sent a hearing notice to Respondent at her address of record informing her of the date, time, and place of the administrative hearing on the Complaint scheduled for February 11, 2013 at 2:00 p.m.

4. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the hearing and Respondent failed to appear for the scheduled hearing in person or by counsel on February 11, 2013.

5. On February 11, 2013, the Board voted 6-0-0 to issue a Notice of Proposed Default Order. On February 22, 2013, the Notice of Proposed Default Order was mailed to Respondent's address of record.

6. On February 20, 2013, prior to the issuance of the Notice of Proposed Default Order, Respondent tendered a signed Proposed Settlement Agreement, which was filed by the Petitioner.

7. On March 11, 2013, the Board voted, 5-0-0, to hold Respondent in default, based upon her failure to response to the Notice of Proposed Default Order.

8. The Board, after reviewing the Agreement, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement, which is attached hereto and incorporated herein as Exhibit A, and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 5-0-0. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law and Order.

WHEREFORE, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby **ORDERED** to abide by all the terms of the Agreement.

ORDERED, this 22 day of March, 2013.

INDIANA BOARD OF PHARMACY

By:



Virgil R. Madden
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "Order of Default and Final Order Accepting Proposed Settlement Agreement" has been duly served upon:

Fern Jackson
1201 S. 13th St.
Goshen, IN 46526
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

3/22/13
Date

Jackie Day
Jackie Day

Indiana Board of Pharmacy
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2067
Fax: 317-233-4236
Email: pla4@pla.in.gov

Explanation of Service Methods

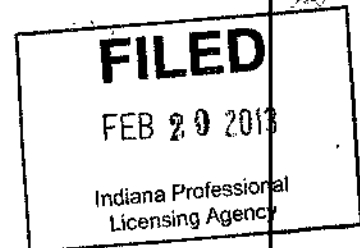
Personal Service: by delivering a true copy of the aforesaid document(s) personally.

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.

BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0003

IN THE MATTER OF THE LICENSE OF)
)
FERN JOHNETTE NICHOLE JACKSON, C.PH.T.)
)
LICENSE NO. 67010459A (EXPIRED))



PROPOSED SETTLEMENT AGREEMENT

The State of Indiana (Petitioner), by Darren R. Covington, Deputy Attorney General, and Fern Johnette Nichole Jackson, C.Ph.T. (Respondent), hereby execute this Agreement to a disposition of the Complaint filed in this cause. This Agreement is subject to the review and approval of the Indiana Board of Pharmacy (Board) pursuant to Ind. Code ch. 25-1-9 and the Administrative Orders and Procedures Act, Ind. Code art. 4-21.5.

STIPULATED FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 1201 S 13th Street, Goshen, Indiana 46526.
2. Respondent is a licensed pharmacy technician in the State of Indiana having been issued license number 67010459A on November 26, 2006.
3. At all times relevant herein, Respondent was employed as a pharmacy technician with CVS Pharmacy in LaGrange, Indiana.
4. On or around March 28, 2012, Respondent's employment was terminated from CVS Pharmacy after Respondent admitted in a signed statement that she diverted hydrocodone 5/500 and oxycodone 5/325 on March 28, 2012. Respondent stated that she

EXHIBIT A

began diverting drugs in January 2012. Respondent stated she sold fifty tablets of hydrocodone for \$50.

5. On or around April 3, 2012, Respondent was charged in Elkhart County, Indiana Superior Court with one count of Theft, a Class D Felony, and one count of Possession of a Controlled Substance, a Class D Felony, under Cause Number 20D06-1204-FD-00416.

6. On or around August 27, 2012, Respondent pled guilty to both counts. Respondent was sentenced to two, eighteen month suspended sentences, to be served concurrently, and one year of probation.

STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

1. 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 her ability to practice safely as evidenced by Respondent's conviction for Theft and Possession of a Controlled Substance.

2. Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by Respondent's admission, and criminal conviction, to taking hydrocodone and oxycodone from CVS Pharmacy without proper authorization.

AGREED DISPOSITION

It is now therefore agreed by the Respondent and Petitioner as follows:

1. The Board has jurisdiction over the Respondent and the subject matter in this disciplinary action.

2. The parties execute this Agreement voluntarily.

3. Both parties voluntarily waive their rights to a public hearing on the Complaint.

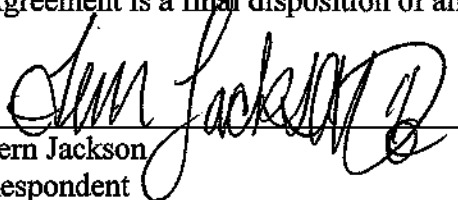
4. Petitioner agrees that the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against the Respondent's Indiana pharmacy technician license.

5. Respondent's license shall be **REVOKED**.

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

Indiana Office of the Attorney General
Attn: Katherine Lee
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

8. The Respondent has carefully read and examined this Agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.


Fern Jackson
Respondent

2-6-2013
Date

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

2/19/13
Date

STATE OF INDIANA

COUNTY OF

Elkhart

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) SS:
)

Before me a Notary Public for said County and State, personally appeared Fern Jackson and being first duly sworn by me upon her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 6 day of February, 2013.

Cristina N. Garcia

Signature

Cristina N. Garcia

Printed

My Commission Expires:

8/24/2017

County (or Parish) of Residence:

Elkhart



Cristina N. Garcia, Notary Public
Comm. Expires 8-24-2017
Resides in Elkhart Co., IN
Comm. Number 610069