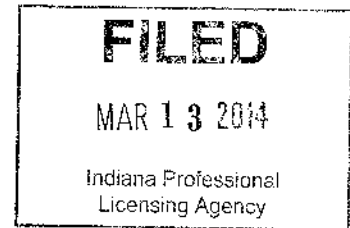


BEFORE THE INDIANA  
BOARD OF PHARMACY  
2014 IBP 0009

IN THE MATTER OF THE LICENSE OF: )  
 )  
WHITNEY S. JACKS, C. PH.T., )  
 )  
 )  
LICENSE NO. 67022204A )



**SUMMARY SUSPENSION ORDER**

An administrative hearing was held on March 10, 2014, before the Indiana Board of Pharmacy ("Board") in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, to consider the Petition for Summary Suspension ("Petition") filed against Whitney S. Jacks, C.Ph.T. ("Respondent") by the State of Indiana ("Petitioner") on March 7, 2014.

The State of Indiana was represented by Darren R. Covington, Deputy Attorney General. Respondent did not appear in person or by counsel.

The Board, pursuant to Ind. Code § 4-21.5-4-1 *et seq.* and Ind. Code § 25-1-9-10, by a vote of 6-0-0, **SUMMARILY SUSPENDS** the license held by Respondent for ninety (90) days as the Board finds that an emergency exists and that Respondent represents a clear and immediate danger to the public health and safety if allowed to practice as a pharmacy technician in the State of Indiana.

This **NON-FINAL** emergency order is based on evidence supporting the following findings:

1. This Board has jurisdiction to suspend Respondent's license in accordance with the provisions of Ind. Code ch. 4-21.5-4 and Ind. Code § 25-1-9-10.

2. Respondent's address on file with the Indiana Professional Licensing Agency is 1215 South Bethlehem, Marion, Indiana 46953.

3. Respondent's last known address is 500 W Payton Street, Lot 3, Greentown, Indiana 46936.

4. Respondent is a licensed pharmacy technician in the State of Indiana having been issued license number 67022204A on January 16, 2013.

5. At all times relevant herein, Respondent was employed as a pharmacy technician with CVS Pharmacy in Marion, Indiana.

6. On or around October 21, 2013, Justin Losure was pulled over by the Greentown Police Department for a traffic violation.

7. During this traffic stop, a search was made of Losure's person and vehicle. On Losure's person there were six methadone pills. In Losure's vehicle there were pharmacy stock bottles of hydrocodone and Xanax, along with Adderall pills.

8. A police investigation by the Greentown Police Department and the Kokomo Police Department revealed that Respondent was Losure's girlfriend.

9. The Kokomo Police Department informed the Drug Enforcement Administration ("DEA") of the arrest and Respondent's relationship to Losure.

10. A DEA diversion investigator then contacted CVS' Regional Loss Prevention Manager ("RLPM").

11. On or around November 4, 2013, the RLPM reviewed a "Rx High Priority Prescription Drug Monitoring Report" for the CVS Pharmacy where Respondent worked. This report included hydrocodone 10/500, one of the strengths Losure had on his person. A reconciliation revealed significant variances.

12. The RLPM instructed the staff pharmacist to begin daily counts.

13. After Respondent's shift on November 18, 2013, there was a shortage of 100 hydrocodone 10/500.

14. The RLPM then reviewed video footage taken on the days Respondent had worked.

15. On November 5, 2013, Respondent was seen removing a bottle of hydrocodone 10/500 from the shelf, and never returning it. There was no prescription that was being filled for hydrocodone 10/500. The same observation was observed on November 18, 2013.

16. After Respondent's shift on November 24, 2013, there was another shortage of hydrocodone 10/500. Video footage was again reviewed which showed Respondent removing a bottle of hydrocodone 10/500 from the shelf and not returning it, even though there was no prescription being filled.

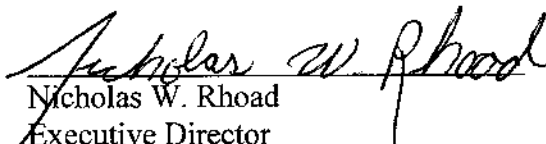
17. Respondent's employment was then terminated from CVS Pharmacy.

**WHEREFORE, RESPONDENT IS ORDERED** to immediately cease all acts constituting the practice of pharmacy for a period of ninety (90) days, effective March 10, 2014.

**ORDERED**, this 13<sup>th</sup> day of March, 2014; this Summary

Suspension Order is effective as of March 10, 2014.

INDIANA BOARD OF PHARMACY

By:   
Nicholas W. Rhoad  
Executive Director  
Indiana Professional Licensing Agency

**CERTIFICATE OF SERVICE**

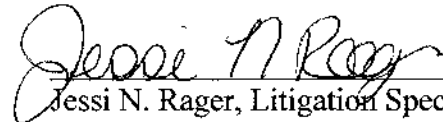
I certify that a copy of the "Summary Suspension Order" has been duly served upon:

Whitney Jacks  
1215 S. Bethlehem  
Marion, IN 46953  
**Service by U.S. Mail**

Whitney Jacks  
500 W Payton St. Lot 3  
Greentown, IN 46936  
**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**

3/13/14  
Date

  
Jessi N. Rager, Litigation Specialist

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.