

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))



COMPLAINT

This complaint is brought against the pharmacy technician certification of Whitney S. Jacks, C. Ph. T. ("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. 25-26-19, 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 1215 South Bethlehem, Marion, Indiana 46953.
2. Respondent's last known address is 500 W Payton Street, Lot 3, Greentown, Indiana 46936.
3. Respondent is a licensed pharmacy technician in the State of Indiana having been issued license number 67022204A on January 16, 2013.
4. At all times relevant herein, Respondent was employed as a pharmacy technician with CVS Pharmacy in Marion, Indiana.

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

6. 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.

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

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

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

10. 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.

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

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

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

14. 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.

15. 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.

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

17. On or around March 10, 2014, the Indiana Board of Pharmacy summarily suspended Respondent's license for ninety days.

COUNT I

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

19. Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by Respondent removing hydrocodone 10/500 without authorization from CVS Pharmacy.

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, by
United States mail, first-class, postage prepaid, on this 2nd day of April, 2014.

Whitney Jacks
1215 S. Bethlehem
Marion, IN 46953

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

By:



Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

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