

BEFORE THE INDIANA
BOARD OF PHARMACY
2014 IBP 0022

IN THE MATTER OF THE LICENSE OF
INDIANA RESPIRATORY SERVICE, LLC
LICENSE NO. 69000070A (EXPIRED)

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COMPLAINT

This complaint is brought against the home medical equipment services provider license of Indiana Respiratory Service, LLC (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. 25-26-21, 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 17408 Tiller Court, Suite 200, Westfield, Indiana 46074.
2. Respondent is a licensed home medical equipment services provider in the State of Indiana having been issued license number 69000070A on July 21, 2006.
3. Respondent's license expired December 31, 2013.
4. On or around August 7, 2013, an Indiana Board of Pharmacy compliance officer attempted to conduct a routine inspection of Respondent's facility.
5. Upon arrival at the facility, the compliance officer discovered that the facility was closed, with no hours of operation or contact information posted.

6. The compliance officer contacted Respondent's owner who stated that the facility closed on August 1, 2013 after losing a Medicare bid. Respondent's owner also stated that all equipment and records were at his residence and he was operating from there until he could find a new facility.

7. The compliance officer directed Respondent's owner to send a written explanation to the Indiana Board of Pharmacy regarding Respondent's current activities and address.

8. Respondent failed to provide this information and has not updated its current address. Furthermore, all telephone numbers on file with the Indiana Professional Licensing Agency are now disconnected.

COUNT I

9. Paragraphs 1 through 8 are incorporated by reference herein.

10. Respondent violated Ind. Code § 25-1-9-4(a)(3) to wit Ind. Code § 25-26-21-8(a)), in that Respondent failed to obtain a new home medical equipment services provider license for his new address after leaving the facility on Tiller Court.

COUNT II

11. Paragraphs 1 through 8 are incorporated by reference herein.

12. Respondent violated Ind. Code § 25-1-9-4(a)(4)(A) in that Respondent has continued to practice although it has become unfit to practice due to professional incompetence as evidenced by Respondent closing its facility on Tiller Court without posting information for patients to contact Respondent and without informing the Indiana Board of Pharmacy.

WHEREFORE, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;

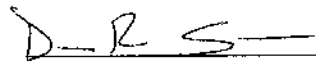
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and,

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:



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 29th day of April, 2014.

Indiana Respiratory Service, LLC
17408 Tiller Court, Suite 200
Westfield, IN 46074

By:



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

OFFICE OF THE INDIANA ATTORNEY GENERAL
Indiana Government Center South
302 West Washington St., Fifth Floor
Indianapolis, IN 46204-2770
Telephone Number: 317-233-6506
Facsimile Number: 317-233-4393
Email: darren.covington@atg.in.gov