**BEFORE THE INDIANA BOARD OF PHARMACY**
**CAUSE NO.: 2010 IBP 0060**

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| **IN THE MATTER OF THE INDIANA PHARMACY TECHNICIAN CERTIFICATION OF:** | ) |
| **JACLYN KAMINSKI, C.P.H.T., LICENSE NO.: 67009502A** | ) |

FILED
MAR 1 1 2014
Indiana Professional Licensing Agency

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Jaclyn Kaminski appeared at a hearing before the Indiana Board of Pharmacy ("Board") on March 10, 2014, in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana concerning her request to have the probationary terms withdrawn from her license as a pharmacy technician.

The state of Indiana appeared by Kelsie Duggan, Deputy Attorney General. Kaminski appeared in person and waived her right to be represented by counsel.

The Board, after considering the file and the testimony of Kaminski, by a vote of 6 to 0, issued the following Findings of Fact, Conclusions of Law and Order.

## FINDINGS OF FACT

1. Jaclyn Kaminski, whose mailing address is 430 Massachusetts Avenue, Apartment 403, Indianapolis, Indiana 46204, is a duly certified pharmacy technician in the State of Indiana holding license number 67009502A.

2. The Indiana Professional Licensing Agency sent, and Kaminski received, timely and proper notice of the date, time and location of this hearing pursuant to Ind. Code § 4-21.5-3-20.

3. The Board is empowered to hold this administrative hearing pursuant to the authority of Ind. Code § 25-1-9-9 and Ind. Code ch. 4-21.5-3.

4. The Board renewed Kaminski's license on probation in September 2010 because she revealed that in April 2010 she was convicted of operating a vehicle while intoxicated. She was placed on criminal probation for 180 days.

5. In February 2014 Kaminski requested that the probation be withdrawn from her license.

6. At the hearing on withdrawal of probation, Kaminski testified that she has complied with the terms of her probation. She has also completed her criminal probation in April 2010.

7. The deficiency that led to the probation of Kaminski's license involved alcohol abuse. Kaminski's compliance with her probation constitutes evidence that this problem has been remedied.

## CONCLUSIONS OF LAW

1. "The board may withdraw or modify the probation ... if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order." Ind. Code § 25-1-9-9(b).

2. Kaminski's compliance with her probation constitutes evidence that the deficiency that required disciplinary action has been remedied.

## ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board **WITHDRAWS** the probation on Kaminski's license.

SO ORDERED this 11th day of March 2014.

INDIANA BOARD OF PHARMACY

By: Herbert W Rhoad

Nicholas W. Rhoad
Executive Director.
Indiana Professional Licensing Agency

## CERTIFICATE OF SERVICE

I certify that a copy of the "Findings of Fact, Conclusions of Law and Order" has been duly served upon:

Jaclyn Kaminski
430 Massachusetts Avenue
Apartment 403
Indianapolis, IN 46204
**Service by U.S. Mail**

Kelsie Duggan
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**

3/12/2014
Date

Jessi N. Rager, Litigation Specialist

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**Explanation of Service Methods**
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