BEFORE THE INDIANA BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0009

IN THE MATTER OF THE INDIANA PHARMACIST LICENSE OF:

LISA LEMPKE HURT, R.PH., LICENSE NUMBER: 26016059A.

FILED
MAY 20 2013
Indiana Professional Licensing Agency

FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana Board of Pharmacy ("Board") held an administrative hearing on May 13, 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 Lisa Lemkpe Hurt, R.Ph. ("Respondent"), on March 19, 2013.

The State of Indiana ("Petitioner") was represented by Darren R. Covington, Deputy Attorney General. Respondent appeared in person and chose to proceed without counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 4-0-0, 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 is 11401 Cherry Blossom East Drive, Fishers, Indiana 46038.

2. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26016059A on July 27, 1987.

3. At all times relevant herein, Respondent was employed as a pharmacist with PharMerica Pharmacy ("PharMerica") in Indianapolis, Indiana.

4. On or around December 11, 2012, a pharmacy technician for PharMerica witnessed and reported what she believed was Respondent taking prescription tablets for personal use. Management personnel witnessed security footage of Respondent pocketing prescription tablets and placing prescription tablets in her mouth.

5. On or around December 12, 2012, Respondent submitted to a drug screening and was suspended pending the results of the screening.

6. On or around December 17, 2012, Respondent resigned from her position at PharMerica.

7. On or around December 20, 2012, PharMerica submitted a DEA Form 106 Report of Theft or Loss of Controlled Substances, which reported 1,139 missing hydrocodone tablets, a schedule III controlled substance.

8. On or around February 7, 2013, the Indiana Board of Pharmacy summarily suspended Respondent's license for ninety days.

9. Respondent testified at the hearing that she diverted a few hundred tablets over the course of three months. Respondent also testified that she signed a contract with the Pharmacists Recovery Network (PRN) on February 14, 2013, but had not been able to begin the program due to a hospitalization.

ULTIMATE FINDINGS OF FACT

Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by her unauthorized taking of controlled substances from PharMerica.

CONCLUSIONS OF LAW

Respondent's violations are cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or revocation and a fine up to the amount of $1,000 per violation as detailed in Ind. Code § 25-1-9-4.

ORDER

Based upon the above Findings of Fact, Ultimate Findings of Fact, and Conclusions of Law, the Board issues the following Order:

1. Respondent's license is hereby **INDEFINITELY SUSPENDED.**

2. Prior to petitioning for reinstatement, Respondent shall successfully complete one year in her PRN contract, and shall submit a letter in support of her petition from PRN.

3. Within thirty (30) days of the Board's Order, Respondent shall, pursuant to I.C. § 4-6-14-10(b), pay a fee of Five Dollars ($5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order 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

4. Respondent's violation of this Final Order or any non-compliance with the statutes or regulations regarding the practice of pharmacy may result in Petitioner requesting a summary suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4,

any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

ORDERED, this 20 day of May, 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 "Findings of Fact, Ultimate Findings of Fact, Conclusions of Law, and Order" has been duly served upon:

Lisa Lempke Hurt
11401 Cherry Blossom East Drive
Fishers, IN 46038
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

5/20/13
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.