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 2 6 2015
Indiana Professional Licensing Agency

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana State Board of Pharmacy ("Board") held an administrative hearing on May 11, 2015, in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, concerning Lisa Hurt's ("Hurt") request to reinstate her license.

The State of Indiana was represented by Kelsie Duggan of the Attorney General's Office. Hurt appeared in person and waived her right to be represented by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, voted 6 to 1 to issue the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Hurt, who resides at 13506 Dallas Lane, Carmel, Indiana 46033, is a duly registered pharmacist in the State of Indiana holding license number 26016059A.

2. The Indiana Professional Licensing Agency sent, and Hurt 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 suspended Hurt's license in May 2013 because she diverted narcotics from her employer.
5. Hurt requested that her license be reinstated in February 2015.
6. At the hearing on reinstatement, Hurt testified that she has fulfilled all the conditions for reinstatement of her license which included complying with her new recovery monitoring agreement with the Pharmacists Recovery Network ("PRN") for over a year. Carol Dunham of PRN testified that Hurt has been complying with her three year PRN agreement which she signed in February 2013 and that she is in a solid recovery.
7. The Board concluded that the evidence demonstrates that Hurt may practice pharmacy with reasonable skill and safety to the public, but only under restrictions.

CONCLUSIONS OF LAW

1. "The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter." Ind. Code § 25-1-9-11.

2. Because Hurt has established that she may practice with reasonable skill and safety to the public if she complies with the terms of her probation, she qualifies for reinstatement of her license on probation.

ORDER

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

Hurt's license shall be placed on **INDEFINITE PROBATION.** Hurt may not seek withdrawal of the probationary status of her license until after three years from the date of this order. She may, however, apply to have this order modified or her probation withdrawn after she completes her contract with the Pharmacist Recovery Network ("PRN")

1. During the Probationary Period, Hurt's pharmacist's license shall be governed by the following **TERMS AND CONDITIONS:**
   a. Hurt shall keep the Board apprised of her current residence, mailing address, e-mail address and residential telephone number at all times;
   b. Hurt shall keep the Board apprised of her place of pharmacy employment, employment telephone number and name of her supervisor at all times.
   c. Hurt shall keep the Board informed of her occupation title and work schedule, including the number of hours worked per week at all times.
   d. Hurt shall cause her pharmacy employer to submit supervisory reports to the Board in care of the Indiana Professional Licensing Agency addressing her professional competence, sense of responsibility, work habits, mental attitude

and ability to work with others throughout the probationary period. The reports are to be submitted monthly for the first six months she is on probation and quarterly thereafter.

e. Hurt shall provide a copy of all Board orders, including this one, imposing discipline or limiting practice to any pharmacy employer who shall sign and return a copy of such orders to the Board within ten (10) days of employment or receipt of the Order.

f. Hurt shall submit self-reflections/reports detailing her current status, her progress in recovery, issues or problems she is experiencing, and the value she has gained by attending counseling or group recovery sessions. The reports are to be submitted monthly for the first six months she is on probation and quarterly thereafter.

g. Hurt is required to attend Alcoholics Anonymous/Narcotics Anonymous meetings as provided for in her PRN agreement. She shall submit quarterly reports of her attendance to the Board. Reports shall indicate the chapter attended, its address, telephone number, the person in charge (or contact person), the dates and times of meetings attended, and verification of her attendance by a responsible member of the facility. She shall also include her comments regarding the degree to which she finds these meetings helpful.

h. Hurt shall immediately notify the Board in writing of any relapse.

i. Hurt shall notify the Board in writing of any discipline incurred in other states during the duration of her probation; including any relevant criminal or licensing charges pending.

j. Hurt shall not be a qualifying pharmacist while she is on probation.

k. Hurt shall make probationary appearances before the Board at the normally scheduled monthly board meetings on a monthly basis during the first six months she is on probation and quarterly thereafter. Her first appearance will be on June 8, 2015.

l. Hurt shall maintain and comply with her monitoring contract with the PRN for the entire period of time she is on probation and undergo urine screens as directed by PRN.

m. Hurt shall comply with all state and federal laws regulating the practice of pharmacy or operation of a pharmacy.

n. Hurt shall not work more than 12 hours in any single day, or 45 hours a week.

o. Hurt shall perform four hours of community service a quarter and document her having done so during her personal appearances.

2. It is further Ordered that:

a. Any information received by any other regulatory agency that indicates non- compliance with the statutes or regulations regarding the competent practice of pharmacy;

b. a positive urine drug screen; or

c. a violation of the Final Order,

may result in the State requesting an emergency suspension of Hurt's license, as well as possible reinstatement of the initial action giving rise to this resolution, an Order to Show Cause as may be issued by the Board, or a new cause of action being filed pursuant to

Ind. Code § 25-1-9-4(a)(10), any or all of which could lead to additional sanctions, up to and including a revocation of Hurt's license.

SO ORDERED this 26th of May, 2015.

INDIANA STATE BOARD OF PHARMACY

By: /Herbert W Rhoad

Nicholas W. Rhoad
Executive Director
Indiana Professional Licensing Agency

for

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CERTIFICATE OF SERVICE

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

Lisa Hurt
13506 Dallas Lane
Carmel, IN 46033
Service by U.S. Mail

Kelsie Duggan
Attorney
Indiana Attorney General's Office
302 West Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
Service by e-mail

5-26-2015
Date

Megan O'Neal
Megan O'Neal, Litigation Specialist

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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.