

**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2011 IBP 0069**

**IN THE MATTER OF THE INDIANA)
PHARMACIST LICENSE OF:)
)
JASON WAYNE MILLER, R.PH.,)
LICENSE NUMBER: 26021902A.)**



**FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

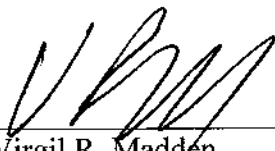
The State of Indiana (“Petitioner”), by the Office of the Attorney General, by Deputy Attorney General Darren R. Covington and Jason Wayne Miller, R.Ph. (“Respondent”), by counsel, Shelley Jackson, signed a Proposed Settlement Agreement (“Agreement”) which purports to resolve all issues involved in the action by the Petitioner and the Indiana Board of Pharmacy (“Board”) regarding the Respondent’s license, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the April 8, 2013, meeting held in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement, which is attached hereto and incorporated herein as Exhibit A, and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement, by a vote of 6-0-0. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law and Order.

WHEREFORE, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby **ORDERED** to abide by all the terms of the Agreement.

ORDERED, this 18 day of April, 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 "Final Order Accepting Proposed Findings of Fact, Conclusions of Law, and Order" has been duly served upon:

Jason Miller
6309 Kenwood Dr. NE
Georgetown, IN 47122
Service by U.S. Mail

Shelley Jackson, *Esq.*
Plews Shadley Racher & Braun LLP
1346 N Delaware St.
Indianapolis, IN 46202
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 E-Mail

4/18/13
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.

**BEFORE THE INDIANA
BOARD OF PHARMACY
2011 IBP 0069**

**IN THE MATTER OF THE INDIANA
PHARMACIST REGISTRATION OF:**

**JASON WAYNE MILLER, R.PH.,
REGISTRATION NUMBER 26021902A**

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PROPOSED SETTLEMENT AGREEMENT

The State of Indiana (Petitioner), by Darren R. Covington, Deputy Attorney General, and Jason Wayne Miller, R.Ph. (Respondent), by counsel, Shelley Jackson, hereby execute this Agreement to a disposition of the Complaint filed in this cause. This Agreement is subject to the review and approval of the Indiana Board of Pharmacy (Board) pursuant to Ind. Code § 25-1-9 et seq. and the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 et seq.

STIPULATED FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 6309 Kenwood Drive NE, Georgetown, Indiana 47122.
2. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26021902A on October 12, 2005.
3. At the times relevant herein, Respondent was employed as a pharmacist with Comprehensive Pharmacy Services and Kroger Pharmacy.
4. On or around November 18, 2011, Respondent was charged in Floyd County, Indiana Superior Court with four counts of Forgery, a Class C Felony, and 26 counts of Theft, a Class D Felony, under Cause Number 22D01-1111-FC-002659.

EXHIBIT A

5. On or around December 8, 2011, Respondent signed a three-year contract with the Pharmacists Recovery Network ("PRN"). Respondent has been and remains fully compliant with his PRN contract for more than a year.

6. On or around December 12, 2011, the Indiana Board of Pharmacy, pursuant to an Agreement between Respondent and the Petitioner, indefinitely summarily suspended Respondent's license.

7. On or around December 15, 2011, Respondent was charged in Clark County, Indiana Circuit Court with three counts of Possession of a Controlled Substance, a Class D Felony, and three counts of Theft, a Class D Felony, under Cause Number 10C02-1112-FD-1565.

8. On or around June 29, 2012, Respondent pled guilty to one count of Possession of a Controlled Substance and one count of Theft in Clark County. Respondent is currently in a deferral program until June 2013. Judgment of conviction is withheld pending completion of the deferral program.

9. On or around January 31, 2013, Respondent pled guilty to three counts of Theft in Floyd County, with entry of judgment as a Class A Misdemeanor. Respondent received three consecutive one year sentences, all suspended, three years of supervised probation, and was ordered to undergo drug counseling and submit to random urine drug screens.

STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

1. Respondent violated Ind. Code § 25-1-9-4(a)(2)(A) in that Respondent has been convicted of a crime that has a direct bearing on his ability to practice competently.

2. Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent diverted a legend drug as evidenced by Respondent's guilty pleas to Theft and Possession of a Controlled Substances.

AGREED DISPOSITION

It is now therefore agreed by the Respondent and Petitioner as follows:

1. The Board has jurisdiction over the Respondent and the subject matter in this disciplinary action.
2. The parties execute this Agreement voluntarily.
3. Both parties voluntarily waive their rights to a public hearing on the Complaint.
4. Petitioner and the State agree that the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against the Respondent's Indiana pharmacist license.
5. Respondent's Indiana pharmacist license shall be placed on **INDEFINITE PROBATION**. Prior to petitioning for withdrawal of probation, Respondent shall successfully complete his PRN contract and submit a letter in support of his petition from PRN.
6. While on probation, Respondent shall be governed by the following **TERMS and CONDITIONS:**
 - a. Respondent shall keep the Board apprised of the following:
 - i. Current residence, mailing address, email address, and residential telephone number;

- ii. Place of employment, employment phone number, and name of supervisor; and,
 - iii. Occupation and work schedule, including number of hours worked per week.
- b. Respondent shall cause his pharmacy employer to submit monthly reports to the Board, for the first year of probation, and quarterly thereafter, indicating his professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others.
- c. Respondent shall present the Board's Order to his pharmacy employer and cause them to submit a signed copy acknowledging the Order back to the Board ten (10) days after receipt of the Order, or within ten (10) days of when employment commences, whichever comes later.
- d. Respondent shall attend 12-step meetings as required by his PRN contract. Respondent shall submit monthly reports of his attendance to the Board. Reports shall indicate the chapter attended, its address, the person in charge (or contact person), the dates and times of meetings attended, and verification of attendance by a responsible member of the chapter.
- e. Respondent shall submit monthly self-reports for the first year of probation, and quarterly thereafter, detailing his current status, progress in recovery, and value gained by attending counseling or 12-step meetings.
- f. Respondent shall immediately notify the Board in writing of any relapse.

g. Respondent shall notify the Board in writing of any discipline incurred in other states, including any criminal or licensing charges pending.

h. Respondent shall submit to urine drug screens as directed by PRN.

i. Respondent shall not serve as a qualifying pharmacist during his probationary period.

j. Respondent shall make monthly personal appearances before the Board for the first year of probation, and quarterly thereafter.

k. Respondent shall comply with all terms of his PRN contract.

l. Respondent shall not work more than ten (10) hours in any single day, or forty-five (45) hours in a week.

m. Respondent shall submit proof of completion of four (4) hours of community service every quarter.

7. Within thirty (30) days of the Board's Order, Respondent shall pay a **FINE** in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** payable to the Indiana Professional Licensing Agency.

8. 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 Thorpe
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

9. The Respondent has carefully read and examined this Agreement and fully

understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

10. The Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of pharmacy, or any violation of the Agreement may result in the Petitioner requesting an emergency suspension of the 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 the Respondent's license.

11. The parties agree to the continuing jurisdiction of the Board and that the discipline agreed to, terms of discipline, and licensure status will apply even if the Board renews the Respondent's license at a later date.

Jason Wayne Miller
Jason Wayne Miller, R.Ph.
Respondent

4/1/13
Date

Shelley M. Jackson
Kate E. Winders, Atty No. 23383-49
Shelley M. Jackson, Atty. No. 27176-29
Plews Shadley Racher & Braun LLP
1346 N. Delaware St.
Indianapolis, IN 46202
(317)637-0700
Counsel for Respondent

4/2/13
Date

D-R-S
Darren R. Covington
Deputy Attorney General
Atty. No. 28511-16

4/3/13
Date