

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2011 IBP 0033

IN THE MATTER OF THE INDIANA
PHARMACIST LICENSE OF:

LEWIS KIVETT, R.PH.,
LICENSE NUMBER: 26025227A.

FILED

SEP 13 2013

Indiana Professional
Licensing Agency

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Lewis Kivett appeared at a hearing before the Indiana Board of Pharmacy ("Board") on September 9, 2013, in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana concerning his request to have the probationary terms withdrawn from his license as a pharmacist.

The state of Indiana appeared by Darren Covington, Deputy Attorney General. Kivett appeared in person and waived his right to be represented by counsel.

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

FINDINGS OF FACT

1. Lewis Kivett, whose mailing address is 700 Reserve Boulevard, Apartment 200, Evansville, Indiana 47715, is a duly licensed pharmacist in the State of Indiana holding license number 26025227A.
2. The Indiana Professional Licensing Agency sent, and Kivett 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 § 4-21.5-3.

4. Kivett was a student at Creighton University in Omaha, Nebraska and obtained a pharmacist's intern registration in that state in 2005. In 2009, the licensing authorities in Nebraska placed the intern registration on probation because he diverted alprazolam from his employer and had been diagnosed with alcohol dependence and sedative, hypnotic anxiolytic dependence.

5. Kivett was issued a pharmacist intern registration in Indiana in 2004, but it expired in 2010. The Board reinstated Kivett's registration on probation in May 2012.

6. Kivett has since graduated from pharmacy school and passed the qualifying exams. He is now licensed as a pharmacist in this state, but that license has the same terms and conditions on it as the certification did.

7. In July 2013, Kivett asked that the probation be withdrawn from his license.

8. At the hearing on withdrawal, Kivett testified that he has complied with the terms of his Indiana probation. He has completed his criminal probation and license probation in Nebraska.

9. Kivett's date of sobriety is April 7, 2009. He is living a sober lifestyle and would not feel right without Alcoholics Anonymous as part of his life.

10. The deficiency that led to the probation of Kivett's license involved substance abuse. Kivett's compliance with his 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).

CERTIFICATE OF SERVICE

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

Lewis Kivett
700 Reserve Boulevard
Apartment 200
Evansville, IN 47715
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

9/13/13
Date


Jackie Day

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

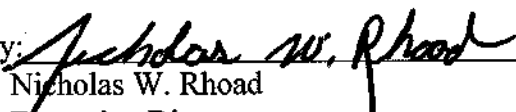
ORDER

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

ORDERED, this 13th of September, 2013.

INDIANA BOARD OF PHARMACY

By:



Nicholas W. Rhoad

Executive Director.

Indiana Professional Licensing Agency