

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0023

IN THE MATTER OF THE INDIANA
PHARMACY TECHNICIAN
CERTIFICATION OF:

MELISSA LEXOW, C.PH.T.,
CERTIFICATION NUMBER: 67002248A.



**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 Melissa Lexow, C.Ph.T. ("Respondent"), on March 4, 2013.

The State of Indiana ("Petitioner") was represented by Darren R. Covington, Deputy Attorney General. Respondent did not appear in person or by 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, finds Respondent to be in default. The Board, by another 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 15883 Sherman Street, Lowell, Indiana 46356.
2. Respondent is a certified pharmacy technician in the State of Indiana having been issued certification number 67002248A on November 12, 2003.
3. Respondent's certification expired on June 30, 2012.

4. At all times relevant herein, Respondent was employed as a pharmacy technician with Walgreens Pharmacy in Anderson, Indiana.

5. On or around May 10, 2012, Respondent's employment was terminated from Walgreens Pharmacy for after she admitted to diverting 720 hydrocodone tablets.

6. A Complaint was filed by the Petitioner against Respondent on March 4, 2013.

7. On March 20, 2013, the Indiana Professional Licensing Agency sent a hearing notice to Respondent at her last address of record informing her of the date, time, and place of the administrative hearing on the Complaint scheduled for April 8, 2013 at 2:00 p.m.

8. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the hearing and Respondent failed to appear for the scheduled hearing in person or by counsel on April 8, 2013.

9. On April 8, 2013, the Board voted 6-0-0 to issue a Notice of Proposed Default Order. On April 18, 2013, the Notice of Proposed Default Order was mailed to Respondent's address of record.

10. Respondent failed to submit a written response within seven (7) days as required by Ind. Code § 4-21.5-3-24.

11. On May 13, 2013, the Board voted, 4-0-0, to hold Respondent in default.

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 Respondent's admission that she took 720 hydrocodone tablets without authorization.

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 § 25-1-9-9.

ORDER

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

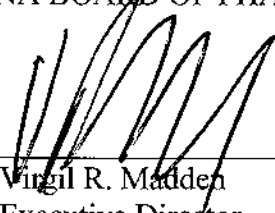
1. Respondent's certification is **REVOKED**.
2. Within thirty (30) days of the date of this Order, pursuant to Ind. Code § 4-6-14-10(b), Respondent shall pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall 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 W. Washington St., 5th Floor
Indianapolis, IN 46204

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:

Melissa Lexow
15883 Sherman St.
Lowell, IN 46356
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.