

**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2021 IBP 0009**

IN THE MATTER OF THE LICENSE OF:)
)
SUSAN NORTHROP, R.PH.)
)
LICENSE NO: 26016401A)



FINAL ORDER ACCEPTING PROPOSED SETTLEMENT AGREEMENT

The State of Indiana (“Petitioner”), by counsel, Deputy Attorney General Ryan P. Eldridge, on behalf of the Office of the Indiana Attorney General, and Susan Northrop, R.Ph. (“Respondent”), by Counsel David Shircliff, signed a Proposed Settlement Agreement (“Agreement”), which purports to resolve all issues involved in the action regarding the Respondent’s license before the Indiana Board of Pharmacy (“Board”), and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at its September 13, 2021 meeting held by telephonic and WebEx conferencing, now finds it has been entered into fairly and without fraud, duress, or undue influence, and was 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 Stipulated Facts, Stipulated Conclusions of Law, and Agreed Disposition.

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.

SO ORDERED, this 28th day of September, 2021.

INDIANA BOARD OF PHARMACY

By: Laura A. Turner, J.D.
Steve Anderson, R.Ph., President
Indiana Board of Pharmacy

CERTIFICATE OF SERVICE

I certify that a copy of the “Final Order Accepting Proposed Settlement Agreement” has been duly served upon:

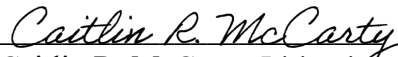
Susan Northrop, R.Ph.
3279 North Hamilton Road
Mulberry, Indiana 46058
Service by U.S. Mail

David Shircliff
Counsel for Susan Northrop, R.Ph.
333 N. Alabama St., Suite 350
Indianapolis, IN 46204
Service by U.S. Mail

Ryan P. Eldridge
Deputy Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Ryan.eldridge@atg.in.gov
Service by Email

9.28.2021

Date


Caitlin R. McCarty, Litigation Specialist

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
CAUSE NUMBER: 2021 IBP 0009

IN THE MATTER OF THE LICENSE OF:)
)
SUSAN NORTHROP, R.PH.)
)
LICENSE NO: 26016401A (ACTIVE))



PROPOSED SETTLEMENT AGREEMENT

The State of Indiana (“Petitioner”), by counsel, Deputy Attorney General Ryan P. Eldridge, on behalf of the Office of the Indiana Attorney General, and Susan Northrop, R.Ph. (“Respondent”), by Counsel David Shircliff, hereby execute this Agreement as a disposition of the Administrative Complaint filed in this cause with the Indiana Board of Pharmacy (“Board”). This Agreement is subject to the review and approval of the 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 is a pharmacist in the State of Indiana having been issued license number 26016401A by examination on August 10, 1988.
2. Respondent’s address on file with the Indiana Professional Licensing Agency (“IPLA”) is 3279 North Hamilton Road, Mulberry, Indiana 46058.
3. Respondent is a “practitioner” as that term is defined by Ind. Code § 25-1-9-2.

Previous History of Diversion

4. On May 25, 2012, Respondent’s license was suspended by this Board for diversion of controlled substances, Phentermine and Hydrocodone, from Kroger Pharmacy.
5. On June 25, 2013, Respondent was reinstated on probation by this Board.
6. On August 11, 2016, Respondent’s probation was withdrawn by this Board.

Tampering and Diversion of Controlled Substances

7. Between September 20, 2016 and December 9, 2020, Respondent was employed at Miller's Pharmacy located in LaGrange, Indiana, as a licensed Pharmacist.

8. Miller's Pharmacy is a small-town community pharmacy that employs one (1) pharmacist and one (1) to two (2) technicians typically per shift.

9. On January 3, 2019, Respondent received a verbal warning for the self-filling of her Amphetamine Salts prescriptions. In addition, Respondent received a verbal warning for prematurely filling her own prescriptions.

10. On February 14, 2019, Respondent received a written warning and counseling because she continued to self-fill her Amphetamine Salts prescriptions, despite her previous verbal warning.

11. On or about November 28, 2020, Brad Crawford ("Mr. Crawford"), Miller's Pharmacy Manager, observed a tampered prescription for Adderall XR 15mg. Specifically, Mr. Crawford observed inconsistency in the capsules' volumes (beads).

12. As a result of Mr. Crawford's observation, Mr. Crawford initiated an investigation into these stimulant discrepancies.

13. During the course of Mr. Crawford's investigation, Mr. Crawford observed a thirty (30) tablet discrepancy in Methylphenidate ER 54mg tablets. He also identified a prescription filled and tendered by Respondent, which occurred after the store was closed, to a patient without a signature, despite the fact that Miller's records indicated that the same patient picked up the same medication two (2) days earlier.

14. On December 8, 2020, Julie Rasler, Ph.T. (“Ms. Rasler”) noticed that a generic Adderall 30mg ER capsule appeared “crushed or bent.” Ms. Rasler informed Mr. Crawford of this discovery.

15. Based on Ms. Rasler’s information, Mr. Crawford and Dan Lovell (“Mr. Lovell”), Miller’s Store Manager, appeared at the store after hours on December 8, 2020. Mr. Crawford noticed that both the brand name Adderall XR 10mg and generic ER 10mg stock bottles were missing from the shelves.

16. Mr. Crawford also inspected the Adderall XR 15mg stock bottle and found that capsules within the bottle had been tampered with.

17. Mr. Crawford called the police to notify them of the likely diversion and asked them to be on site the next morning.

18. The next morning, on December 9, 2020, Mr. Crawford found that the two (2) stock bottles that were previously missing had now reappeared on the shelf.

19. While Respondent was being interviewed by police, Mr. Crawford gathered Respondent’s belongings. Mr. Crawford found a prescription vial in her sweater pocket that contained beads that had been emptied from controlled substances by Respondent.

20. It was determined that Respondent was responsible for removing beads completely or partially from controlled substance capsules. In addition, after reviewing camera footage, Respondent filled and took at least one (1) fraudulent prescription from the store.

21. Respondent admitted to the diversion in her interview with Mr. Lovell and the police. Respondent was subsequently terminated from Miller’s Pharmacy.

22. Mr. Crawford then completed a full audit of controlled substances and filed a DEA 106 Form. The DEA 106 form listed the loss of 1,198 capsules/tablets of Adderall XR,

Dextroamphetamine ER, Dexmethylphenidate ER, Methylphenidate CD, and Methylphenidate ER, of varying strengths from Miller's Pharmacy.

23. On December 14, 2020, Respondent was charged with Obtaining a Controlled Substance by Fraud or Deceit, Level 6 Felony; and Theft, Level 6 Felony, under Cause No. 44C01-2012-F6-000330 in LaGrange County, Indiana.

24. On May 17, 2021, Respondent pled guilty to Obtaining a Controlled Substance by Fraud or Deceit, Level 6 Felony. The theft charge was dismissed.

STIPULATED CONCLUSION OF LAW

The parties further stipulate:

COUNT I: DIVERSION OF A LEGEND DRUG

1. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent diverted a legend drug as evidenced by Respondent's removal of controlled substances from her place of employment with no authority to do so.

COUNT II: FRAUD OR MATERIAL DECEPTION IN COURSE OF PROFESSIONAL SERVICES

2. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(1)(B) in that Respondent has engaged in fraud or material deception in the course of professional services or activities as evidenced by Respondent's conviction for Obtaining a Controlled Substance by Fraud or Deceit, Level 6 Felony.

COUNT III: KNOWINGLY VIOLATION OF STATE STATUTE OR RULE

3. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(3) in that Respondent has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question. Specifically, Respondent violated 848 IAC 1-20-1(10), a state rule regulating pharmacists, which states a pharmacist shall not practice pharmacy in such a

manner as to amount to incompetency or negligence in the sale or dispensation of legend drugs or controlled substances. Respondent violated 848 IAC 1-20-1(10) by her alteration of controlled substances at Miller's Pharmacy, specifically removal of amphetamine beads, that effected Indiana patients.

COUNT IV: CONVICTION OF CRIME THAT IMPACTS PRACTITIONER'S ABILITY TO PRACTICE COMPETENTLY

4. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(2)(A) in that Respondent has been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently as evidenced by Respondent's conviction for Obtaining a Controlled Substance by Fraud or Deceit, Level 6 Felony.

COUNT V: PROFESSIONAL JUDGMENT

5. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(3) in that Respondent has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question. Specifically, Respondent violated Ind. Code § 25-26-13-16(a), a rule regulating pharmacists, which states a pharmacist shall exercise her professional judgment in the best interest of the patient's health when engaging in the practice of pharmacy. Respondent violated Ind. Code § 25-26-13-16(a) when she altered amphetamine stock bottles at Miller's Pharmacy and allowed the empty capsules or partially-empty capsules to be dispensed.

AGREED DISPOSITION

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

1. The Board has jurisdiction over 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 and all other proceedings in this action to which either party may be entitled by law, including judicial review.

4. Petitioner agrees the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against Respondent's Indiana pharmacist license.

5. Respondent's pharmacist license shall be **REVOKED**.

6. 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:

Office of the Indiana Attorney General
Attn: Executive Assistant, Consumer Protection
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

7. 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.

8. The parties agree to the continuing jurisdiction of the Board.

Susan Northrop

ID W5JFA1NkoUz4hP8tXJax7KgB

Susan Northrop, R.Ph.
Respondent

9/10/2021

Date

David Shircliff

ID 6VpxPaFwRVpjKkJrVQ9xEXWh

Counsel for Respondent

9/10/2021

Date

