

BEFORE THE INDIANA BOARD OF
PHARMACY
CAUSE NO. 95 IBP 001

STATE OF INDIANA,

Petitioner,

vs.

CAMELLA MARTIN DUNN,

Respondent.

FILED

SEP 1 1995

HEALTH PROFESSIONS
BUREAU

PETITION TO MODIFY FINDINGS OF FACT AND ORDER

Respondent, Carmella Martin Dunn, by counsel, respectfully requests the Board to modify its Findings of Fact and Order dated August 15, 1995, *nunc pro tunc* to July 17, 1995, and in support hereof, show the Board as follows:

1. Respondent's license to practice pharmacy in the State of Indiana was placed on an indefinite probation by the Board's Findings of Fact and Order dated August 15, 1996, *nunc pro tunc* to July 17, 1995.

2. The Board's Findings of Fact and Order of August 15, 1995, imposed various terms of probation, including paragraph 2(e) which stated as follows:

The Respondent shall not handle, possess, or have access to any controlled substances and she shall work as a pharmacist without another pharmacist on site.

3. Respondent is hereby petitioning the Board to modify its August 15, 1995, Order by withdrawing or eliminating subparagraph 2(e) of that Order.

4. Prior to the entry of the Board's Findings of Fact and Order, Respondent had

been continuously employed as a staff pharmacist at the Terre Haute Regional Hospital since August 6, 1991. Subparagraph 2(e) of the Board's Order made it impossible to for Respondent maintain her employment with the hospital and, therefore, her employment relationship with the hospital was terminated.

5. Further, subparagraph 2(e) made it virtually impossible for Respondent to find employment as a pharmacist in any pharmacy. As a consequence, Respondent has not worked as a registered pharmacist since receiving the Board's Order of August 15, 1995.

6. Respondent suffered a relapse on October 25, 1995, and immediately entered treatment at the Washington House Treatment Center in Fort Wayne, Indiana, on October 26, 1995. Respondent successfully completed the in-patient portion of this treatment on November 16, 1995.

7. Respondent then enrolled in an aftercare program through the Hamilton Center in Terre Haute, Indiana, that began on November 20, 1996. This is a continuing program which Respondent now attends once a month. Following Respondent's appointment in October, she is to be seen on an as needed basis.

8. As a consequence of Respondent's relapse, the Board suspended Respondent's pharmacy license on an emergency basis by Order dated November 17, 1995. The emergency suspension of Respondent pharmacy license lapsed and expired by operation of law on February 11, 1996.

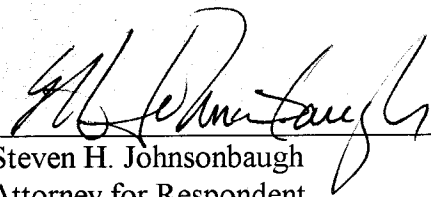
9. Aside from her isolated relapse on October 25, 1995, Respondent has been in full compliance with the Board's Findings of Fact and Order of August 15, 1995.

10. Respondent has been in continuous recovery since October 25, 1995.

11. Respondent is anxious to return to the practice of pharmacy and believes she can do so with reasonable skill and safety to the public.

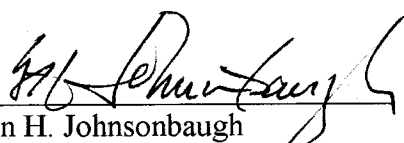
WHEREFORE, Respondent, by counsel, respectfully petitions the Board to modify its Findings of Fact and Order of August 15, 1995, by withdrawing subparagraph 2(e) of that Order and for all other proper relief.

Respectfully submitted,


Steven H. Johnsonbaugh
Attorney for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been served upon Amy Huffman Oliver, Deputy Attorney General, 402 West Washington Street, Fifth Floor, Indianapolis, Indiana 46204-2770, by U.S. First Class Mail, postage prepaid, this 10th day of Sept, 1996.


Steven H. Johnsonbaugh

STEVEN H. JOHNSONBAUGH
ATTORNEY I.D. NO. 5540-49
LOCKERBIE SQUARE
302 NORTH EAST STREET
INDIANAPOLIS, INDIANA 46202
(317)638-1468