

BEFORE THE INDIANA BOARD
OF PHARMACY
CAUSE NO. 95 IBP 0001

STATE OF INDIANA,

Petitioner,

v.

CARMELLA DUNN, R.PH.,
License No. 26016517,

Respondent.

FILED
AUG 18 2000
HEALTH PROFESSIONS
BUREAU

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana Board of Pharmacy ("Board") held an administrative hearing on August 14, 2000 in Rooms 4 and 5 of the Indiana Government Center South, Conference Center, 302 West Washington Street, Indianapolis, Indiana concerning Carmella Dunn's ("Respondent") Request to withdraw the probation from her license as a registered pharmacist.

Kimberly Brown, Deputy Attorney General, represented the State of Indiana. Respondent appeared in person and by counsel, Steven H. Johnsonbaugh of Indianapolis.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 5 to 0, issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent, whose mailing address is 624 South 20th Street, Terre Haute, Indiana 47803, is a registered pharmacist with license number 26016517.
2. Respondent received timely and proper notice of the date, time and location of this hearing pursuant to Indiana Code 4-21.5-3-20.
3. The Board is empowered to hold this administrative hearing pursuant to the authority of Indiana Code 25-1-9-9 and Indiana Code 4-21.5-3.
4. The Board placed Respondent's license on probation in July 1995 because she was addicted to cocaine and diverted drugs from her employer for her own use.

5. In a letter received May 25, 2000, Respondent asked that the probation on her license be withdrawn.

6. During the hearing concerning withdrawal of probation, Respondent presented evidence that she has complied with the terms of her probation. Her drug free date is October 15, 1995. She attends AA/NA meetings regularly and her drug screens have been negative. She will continue to attend AA/NA meetings and be active in the Pharmacists Recovery Network regardless of the status of her license.

7. The deficiencies that led to the discipline on Respondent's license involved drug abuse. Respondent's compliance with her probation and strong recovery constitute evidence that the deficiency that required disciplinary action 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." IC 25-1-9-9(b).

2. Respondent's compliance with her probation and strong recovery constitute evidence that the deficiency that required disciplinary action has been remedied.

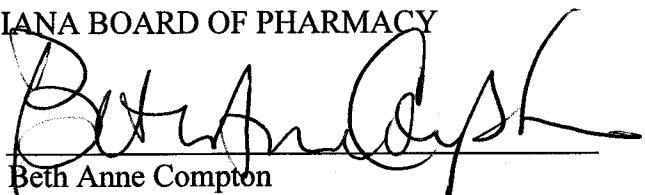
ORDER

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

SO ORDERED, this 17th day of August, 2000.

INDIANA BOARD OF PHARMACY

By:


Beth Anne Compton
Executive Director
Health Professions Bureau

Copies to:

Carmella Martin Dunn, R.Ph.

624 South 20th Street

Terre Haute, Indiana 47803

CERTIFIED MAIL NUMBER: **Z 7099 3400 0005 7269 5789**

RETURN RECEIPT REQUESTED

Respondent

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