

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2010 IBP 0015

IN THE MATTER OF THE INDIANA
PHARMACIST LICENSE OF:

CARMELLA MARTIN (DUNN), R.PH.,
LICENSE NUMBER: 26016517A.

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FILED

MAR 22 2013

Indiana Professional
Licensing Agency

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Carmella Martin ("Martin") appeared at a hearing before the Indiana Board of Pharmacy ("Board") on March 11, 2013, in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, concerning her request to have the probationary terms withdrawn from her license as a pharmacist.

The state of Indiana appeared by Tim Weber, Certified Legal Intern and Darren Covington, Deputy Attorney General. Martin appeared in person and waived her right to be represented by counsel.

The Board, after considering the file and the testimony of Martin, by a vote of 5 to 0, issued the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Martin, whose mailing address is P.O. Box 3582 Terre Haute, Indiana 47803, is a duly licensed pharmacist in the State of Indiana holding license number 26016517A.

2. The Indiana Professional Licensing Agency sent, and Martin 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. Martin has a history of discipline with the Board. She let her license lapse in 2008 after she had been convicted of possession of cocaine and maintaining a common nuisance. Subsequently, in April 2010, the Board renewed her license on probation. At that time she had a monitoring agreement with the Pharmacists Recovery Network ("PRN").

5. In December 2012, Martin asked that the probation on her license be withdrawn.

6. At the hearing for withdrawal of probation, Martin testified that she has complied fully with the terms of her probation, which included abiding by her recovery agreement with PRN. Richard Hinchman, M.D., medical director of PRN, supports her release from her PRN agreement which is due to end in March 2013.

7. Martin's prognosis is excellent.

8. The deficiency that led to the probation of Martin's license involved drug abuse. Martin's compliance with her 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).

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

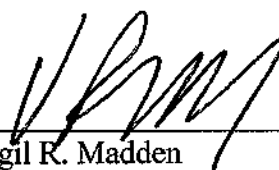
ORDER

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

ORDERED, this 22 of March, 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, Conclusions of Law and Order" has been duly served upon:

Carmella Martin
P.O. Box 3582
Terre Haute, IN 47803
Service by U.S. Mail

Darren R. Covington, Deputy Attorney General
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Service by Email

3/22/13
Date

Jackie Day
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