

BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0098

IN THE MATTER OF THE INDIANA
PHARMACIST LICENSE OF:

LORI ANN MCCOMB, R.PH.,
LICENSE NUMBER 26020464A (ACTIVE)

FILED

AUG 06 2013

Indiana Professional
Licensing Agency

COMPLAINT

This complaint is brought against the pharmacist license of Lori Ann McComb, R.Ph. (Respondent), by the Office of the Attorney General, by counsel, Deputy Attorney General Darren R. Covington, on behalf of the State of Indiana (Petitioner) and pursuant to Ind. Code § 25-1-7-7, Ind. Code § 25-1-5-3, Ind. Code ch. 25-26-13, the Administrative Orders and Procedures Act, Ind. Code art. 4-21.5 and Ind. Code ch. 25-1-9 and in support alleges and states:

FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 6532 County Road 5, LaOtto, Indiana 46763.
2. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26020464A on June 29, 2001.
3. At all times relevant herein, Respondent was the qualifying pharmacist of DeKalb Memorial Pharmacare L.L.C., (DeKalb Memorial) in Auburn, Indiana.
4. In early 2012, a pharmacy technician requested to bring her minor daughter into the licensed pharmacy area where her operations manager office was located. Respondent denied the request and stated it would be against pharmacy policy.

5. In the summer of 2012, the pharmacy technician brought her minor daughter into the licensed pharmacy area. Respondent sent the pharmacy technician home, but took no further disciplinary action.

6. On or around September 27, 2012, the pharmacy technician again brought her minor daughter into the licensed pharmacy area. Respondent again sent the pharmacy technician home, but took no further disciplinary action.

7. On or around October 25, 2012, pharmacy staff informed Respondent that the pharmacy technician's minor daughter was again allowed in the licensed pharmacy area on October 11 and October 18.

8. Respondent took no immediate action, and instead opted to wait until November 6, 2012 to discuss the pharmacy technician allowing her minor daughter in the licensed pharmacy area at the pharmacy technician's annual review.

9. On or around October 31, 2012, DeKalb Memorial notified police that controlled substances had been diverted from the pharmacy.

10. On or around November 1, 2012, the pharmacy technician told Respondent that her daughter was responsible for the theft of OxyContin and Adderall. The technician was suspended pending an investigation, and her employment was terminated on November 16, 2012.

11. The pharmacy technician's employee file contains no warnings or disciplinary actions taken against the pharmacy technician for allowing her daughter in restricted licensed areas, despite Respondent's knowledge that this had occurred.

12. As the qualifying pharmacist, it was Respondent's responsibility to ensure that only licensed individuals were in the licensed area to prevent theft and diversion of controlled

substances. Respondent was also responsible for taking proper disciplinary actions against employees for allowing non-licensed individuals in the licensed area.

13. Due to Respondent's failure to take appropriate disciplinary action, the pharmacy suffered a loss of controlled substances by an unlicensed individual.

COUNT I

14. Paragraphs 1 through 13 are incorporated by reference herein.

15. Respondent violated Ind. Code § 25-1-9-4(a)(4)(A) in that Respondent violated her duty as the qualifying pharmacist as evidenced by her failure to ensure that only pharmacy employees were in the licensed area to prevent theft and diversion of controlled substances and her failure to take proper disciplinary actions against pharmacy employees allowing non-licensed individuals in the licensed area.

WHEREFORE, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and,
3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

Gregory F. Zoeller
Attorney General of Indiana
Atty. No. 1958-98

By:

D - R S -
Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon the Respondent and Respondent's counsel, by United States mail, first-class, postage prepaid, on this 6th day of August, 2013.

Lori Ann McComb, R.Ph.
6532 CR 5
LaOtto, IN 46763

Michael L. Morrissey, *Esq.*
229 West Berry Street, Suite 300
Fort Wayne, Indiana 46802

By: D-R-S-
Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

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