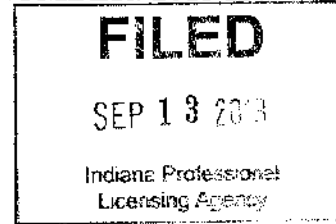


BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0098

IN THE MATTER OF THE INDIANA
PHARMACIST LICENSE OF:

LORI ANN MCCOMB, R.PH.,
LICENSE NUMBER: 26020464A.

)
)
)
)
)



**FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

The State of Indiana ("Petitioner"), by the Office of the Attorney General, by Deputy Attorney General Darren R. Covington and Lori Ann McComb, R.Ph. ("Respondent"), by counsel, James McCanna, signed a Proposed Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action by the Petitioner and the Indiana Board of Pharmacy ("Board") regarding the Respondent's license, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the September 9, 2013 meeting held in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is 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 5-0-1. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law and Order.

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.

ORDERED, this 13th day of September, 2013.

INDIANA BOARD OF PHARMACY

By: Maureen Bennett
for Nicholas W. Rhoad
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

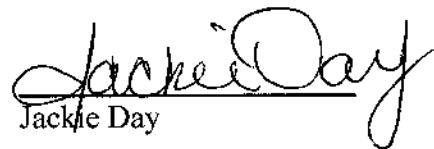
I certify that a copy of the "Final Order Accepting Proposed Findings of Fact, Conclusions of Law, and Order" has been duly served upon:

Lori Ann McComb, R.Ph.
6532 CR 5
LaOtto, IN 46763
Service by U.S. Mail

James McCanna
Burt Blee Dixon Sutton & Bloom, LLP
1320 S. Grandstaff Dr.
P.O. Box 543
Auburn, IN 46706
Service by U.S. Mail

Darren R. Covington, Deputy Attorney General
Office of the Indiana Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204
Service by Email

9/13/13
Date


Jackie Day

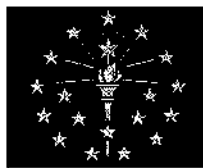
Indiana Board of Pharmacy
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2067
Fax: 317-233-4236
Email: pla4@pla.in.gov

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.



**Indiana
Professional
Licensing
Agency**

402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Phone: (317) 232-2960
Website: PLA.IN.gov

Michael R. Pence, Governor

Nicholas W. Rhoad, Executive Director

September 13, 2013

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

Re: In the matter of the license of Lori Ann McComb, R.Ph.
Before the Indiana Board of Pharmacy

Dear Ms. McComb:

This letter of reprimand is issued as part of the Settlement Agreement reached between you and the State resulting from charges filed by the Office of the Attorney General on August 6, 2013 with the Indiana Board of Pharmacy.

The purpose of this reprimand is to stress the important responsibility that you have by reason of possessing a license to practice as a pharmacist in this state. As a pharmacist, you are responsible for ensuring that your practice is in accordance with the standards of the profession. This includes taking necessary steps to prevent unauthorized individuals from being in the pharmacy area.

The Findings of Fact, Conclusions of Law and Order is attached hereto and incorporated herein as part of this official reprimand.

Sincerely,

By:


Nicholas W. Rhoad

Executive Director

for
Indiana Professional Licensing Agency

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

SEP 09 2013

Indiana Professional
Licensing Agency

PROPOSED SETTLEMENT AGREEMENT

The State of Indiana (Petitioner), by Darren R. Covington, Deputy Attorney General, and Lori Ann McComb, R.Ph. (Respondent), by counsel, James McCanna, hereby execute this Agreement to a disposition of the Complaint filed in this cause. This Agreement is subject to the review and approval of the Indiana Board of Pharmacy (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'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.

EXHIBIT A

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.

STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

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.

AGREED DISPOSITION

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

1. The Board has jurisdiction over the 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.
4. Petitioner agrees that the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against the Respondent's Indiana pharmacist license.
5. Respondent's Indiana pharmacist license shall be issued a **LETTER OF REPRIMAND** attached as Exhibit A.

6. Within thirty (30) days of the date of the Board's Order, Respondent shall, pursuant to Indiana Code 4-6-14-10 (b), pay a fee of Five Dollars (\$5.00) within thirty (30) days of the date of the Final Order in this matter, to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order made payable to the State of Indiana, and submitted to the following address:

Indiana Office of the Attorney General
Attn: Katherine Lee
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

7. The 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 Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of pharmacy, or any violation of the Agreement may result in the Petitioner requesting an emergency suspension of the Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of the Respondent's license.

9. The parties agree to the continuing jurisdiction of the Board and that the discipline agreed to, terms of discipline, and licensure status will apply even if the Board renews the Respondent's license at a later date.


Lori McComb

9-5-2013
Date


James McCanna
Attorney for Respondent

9-5-2013
Date


Darren R. Covington
Deputy Attorney General

9/9/13
Date

[DATE]

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

Re: In the matter of the license of Lori Ann McComb, R.Ph.
Before the Indiana Board of Pharmacy

Dear Ms. McComb:

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The purpose of this reprimand is to stress the important responsibility that you have by reason of possessing a license to practice as a pharmacist in this state. As a pharmacist, you are responsible for ensuring that your practice is in accordance with the standards of the profession. This includes taking necessary steps to prevent unauthorized individuals from being in the pharmacy area.

The Findings of Fact, Conclusions of Law and Order is attached hereto and incorporated herein as part of this official reprimand.

Sincerely,

By: _____
Nicholas W. Rhoad
Executive Director
Indiana Professional Licensing Agency

Exhibit A