

**BEFORE THE INDIANA  
BOARD OF PHARMACY  
CAUSE NUMBER: 2012 IBP 0088**

**IN THE MATTER OF THE INDIANA )  
PHARMACY TECHNICIAN )  
CERTIFICATION OF: )  
)  
KAYLA A. POWELL, C.PH.T. )  
CERTIFICATION NUMBER: 67017045A. )  
(SUMMARY SUSPENSION) )**



**NOTICE OF PROPOSED DEFAULT AND SUMMARY SUSPENSION ORDER**

An administrative hearing was scheduled to be held on February 11, 2013, before the Indiana Board of Pharmacy ("Board"), in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, to consider the Administrative Complaint ("Complaint") filed against Kayla A. Powell, C.Ph.T. ("Respondent"), by the State of Indiana ("Petitioner") on January 14, 2013.

The State of Indiana was represented by Darren R. Covington, Deputy Attorney General. Respondent failed to appear in person or by counsel.

The Board, pursuant to Ind. Code § 4-21.5-3-24, voted 6-0-0 to issue a Notice of Proposed Default and Summary Suspension Order on the following grounds:

1. Respondent's address on file with the Indiana Professional Licensing Agency ("IPLA") is 9920 Kramer Court, Indianapolis, Indiana 46235.
2. A Complaint was filed by the Petitioner against Respondent on January 14, 2013.
3. On January 23, 2013, IPLA sent a hearing notice by mail to Respondent at her listed address informing her of the date, time, and place of the administrative hearing on the Complaint scheduled for February 11, 2013 at 2:00 p.m.

4. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the hearing and Respondent failed to appear for the scheduled hearing in person or by counsel on February 11, 2013.

**NOTICE OF PROPOSED DEFAULT ORDER**

For Respondent's failure to appear for the scheduled hearing, the Board issued the following Notice of Proposed Default:

In accordance with Ind. Code § 4-21.5-3-24, Respondent must file a written motion within seven (7) days of service of this Order requesting the Board not enter a default order in this case and stating the reasons relied upon for that request. Failure of Respondent to file such a written motion within seven (7) days shall result in the issuance of a default order. If Respondent timely files a motion, the Board shall consider said motion along with any relevant facts in determining whether a default order should be entered. Should a default order be entered against Respondent, the Board may hold further proceedings it deems appropriate to complete this case without the participation of Respondent.

**SUMMARY SUSPENSION ORDER**

The Board, pursuant to Ind. Code § 4-21.5-4-1 *et seq.* and Ind. Code § 25-1-9-10, by a vote of 6-0-0, **SUMMARILY SUSPENDS** the certification held by Respondent for ninety (90) days, as the Board finds that an emergency continues to exist and that Respondent represents a clear and immediate danger to the public health and safety if allowed to practice pharmacy in the State of Indiana.

This **NON-FINAL** emergency order is based on evidence supporting the following findings:

1. At all times relevant herein, Respondent was employed as a pharmacy technician with Skilled Care Pharmacy.

2. Between August 30, 2012 and September 8, 2012, Skilled Care Pharmacy identified the following losses: 9,739 tablets of hydrocodone; 473 mL of hydrocodone chlorpheniram susp; and 53 tablets of alprazolam.


3. On or around September 8, 2012, Respondent was arrested by the Hamilton County, Indiana Drug Taskforce after video surveillance revealed that Respondent was diverting controlled substances. Respondent was charged in Hamilton County Superior Court 2 with five counts of Theft, a Class D Felony; five counts of Possession of a Controlled Substance, a Class D Felony; and one count of Dealing in a Controlled Substance, a Class B Felony, under Cause Number 29D02-1209-FD-008716.

**WHEREFORE, RESPONDENT IS ORDERED** to immediately cease all acts constituting the practice of pharmacy for a period of ninety (90) days, effective February 11, 2013.

**ORDERED**, this 22 day of February, 2013; this Summary Suspension Order is effective as of February 11, 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 "Notice of Proposed Default Order and Summary Suspension Order" has been duly served upon:

Kayla Powell  
9920 Kramer Ct.  
Indianapolis, IN 46235  
**Service by U.S. Mail**

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

2/22/13  
Date

Jackie Day  
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.