

**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.)**

FILED
MAR 22 2013
Indiana Professional
Licensing Agency

**FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

The Indiana Board of Pharmacy (“Board”) held an administrative hearing on March 11, 2013, in Room W064 of the Indiana State Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, concerning an Administrative Complaint (“Complaint”) filed against Kayla A. Powell, C.Ph.T. (“Respondent”) on January 14, 2013.

The State of Indiana (“Petitioner”) was represented by Darren R. Covington, Deputy Attorney General. Respondent did not appear in person or by counsel.

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

FINDINGS OF FACT

1. Respondent’s address on file with the Indiana Professional Licensing Agency (“IPLA”) is 9920 Kramer Court, Indianapolis, Indiana 46235.
2. Respondent is a certified pharmacy technician in the State of Indiana having been issued certification number 67017045A on January 25, 2010.

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

4. 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.

5. 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.

6. 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.

7. A Complaint was filed by the Petitioner against Respondent on January 14, 2013.

8. On January 23, 2013, IPLA sent a hearing notice 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.

9. 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.

10. On February 11, 2013, the Board voted 6-0-0 to issue a Notice of Proposed Default Order. On February 22, 2013, the Notice of Proposed Default Order was mailed to Respondent's address of record.

11. Respondent failed to submit a written response within seven (7) days as permitted by Ind. Code § 4-21.5-3-24.

12. On March 11, 2013, the Board voted 5-0-0 to hold Respondent in default.

ULTIMATE FINDINGS OF FACT

Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by Respondent's removal of hydrocodone and alprazolam from Skilled Care Pharmacy without proper authorization.

CONCLUSIONS OF LAW

Respondent's violations are cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or revocation and a fine up to the amount of \$1,000 per violation as detailed in Ind. Code § 25-1-9-9.

ORDER


Based upon the above Findings of Fact, Ultimate Findings of Fact, and Conclusions of Law, the Board issues the following Order:

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

Indiana Office of the Attorney General
ATTN: Katherine Lee
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

ORDERED, this 22 day 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, Ultimate Findings of Fact, Conclusions of Law and 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 Indiana Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204
Service by Email

3/22/13
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
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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.