

BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0109

IN THE MATTER OF THE INDIANA)
REGISTERED PHARMACIST LICENSE OF)
)
PAUL S. MAYER, R.PH.)
)
LICENSE NO. 26012818A (ACTIVE))



COMPLAINT

This complaint is brought against the pharmacist license of Paul S. Mayer, 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 8019 Big Cynthiana Road, Evansville, Indiana 47720.
2. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26012818A on October 31, 1972.
3. Since at least January 5, 2012, Respondent has been the qualifying pharmacist for Paul's Pharmacy, a closed-door pharmacy, located at 2345 W. Franklin Street, Evansville, Indiana 47712.
4. Paul's Pharmacy is a licensed pharmacy in the State of Indiana having been issued license number 60002500A on December 31, 1987. On January 5, 2012, the pharmacy changed ownership from father to son (Respondent) and a new license number, 60006286A, was issued.

5. On or around January 24, 2013, an Indiana Board of Pharmacy ("Board") compliance officer conducted a scheduled inspection at Paul's Pharmacy.

6. Paul's Pharmacy was cited for violating Ind. Code ch. 16-42-3. This violation was based upon the fact that Paul's Pharmacy had nine expired stock bottles in active inventory. Additionally, Paul's Pharmacy had numerous compounds in active inventory that were past their beyond-use-date, including 28 creams, 47 bottles of troches, and eight bottles of capsules.

7. Paul's Pharmacy was previously cited at the change-of-ownership inspection on January 5, 2012 for having 34 expired stock bottles in active inventory, along with several jars of compounded ointment.

8. As the qualifying pharmacist, Respondent is responsible for ensuring that the pharmacy operates in accordance with law. This includes ensuring that expired medications and compounds past their beyond-use-date are not in active inventory.

COUNT I

9. Paragraphs 1 through 8 are incorporated by reference herein.

10. Respondent violated Ind. Code § 25-1-9-4(a)(3) in that Respondent violated his duty as the qualifying pharmacist under Ind. Code § 25-26-13-2, as evidenced by his failure to ensure that Paul's Pharmacy did not have expired stock bottles and compounds past their beyond-use-date in active inventory.

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:



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, by
United States mail, first-class, postage prepaid, on this 15th day of November, 2013.

Paul Mayer
8019 Big Cynthiana Rd.
Evansville, IN 47720

By:

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

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