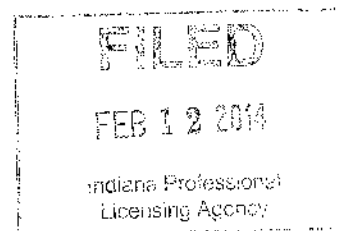


**BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0109**

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



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

The Indiana Board of Pharmacy ("Board") held an administrative hearing on February 10, 2014, in Room W064 of the Indiana State Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, concerning an Administrative Complaint filed against Paul S. Mayer, R.Ph. ("Respondent") on November 15, 2013 by the State of Indiana ("Petitioner").

The Petitioner was represented by Darren R. Covington and Amanda Elizondo, Deputy Attorneys General. Respondent appeared in person and chose to proceed without counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 5-0, 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 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. On or around January 16, 2014, a compliance officer conducted another inspection of Paul's Pharmacy and again found expired products in active inventory.

9. 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.

ULTIMATE FINDINGS OF FACT

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.

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:

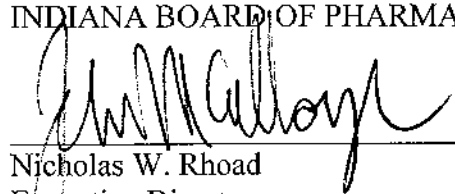
1. Respondent is issued a **LETTER OF REPRIMAND** attached hereto as Exhibit A.
2. Within thirty (30) days from the date of the Board's Order, Respondent shall pay a **FINE** in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)** payable to IPLA at 402 W. Washington Street, Room W072, Indianapolis, Indiana 46204.
3. Within thirty (30) days from the date of the Board's Order, Respondent shall, pursuant to Ind. Code § 4-6-14-10(b), 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

SO ORDERED this 12th day of February, 2014.

INDIANA BOARD OF PHARMACY

By:


Nicholas W. Rhoad

Executive Director

for
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:

Paul Mayer
8019 Big Cynthiana Rd.
Evansville, IN 47720
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

2/12/2014
Date

Jessi N. Rager
Jessi N. Rager, Litigation Specialist

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**

Indiana Board of Pharmacy
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Phone: (317) 234-2067
Website: PLA.IN.gov

Michael R. Pence, Governor

Nicholas W. Rhoad, Executive Director

February 12, 2014

Paul Mayer
8019 Big Cynthiana Rd.
Evansville, IN 47720

Re: In the matter of the license of Paul S. Mayer, R.Ph.
Before the Indiana Board of Pharmacy

Dear Mr. Mayer:

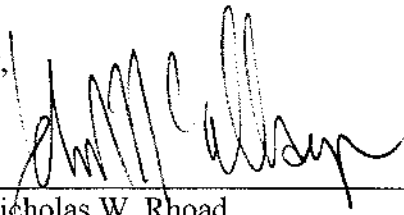
This letter of reprimand is issued as part of the Board's Order following a hearing on the charges filed by the Office of the Attorney General on November 15, 2013 with the Indiana Board of Pharmacy.

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.

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