

**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NO: 2014 IBP 0021**

**IN THE MATTER OF THE INDIANA
PHARMACIST REGISTRATION OF:**

**REBECCA R. QUACKENBUSH-SIDERS, R. PH.,
REGISTRATION NUMBER: 26019601A (ACTIVE)**

FILED

APR 29 2014

Indiana Professional
Licensing Agency

COMPLAINT

This complaint is brought against the pharmacist registration of Rebecca R. Quackenbush-Siders, 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 6059 Fergusson Drive, West Lafayette, Indiana 47906.
2. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26014872A on August 3, 1998.
3. At all times relevant herein, Respondent was employed as a staff pharmacist with Walmart Pharmacy #10-2339 in Lafayette, Indiana ("Walmart").
4. On or around October 2, 2012, Patient A presented with a prescription for Adderall 5 mg to Walmart. Patient A's physician routinely included instructions on when to fill the prescriptions.

5. Prior to dispensing, staff pharmacist Amy Smith noted that the place where the physician normally wrote instructions regarding when to fill was written over with a black marker. In its place was the patient's driver's license number.

6. Smith alerted Respondent to the alteration, removed the prescription from the dispensing queue and left a message with the physician's office regarding when the prescription should be filled. A notation was also made in the computer that the prescription could not be dispensed because the physician had not confirmed the fill date.

7. On or around October 5, 2012, Respondent dispensed the prescription to Patient A, even though she had not received confirmation from the physician's office that the prescription was to be filled.

8. On or around October 9, 2012, Smith, after having several days off, returned to Walmart and noted that the prescription had been dispensed. A review of the hard-copy prescription showed that Respondent wrote, "Per Mike, 9/28."

9. According to Respondent, she spoke with "Mike" at the physician's office and was told the prescription could be filled after September 28, 2012.

10. Smith spoke with the physician's office and was told that there was no record of "Mike" speaking with Respondent. Instead, Smith was instructed that no prescriptions for Patient A should be filled.

11. During the course of the investigation into the altered script, it was discovered that Respondent filled another prescription on September 14, 2012 for Patient A. Again, the instructions by the physician on when to fill were written over with a black marker. In its place was the driver's license number.

12. This prescription was provided to the physician's office who confirmed that the instructions said to not fill until September 28, 2012.

13. Furthermore, the investigation also revealed that Respondent filled and dispensed a prescription for Adderall 10 mg, 30 tablets, on August 6, 2012 for Patient A's daughter, Patient B. At the time, the prescription was not covered by insurance.

14. Respondent then cancelled the prescription, and re-filled and re-dispensed an additional 30 tablets on September 10, 2012 so that the prescription would be covered by insurance. Respondent also altered the controlled substance log to make it appear she only filled the prescription once.

15. A discrepancy of 30 tablets was noted from September 11, 2012. When questioned, Respondent stated the discrepancy was corrected once she "filled" and "dispensed" a new prescription written on September 13, 2012.

16. On September 13, 2012, Respondent did not dispense any tablets to Patient B.

COUNT I

17. Paragraphs 1 through 16 are incorporated by reference herein.

18. Respondent violated Ind. Code § 25-1-9-4(a)(1)(B) by engaging in fraud or material deception in the course of professional services or activities, as evidenced by Respondent dispensing a prescription for Patient B on August 6, 2012, and then cancelling the prescription and re-dispensing it on September 10, 2012 so that the prescription would be covered by insurance. Additionally, Respondent altered the controlled substance log to make it appear she dispensed the August 6, 2012 prescription once, instead of twice.

COUNT II

19. Paragraphs 1 through 16 are incorporated by reference herein.

20. Respondent violated Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent continued to practice although she became unfit to practice by failing to keep abreast of current professional theory or practice as evidenced by Respondent filling a prescription early for Patient A on September 14, 2012 and prior to receiving a prescription for Patient B on September 10, 2012.

COUNT III

21. Paragraphs 1 through 16 are incorporated by reference herein.

22. Respondent violated Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent continued to practice although she became unfit to practice by failing to keep abreast of current professional theory or practice as evidenced by Respondent filling two prescriptions for Patient A without verifying the fill dates with the physician, even though the instructions on the hard-copy prescriptions were written over with a black marker rendering them unreadable.

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: D-R-S
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 29th day of April, 2014.

Rebecca R. Quackenbush-Siders
6059 Fergusson Drive
West Lafayette, IN 47906

By:



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

OFFICE OF THE INDIANA ATTORNEY GENERAL
Indiana Government Center South
302 West Washington St., Fifth Floor
Indianapolis, IN 46204-2770
Telephone Number: 317-233-6506
Facsimile Number: 317-233-4393
Email: darren.covington@atg.in.gov