

BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 49

IN THE MATTER OF THE LICENSE OF)
JUSTIN RICHARD MYERS, C. PH. T.)
LICENSE NOS. 67014356A (ACTIVE), 45017829A)
(ACTIVE))



PETITION FOR SUMMARY SUSPENSION

The State of Indiana ("Petitioner"), by Counsel, Office of the Indiana Attorney General, by Certified Legal Intern Tim Weber and Deputy Attorney General Darren R. Covington, moves the Indiana Board of Pharmacy ("Board") to summarily suspend the pharmacy technician and pharmacy intern licenses of Justin Richard Myers, C. Ph. T. ("Respondent") for ninety (90) days and in support of its petition states the following:

1. This Board has jurisdiction to suspend Respondent's license in accordance with the provisions of Ind. Code Ch. 4-21.5-4 and Ind. Code § 25-1-9-10.
2. Respondent's address on file with the Indiana Professional Licensing Agency is 2563 Woodview Drive, Zanesville, Indiana 46799.
3. Respondent is a licensed pharmacy technician in the State of Indiana having been issued license number 67014356A on September 3, 2008.
4. Respondent is a licensed pharmacy intern in the State of Indiana having been issued license number 45017829A on September 20, 2012.
5. At all times relevant herein, Respondent was employed as a pharmacy intern with Walgreens Pharmacy 9853 located in Fort Wayne, Indiana ("Walgreens").
6. Walgreens' pharmacy manager conducted counts between February 19, 2013 and April 19, 2013, and had to make adjustments for Zolpidem 10 mg and

Zolpidem 5 mg. Through these counts, it was determined that there was a loss of 1,072 Zolpidem 10 mg tablets and 299 Zolpidem 5 mg tablets.

7. Additional cameras were added to the pharmacy to watch the Zolpidem 10 mg and Zolpidem 5 mg.

8. On April 9, 2013, the Respondent was observed on video removing both strengths of Zolpidem from the shelf and walking around with them in a tote. Additional counts were performed after the Respondent left the store that revealed shortages of 100 Zolpidem 10 mg tablets and 100 Zolpidem 5 mg tablets. The empty pill bottles for both strengths were recovered from one of the trash cans.

9. Respondent was interviewed on April 16, 2013, and admitted that he removed bottles of Zolpidem 10 mg and Zolpidem 5 mg tablets from the shelf, walked around to the back part of the pharmacy, opened the bottles, and dumped the pills in his pockets. Respondent admitted that he had perpetrated a theft almost every day that he was in the pharmacy. Respondent signed a written statement admitting to taking 1,072 Zolpidem 10 mg tablets and 299 Zolpidem 5 mg tablets.

10. Due to the above facts, Respondent represents a clear and immediate danger to the public health and safety if allowed to continue to practice as a pharmacy technician and pharmacy intern in Indiana.

WHEREFORE, the State of Indiana requests that this Board set a hearing on this Petition for Summary Suspension and suspend Respondent's licenses for a period of ninety (90) days and for all other proper relief.

Respectfully submitted,

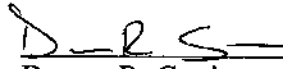
Gregory F. Zoeller
Attorney General of Indiana
Atty. No. 1958-98

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

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Petition for Summary Suspension" has been sent to the Respondent's last known address by first-class mail, on this 7th day of May, 2013.

Justin Richard Myers
2563 Woodview Drive
Zanesville, IN 46799



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

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