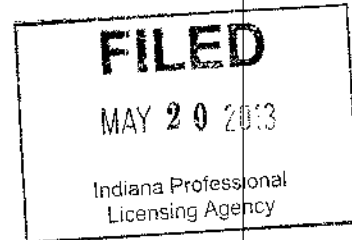


BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0049

IN THE MATTER OF THE INDIANA)
PHARMACIST INTERN REGISTRATION)
PHARMACY TECHNICIAN)
CERTIFICATION OF:)

JUSTIN RICHARD MYERS, C. PH. T.,)
REGISTRATION NUMBER: 45017829A.)
CERTIFICATION NUMBER: 67014356A.)



SUMMARY SUSPENSION ORDER

An administrative hearing was held on May 13, 2013, before the Indiana Board of Pharmacy ("Board") in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, to consider the Petition for Summary Suspension ("Petition") filed against Justin Richard Myers, C. Ph. T. ("Respondent"), by the State of Indiana ("Petitioner") on May 7, 2013.

The State of Indiana was represented by Tim Weber, Certified Legal Intern, and Darren R. Covington, Deputy Attorney General. Respondent failed to appear by person or by counsel.

The Board, pursuant to Ind. Code § 4-21.5-4-1 *et seq.* and Ind. Code § 25-1-9-10, by a vote of 4-0-0, **SUMMARILY SUSPENDS** the registration and certification held by Respondent for ninety (90) days as the Board finds that an emergency exists and that Respondent represents a clear and immediate danger to the public health and safety if allowed to practice pharmacy in the State of Indiana.

This **NON-FINAL** emergency order is based on evidence supporting the following findings:

1. This Board has jurisdiction to suspend Respondent's registration and certification 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 certified pharmacy technician in the State of Indiana having been issued certification number 67014356A on September 3, 2008.

4. Respondent is a registered pharmacist intern in the State of Indiana having been issued registration 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 Zolpidem tablets.

WHEREFORE, RESPONDENT IS ORDERED to immediately cease all acts constituting the practice of pharmacy for a period of ninety (90) days, effective May 13, 2013.

ORDERED, this 20 day of May, 2013; this Summary Suspension Order is effective as of May 13, 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 "Summary Suspension Order" has been duly served upon:

Justin Richard Myers
2563 Woodview Drive
Zanesville, IN 46799
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

5/20/13
Date

Jackie Day
Jackie Day

Indiana Board of Pharmacy
Indiana Government Center South
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Phone: 317-234-2067
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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.