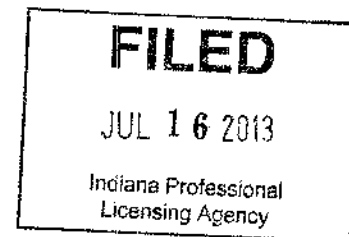


BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0049

IN THE MATTER OF THE LICENSE OF)
)
JUSTIN RICHARD MYERS, C. PH. T., PHARMACY)
INTERNS)
)
LICENSE NO. 67014356A (SUMMARY SUSPENSION)
LICENSE NO. 45017829A (SUMMARY SUSPENSION)



COMPLAINT

This complaint is brought against the pharmacy intern and pharmacy technician license of Justin Richard Myers, C. Ph. T. (Respondent), by the Office of the Attorney General, by counsel, Deputy Attorney General Darren R. Covington and Certified Legal Intern Tim Weber, 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 2563 Woodview Drive, Zanesville, Indiana 46799.
2. Respondent is a licensed pharmacy technician in the State of Indiana having been issued license number 67014356A on September 3, 2008.
3. Respondent is a licensed pharmacy intern in the State of Indiana having been issued license number 45017829A on September 20, 2012.

4. At all times relevant herein, Respondent was employed as a pharmacy intern with Walgreens Pharmacy 9853 located in Fort Wayne, Indiana ("Walgreens").

5. Respondent was an intern from Manchester College in North Manchester, Indiana.

6. Walgreens's pharmacy manager conducted counts of Zolpidem 5 mg and 10 mg between February 19, 2013 and April 9, 2013, and had to make adjustments for each. By conducting counts, it was determined 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 5 mg and 10 mg bottles.

8. On April 9, 2013, 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 by the pharmacy manager after Respondent left, and shortages were documented for 100 Zolpidem 5 mg and 100 Zolpidem 10 mg. The empty pill bottles for both strengths were recovered from one of the trash containers in the pharmacy.

9. When interviewed on April 16, 2013, Respondent admitted in a signed, written statement to diverting Zolpidem 5 mg and 10 mg strengths shortly after starting his internship at Walgreens. Respondent would grab the Zolpidem off the shelf, and place it next to other bottles that would be put back after filling. The Respondent would walk to the back, and pour the bottle in his pocket.

10. On or around May 13, 2013, the Indiana Board of Pharmacy summarily suspended Respondent's license for ninety days.

COUNT I

11. Paragraphs 1 through 10 are incorporated by reference herein.

12. Respondent is subject to disciplinary sanctions pursuant to Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by his statement on or about April 16, 2013 in which Respondent admitted that he diverted both Zolpidem 5 mg and Zolpidem 10 mg from Walgreens.

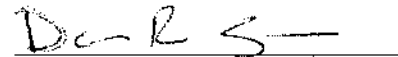
WHEREFORE, Petitioner demands an order against the Respondent that:

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 16th day of July, 2013.

Justin Richard Myers
2563 Woodview Drive
Zanesville, IN 46799

By:

D R S

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

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