

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0048

IN THE MATTER OF THE INDIANA
PHARMACY TECHNICIAN
CERTIFICATION OF:

LINDSEY E. MILLER, C. PH. T.,
CERTIFICATION NUMBER: 67020964A.



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 Lindsey E. Miller, 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 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 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 10600 Drexton Place, Newburgh, Indiana 47630.

3. Respondent is a certified pharmacy technician in the State of Indiana having been issued certification number 67020964A on May 16, 2012.

4. At all times relevant herein, Respondent was employed as a pharmacy technician with Walmart Pharmacy 10-5728 in Newburgh, Indiana ("Walmart").

5. On March 19, Walmart's asset protection manager was notified that there had been an excessive amount of on-hand changes of certain controlled substances in the pharmacy. A review of inventory, dispensing, and returns from the time period May 1, 2012 through March 16, 2013 revealed that the pharmacy experienced a shortage of approximately 15,292 doses of varying strengths of alprazolam, clonazepam, hydrocodone APAP, and lorazepam.

6. The asset protection manager's investigation led him to believe the Respondent was responsible. The Respondent was viewed on video three times in the month of March 2013 pocketing hydrocodone 10-325.

7. On March 21, 2013, the Respondent was interviewed and admitted in writing that she was addicted to Lortab, and had taken pills from the pharmacy. The Respondent was using the pharmacist's terminal to change the on-hand counts. The police were called, and a search of the Respondent's person and vehicle revealed controlled substances.

8. On March 26, 2013, Walmart notified the Indiana Professional Licensing Agency that they had terminated the employment of the Respondent for theft and

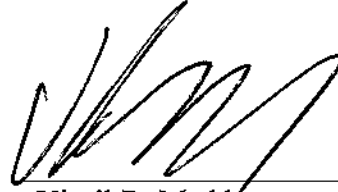
diversion of a controlled substance. Her employment was terminated after she was arrested by the Warrick County Sheriff's Narcotic Unit on March 21, 2013.

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:

A handwritten signature in black ink, appearing to read 'V. Madden', is written over a horizontal line.

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:

Lindsey E. Miller
10600 Drexton Place
Newburgh, IN 47630
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
402 West Washington St., Room W072
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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.

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