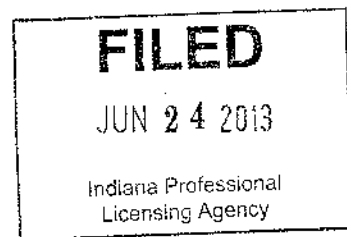


BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0048

IN THE MATTER OF THE CERTIFICATION OF)
LINDSEY E. MILLER, C. PH. T.)
LICENSE NO. 67020964A (SUMMARY SUSPENSION)



COMPLAINT

This complaint is brought against the pharmacy technician certification of Lindsey E. Miller, 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 10600 Drexton Place, Newburgh, Indiana 47630.
2. Respondent is a licensed pharmacy technician in the State of Indiana having been issued license number 67020964A on May 16, 2012.
3. At all times relevant herein, Respondent was employed as a pharmacy technician with Walmart Pharmacy 10-5728 in Newburgh, Indiana ("Walmart").
4. On March 19, 2013 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.

5. 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.

6. 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. Respondent was arrested by the Warrick County Sheriff's Narcotic Unit.

7. Respondent was charged with two counts of Possession of a Controlled Substance, a Class D Felony, and one count of Theft, a Class D Felony, in Warrick County Superior Court II on or about March 25, 2013. The docket number is 87D02-1303-FD-000121.

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.

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

COUNT I

10. Paragraphs 1 through 8 are incorporated by reference herein.

11. Respondent is subject to disciplinary sanctions pursuant to Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent has continued to practice although she has become unfit to practice

due to an addiction to Lortab as evidenced by her statement on or about March 21, 2013 in which Respondent admitted that she is addicted to Lortab.

COUNT II

12. Paragraphs 1 through 8 are incorporated by reference herein.
13. 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 her statement on or about March 21, 2013 in which Respondent admitted that she diverted medication 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:

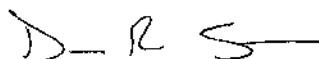
D-R S—
Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

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 24th day of June, 2013.

Lindsey E. Miller
10600 Drexton Place
Newburgh, IN 47630

By:



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

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