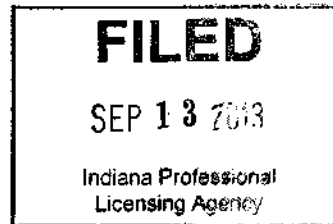


BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0048

IN THE MATTER OF THE INDIANA
PHARMACY TECHNICIAN
CERTIFICATION OF:

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

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**FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER**

The Indiana Board of Pharmacy ("Board") held an administrative hearing on September 9, 2013, in Room W064 of the Indiana State Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, concerning an Administrative Complaint ("Complaint") filed against Lindsey E. Miller, C.Ph.T. ("Respondent") on June 24, 2013.

The State of Indiana ("Petitioner") was represented by Darren R. Covington, Deputy Attorney General. Respondent did not appear in person or by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 6-0-0, finds Respondent to be in default. The Board, by another vote of 6-0-0, issues the following Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent's address on file with the Indiana Professional Licensing Agency is 10600 Drexton Place, Newburgh, Indiana 47630.
2. Respondent is a certified pharmacy technician in the State of Indiana having been issued certification 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 certification for ninety (90) days.

10. A Complaint was filed by the Petitioner against Respondent on June 24, 2013.

11. On July 18, 2013, the Indiana Professional Licensing Agency sent a hearing notice to Respondent at her last address of record informing her of the date, time, and place of the administrative hearing on the Complaint scheduled for August 12, 2013 at 2:00 p.m.

12. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the hearing and Respondent failed to appear for the scheduled hearing in person or by counsel on August 12, 2013.

13. On August 12, 2013, the Board voted, 4-0-0, to issue a Notice of Proposed Default Order. On August 15, 2013, the Notice of Proposed Default Order was mailed to Respondent's address of record.

14. Respondent failed to submit a written response within seven (7) days as required by Ind. Code § 4-21.5-3-24.

15. On September 9, 2013, the Board voted, 6-0-0, to hold Respondent in default.

ULTIMATE FINDINGS OF FACT

1. 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.

2. 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.

CONCLUSIONS OF LAW

Respondent's violations are cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or revocation and a fine up to the amount of \$1,000 per violation as detailed in Ind. Code § 25-1-9-9.

ORDER

Based upon the above Findings of Fact, Ultimate Findings of Fact, and Conclusions of Law, the Board issues the following Order:

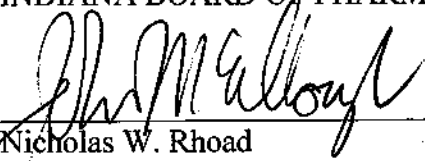
1. Respondent's certification is **REVOKED**.
2. Within thirty (30) days of the date of this Order, pursuant to Ind. Code § 4-6-14-10(b), Respondent shall pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Indiana Office of the Attorney General
ATTN: Katherine Lee
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

ORDERED this 13th day of September, 2013.

INDIANA BOARD OF PHARMACY

By:



Nicholas W. Rhoad
Executive Director

for _____
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and 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

9/13/13
Date


Jackie Day

Indiana Board of Pharmacy
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2067
Fax: 317-233-4236
Email: pla4@pla.in.gov

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.