

BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0071

IN THE MATTER OF THE INDIANA)
PHARMACY TECHNICIAN-IN-TRAINING)
PERMIT OF:)

RAVEN Y. MERKERSON, P.T.I-T)
PERMIT NUMBER: 99046339A)



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

The Indiana Board of Pharmacy ("Board") held an administrative hearing on October 7, 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 Raven Y. Merkersen, P.T.I-T. ("Respondent") on July 25, 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 4-0-0, finds Respondent to be in default. The Board, by another vote of 4-0-0, 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 4807 Larkspur Drive, East Chicago, Indiana 46312.
2. Respondent is a licensed pharmacy technician-in-training in the State of Indiana having been issued license number 99046339A on March 23, 2011.

3. On March 23, 2012, Respondent's license expired.
4. At all times relevant herein, Respondent was a pharmacy technician-in-training at Target Pharmacy T-1913 in Munster, Indiana.
5. During an investigation of diversion and theft of controlled substances from Target Pharmacy T-1913, Respondent was discovered working on an expired pharmacy technician-in-training license.
6. On or around January 16, 2013, Respondent signed a statement admitting to diverting 6,400 tablets of hydrocodone.
7. Respondent delivered hydrocodone pills to a third party, beginning in October 2012, for a payment of \$300 for each delivery.
8. On or around March 15, 2013, Respondent was charged in Lake County, Indiana Superior Court, with four counts of Dealing in a Controlled Substance, a Class B Felony, under Cause Number 45G04-1303-FB-00027.
9. A Complaint was filed by the Petitioner against Respondent on July 25, 2013.
10. On August 19, 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 September 9, 2013 at 2:00 p.m.
11. 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 September 9, 2013.
12. On September 9, 2013, the Board voted 6-0-0 to issue a Notice of Proposed Default Order. On September 13, 2013, the Notice of Proposed Default Order was mailed to Respondent's address of record.

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

ORDERED this 17th day of October, 2013.

INDIANA BOARD OF PHARMACY

By:



Nicholas W. Rhoad

Executive Director

Indiana Professional Licensing Agency

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

14. On October 7, 2013, the Board voted, 4-0-0 to hold Respondent in default.

ULTIMATE FINDINGS OF FACT

1. Respondent violated Ind. Code § 25-1-9-4(a)(3) in that Respondent knowingly violated Ind. Code § 25-26-19-9(b) as evidenced by Respondent continuing to practice on an expired license.

2. Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by Respondent's admission that she stole 6,400 tablets of hydrocodone from Target Pharmacy T-1913.

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 license 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:

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:

Raven Y. Merkerson
4807 Larkspur Dr.
East Chicago, IN 46312
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

10/17/13
Date


Jessi N. Rager, Litigation Specialist

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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.