

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0041

IN THE MATTER OF THE INDIANA
PHARMACIST INTERN
REGISTRATION OF:

GREGORY MILLER, R.Ph.I.,
REGISTRATION NUMBER: 45016216A.

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

The Indiana Board of Pharmacy ("Board") held administrative hearings on June 10 and July 8, 2013, in Conference Room C of the Indiana State Government Center South, 302 West Washington Street, Indianapolis, Indiana 46204, concerning an Administrative Complaint ("Complaint") filed against Gregory Lavon Miller, R.Ph.I. ("Respondent") on May 7, 2013.

The State of Indiana was represented by Darren R. Covington, Deputy Attorney General. Respondent appeared in person and chose to proceed without counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 5-0-0, issues the following Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent's address of record with the Indiana Professional Licensing Agency is 810 W. Hampton, Indianapolis, Indiana 46208.
2. Respondent is a registered pharmacy intern in the State of Indiana having been issued registration number 45016216A on January 4, 2010.
3. At all times relevant herein, Respondent was employed as a pharmacy intern with Cowan Pharmacy ("Cowan") in Lebanon, Indiana.

4. Respondent is a senior student in the Butler University of Pharmacy and Human Science Pharmacy Program ("Butler Program").

5. On or around January 28, 2013, Respondent was arrested for theft of a controlled substance, Adderall, from Cowan after he admitted to the arresting officer that he had taken the Adderall for personal use.

6. In an email on or around January 31, 2013 to Cowan, Respondent indicated he "made the biggest mistake of his life today," and "had a severe lapse in judgment during work."

7. On or around February 20, 2013, Respondent was charged with Possession of a Controlled Substance and Theft, Class D felonies, in Boone County Indiana Circuit Court under cause number 06C01-1302-FD-0030.

8. At the April 8, 2013 summary suspension hearing before the Board, Respondent admitted to diverting Adderall from Cowan on or around January 28, 2013.

9. On or around April 8, 2013, the Indiana Board of Pharmacy summarily suspended Respondent's registration for ninety (90) days.

10. At the June 10, 2013 administrative hearing before the Board, Respondent indicated that his enrollment in the Butler School of Pharmacy had been suspended until 2014 and that he was currently residing in South Carolina.

11. Respondent's addictionology assessment by Michael Denton, M.S., L.C.A.C., L.M.F.T., indicated that Respondent did not have a substance abuse diagnosis. Denton did recommend counseling, however.

ULTIMATE FINDINGS OF FACT

Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by his misappropriation of Adderall from Cowan Pharmacy.

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 registration shall be placed on **INDEFINITE PROBATION**. Respondent may not petition for withdrawal of probation until three years from the date of this Order or until his criminal action is completed including any period of probation, whichever occurs later.

2. The Respondent's practice as a pharmacy intern shall be governed by the following **TERMS** and **CONDITIONS**:

a. Respondent shall keep the Board apprised of the following:

- i. Current home address, mailing address, and residential telephone number;
- ii. Place of employment, employment telephone number, and name of supervisor;
- iii. Occupation title and work schedule, including the number of hours worked per week.

b. Respondent shall provide a copy of all Board orders imposing discipline or limiting practice to any pharmacy employer, pharmacy school or preceptor,

who shall sign and return a copy of such orders to the Board within ten (10) days of employment or receipt of this order.

- c. Respondent shall cause his employer and preceptor to submit reports to the Board indicating his professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others. The reports are due monthly for the first year Respondent is on probation and quarterly thereafter.
- d. Respondent shall immediately notify the Board in writing of any arrests or changes in the status of his criminal proceedings.
- e. Respondent shall submit a copy of any prescription he receives for personal use to the Board.
- f. Respondent shall submit self-reports to the Board indicating his current employment, responsibilities, and any other information he deems the Board may find useful in evaluating his probationary status. Self-reports will be due monthly for the first year Respondent is on probation and quarterly thereafter.
- g. Respondent shall perform two (2) hours per month of community service for an establishment approved by the Board and shall cause the responsible person for the establishment to verify in writing the number of hours of community service he performed. Respondent shall submit such verification to the Board on a monthly basis when his community service hours have been completed.
- h. Respondent shall immediately notify the Board in writing if he changes pharmacy schools, is no longer enrolled in pharmacy school, or returns to pharmacy school.

- i. Respondent may not work as a qualifying pharmacist.
- j. Respondent shall notify the Board in writing within seven (7) days of returning to Indiana to reside. After returning to Indiana, Respondent shall make personal appearances before the Board on a monthly basis for one year, and quarterly thereafter.
- k. Respondent shall work with a counselor as recommended by Michael Denton. Respondent shall cause his counselor to submit a letter to Board indicating the recommended number of counseling sessions, or length of counseling. Respondent may not discontinue counseling until discharged in writing by the counselor.

3. The duration and terms of probation shall continue in the event that Respondent obtains another license issued by the Board.

4. Within thirty (30) days of the Board's Order, Respondent shall, pursuant to I.C. § 4-6-14-10(b), 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:

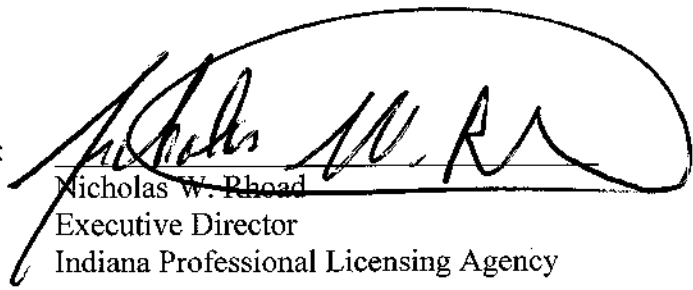
Indiana Office of the Attorney General
Attn: Katherine Lee
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

5. Respondent's violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of pharmacy may result in the State requesting a summary suspension of Respondent's certification, an Order to Show Cause as may be issued by the Committee, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's registration.

ORDERED, this 15th day of July, 2013.

INDIANA BOARD OF PHARMACY

By:



Nicholas W. Rhoad

Executive Director

Indiana Professional Licensing Agency

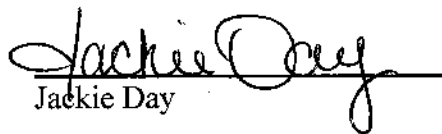
CERTIFICATE OF SERVICE

I certify that a copy of the "Findings of Fact, Ultimate Findings of Fact, Conclusion of Law, and Order" has been duly served upon:

Gregory Lavon Miller, R.Ph.I.
810 W. Hampton
Indianapolis, IN 46208
Service by U.S. Mail

Darren R. Covington, Deputy Attorney General
Office of the Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204
Service by Email

7/15/13
Date


Jackie Day

Indiana Board of Pharmacy
Indiana Government Center South
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Indianapolis, IN 46204
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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.