

BEFORE THE INDIANA  
BOARD OF PHARMACY  
2013 IBP 0102

IN THE MATTER OF THE INDIANA )  
REGISTERED PHARMACIST LICENSE OF )  
 )  
RICHARD J. MILLER, R. PH. )  
 )  
LICENSE NO. 26019772A. )



**SUMMARY SUSPENSION ORDER**

An administrative hearing was held on October 7, 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 Richard J. Miller, R. Ph. ("Respondent") by the State of Indiana ("Petitioner") on October 4, 2013.

The State of Indiana was represented by Tim Weber, Graduate Legal Intern, and Darren R. Covington, Deputy Attorney General. Respondent failed to appear in 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 license 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 license 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 518 West Pargrave Place, Bloomington, Indiana 47403-4305.

3. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26019772A on February 11, 1999.

4. At all times relevant herein, Respondent was employed as a pharmacist with Walgreens 07676 in Martinsville, Indiana ("Walgreens").

5. Walgreens' pharmacy manager was reviewing pharmacy procedures when the pharmacy manager discovered Respondent had filled prescriptions for controlled drugs using four different patient profiles: J.H.; K.P.; R.J.; and R.M.. All were cash prescriptions and were written on Walgreens call-in prescriptions blanks.

6. A review of the four profiles by Walgreens Loss Prevention showed a consistent pattern of hydrocodone 10/325, alprazolam 1 mg; and phentermine 37.5 mg being obtained on a regular basis between May 2011 and July 2013. All the prescription were entered and verified under the initials "RJM."

7. A review of recent CCTV and electronic journal records by Walgreens showed Respondent filling and paying for prescriptions under the four profiles himself.

8. On July 18, 2013, Respondent was interviewed, and admitted to obtaining controlled substances by creating fraudulent patient profiles. Respondent admitted that two of the profiles were used to supply himself with hydrocodone, alprazolam, and phentermine while the other two profiles were used to supply a friend with hydrocodone, alprazolam, gabapentin, glipizide, and metformin. The friend had no medical insurance and suffered from diabetes and multiple sclerosis according to Respondent.

9. The total amount of drugs obtained fraudulently by Respondent were: 18,420 hydrocodone 10/325; 6,630 alprazolam 1 mg; 405 phentermine 37.5 mg; 540 gabapentin 300 mg; 120 Metformin 500 mg; and 30 glipizide 5 mg.

**WHEREFORE, RESPONDENT IS ORDERED** to immediately cease all acts constituting the practice of pharmacy for a period of ninety (90) days, effective October 7, 2013.

**ORDERED**, this 17<sup>th</sup> day of October, 2013; this Summary

Suspension Order is effective as of October 7, 2013.

INDIANA BOARD OF PHARMACY

By: Nicholas W. Rhoad  
Nicholas W. Rhoad  
Executive Director  
Indiana Professional Licensing Agency

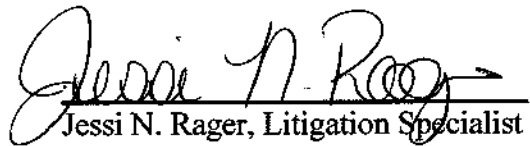
**CERTIFICATE OF SERVICE**

I certify that a copy of the "Summary Suspension Order" has been duly served upon:

Richard J. Miller  
518 West Pargrave Place  
Bloomington, IN 47403-4305  
**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

Indiana Board of Pharmacy  
Indiana Government Center South  
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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.