

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NO. 2013 IBP 0102

IN THE MATTER OF THE INDIANA
REGISTERED PHARMACIST LICENSE OF

RICHARD J. MILLER, R. PH.
LICENSE NO. 26019772A (EMERGENCY SUSPENSION)



COMPLAINT

The State of Indiana, (“Petitioner”) by counsel, Deputy Attorney General Darren R. Covington, on behalf of the Office of the Attorney General, 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 ch. 4-21.5-3 and Ind. Code ch. 25-1-9 files its Complaint against the pharmacist license of Richard J. Miller, R. Ph. (“Respondent”), and in support alleges and states:

FACTS

1. Respondent’s address on file with the Indiana Professional Licensing Agency is 518 West Pargrave Place, Bloomington, Indiana, 47403-4305.
2. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26019772A on February 11, 1999.
3. At all times relevant herein, Respondent was employed as a pharmacist with Walgreens 07676 in Martinsville, Indiana (“Walgreens”).
4. Walgreens’ pharmacy manager was reviewing pharmacy procedures when the pharmacy manager discovered Respondent 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 prescription blanks.

5. 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 between May 2011 and July 2013. All the prescriptions were entered and verified under the initials "RJM."

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

7. 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.

8. 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.

9. On October 17, 2013, the Board issued an order placing the Respondent's pharmacist license on summary suspension.

COUNT I

10. Paragraphs 1 through 9 are incorporated by reference herein.

11. Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(8)(A), in that Respondent diverted hydrocodone, alprazolam, phentermine, gabapentin, Metformin, and glipizide as evidenced by his written admission to said diversion.

COUNT II

12. Paragraphs 1 through 9 are incorporated by reference herein.
13. Respondent's conduct constitutes a violation of Ind. Code. § 25-1-9-4(a)(4)(D), in that Respondent has continued to practice although he has become unfit to practice due to an abuse of or severe dependency upon hydrocodone, alprazolam, and phentermine that impairs the Respondent's ability to practice safely.

WHEREFORE, Petitioner requests an order against Respondent, that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all of the costs incurred in the prosecution of this case; and
3. Provides any other relief the Board deems just and proper.

Respectfully submitted,

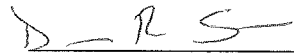
Gregory F. Zoeller
Attorney General of Indiana
Attorney No.: 1958-98

By: D-R S-
Darren R. Covington
Deputy Attorney General
Atty. No. 28511-16

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Complaint" has been sent to the Respondent's last known address by first-class mail, on this 15th day of November, 2013.

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



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

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