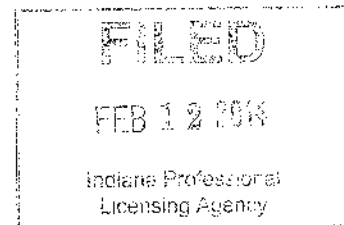


**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NO: 2013 IBP 0102**

**IN THE MATTER OF THE INDIANA
REGISTERED PHARMACY
LICENSE OF:**

**RICHARD J. MILLER, R. PH.
LICENSE NO. 26019772A**

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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 February 10, 2014, in Room W064 of the Indiana State Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, concerning a complaint ("Complaint") filed against Richard J. Miller, R. Ph. ("Respondent") on November 15, 2013.

The State of Indiana ("Petitioner") was represented by Timothy M. Weber, Attorney. 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 518 West Pargrave Place, Bloomington, Indiana 47403-4305. A second known address of Respondent is 3005 Whisperwood Drive, #283, Ann Arbor, Michigan 48105.
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.

10. On November 19, 2013, the Indiana Professional Licensing Agency ("IPLA") sent a hearing notice to Respondent at his listed address informing him of the date, time, and place of the administrative hearing on the Complaint scheduled for December 9, 2013.

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 December 9, 2013.

12. On December 9, 2013, the Board voted 5-0-0 to issue a Notice of Proposed Default Order. On December 17, 2013, the Notice of Proposed Default Order was mailed to Respondent's address of record.

13. On January 13, 2014, the matter was continued due to a new address for Respondent being discovered. On January 15, 2013 the Notice of Proposed Default was sent to Respondent at his Michigan address.

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

15. On February 10, 2014, the Board voted, 6-0-0, to hold Respondent in default.

ULTIMATE FINDINGS OF FACT

1. Respondent created four fraudulent profiles in order to divert medication from Walgreens. Respondent wrote the prescriptions, and paid for them in cash. Two of the patient profiles were used to fill prescriptions for a friend of Respondent. Over the course of three years, Respondent diverted: 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.

2. Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(8)(A), in that Respondent diverted 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 from Walgreens.

CONCLUSIONS OF LAW

Respondent's failure to comply with the above referenced standards is cause for disciplinary sanctions which could include censure, a letter of reprimand, a fine up to the amount of \$1,000.00 per violation, probation, suspension, or a revocation of license as detailed at Ind. Code § 25-1-9-9.

ORDER

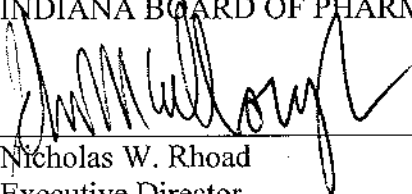
Based upon the above Findings of Fact, Ultimate Findings of Fact, and Conclusions of Law, the Board issues the following Order:

Respondent's pharmacist license is **REVOKED**.

ORDERED this 12th day of February, 2014.

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:

Richard J. Miller
518 West Pargrave Place
Bloomington, IN 47403-4305
Service by U.S. Mail

Richard J. Miller
3005 Whisperwood Drive #283
Ann Arbor, MI 48105
Service by U.S. Mail

Timothy M. Weber, Attorney
Office of the Indiana Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204
Service by Email.

2/12/2014
Date


Jessi N. Rager, Litigation Specialist

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.