

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2011 IBP 0027

IN THE MATTER OF THE INDIANA)
PHARMACY TECHNICIAN)
CERTIFICATION OF:)

AMBER RODDA, C.P.H.T.)
CERTIFICATION NUMBER: 67012443A.)



ORDER TO SHOW CAUSE

Comes now the Indiana Board of Pharmacy on its own motion and pursuant to Ind. Code § IC 4-21.5, and hereby orders Amber Rodda (“Respondent”) to appear before the Board on April 8, 2013 at 2:00 p.m., Local Time, in Conference Room W064 of the Indiana Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204.

1.) Respondent is ordered to show cause as to whether or not further disciplinary action should be imposed on her pharmacy technician certification due to noncompliance with the probationary terms as set forth in the Board’s May 19, 2011, Findings of Fact, Ultimate Findings of Fact, Conclusions of Law, and Order, which is attached herein as Exhibit A, in that Respondent has violated the following terms of her probation:

d. Respondent shall make probationary appearances before the Board on a quarterly basis, and the first such appearance shall be at the June 13, 2011 Board Meeting.

2.) This notice is being provided to Respondent Amber Rodda at, 3028 Warren Way Apt E, Carmel, IN 46033.


3.) This notice is being provided to counsel for the State of Indiana, Darren Covington, Deputy Attorney General, Office of the Attorney General, Indiana Government Center South, 302 West Washington Street, 5th Floor, Indianapolis, Indiana 46204, telephone number (317) 233-6506.

- 4.) The official cause number of this action is **2011 IBP 0027**.
- 5.) The Board is empowered to hold this disciplinary hearing pursuant to the authority of Ind. Code § IC 25-1-9 and IC 4-21.5.
- 6.) The Board will be presiding as administrative law judge in this matter. Greg Pachmayr, Director of the Board, may be contacted to obtain information concerning hearing schedules and procedures by mail in care of the Indiana Professional Licensing Agency, 402 West Washington Street, Room W072, Indianapolis, Indiana 46204, by e-mail at pla4@pla.in.gov, by facsimile at (317) 233-4536, or by telephone at (317) 234-2067.
- 7.) Any party may be advised or represented by counsel at the party's own expense.
- 8.) A party who fails to attend or participate in a prehearing conference, hearing, or other later stage of this proceeding may be held in default or have the proceeding dismissed under section 24 of Ind. Code § IC 4-21.5-3.
- 9.) Pursuant to Ind. Code § 4-21.5-3-34, this Board may afford parties the opportunity to informally settle matters; however, this section does not require any person to settle a matter under this agency's informal procedures.

ORDERED, this 22 day of March, 2013.

INDIANA BOARD OF PHARMACY

By: _____


Virgil R. Madden
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "Order to Show Cause" has been duly served upon:

Amber Rodda
3028 Warren Way Apt E
Carmel, IN 46033
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

3/22/13
Date

Jackie Day
Jackie Day

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.

IN THE MATTER OF THE INDIANA)
PHARMACY TECHNICIAN)
CERTIFICATION OF:)
)
AMBER COOPER RODDA, C.PH.T.,)
CERTIFICATION NUMBER: 67012443A.)



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

The State of Indiana ("Petitioner"), by the Office of the Attorney General, by Darren R. Covington, Deputy Attorney General, and Amber Cooper Rodda, C.Ph.T. ("Respondent"), by counsel, Steven Davis, signed a Proposed Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action by the Petitioner and the Indiana Board of Pharmacy ("Board") regarding the Respondent's certification, and which Agreement has been submitted to the Board for approval.

The Board after reviewing the Agreement at the May 9, 2011 meeting now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement as if fully set forth herein and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 5-0-0. Incorporated into the Agreement was the consensus of both parties to the following Findings of Fact, Ultimate Findings of Fact, Conclusions of Law, and Order. The Board, hereby 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 3002 Warren Way, Apartment F, Carmel, Indiana 46033. Respondent is a Pharmacy Technician in the State of Indiana having been issued certification number 67012443A on November 1, 2007.
2. At all times relevant herein, Respondent was employed as a pharmacy technician at CVS Store 1367.
3. On or around March 31, 2010, Pharmacy Manager Brynn Searles, R.Ph. ("Searles") was interviewed by Chad W. Greinke ("Greinke"), Regional Loss Prevention Manager, about personal purchases Searles made with gift cards obtained from using a transfer coupon on customer prescriptions. Searles admitted to spending over \$1,100 worth of gift cards for personal purchases obtained from fraudulently using a transfer coupon code for customer prescriptions.
4. This transfer coupon entitled a customer to a \$25 gift card if they transferred a prescription to CVS. Instead of giving the gift card to the customer, Searles used the gift card herself.
5. Following this interview with Searles, Grienke observed on video surveillance that Respondent had rung up the majority of Searles' transactions. Grienke then reviewed Respondent's employee purchases on or around April 5, 2010. Grienke discovered that Respondent had used 52 gift cards on her personal purchases, totaling approximately \$1,000 since October 2009. Grienke further discovered that these gift cards were acquired fraudulently by using the same transfer coupon code.
6. On or around April 7, 2010, Grienke interviewed Respondent. Respondent admitted to fraudulently purchasing prescriptions that had already been picked up by a customer, but had not yet cleared the waiting bin report. The waiting bin report showed a list of prescriptions

that had not yet been picked up or paid for by customers. However, this report sometimes captured prescriptions that had been picked up and paid for. The prescriptions that she "purchased" had \$0 co-pays, so that no money was actually spent. Respondent used the transfer coupon code on these purchases to acquire the \$25 gift cards and admitted that she spent approximately \$1,200 worth of gift cards for her own personal purchases.

7. Respondent signed a written statement and promissory note and her employment was then terminated.
8. On June 28, 2010, Respondent renewed her Indiana pharmacy technician license online and answered "yes" to the question, "Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending in any state?" Respondent provided a copy of the consumer complaint filed against her with the Petitioner and a copy of the response she sent to the Petitioner. The Indiana Board of Pharmacy voted to permit Respondent to continue to practice pending the conclusion of the Petitioner's investigation.

ULTIMATE FINDINGS OF FACT

1. Respondent violated Ind. Code § 25-1-9-4(a)(1)(B) in that Respondent engaged in material deception in the course of professional services or activities as evidenced by Respondent's act of fraudulently purchasing prescriptions to obtain gift cards, so that she could use those gift cards for her own personal use.

2. Respondent violated Ind. Code § 25-1-9-4(a)(13) in that Respondent has assisted another person in committing an act that would be grounds for disciplinary sanctions under Ind. Code ch. 25-1-9, as evidenced by Respondent's act of ringing up fraudulent transactions to obtain gift cards for Searles.

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 certification shall be placed on **INDEFINITE PROBATION**. Respondent may petition for withdraw of probation after one (1) year from the date of the Board's Order.

2. Respondent shall be governed by the following **TERMS** and **CONDITIONS** while she is on probation:

a. Respondent shall keep the Board apprised of the following information and update it as necessary:

i. Respondent's current home address, mailing address, e-mail address, and residential telephone number.

ii. Respondent's place of employment, employment telephone number, employment e-mail address, and name of supervisor.

iii. Respondent's occupation title and work schedule, including the number of hours worked per week.

b. Respondent shall present the Board's Order to any pharmacy employer and have the employer sign a copy and return it to the Board within ten (10) days from when the Order is issued, or from when her employment begins, whichever occurs first.

c. Respondent shall cause Respondent's pharmacy employer to submit quarterly written reports to the Board advising the Board of Respondent's professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others. If Respondent is unemployed while on probation, Respondent will submit a written personal report to the Board.

d. Respondent shall appear before the Board on a quarterly basis, and the first such appearance shall be at the June 13, 2011 Board Meeting.

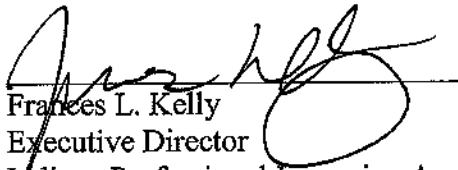
e. Respondent shall report to the Board if Respondent is arrested or terminated from any place of employment.

3. Prior to petitioning for withdraw of probation, Respondent shall pay a **FINE** in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** payable to the Indiana Professional Licensing Agency.

4. Respondent's violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of pharmacy, or any violation of the Agreement may result in the State requesting an emergency suspension of Respondent's certification, an Order to Show Cause as may be issued by the Board, 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 certification.

ORDERED, this 19 day of May, 2011.

INDIANA BOARD OF PHARMACY

By: 
Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Copies To:

Amber Cooper Rodda
3002 Warren Way, Apt. F
Carmel, IN 46033

**SENT CERTIFIED MAIL NUMBER: 91 7190 0005 2720 0008 3996
RETURN RECEIPT REQUESTED.**

Amber Cooper Rodda
3028 Warren Way, Apt. E
Carmel, IN 46033

Steven Davis
Attorney for Respondent
P. O. Box 4492
Carmel, IN 46082

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

State of Indiana
IPLA W072, IGCS
402 W Washington St
INDIANAPOLIS IN 46204



91 7190 0005 2720 0008 3996

Amber C. Rodda
3002 Warren Way
Apt F
Carmel IN 460333667

Z900000102168

Shipment Request Form PBMS State of Indiana



Z900000102168

Agency IDOA

From:
Name: IPLA W072, IGCS
Department:
Phone:

ECertified: True

EReturn Receipt: True

To:

Ship To 1: Amber C. Rodda

Ship To 2:

Address: 3002 Warren Way

Apt F

Carmel, IN 46033-3667

Country: US

Special Instructions:

Reference:

Requested Date: 5/18/2011
10:23:42 AM

To print this form:

- 1) Click the Print button. (Print two copies, one to attach to your package and one to keep for your records.)
- 2) Place the form in a waybill pouch or attach it to your shipment so that the barcode portion of the page can be read and scanned.
- 3) If ECertified cover letter was selected, place letter contents along with eCertified cover letter in special certified envelope so that Certified Bar code shows through window.



Form (1 of 1)