BEFORE THE INDIANA BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0077

IN THE MATTER OF THE INDIANA HOME MEDICAL EQUIPMENT PROVIDER LICENSE OF:

OXYMED, INC. D/B/A WRENCARE LICENSE NUMBER: 69000147A.

FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The State of Indiana ("Petitioner"), by the Office of the Attorney General, by Deputy Attorney General Darren R. Covington and Oxymed, Inc. dba Wrencare ("Respondent"), 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 license, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the September 9, 2013 meeting held in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, 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, which is attached hereto and incorporated herein as Exhibit A, and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 6-0. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law and Order.

WHEREFORE, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby ORDERED to abide by all the terms of the Agreement.

ORDERED, this 13th day of September, 2013.

INDIANA BOARD OF PHARMACY

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

CERTIFICATE OF SERVICE

I certify that a copy of the "Final Order Accepting Proposed Findings of Fact, Conclusions of Law, and Order" has been duly served upon:

Oxymed, Inc. d/b/a WrenCare
5742 Industrial Road
Fort Wayne, IN 46825
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

9/13/13
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.

Indiana Professional Licensing Agency

402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Phone: (317) 232-2960
Website: PLA.IN.gov

Michael R. Pence, Governor

Nicholas W. Rhoad, Executive Director

September 13, 2013

Oxymed, Inc. d/b/a WrenCare
5742 Industrial Road
Fort Wayne, IN 46825

Re: In the matter of the license of Oxymed, Inc. d/b/a WrenCare
Before the Indiana Board of Pharmacy

To Whom It May Concern:

This letter of reprimand is issued as part of the Settlement Agreement reached between you and the State resulting from charges filed by the Office of the Attorney General on July 25, 2013 with the Indiana Board of Pharmacy.

The purpose of this reprimand is to stress the important responsibility that you have by reason of possessing a license to practice as a home medical equipment provider in this state. As a home medical equipment provider, you are responsible for ensuring that your practice is in accordance with the standards of the profession.

The Findings of Fact, Conclusions of Law and Order is attached hereto and incorporated herein as part of this official reprimand.

Sincerely,

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

BEFORE THE INDIANA BOARD OF PHARMACY
2013 IBP 0077

IN THE MATTER OF THE INDIANA HOME MEDICAL EQUIPMENT PROVIDER LICENSE OF	)
OXYMED, INC. D/B/A WRENCARE LICENSE NUMBER 69000147A (ACTIVE)	)

PROPOSED SETTLEMENT AGREEMENT

The State of Indiana (Petitioner), by Darren R. Covington, Deputy Attorney General, and Oxymed, Inc. dba Wrencare (Respondent), hereby execute this Agreement to a disposition of the Complaint filed in this cause. This Agreement is subject to the review and approval of the Indiana Board of Pharmacy (Board) pursuant to Ind. Code § 25-1-9 et seq. and the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 et seq.

STIPULATED FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 3722 Lake Avenue, Fort Wayne, Indiana 46825. Respondent's last known address is 5742 Industrial Road, Fort Wayne, Indiana 46825.

2. Respondent is a licensed home medical equipment provider in the State of Indiana having been issued license number 69000147A on July 28, 2006.

3. Respondent completed a relocation from its Lake Avenue address to its Industrial Road address in November 2011.

4. Respondent submitted a relocation application to the Indiana Board of Pharmacy on or around December 30, 2011.

EXHIBIT A

5. Pursuant to Ind. Code § 25-26-21-8(a), a home medical equipment services provider must maintain a license at each place that it conducts business.

6. Respondent failed to have its license transferred to its new location on Industrial Avenue prior to relocating there.

STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

Respondent violated Ind. Code § 25-1-9-4(a)(3) in that Respondent has violated Ind. Code § 25-26-21-8 as evidenced by Respondent's failure to notify the Board of its move from Lake Avenue to Industrial Road in Fort Wayne, and failure to have the license transferred to the Industrial Road address, prior to relocating.

AGREED DISPOSITION

It is now therefore agreed by the Respondent and Petitioner as follows:

1. The Board has jurisdiction over the Respondent and the subject matter in this disciplinary action.

2. The parties execute this Agreement voluntarily.

3. Both parties voluntarily waive their rights to a public hearing on the Complaint.

4. Petitioner agrees that the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against the Respondent's Indiana home medical equipment services provider license.

5. Respondent's Indiana pharmacist license shall be issued a **LETTER OF REPRIMAND** attached as Exhibit A.

6. Within thirty (30) days of the Board's Order, Respondent shall pay a **FINE** in the amount of **FIVE HUNDRED DOLLARS ($500.00)** payable to the Indiana Professional Licensing Agency.

7. Within thirty (30) days of the date of the Board's Order, Respondent shall, pursuant to Indiana Code 4-6-14-10 (b), pay a fee of Five Dollars ($5.00) within thirty (30) days of the date of the Final Order in this matter, to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order made 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

8. The Respondent has carefully read and examined this Agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

9. The Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of home medical equipment services provider, or any violation of the Agreement may result in the Petitioner requesting an emergency suspension of the Respondent's license, 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 the Respondent's license.

10. The parties agree to the continuing jurisdiction of the Board and that the discipline agreed to, terms of discipline, and licensure status will apply even if the Board renews the Respondent's license at a later date.

Oxymed Inc.
Representative for Oxymed, Inc.

8-27-2013
Date

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

9/3/13
Date

[DATE]

Oxymed, Inc. d/b/a WrenCare
5742 Industrial Road
Fort Wayne, IN 46825

Re: In the matter of the license of Oxymed, Inc. d/b/a WrenCare
Before the Indiana Board of Pharmacy

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The Findings of Fact, Conclusions of Law and Order is attached hereto and incorporated herein as part of this official reprimand.

Sincerely,

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

Exhibit A