

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0083

IN THE MATTER OF THE INDIANA
NON-RESIDENT PHARMACY PERMIT OF:

PARK AND KING PHARMACY, INC.,
PERMIT NUMBER: 64000990A.

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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 September 9, 2013, in Room W064 of the Indiana State Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, concerning an Administrative Complaint ("Complaint") filed against Park and King Pharmacy, Inc. ("Respondent") on July 26, 2013.

The State of Indiana ("Petitioner") was represented by Darren R. Covington, Deputy Attorney General. 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 2665 Park Street, Jacksonville, Florida 32204.
2. Respondent also has a reported address of 4163 Oxford Avenue, Jacksonville, Florida 32210.
3. Respondent is a permitted non-resident pharmacy in the State of Indiana having been issued permit number 64000990A on July 27, 2009.

4. In November 2012, the Indiana Board of Pharmacy (Board) requested a copy of the Respondent's last inspection report from the resident state Board of Pharmacy and information regarding Respondent's compounding practices. The Board requested a response by December 31, 2012.

5. Respondent failed to respond to the request by the December 31, 2012 deadline.

6. On or around January 16, 2013, a complaint was filed with the Petitioner, by the Board, for failing to respond to the request for information.

7. On or around February 1, 2013, the Petitioner sent an opening letter notifying Respondent of the complaint and requested a response by Respondent. Respondent failed to respond to the letter.

8. Pursuant to Ind. Code § 25-26-17-4, "a nonresident pharmacy must: (1) comply with all requests for information made by the board."

9. Pursuant to Ind. Code § 25-26-17-5, "the Board may deny, revoke, or suspend the registration of a nonresident pharmacy for: (1) failing to comply with sections 3, 4, 5, and 6 of this chapter."

10. A Complaint was filed by the Petitioner against Respondent on July 26, 2013.

11. On August 1, 2013, the Indiana Professional Licensing Agency sent a hearing notice to Respondent at its last address of record informing it of the date, time, and place of the administrative hearing on the Complaint scheduled for August 21, 2013 at 1:00 p.m.

12. On August 9, 2013, the Indiana Professional Licensing Agency sent a hearing notice to Respondent at its Oxford Avenue address informing it of the date, time and place of the administrative hearing on the Complaint scheduled for August 21, 2013 at 1:00 p.m.

13. 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 August 21, 2013.

14. On August 21, 2013, the Administrative Law Judge issued a Notice of Proposed Default Order. On August 23, 2013, the Notice of Proposed Default Order was mailed to Respondent's last known address.

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

16. On September 9, 2013, the Board voted, 6-0-0, to hold Respondent in default.

ULTIMATE FINDINGS OF FACT

Respondent violated Ind. Code § 25-1-9-4(a)(3) in that Respondent has violated Ind. Code § 25-26-17-4(1) as evidenced by failing to respond to a written request by the Board.

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 permit is **REVOKED**.
2. Within thirty (30) days of the date of this Order, pursuant to Ind. Code § 4-6-14-10(b), Respondent shall pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records

and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Indiana Office of the Attorney General
ATTN: Katherine Lee
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

ORDERED this 13th day of September, 2013.

INDIANA BOARD OF PHARMACY

By:

for

Maureen Bennett
Nicholas W. Rhoad
Executive Director
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:

Park and King Pharmacy, Inc.,
4163 Oxford Ave.
Jacksonville, FL 32210
Service by U.S. Mail

Martin Dix
Akerman Senterfitt
106 E College Ave., 12th Flr.
Tallahassee, FL 32301
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

Indiana Board of Pharmacy
Indiana Government Center South
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Indianapolis, IN 46204
Phone: 317-234-2067
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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.