

STATE OF INDIANA,)
)
 Petitioner,)
)
 v.)
)
 DONNIELLE SHEAD, CPhT)
 License No. 67008613A,)
)
 Respondent.)



ORDER TO SHOW CAUSE

Comes now the Indiana Board of Pharmacy (Board), on its own motion and pursuant to IC 4-21.5, and hereby ORDERS Respondent Donnielle Shead to appear before the Board on January 12, 2009 at 10:00 a.m. in Room W064 of the Indiana Professional Licensing Agency, Indiana Government Center South, 402 W. Washington Street, Indianapolis, Indiana 46204.

1. Respondent is to show cause why Respondent's pharmacy technician certification should not be summarily suspended, on an emergency basis, or whether other disciplinary action should be imposed due to noncompliance with the probationary terms as set forth in the Board's September 25, 2008 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: Respondent Donnielle Shead failed to make monthly personal appearances before the Board.

2. This notice is being provided to Respondent Donnielle Shead, 4060 North 150 West, Apartment E-13, Columbus, Indiana 47201.

3. This notice is being provided to counsel for the State of Indiana, Heather Kennedy, Deputy Attorney General, Office of the Attorney General, Indiana Government Center South, 5th Floor, 302 West Washington Street, Indianapolis, Indiana, 46204, telephone number (317) 233-2351.

4. The official cause number of this action is 2005 IBP 0036.
5. The Board is empowered to hold this disciplinary hearing pursuant to the authority of IC 25-1-9 and IC 4-21.5.
6. Marty Allain, 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 W. Washington Street, Room W072, Indianapolis, Indiana 46204, or may be contacted 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 IC 4-21.5-3.

All of which is ORDERED, ADJUDGED, AND DECREED, this 24 day of DECEMBER, 2008.

INDIANA BOARD OF PHARMACY

By: _____



Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Distributed to:

Donnielle Shead
4060 North 150 West
Apartment E-13
Columbus, Indiana 47201

CERTIFIED MAIL NUMBER 7008 0150 0002 4417 3381

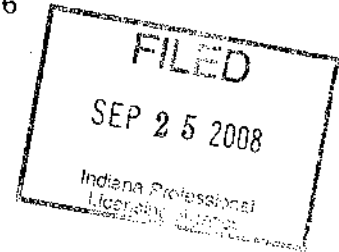
RETURN RECEIPT REQUESTED

Heather Kennedy
Deputy Attorney General
Office of Attorney General
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NO. 2005 IBP 0036

IN THE MATTER OF THE
PHARMACY TECHNICIAN CERTIFICATION OF:

DONNIELLE SHEAD, CPhT
License No. 67008613A



FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana Board of Pharmacy ("Board") held an administrative hearing on September 8, 2008, in Room W064 of the Indiana Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, concerning Donnielle Shead's ("Shead") request to reinstate her certificate as a Pharmacy Technician.

The State of Indiana was represented by Deputy Attorney General, Heather Kennedy and Certified Legal Intern Elizabeth Ferguson. Shead appeared in person and waived her right to be represented by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Shead, who resides at 4060 North 150 West, Apartment E-13, Columbus, Indiana 47201, is a duly certified pharmacy technician in the State of Indiana holding license number 67008613A.
2. The Indiana Professional Licensing Agency sent, and Shead received, timely and proper notice of the date, time and location of this hearing pursuant to Indiana Code § 4-21.5-3-20.
3. The Board is empowered to hold this administrative hearing pursuant to the authority of Indiana Code § 25-1-9-11 and Indiana Code § 4-21.5-3.
4. In June 2008, the Board voted to suspend Shead's certificate because she violated the terms of probation on her certificate by relapsing into the use of alcohol.

5. At the hearing on reinstatement, Shead testified that she has been evaluated by Dr. Timothy Kelly who specializes in the field of addictionology. He concluded that "if she continues to utilize the tools of recovery that she should do well." She is also involved in counseling at Centerstone and attends alcoholics anonymous meetings on a regular basis. Her sobriety date is February 17, 2008, and her drug and alcohol screens have been negative while she has been in treatment.
6. Shead's recovery is being monitored by her employer, Walgreens, through its "Last Chance Program". Her store manager reports that she is doing well at work.
7. The evidence demonstrates that Shead may practice in a pharmacy with reasonable skill and safety to the public, but only under restrictions.

CONCLUSIONS OF LAW

1. "The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter." IND. CODE § 25-1-9-11.
2. Because Shead has established that she may practice with reasonable skill and safety to the public if she complies with the terms of her probation, she qualifies for reinstatement of her license on probation.

ORDER

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

Shead's certificate is reinstated on INDEFINITE PROBATION. Shead may not seek withdrawal of the probationary status of her certificate for a period of five (5) years from the date of this Order.

1. During the Probationary Period, Shead's technician certificate shall be governed by the following TERMS and CONDITIONS:
 - a. Shead shall keep the Board apprised of her home address, mailing address and residential telephone number at all times.

- b. Shead shall keep the Board apprised of her place of employment, employment telephone number and name of her supervisor at all times.
- c. Shead shall keep the Board informed of her occupation title and work schedule, including the number of hours worked, at all times.
- d. Shead shall provide a copy of all Board orders imposing discipline or limiting practice to any employer who shall sign and return a copy of such orders to the Board within seven (7) days of employment or receipt of the Order.
- e. Shead shall make personal appearances before the Board on a monthly basis for the first year she is on probation and quarterly thereafter. The first personal appearance shall be at the Board's meeting on October 6, 2008.
- f. Shead shall cause her employer to submit supervisory reports to the Board in care of the Indiana Professional Licensing Agency addressing her professional competence, sense of responsibility, work habits, mental attitude and ability to work with others throughout the probationary period. The reports are to be submitted quarterly.
- g. Shead may not work more than 45 hours a week or 10 hours a day while on probation.
- h. Shead shall submit to the Board a copy of all prescriptions written to Shead for her personal consumption.
- i. Shead shall perform four (4) hours of community service for each quarter she is on probation. She shall submit proof of completion of community service to the Board on a quarterly basis in writing.
- j. Shead shall inform the Board of any relapse or use of mood altering substances immediately.
- k. Shead is required to attend two (2) recovery group meetings per week and submit quarterly reports of attendance to the Board. Reports shall indicate the chapter attended, its address, telephone number, the person in charge (or contact person), the dates and times of meetings attended, and verification of attendance by a responsible member of the

facility. Shead shall also include comments regarding the degree to which she finds these meetings helpful.

1. Shead shall attend one (1) counseling session per month. She will cause her counselor to submit reports to the Board regarding her progress. Those reports are to be submitted monthly for the first year she is on probation and quarterly thereafter. Shead may not discontinue counseling unless the counselor notifies the Board in writing that the counseling is no longer necessary or helpful.
- m. Shead shall undergo random urine drug screens and/or blood screens as required by her employer, Walgreens.
- n. If Shead is no longer employed by Walgreens, she must immediately notify the Board so that it may modify the terms of her probation accordingly.

2. It is further Ordered that:

- a. Any information received by any other regulatory agency that indicates non-compliance with the statutes or regulations regarding the competent practice of pharmacy;
- b. a positive urine drug screen; or
- c. a violation of the Final Order,

may result in the State requesting an emergency suspension of Shead's license, as well as possible reinstatement of the initial action giving rise to this resolution, an Order to Show Cause as may be issued by the Board, or a new cause of action being filed pursuant to Indiana Code § 25-1-9-4(a)(10), any or all of which could lead to additional sanctions, up to and including a revocation of Shead's license.

SO ORDERED this 25 of September, 2008.

INDIANA BOARD OF PHARMACY

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

Copies to:

Donnielle Shead, CPhT
4060 North 150 West
Apartment E-13
Columbus, Indiana 47201

SENT CERTIFIED MAIL NO. 7008 0150 0002 4419 2993
RETURN RECEIPT REQUESTED.

Heather Kennedy
Deputy Attorney General
Elizabeth Ferguson
Certified Legal Intern
OFFICE OF THE ATTORNEY GENERAL
302 West Washington Street, 5th Floor
Indianapolis, Indiana 46204-2770

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