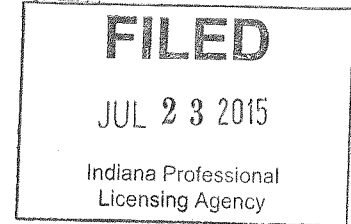


**BEFORE THE INDIANA
BOARD OF PHARMACY
2015 IBP 002**

**IN THE MATTER OF THE
PHARMACY TECHNICIAN LICENSE OF

AMY ELIZABETH SPROUSE, C. PH.T.
LICENSE NO. 67023672A**

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FINDINGS OF FACT, CONCLUSION OF LAW, AND FINAL ORDER

The Indiana Board of Pharmacy (“Board”) held a hearing on July 13, 2015 in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, concerning an administrative complaint filed against the pharmacy technician license of Amy Elizabeth Sprouse (“Respondent”) on January 22, 2015.

The State of Indiana (“Petitioner”) was represented by Counsel, Deputy Attorney General, Amelia A. Hilliker. Respondent failed to appear in person and was not represented by counsel.

On July 13, 2015, the Board considered the evidence presented and took official notice of its file in this matter. By a unanimous 6-0 vote, the Board found the Respondent to be in **DEFAULT**. The Board then held further proceedings in Respondent’s absence and issues the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Respondent is a licensed Indiana pharmacy technician having been issued Indiana license number 67023672A on October 25, 2013. Respondent’s license expired on June 30, 2014.

2. Respondent's address on file with the Indiana Professional Licensing Agency is 702 Castetter Road in Henryville, Indiana.

3. At all times relevant herein, Respondent was employed as a pharmacy technician at Meijer Pharmacy #167 located at 2750 Allison Lane in Jefferson, Indiana ("Meijer").

4. On January 7, 2014, Meijer Asset Protection Detectives began an investigation into a loss of large amounts of hydrocodone.

5. Meijer Asset Protection Detectives focused their investigation on Respondent after it was evident that Respondent was the only person among the suspected pharmacy staff who had been working during all of the shifts where losses of hydrocodone had been discovered.

6. During the investigation, detectives reviewed video recordings from the pharmacy dating back to December 15, 2013. Detectives also began observing Respondent while working her shifts in the pharmacy.

7. Detectives' observations of Respondent's interactions with bottles of hydrocodone indicated that Respondent was removing hydrocodone tablets from the pharmacy stock and placing the pills in her pockets.

8. Detectives also observed Respondent consume tablets from her pockets while in the pharmacy area and then immediately return to her duties.

9. On January 17, 2014, Meijer Asset Protection Detectives interviewed Respondent regarding the findings from their investigation.

10. At the start of the interview, Asset Protection Detectives searched Respondent's person and found a total of twelve (12) hydrocodone 10mg tablets concealed inside her shirt pockets.

11. During the interview, Respondent admitted to the detectives that she had taken fourteen (14) hydrocodone pills during her shift that day, but had consumed two (2) of the tablets while working.

12. At the conclusion of the interview, Respondent provided a handwritten statement admitting that every couple of days she had been taking ten (10) to fifteen (15) pills during her shifts.

13. In a second signed statement, Respondent admitted that beginning in February or March of 2013 while working as a pharmacy technician at Meijer, Respondent had been responsible for the theft of both alprazolam and hydrocodone tablets.

14. In the signed statement, Respondent further admitted responsibility for the loss of 920 alprazolam tablets and 1,634 hydrocodone tablets, a total of \$1097.10.

15. After the interview, Respondent was terminated from her employment at Meijer.

16. On or about January 31, 2014, Respondent was charged in the Clark County Circuit Court with three (3) counts of Possession of a Controlled Substance, a class D felony, and two (2) counts of Theft, a class D felony.

17. On or about December 22, 2014, Respondent pled guilty to one (1) count of Possession of a Controlled Substance, a class D felony, and one (1) count of Theft, a class D felony.

18. Respondent was sentenced to one and a half years of incarceration, suspended to strict terms of probation, and ordered to pay fees and costs.

19. A complaint was filed by Petitioner against Respondent on January 22, 2015.

20. On January 26, 2015, IPLA sent a hearing notice to Respondent at her address of record informing her of the date, time, and place of the administrative hearing on the Complaint scheduled for March 9, 2015.

21. 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 March 9, 2015.

22. On March 9, 2015, the Board voted 5-0-0 to issue a Notice of Proposed Default Order. On or about April 2, 2015 the Notice of Proposed Default Order was mailed to Respondent at her address of record.

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

24. On July 13, 2015, the Board voted 6-0-0 to hold the Respondent in Default.

ULTIMATE FINDINGS OF FACT

1. Respondent's conduct as described above constitutes a violation of Indiana Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by Respondent's theft of hydrocodone and alprazolam while working as a pharmacy technician at Meijer.

2. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(3) in that Respondent has violated a statute or rule regulating her profession. Specifically, Respondent violated Ind. Code § 35-48-4-7(a) by intentionally possessing a Schedule III and Schedule IV controlled substances without a valid prescription or other legal authorization as evidenced by Respondent's theft of hydrocodone, a Schedule III controlled substance (in January 2014), and alprazolam, a Schedule IV controlled substance, from Meijer while working as a pharmacy technician.

3. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(2)(A) in that Respondent has been convicted of a crime that has a direct bearing on her ability to practice competently as evidenced by Respondent's convictions on December 22, 2014 for Theft and Possession of a Controlled Substance resulting from her diversion of hydrocodone and alprazolam while employed as a pharmacy technician at Meijer.

CONCLUSIONS OF LAW

Respondent's violations of Ind. Code § 25-1-9-4 are cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, revocation, and/or a fine up to the amount of one thousand dollars (\$1,000.00) per violation as detailed in Ind. Code §25-1-9-9.

ORDER

Based on the above Findings of Fact the Board issues the following Order by a vote of 6-0-0:

1. Respondent's Indiana pharmacy technician license is **REVOKED**.
2. Respondent shall, within ninety (90) days of this Final Order, pursuant to Ind. Code §4-6-14-10(b) 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:

Office of the Indiana Attorney General
Attn: Kathryn Shively
302 West Washington Street, 5th Floor
Indianapolis, Indiana 46204

3. A violation of this Final Order or any non-compliance with the statutes or regulations regarding the practice of pharmacy may result in 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, and or all of which could lead to additional sanctions.

SO ORDERED, this 23rd day of July, 2015.

INDIANA BOARD OF PHARMACY

By: Herbert W. Price

for

William Cover, R. Ph., President
Indiana State Board of Pharmacy

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CERTIFICATE OF SERVICE

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

Amy Elizabeth Sprouse, C. Ph. T.
702 Castetter Road
Henryville, Indiana 47126
Service by U.S. Mail

Amelia A. Hilliker
Deputy Attorney General
Office of the Indiana Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, Indiana, 46204
Amelia.Hilliker@atg.in.gov
Service by Email

7-23-2015
Date


Megan O'Neal, Litigation Specialist

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Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
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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.

