

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0014

IN THE MATTER OF THE INDIANA)
PHARMACY TECHNICIAN)
CERTIFICATION OF:)
)
AMY CATHERINE PITCHER, C.PH.T.,)
CERTIFICATION NUMBER: 67009432A.)

FILED

APR 18 2013

Indiana Professional
Licensing Agency

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

The Indiana Board of Pharmacy ("Board") held an administrative hearing on April 8, 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 Amy Catherine Pitcher, C.Ph.T. ("Respondent"), on February 8, 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 ("IPLA") is 11607 Peacock Drive, Indianapolis, Indiana 46236.
2. Respondent is a certified pharmacy technician in the State of Indiana having been issued certification number 67009432A on May 30, 2006.

3. At all times relevant herein, Respondent was employed as a pharmacy technician with Dr. Aziz Pharmacy in Indianapolis, Indiana.

4. In January 2012, a customer of Dr. Aziz Pharmacy complained to the owner that she believed her credit card number on file with Dr. Aziz Pharmacy had been used by an employee to make unauthorized purchases.

5. During the investigation by the owner, Respondent admitted that she used the customer's credit card number to make purchases, and also admitted that she had done this one other time with another customer's credit card number. Respondent then submitted her resignation.

6. On or around March 20, 2012, Respondent was charged in Marion County, Indiana Superior Court with one count of Fraud, a Class D Felony, under Cause Number 49F15-1203-FD-017806.

7. On or around August 9, 2012, Respondent pled guilty to Fraud. Respondent received a one year suspended sentence, was ordered to complete 64 hours of community service, and pay restitution in the amount of \$938.39.

8. A Complaint was filed by the Petitioner against Respondent on February 8, 2013.

9. On February 18, 2013, the IPLA sent a hearing notice to Respondent at her last address of record informing her of the date, time, and place of the administrative hearing on the Complaint scheduled for March 11, 2013, at 2:00 p.m.

10. 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 11, 2013.

11. On March 11, 2013, the Board voted 5-0-0 to issue a Notice of Proposed Default Order. On March 22, 2013, the Notice of Proposed Default Order was mailed to Respondent's address of record.

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

13. On April 8, 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)(2)(A) and (B) in that Respondent has been convicted of a crime that has a direct bearing on her ability to practice competently and is harmful to the public as evidenced by her guilty plea to Fraud for the unauthorized use of a pharmacy customer's credit card.

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 § 25-1-11-12.

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 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

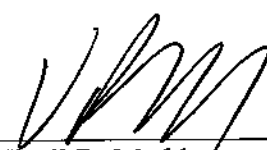
shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

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

ORDERED, this 18 day of April, 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 "Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order" has been duly served upon:

Amy Pitcher
11607 Peacock Dr.
Indianapolis, IN 46236
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

4/18/13
Date

Jackie Day
Jackie Day

Indiana Board of Pharmacy
Indiana Government Center South
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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.