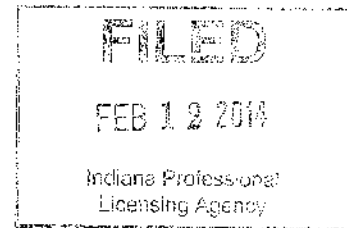


**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IPB 0110**

**IN THE MATTER OF THE INDIANA
PHARMACY PERMIT OF:**

**PAUL'S PHARMACY EAST
PERMIT NUMBER: 60006287A**

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana Board of Pharmacy ("Board") held an administrative hearing on February 10, 2014, Room W064 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, concerning the "Complaint" filed by the Consumer Protection Division of the Attorney General's Office which alleges that Paul's Pharmacy East ("Respondent") should have its permit as a pharmacy disciplined.

Amanda Elizondo, Deputy Attorney General, represented the State of Indiana. Respondent appeared in person by Scott Hodges and waived its right to be represented by counsel.

The Board, after considering the evidence and taking official notice of its file in this matter, by a vote of 6 to 0, issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent, who has a mailing address of 1225 Washington Square, Evansville, Indiana 47715, is a permitted pharmacy with permit number 60006287A.
2. In November 2013, the Consumer Protection Division of the Attorney General's Office filed a "Complaint" against the Respondent. The Complaint alleged that Respondent's permit should be disciplined because it knowingly violated state law regulating the practice of pharmacy. The allegations were based on the assertion that it had filled prescriptions after the

prescribing physician had informed the pharmacy that prescriptions for a certain patient were fraudulent. Specifically the State's charge is set out as follows:

Respondent violated Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent continued to practice although it became unfit to practice due to failure to keep abreast of current professional theory or practice, as evidenced by Respondent filling prescriptions for controlled substances for Patient S.N., even though it was advised these prescriptions were fraudulent.

3. The State presented an affidavit Mrs. Megan Malek who is the nurse and office manager for Dr. Bachar Malek. It stated in the affidavit that in May 2012 her office had informed Paul's Pharmacy East not to fill prescriptions for controlled substances for patient S.N.

4. Scott Hodges, a pharmacist at Paul's Pharmacy East, states that the pharmacy would have deactivated a prescription if the physician informed it not to fill the prescription.

5. Hodges, however, had no recollection of receiving instructions from Malek's office in May 2012 to not fill prescriptions for S.N.

6. The only direct evidence about contact, or lack thereof, between Malek's office and Paul's Pharmacy East was the testimony of Hodges. Megan Malek and Dr. Bachar Malek did not appear at the hearing.

7. The State did not present sufficient evidence to support disciplinary charges against the Respondent.

CONCLUSIONS OF LAW

1. A pharmacy's permit is subject to discipline if it violates the laws regulating the practice. Ind. Code § 25-1-9-4.

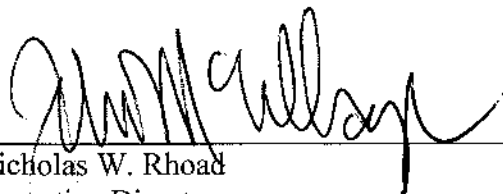
2. The Board concluded that the State did not show through a preponderance of evidence that Paul's Pharmacy East had violated the practice act.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board **DISMISSES** the State's "Complaint" in this matter.

SO ORDERED, this 12th day of February, 2014.

INDIANA BOARD OF PHARMACY

By: 

Nicholas W. Rhoad

Executive Director

Indiana Professional Licensing Agency

for

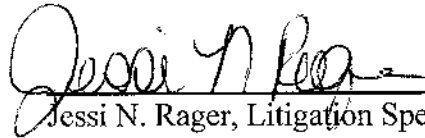
CERTIFICATE OF SERVICE

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

Paul's Pharmacy East
1225 Washington Square
Evansville, IN 47715
Service by U.S. Mail

Amanda Elizondo, 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

2/12/2014
Date


Jessi N. Rager, Litigation Specialist

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Explanation of Service Methods

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