

BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP CV

IN THE MATTER OF THE INDIANA
PHARMACY PERMIT OF

PAUL'S PHARMACY
LICENSE NO. 60006286A (ACTIVE)

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COMPLAINT

This complaint is brought against the pharmacy license of Paul's Pharmacy ("Respondent"), by the Office of the Attorney General, by counsel, Deputy Attorney General Darren R. Covington, on behalf of the State of Indiana ("Petitioner") and pursuant to Ind. Code § 25-1-7-7, Ind. Code § 25-1-5-3, Ind. Code ch. 25-26-13, the Administrative Orders and Procedures Act, Ind. Code art. 4-21.5 and Ind. Code ch. 25-1-9 and in support alleges and states:

FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 2345 W. Franklin Street, Evansville, Indiana 47712.
2. Respondent is a licensed pharmacy in the State of Indiana having been issued license number 60002500A on December 31, 1987. On January 5, 2012, the pharmacy changed ownership from father to son and a new license number, 60006286A, was issued.
3. On or around May 16, 2012, Bachar Malek, M.D. informed Respondent that prescriptions allegedly prescribed by him for Patient J. C. were fraudulent. Dr. Malek asked Respondent's staff to not fill anymore prescriptions allegedly prescribed by him for Patient J. C.
4. A prescription history report provided to the Petitioner by Respondent, shows that Respondent filled prescriptions, allegedly prescribed by Dr. Malek, for hydrocodone 10/500 and alprazolam 2 mg between August 7, 2012 and October 10, 2012 for Patient J. C.

5. On or around October 22, 2012, Dr. Malek again informed Respondent that no prescriptions allegedly written by him for Patient J. C. should be filled.

6. The same prescription report, referenced in paragraph four, shows that a prescription for alprazolam 2 mg, allegedly prescribed by Dr. Malek, was filled for Patient J. C. on November 8, 2012.

7. On or around January 24, 2013, an Indiana Board of Pharmacy ("Board") compliance officer conducted a scheduled inspection at Respondent's registered location.

8. Respondent was cited for violating Ind. Code ch. 16-42-3. This violation was based upon the fact that Respondent had nine expired stock bottles in active inventory. Additionally, Respondent had numerous compounds in active inventory that were past their beyond-use-date, including 28 creams, 47 bottles of troches, and eight bottles of capsules.

9. Respondent was previously cited at the change-of-ownership inspection on January 5, 2012 for having 34 expired stock bottles in active inventory, along with several jars of compounded ointment.

COUNT I

10. Paragraphs 1 through 9 are incorporated by reference herein.

11. Respondent violated Ind. Code § 25-1-9-4(a)(3) in that Respondent violated Ind. Code ch. 16-42-3, as evidenced by Respondent's failure to ensure that its active inventory did not contain expired stock bottles or compounds past their beyond-use-date.

COUNT II

12. Paragraphs 1 through 9 are incorporated by reference herein.
13. 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 J. C., even though it was advised these prescriptions were fraudulent.

WHEREFORE, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and,
3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

Gregory F. Zoeller
Attorney General of Indiana
Atty. No. 1958-98

By: D - R S
Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon the Respondent, by
United States mail, first-class, postage prepaid, on this 15th day of November, 2013.

Paul's Pharmacy
c/o Paul Mayer
2345 W. Franklin St.
Evansville, IN 47712

By:

D-R S

Darren R. Covington
Deputy Attorney General
Attorney No. 28511-16

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