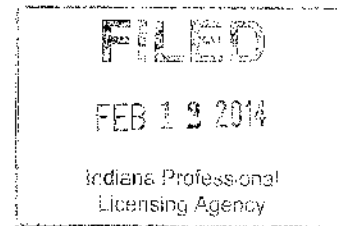


**BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0104**

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

**PAUL'S PHARMACY
LICENSE NO. 60006286A**

)
)
)
)
)



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

The Indiana Board of Pharmacy ("Board") held an administrative hearing on February 10, 2014, in Room W064 of the Indiana State Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, concerning an Administrative Complaint filed against Paul's Pharmacy ("Respondent") on November 15, 2013 by the State of Indiana ("Petitioner").

The Petitioner was represented by Darren R. Covington and Amanda Elizondo, Deputy Attorneys General. Respondent appeared by owner, Jacob Mayer, and chose to proceed without counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 5-0, 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 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 January 24, 2013, an Indiana Board of Pharmacy ("Board") compliance officer conducted a scheduled inspection at Respondent's registered location.

4. 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.

5. 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.

6. On or around January 16, 2014, a Board compliance officer conducted another inspection. Respondent was cited again for having expired products in active inventory.

ULTIMATE FINDINGS OF FACT

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.

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 § 25-1-9-9.

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 license is placed on **INDEFINITE PROBATION**. Respondent may not petition for withdraw of probation until after two (2) years from the date of the Board's Order.

2. While on probation, Respondent shall be governed by the following **TERMS AND CONDITIONS**:

- a. Within three (3) months of the date of the Board's Order, Respondent shall submit to the Board a copy of its policies & procedures for handling expired medication and products beyond-use-date. Such policies & procedures shall be reviewed and approved by a Board compliance officer prior to submission to the Board.
- b. Respondent shall submit quarterly reports to the Board detailing how it has complied the Board-approved policies & procedures referenced in paragraph 2(A) of the Board's Order.
- c. Respondent shall be subject to inspection by a Board compliance officer every six (6) months.

3. Within thirty (30) days from the date of the Board's Order, Respondent shall pay a **FINE** in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)** payable to IPLA at 402 W. Washington Street, Room W072, Indianapolis, Indiana 46204.

4. Within thirty (30) days from the date of the Board's Order, Respondent shall, 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:

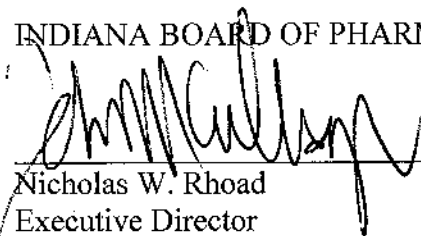
Indiana Office of the Attorney General
ATTN: Katherine Lee
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

5. Respondent's violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of pharmacy may result in the State requesting a summary suspension of Respondent's license, 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, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

SO ORDERED this 12th day of February, 2014.

INDIANA BOARD OF PHARMACY

By:


Nicholas W. Rhoad

Executive Director

Indiana Professional Licensing Agency

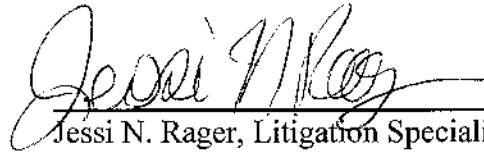
CERTIFICATE OF SERVICE

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

Paul's Pharmacy
2345 W. Franklin St.
Evansville, IN 47712
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

2/12/2014
Date


Jessi N. Rager, Litigation Specialist

Indiana Board of Pharmacy
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2067
Fax: 317-233-4236
Email: pla4@pla.in.gov

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.