

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0111

IN THE MATTER OF THE INDIANA
PHARMACY PERMIT OF:

PAUL'S PHARMACY
PERMIT NUMBER: 60006286A

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FILED

DEC 06 2016

Indiana Professional
Licensing Agency

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Paul's Pharmacy ("Paul's") appeared at a hearing before the Indiana Board of Pharmacy ("Board") on November 14, 2016, in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana concerning its request to have the probationary terms withdrawn from its permit as a pharmacy.

The state of Indiana appeared by Amelia Hilliker, Deputy Attorney General.
Paul's appeared by Brian Perry, R.Ph.

The Board, after considering the evidence, by a vote of 6 to 0 issued the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Paul's, whose mailing address is 2345 West Franklin Street, Evansville, Indiana 47712, is a duly permitted pharmacy holding permit number 60006286A.
2. The Indiana Professional Licensing Agency sent, and Paul's received, timely and proper notice of the date, time and location of this hearing pursuant to Ind. Code § 4-21.5-3-20.

3. The Board is empowered to hold this administrative hearing pursuant to the authority of Ind. Code § 25-1-9-9 and Ind. Code § 4-21.5-3.

4. The Board placed Paul's Pharmacy permit on probation in February 2014 because the pharmacy was storing outdated drugs.

5. In August 2016 Paul's asked that the probation be withdrawn from its permit.

6. At the hearing on withdrawal, Brian Perry, R.Ph., who is the Pharmacist in Charge and Operations Manager for Paul's testified that Paul's has complied with the terms of its Indiana probation and scrupulously complied with Indiana law.

7. No problems were identified during Paul's last inspection by the Board's compliance staff.

8. The deficiency that led to the probation of Paul's permit involved storing outdated drugs. Paul's compliance with its probation constitutes evidence that this problem has been remedied.

CONCLUSIONS OF LAW

1. "The board may withdraw or modify the probation ... if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order." Ind. Code § 25-1-9-9(b).

2. Paul's compliance with its probation constitutes evidence that the deficiency that required disciplinary action has been remedied.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board **WITHDRAWS** the probation on Paul's permit.

SO ORDERED this 5th of December, 2016.

INDIANA BOARD OF PHARMACY

By: Herbert W. Price

for

Donna Wall, R.Ph.
President

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
2345 West Franklin Street
Evansville, IN 47712
Service by U.S. Mail

Amelia Hilliker
Deputy Attorney General
Office of the Indiana Attorney General
Indiana Government Center South
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Indianapolis, IN 46204
Amelia.hilliker@atg.in.gov
Service by Email

12-5-16
Date

Donna Moran
Signature

Indiana Board of Pharmacy
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