

BEFORE THE INDIANA
BOARD OF PHARMACY
2012 IBP 0034

IN THE MATTER OF THE LICENSE OF)
THE DRUG STORE, INC.)
LICENSE NO. 60002372A (ACTIVE))



COMPLAINT

This complaint is brought against the pharmacy license of The Drug Store, Inc. (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 1044 North Luther Road, Georgetown, Indiana 47122.
2. Respondent is a licensed pharmacy in the State of Indiana having been issued license number 60002372A on December 31, 1987. Respondent also holds Controlled Substances Registration number 60002372B issued on March 31, 1986.
3. Ind. Code § 35-48-7-8.1 requires all dispensers of controlled substances to transmit to the Indiana Scheduled Prescription Electronic Collection and Tracking Program (INSPECT) a list of all controlled substances dispensed by the dispenser within seven days of dispensing.

4. On or around May 5, 2011, INSPECT sent a letter of non-compliance to Respondent after an audit revealed that Respondent's last transmission of data to INSPECT was completed on April 13, 2011.

5. A second non-compliance letter was issued on July 8, 2011 by INSPECT. Respondent made only three transmissions between May 21 and June 27, 2011; there should have been six transmissions.

6. A final non-compliance letter was issued on December 6, 2011 by INSPECT. Respondent made only six transmissions between October 15 and December 3, 2011; there should have been eight transmissions.

7. Respondent was scheduled to appear before the Indiana Board of Pharmacy on January 9, 2012 to address Respondent's noncompliance. Respondent failed to attend this meeting.

COUNT I

8. Paragraphs 1 through 7 are incorporated by reference herein.

9. Respondent violated Ind. Code § 25-1-9-4(a)(3) by violating Ind. Code § 35-48-7-8.1 as evidenced by Respondent's failure to make weekly data transmissions of controlled substances dispensed to INSPECT.

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 2nd day of May, 2012.

The Drug Store, Inc.
1044 North Luther Road
Georgetown, IN 47122

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

OFFICE OF THE INDIANA ATTORNEY GENERAL
Indiana Government Center South
302 West Washington St., Fifth Floor
Indianapolis, IN 46204-2770
Telephone Number: 317-233-6506
Facsimile Number: 317-233-4393
Email: darren.covington@atg.in.gov