

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0021

IN THE MATTER OF THE INDIANA
PHARMACY TECHNICIAN
CERTIFICATION OF:

DONNA M. SALYER, C.PH.T.,
CERTIFICATION NUMBER: 67005336A.

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**FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

The State of Indiana ("Petitioner"), by the Office of the Attorney General, by Deputy Attorney General Darren R. Covington and Donna M. Salyer, C.Ph.T. ("Respondent") signed a Proposed Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action by the Petitioner and the Indiana Board of Pharmacy ("Board") regarding the Respondent's certification, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the June 10, 2013 meeting held in Conference Room C of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement, which is attached hereto and incorporated herein as Exhibit A, and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 6-0-0. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law and Order.

WHEREFORE, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby **ORDERED** to abide by all the terms of the Agreement.

ORDERED, this 28th day of June, 2013.

INDIANA BOARD OF PHARMACY

By: Nicholas W. Rhoad
Nicholas W. Rhoad
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

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

Donna M. Salyer, C.Ph.T.
11 North 5th Street
Batesville, IN 47006
Service by U.S. Mail

Deputy Attorney General Darren R. Covington
Office of the Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, IN 46204
Service by Email

6/28/13
Date

Jackie Day
Jackie Day

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.

BEFORE THE INDIANA
BOARD OF PHARMACY
2013 IBP 0021

IN THE MATTER OF THE CERTIFICATION OF)
DONNA M. SALYER, C.PH.T.)
LICENSE NO. 67005336A (SUMMARY SUSPENSION))

FILED

JUN 05 2013

Indiana Professional
Licensing Agency

PROPOSED SETTLEMENT AGREEMENT

The State of Indiana (Petitioner), by Darren R. Covington, Deputy Attorney General, and Donna M. Salyer, C.Ph.T. (Respondent), hereby execute this Agreement to a disposition of the Complaint filed in this cause. This Agreement is subject to the review and approval of the Indiana Board of Pharmacy (Board) pursuant to Ind. Code § 25-1-9 et seq. and the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 et seq.

STIPULATED FACTS

1. Respondent's address of record with the Indiana Professional Licensing Agency is 11 North 5th Street, Batesville, Indiana 47006.
2. Respondent is a certified pharmacy technician in the State of Indiana having been issued certification number 67005336A on December 29, 2003.
3. At all times relevant herein, Respondent was employed as a pharmacy technician with Margaret Mary Community Hospital ("the Hospital") in Batesville, Indiana.
4. Over the past several years, Respondent has held a medical prescription for zolpidem.

Exhibit A

5. On or around August 10, 2012, Respondent forged a pharmacy technician's signature on delivery invoices for unauthorized orders of prescription zolpidem.

6. On or around December 5, 2012, Respondent forged a pharmacy technician's signature on delivery invoices for unauthorized orders of prescription zolpidem.

7. On or around December 24, 2012, pharmacy technicians alerted the Director of Pharmacy Services for the Hospital ("the Director") that a zolpidem invoice contained the forged signature of a pharmacy technician who was not scheduled to work on the date the invoice was signed.

8. On or around January 4, 2013, the Director submitted a DEA Form 106 Report of Theft or Loss of Controlled Substances, which reported 1,900 missing zolpidem tablets, a schedule IV controlled substance.

9. On or about January 7, 2013, the Director noticed several missing doses of hydrocodone and ten additional missing tablets of zolpidem following Respondent's weekend shift.

10. On or around January 8, 2013, Respondent admitted to the Director that she ordered bulk zolpidem and took the prescriptions home with her over the previous 6 to 9 months.

11. On or around January 8, 2013, the Hospital terminated Respondent's employment.

12. On or around March 11, 2013, the Indiana Board of Summary summarily suspended Respondent's license.

13. Respondent was previously charged on August 1, 2011 in Ripley County, Indiana Superior Court with Check Deception, a Class A Misdemeanor, under Cause Number 69D1-1108-CM-00196. Respondent entered into a pre-trial diversion agreement on August 23, 2011. At the completion of this agreement, Respondent's charges were dismissed on November 20, 2012.

14. Respondent did not disclose these pending charges on her application for licensure renewal on May 1, 2012.

STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

1. Respondent is subject to disciplinary sanctions pursuant to Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by her misappropriation of zolpidem from Margaret Mary Hospital.

2. Respondent is subject to disciplinary sanctions pursuant to Ind. Code § 25-1-9-4(a)(1)(B) in that Respondent has engaged in fraud or material deception in the course of professional services or activities as evidenced by Respondent's act of forging signatures on delivery invoices at Margaret Mary Hospital.

3. Respondent is subject to disciplinary sanctions pursuant to Ind. Code § 25-1-9-4(a)(1)(A) in that Respondent has engaged in fraud or material deception in order to obtain a license to practice as evidenced by her false statement that she had no pending criminal charges on her May 1, 2012 application for licensure renewal.

AGREED DISPOSITION

It is now therefore agreed by the Respondent and Petitioner as follows:

1. The Board has jurisdiction over the Respondent and the subject matter in

this disciplinary action.

2. The parties execute this Agreement voluntarily.
3. Both parties voluntarily waive their rights to a public hearing on the Complaint.
4. Petitioner agrees that the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against the Respondent's Indiana pharmacy technician license.
5. Respondent's Indiana pharmacy technician license shall be **REVOKED**.
6. Within thirty (30) days of the date of the Board's Order, Respondent shall, pursuant to Indiana Code 4-6-14-10 (b), pay a fee of Five Dollars (\$5.00) within thirty (30) days of the date of the Final Order in this matter, to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order made payable to the State of Indiana, and submitted to the following address:

Indiana Office of the Attorney General
Attn: Katherine Lee
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

7. The Respondent has carefully read and examined this Agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

Donna M. Salyer
Donna Salyer
Respondent

6/3/2013
Date

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

6/4/13
Date

Notary Public:

The above document was signed in my presence by Donna Salyer.

Janet Henry
Signature

6-3-13
Date

JANET HENRY
Printed Name
My Comm. Expires
Oct. 5, 2014
Deputy Co. La.

Seal: