

BEFORE THE INDIANA
BOARD OF PHARMACY
2014 IBP 0013

IN THE MATTER OF THE LICENSE OF)
)
WILLIAM Z. WAY, R.PH.)
)
)
LICENSE NO. 26012430A (ACTIVE))



COMPLAINT

This complaint is brought against the pharmacist license of William Z. Way, R.Ph. (“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 6524 English Drive, Avon, Indiana 46123.
2. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26012430A on November 3, 1969.
3. On or around November 17, 1988, Respondent began his employment with K-Mart Pharmacy in Indianapolis, Indiana.
4. Respondent’s employment was terminated April 15, 2013.
5. Throughout the course of Respondent’s employment, Respondent received multiple corrective actions, coaching sessions, and appraisal remarks based upon his unprofessional conduct. Additionally, K-Mart Pharmacy received multiple complaints from employees, customers, and physicians regarding Respondent’s unprofessional conduct.

6. Respondent was counseled on being professional, courteous, respectful, and patient towards customers and staff; controlling his temper; and, being less critical.

7. In May 1997, Respondent received a Notice of Corrective Action for unprofessional conduct, including the excessive use of profanity and "fits of anger."

8. In March 2003, K-Mart Pharmacy received a customer complaint that Respondent was intimidating, rude, and referred to someone on the telephone as a "bitch."

9. In September 2011, K-Mart Pharmacy received a customer complaint that Respondent was "the rudest person I've ever met."

10. In September 2011, Respondent was coached after receiving two ethics complaints that Respondent was unprofessional and harassing towards a pharmacy intern, and openly mocked customers.

11. In May 2012, K-Mart Pharmacy received a customer complaint that Respondent was a "very rude, mean man and should not be working with the public."

12. In July 2012, Respondent was again counseled on his excessive use of profanity and for calling staff members "dumb," "idiots," and "morons." Respondent defended his latter choice of words as being "clinical terms."

13. In August 2012, a "round table" was held by K-Mart Pharmacy management regarding Respondent's behavior. Specifically, Respondent slamming his hand on counters, using profanity, making racial slurs towards customers, and, exhibiting poor leadership.

14. As part of this round table, Respondent received a Notice of Corrective Action for calling an Asian customer an "Asian bitch" and for slamming his hand on the counter.

15. In October 2012, a technician complained that Respondent continued to use excessive profanity.

16. The technician also complained that Respondent hit her with a refrigerator door when he opened it and did not even acknowledge her. When questioned about what he would say if he hit someone accidentally, Respondent said he would tell the person to “get out of my way.”

17. In October 2012, a physician complained to K-Mart Pharmacy that Respondent mocked his Latino accent and refused to fill a prescription for ferrous sulphate 300 mg/5mL.

18. In January 2013, Respondent received a Notice of Corrective Action for continued use of profanity and for mocking a physician’s accent.

19. In April 2013, Respondent was counseled on his prescription errors. Between April 2012 and January 2013, five errors were identified, with either the wrong drug or wrong strength dispensed.

20. A further audit revealed four additional errors between June 2012 and February 2013, with either the wrong drug or wrong strength dispensed.

21. Respondent was counseled to write the NDC number on each prescription as a check to ensure the right drug was being dispensed.

22. Respondent’s employment was terminated in April 2013 after a random audit revealed Respondent was not writing the NDC numbers on each prescription as directed.

COUNT I

23. Paragraphs 1 through 22 are incorporated by reference herein.

24. Respondent violated Ind. Code § 25-1-9-4(a)(4)(A) in that Respondent continued to practice although he became unfit to practice due to professional incompetence, as evidenced by Respondent’s repeated pattern of unprofessional conduct toward staff, customers, and

physicians; and, Respondent's repeated discipline at K-Mart Pharmacy related to his unprofessional conduct.

COUNT II

25. Paragraphs 1 through 22 are incorporated by reference herein.

26. Respondent violated Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent continued to practice although he became unfit to practice due to failure to keep abreast of current professional theory or practice, as evidenced by Respondent's repeated pattern of unprofessional conduct toward staff, customers, and physicians; and, Respondent's repeated discipline at K-Mart Pharmacy related to his unprofessional conduct.

COUNT III

27. Paragraphs 1 through 22 are incorporated by reference herein.

28. Respondent violated Ind. Code § 25-1-9-4(a)(4)(A) in that Respondent continued to practice although he became unfit to practice due to professional incompetence, as evidenced by Respondent's repeated pattern of prescription dispensing errors; and, Respondent's failure to take corrective steps, such as writing NDC numbers on prescriptions, to prevent dispensing errors.

COUNT IV

29. Paragraphs 1 through 22 are incorporated by reference herein.

30. Respondent violated Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent continued to practice although he became unfit to practice due to failure to keep abreast of current professional theory or practice, as evidenced by Respondent's repeated pattern of prescription dispensing errors; and, Respondent's failure to take corrective steps, such as writing NDC numbers on prescriptions, to prevent dispensing errors.

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:

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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 April, 2014.

William Way
6524 English Dr.
Avon, IN 46123

By:



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

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