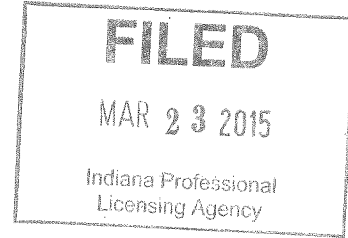


**BEFORE THE INDIANA  
BOARD OF PHARMACY  
2014 IBP 0013**

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



**CORRECTED FINAL ORDER ACCEPTING PROPOSED SETTLEMENT**

**AGREEMENT**

The State of Indiana (“Petitioner”), by the Office of the Attorney General, by Deputy Attorneys General Darren R. Covington and Laura Sahm, and William Z. Way, R.Ph. (“Respondent”), by counsel, Lorie Brown, signed a Proposed Settlement Agreement (“Agreement”), filed January 12, 2015, which purports to resolve all issues involved in the action by Petitioner and the Indiana Board of Pharmacy (“Board”) regarding Respondent’s license, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the February 9, 2015 meeting held in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, now finds that 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 approves this Agreement by a vote of 5-0-0. 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 issues in this case consistent with the terms of the Agreement between the parties, and

Respondent is hereby **ORDERED** to abide by the terms of the Agreement as set forth below:

**ORDER**

1. Respondent's license shall be placed on **INDEFINITE PROBATION** with no right to petition for withdrawal of probation until after the completion of six (6) months from the date of this Order.

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

a. Respondent shall keep the Board apprised of his current residential address, telephone number and email address.

b. Respondent shall keep the Board apprised of his current place of employment, employment address, employment telephone number, and name of supervisor, if applicable.

c. Respondent shall keep the Board apprised of his work schedule and occupation.

d. **Paragraph 6(d) of the Agreed Disposition of the Proposed Settlement Agreement has been satisfied based on the evidence presented by Respondent at the presentation of the settlement agreement on February 9, 2015.**

e. Respondent will attend the 12<sup>th</sup> Annual CE Program for Pharmacists June 4-5, 2015 at Butler University. If for some reason Respondent is unable to attend, Respondent will submit proof of completion of six (6) hours of continuing education on preventing medication dispensing errors by August 1, 2015.

f. Respondent shall present a copy of the Board's Order to any pharmacy employer and cause them to submit a signed copy back to the Board.

g. Respondent shall cause his employer to submit monthly reports to the Board on Respondent's ability to work with others and professional competence. The reports shall also indicate whether Respondent has made any medication errors or received any complaints from other health-care providers, employees or patients regarding him. These reports shall be written by someone who has supervision of Respondent's work.

3. If Respondent's license is placed on either Retired or Inactive status, Respondent shall be excused from completing the provisions in paragraph 2 including subparts while his license remains on Retired or Inactive status.

4. Within ninety (90) days of this Order, Respondent shall pay **COSTS** in an amount of \$500.00, payable to the Office of the Indiana Attorney General.

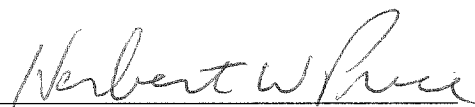
5. Within thirty (30) days of this Order, Respondent shall, pursuant to I.C. § 4-6-14-10(b), pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order **payable to the State of Indiana**, and submitted to the following address:


Indiana Office of the Attorney General  
Attn: Katherine Shively  
302 West Washington Street, 5<sup>th</sup> Floor  
Indianapolis, IN 46204

**SO ORDERED**, this 23<sup>rd</sup> day of March, 2015.

INDIANA BOARD OF PHARMACY

By:

  
Nicholas W. Rhoad  
Executive Director

 Indiana Professional Licensing Agency

**CERTIFICATE OF SERVICE**

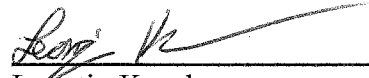
I certify that a copy of the "Final Order Accepting Proposed Settlement Agreement" has been duly served upon:

William Way, R.PH  
6524 English Drive  
Indianapolis, Indiana 46123  
**Service by U.S. Mail**

Lorie Brown  
718 Timber Mill Lane  
Indianapolis, Indiana 46260  
**Service by U.S. Mail**

Laura Sahn  
Deputy Attorney General  
Office of the Indiana Attorney General  
Indiana Government Center South  
302 West Washington Street, Fifth Floor  
Indianapolis, Indiana, 46204  
Laura.Sahn@atg.in.gov  
**Service by Email**

3.23.15  
Date

  
Leontiy Korolev

Indiana Board of Pharmacy  
Indiana Government Center South  
402 West Washington St., Room W072  
Indianapolis, IN 46204  
Phone: 317-234-2067  
Email: [pla4@pla.in.gov](mailto:pla4@pla.in.gov)

**Explanation of Service Methods**

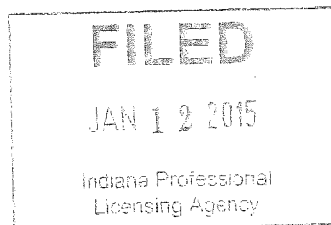
Personal Service: by delivering a true copy of the aforesaid document(s) personally.

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  
2014 IBP 0013

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



SETTLEMENT AGREEMENT

The State of Indiana ("Petitioner"), by Darren R. Covington, Deputy Attorney General, and William Z. Way, R.Ph. ("Respondent"), by counsel, Lorie Brown, 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 ch. 25-1-9 and Ind. Code ch. 4-21.5-3.

STIPULATED 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.

EXHIBIT  
A

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 admits that he received counseling regarding his conduct, but did not view his conduct as unprofessional or rude.

23. 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.

24. Respondent is now employed at Low Cost Pharmacy and doing very well. There have been no complaints about his conduct, only compliments. Respondent currently works as a fill-in pharmacist approximately twice a month.

25. Respondent did make one medication error when the technician put the spouse's name on the prescription bottle label. Low Cost has a bar code reader to reduce and prevent medication dispensing errors.

### STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

1. 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 alleged repeated pattern of unprofessional conduct toward staff, customers, and physicians; and, Respondent's repeated discipline at K-Mart Pharmacy related to his unprofessional conduct.
2. 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.
3. 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.
4. 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.

#### AGREED DISPOSITION

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

1. The Board has jurisdiction over 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 pharmacist license.

5. Respondent's license shall be placed on **INDEFINITE PROBATION**. Respondent may not petition for withdraw of probation until after the completion of six (6) months from the date of the Board's Order.

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

a. Respondent shall keep the Board apprised of his current residential address, telephone number and email address.

b. Respondent shall keep the Board apprised of his current place of employment, employment address, employment telephone number, and name of supervisor, if applicable.

c. Respondent shall keep the Board apprised of his work schedule and occupation.

d. Within three (3) months of the date of the Board's Order, Respondent shall obtain a report from a Board-approved counselor or psychologist regarding if Respondent needs anger management treatment or counseling and follow the counselor's recommendations.

e. Respondent will attend the 12<sup>th</sup> Annual CE Program for Pharmacists June 4-5, 2015 at Butler University. If for some reason Respondent is unable to attend, Respondent will submit proof of completion of six (6) hours of continuing education on preventing medication dispensing errors by August 1, 2015.

f. Respondent shall present a copy of the Board's Order to any pharmacy employer and cause them to submit a signed copy back to the Board.

g. Respondent shall cause his employer to submit monthly reports to the Board on Respondent's ability to work with others and professional competence. The reports shall also indicate whether Respondent has made any medication errors or received any complaints from other health-care providers, employees or patients regarding him. These reports shall be written by someone who has supervision of Respondent's work.

7. If Respondent's license is placed on either Retired or Inactive status, Respondent shall be excused from completing the provisions in paragraph 6 including subparts while his license remains on Retired or Inactive status.

8. Within ninety (90) days of the Board's Order, Respondent shall pay COSTS in an amount of \$500.00, payable to the Office of the Indiana Attorney General.

9. Within thirty (30) days of the Board's Order, Respondent shall, pursuant to I.C. § 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 Shively  
302 West Washington Street, 5<sup>th</sup> Floor  
Indianapolis, IN 46204

10. 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.

11. The Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of pharmacy, or any violation of the Agreement may result in the Petition requesting an emergency suspension of the 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, and or all of which could lead to additional sanctions, up to and including a revocation of the Respondent's license.

William Way R.Ph.  
William Way, R.Ph.  
Respondent

Jan 7, 2015  
Date

Lorie Brown  
Lorie Brown  
Attorney for Respondent

1-7-15  
Date

D-R-S  
Darren R. Covington

1/12/15  
Date

Deputy Attorney General