

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2005 IBP 0036

STATE OF INDIANA,

Petitioner,

v.

DONNIELLE SHEAD, CPhT,

License No.: 67008613A,

Respondent.

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**FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

The Indiana Board of Pharmacy ("Board") held an administrative hearing on March 9, 2009, in Room W064 of the Indiana Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, concerning an order to show cause filed against the Pharmacy Technician certificate of Donnielle Shead, CPhT ("Respondent"), on December 24, 2008.

The State of Indiana was represented by Heather Kennedy, Deputy Attorney General. The Respondent failed to appear in person or by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 7 in favor, 0 against and 0 abstaining, found the Respondent to be in default. The Board then held further proceedings in Respondent's absence and, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 7 in favor, 0 against and 0 abstaining, issues the following Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. The Board has jurisdiction to decide this matter, conduct a hearing, and impose discipline upon Respondent's pharmacy technician certification in accordance with Indiana Code § 25-1-7-7 and Ind. Code § 25-1-5-3. Respondent was provided adequate notice of the hearing in accordance with Ind. Code § 4-21.5-3-8 and Ind. Code § 4-21.5-3-20.

2. Respondent's address on file with the Board is 4060 North 150 West, Apt. E-13, Columbus, Indiana 47201 and she is a certified pharmacy technician holding Indiana license number 67008613A.

3. On September 25, 2008, the Board issued Respondent a probationary pharmacy technician certificate with several terms and conditions.

4. On October 3, 2008, Respondent sent a letter to the Board indicating that she was not intending to practice as a pharmacy technician; therefore, she would not be complying with the terms of her Probationary Order from September 2008.

5. An Order to Show Cause was filed by the Board against the Respondent in this matter on December 24, 2008, informing Respondent of the date, time and place of the order to show cause hearing to be scheduled on January 12, 2009.

6. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the final hearing and failed to appear for the scheduled hearing on January 12, 2009.

7. The Board issued a Summary Suspension and Notice of Proposed Default Order on January 22, 2009.

8. The Respondent failed to respond to the Board's Summary Suspension and Notice of Proposed Default Order within seven (7) days as required by Ind. Code 4-21.5-3-24.

9. On March 9, 2009, the Board held the Respondent in default and determined that she was in violation for not abiding by the terms of her probation as described in the Board's September 25, 2008 Findings of Fact, Conclusions of Law and Order.

ULTIMATE FINDINGS OF FACT

1. The Respondent's conduct violated Ind. Code § 25-1-9-4(a)10, in that, the Respondent has failed to comply with an order imposing a sanction under Indiana Code 25-1-9-9.

2. The Respondent's failure to comply with the terms of her probation subjects her to the imposition of further sanctions as provided for in the September 25, 2008 Order.

CONCLUSIONS OF LAW

Respondent's failure to comply with the above referenced standards is cause for disciplinary sanctions which could include censure, a letter of reprimand, a fine up to the amount of \$1000.00; probation, suspension, or a revocation of license as detailed at Indiana Code § 25-1-9-9.

ORDER

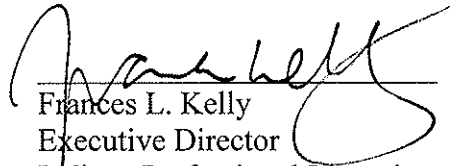
Based upon the Findings of Fact, the Board issues the following **ORDER**:

The Respondent's Indiana Pharmacy Technician certificate shall be placed on **INDEFINITE SUSPENSION**.

SO ORDERED, this 19 day of March, 2009.

INDIANA BOARD OF PHARMACY

By:



Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Copies to:

Donnielle Shead
4060 North 150 West
Apartment E-13
Columbus, IN 47201

CERTIFIED MAIL # _____
RETURN RECEIPT REQUESTED

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Indianapolis, Indiana 46204-2770