

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

**IN THE MATTER OF THE INDIANA
PHARMACY TECHNICIAN
CERTIFICATION OF:**

**DONNIELLE SHEAD, C.Ph.T.
CERTIFICATION NUMBER: 67008613A.**

FILED

SEP 20 2012

Indiana Professional
Licensing Agency

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana Board of Pharmacy ("Board") held an administrative hearing on September 10, 2012, in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, concerning Donnielle Shead's request to reinstate her certificate as a pharmacy technician.

The State of Indiana was represented by Amanda Elizondo and Deputy Attorney General, Darren Covington. Shead appeared in person and waived her right to be represented by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, votes 5 to 1 to issue the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Shead, who resides at 3620 Nicholas Lane, Columbus, Indiana 47203, is a duly certified pharmacy technician in the State of Indiana holding certification number 67008613A.

2. The Indiana Professional Licensing Agency sent, and Shead received, timely and proper notice of the date, time and location of this hearing pursuant to Ind. Code §4-21.5-3-20.

3. The Board is empowered to hold this administrative hearing pursuant to the authority of Ind. Code §25-1-9-9 and Ind. Code §4-21.5-3.

4. Shead has been before the Board multiple times. It issued her a certificate on probation in 2006 because of past substance abuse issues when she was in the Marine Corps.

5. In February 2008 she relapsed into the use of alcohol and the Board suspended her certificate for the first time in June of that year.

6. When she appeared to be in a strong recovery, the Board reinstated her certificate on probation in September 2008.

7. The Board voted to suspend Shead's certificate a second time in March 2009 because she was not complying with the terms of her probation.

8. Shead asked to have her certificate reinstated again in July 2012.

9. The matter was originally scheduled for August, but there was confusion about Shead's correct mailing address and she did not receive notice of the hearing.

10. The Board issued a notice of proposed dismissal in August, but before it dismissed the case in September, Shead appeared before the Board and the State agreed to proceed to a hearing on the merits of her request for reinstatement.

11. At the hearing on reinstatement, Shead testified that she has been sober since February 2008 but stopped complying with her probationary order because she did not

think she would be using her certificate in the future. She works in the photo department at Walgreens and wants to advance her career.

12. Shead and her husband, who have two children, no longer drink alcohol and are in marital counseling. She attends at least two Alcoholics Anonymous meetings a week.

13. She is willing to resume practicing with the same conditions that were on her certificate the last time she was on probation.

14. The evidence demonstrates that Shead may practice in a pharmacy with reasonable skill and safety to the public, but only under restrictions.

CONCLUSIONS OF LAW

1. "The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter." Ind. Code § 25-1-9-11.

2. Because Shead has established that she may practice with reasonable skill and safety to the public if she complies with the terms of her probation, she qualifies for the reinstatement of her certificate on probation.

ORDER

Based upon the above Findings of Fact and Conclusions of Law the Board issues the following Order:

Shead's certificate is reinstated on **INDEFINITE PROBATION**. Shead may not seek withdrawal of the probationary status of her certificate for a period of three (3) years from the date of this Order.

1. During the Probationary Period, Shead's technician's certificate shall be governed by the following **TERMS and CONDITIONS**:

- a. Shead shall keep the Board apprised of her home address, mailing address, e-mail address and residential telephone number at all times;
- b. Shead shall keep the Board apprised of her place of employment, employment telephone number and name of her supervisor at all times;
- c. Shead shall keep the Board informed of her occupation title, work schedule, including the number of hours worked at all times;
- d. Shead must pass the Walgreen technician program in the first year she is on probation.
- e. Shead shall provide a copy of all Board orders imposing discipline or limiting practice to any employer who shall sign and return a copy of such orders to the Board within seven (7) days of employment or receipt of the Order.
- f. Shead shall make personal appearances before the Indiana State Board of Pharmacy on a monthly basis for the first year she is on probation and quarterly thereafter. The first personal appearance shall be at the Board's meeting on October 1, 2012.
- g. Shead shall cause her employer to submit supervisory reports to the Indiana State Board of Pharmacy in care of the Indiana Professional Licensing Agency addressing her professional competence, sense of responsibility, work habits, mental attitude and ability to work with

others throughout the probationary period. The reports are to be submitted quarterly.

- h. Shead may not work more than 45 hours a week or 10 hours a day while on probation.
- i. Shead shall submit to the Board a copy of all prescriptions written to Shead for her personal consumption.
- j. Shead shall perform four (4) hours of community service for each quarter she is on probation. She shall submit proof of completion of community service to the Board on a quarterly basis in writing.
- k. Shead shall inform the Board of any relapse or use of mood altering substances immediately.
- l. Shead is required to attend two (2) recovery group meetings per week and submit quarterly reports of attendance to the Board. Reports shall indicate the chapter attended, its address, telephone number, the person in charge (or contact person), the dates and times of meetings attended, and verification of attendance by a responsible member of the facility. Shead shall also include comments regarding the degree to which she finds these meetings helpful.
- m. Shead shall attend one (1) counseling session per month. She will cause her counselor to submit reports to the Board regarding her progress. Those reports are to be submitted monthly for the first year she is on probation and quarterly thereafter. Shead may not discontinue

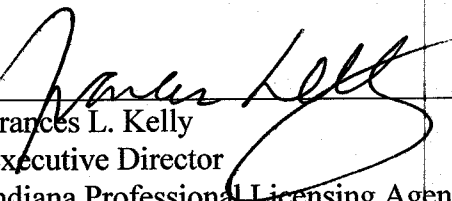
counseling unless the counselor notifies the Board in writing that the counseling is no longer necessary or helpful.

- n. Shead shall undergo random urine drug screens/and or blood screens as required by her employer, Walgreens.
- o. If Shead is no longer employed by Walgreens, she must immediately notify the Board so that it may modify the terms of her probation accordingly.

3. The failure of Shead to comply with the terms of this decision may subject her to a show cause hearing and the imposition of further sanctions.

ORDERED, this 20 of September 2012.

INDIANA BOARD OF PHARMACY

By: 

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

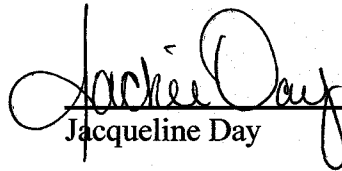
I certify that a copy of the Findings of Fact, Conclusions of Law and Order has been duly served upon:

Donnielle Shead
3620 Nicholas Lane
Columbus, IN 47203
Service by U.S. Mail

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

9/20/12

Date



Jacqueline Day

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Explanation of Service Methods

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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.