

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2012 IBP 0017

IN THE MATTER OF THE INDIANA)
NON-RESIDENT PHARMACY PERMIT OF:)
STEVEN'S PHARMACY)
PERMIT NUMBER: 64001283A.)



FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Steven's Pharmacy ("Steven's") appeared at a hearing before the Indiana Board of Pharmacy ("Board") on October 7, 2013, in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana concerning its request to have the probationary terms withdrawn from its permit as a non-resident pharmacy.

The state of Indiana appeared by Darren Covington, Deputy Attorney General and Tim Weber, Graduate Legal Intern. Steven's appeared by Charles Bonner, Pharmacist and waived its right to be represented by counsel.

The Board, after considering the file and the testimony of Charles Bonner, by a vote of 4 to 0, issued the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Steven's, whose mailing address is 1525 Mesa Verde Drive East, Costa Mesa, California 92626, is a duly permitted non-resident pharmacy holding permit number 64001283A.

2. The Indiana Professional Licensing Agency sent, and Steven's 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. The Board issued Steven's permit on probation in February 2012 because along with the initial application, Steven's revealed that its license in California was on probation due to its failure to properly supervise a technician who diverted large quantities of controlled substances. The probation in California was imposed in June 2010 and was of three year's duration.

5. In July 2013 Steven's asked that the probation be withdrawn from its permit.

6. At the hearing on withdrawal, Charles Bonner, R.Ph., testified that Steven's has complied with the terms of its Indiana probation and that its license in California is now unencumbered.

7. The deficiency that led to the probation of Steven's permit involved out-of-state discipline. Steven's compliance with its probation constitutes evidence that this problem has been remedied.

CONCLUSIONS OF LAW

1. "The board may withdraw or modify the probation ... if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order." Ind. Code § 25-1-9-9(b).

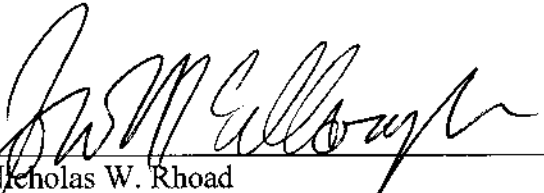
2. Steven's compliance with its probation constitutes evidence that the deficiency that required disciplinary action has been remedied.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board
WITHDRAWS the probation on Steven's permit.

SO ORDERED this 17th day of October 2013.

INDIANA BOARD OF PHARMACY

By: 

Nicholas W. Rhoad

Executive Director.

 for 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:

Steven's Pharmacy
1525 Mesa Verde Drive East
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Service by U.S. Mail

Darren Covington
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10/17/13
Date


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