

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2012 IBP 0087

IN THE MATTER OF THE INDIANA
PHARMACY TECHNICIAN
CERTIFICATION OF:

ANTHONY MATTHEW VLKAN, C.PH.T.,
CERTIFICATION NUMBER: 67014116A.

FILED

MAR 22 2013

Indiana Professional
Licensing Agency

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

The Indiana Board of Pharmacy ("Board") held an administrative hearing on March 11, 2013, in Room W064 of the Indiana State Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, concerning an Administrative Complaint ("Complaint") filed against Anthony Matthew Vlcán, C.Ph.T. ("Respondent"), on January 14, 2013.

The State of Indiana ("Petitioner") was represented by Darren R. Covington, Deputy Attorney General. Respondent did not 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 5-0-0 finds Respondent to be in default. The Board by another vote of 5-0-0 issues the following Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent's address on file with the Indiana Professional Licensing Agency ("IPLA") is 375 Leisure Lane, Greenwood, Indiana 46142.
2. Respondent is a certified pharmacy technician in the State of Indiana having been issued license number 67014116A on July 24, 2008.

3. At all times relevant herein, Respondent was employed as a pharmacy technician with CVS Pharmacy in Muncie, Indiana.

4. On or around February 22, 2010, Respondent was charged in Muncie, Indiana City Court with Possession of Marijuana, a Class A Misdemeanor, and Possession of Paraphernalia, a Class A Misdemeanor, under Cause Number 18H01-1002-CM-00422.

5. On or around April 29, 2010, Respondent entered into a pre-trial diversion agreement in Muncie City Court.

6. On or around June 25, 2010, Respondent renewed his certification online and answered "no" to the question, "Since you last renewed, have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?"

7. On or around May 2, 2011, Respondent completed his pre-trial diversion program and his criminal charges were dismissed.

8. In a signed statement, dated September 24, 2012, Respondent admitted to CVS Pharmacy loss prevention management that between April and August 2012 he diverted 1,160 tablets of alprazolam and 600 tablets of hydrocodone. Respondent admitted that he diverted the drugs and sold them to college students in Muncie, Indiana.

9. A Complaint was filed by the Petitioner against Respondent on January 14, 2013.

10. On January 23, 2013, IPLA sent a hearing notice to Respondent at his listed address informing him of the date, time, and place of the administrative hearing on the Complaint scheduled for February 11, 2013 at 2:00 p.m.

11. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the hearing and Respondent failed to appear for the scheduled hearing in person or by counsel on February 11, 2013.

12. On February 11, 2013, the Board voted 6-0-0 to issue a Notice of Proposed Default Order. On February 22, 2013, the Notice of Proposed Default Order was mailed to Respondent's address of record.

13. Respondent failed to submit a written response within seven (7) days as permitted by Ind. Code § 4-21.5-3-24.

14. On March 11, 2013, the Board voted 5-0-0 to hold Respondent in default.

ULTIMATE FINDINGS OF FACT

1. Respondent violated Ind. Code § 25-1-9-4(a)(1)(A) in that Respondent engaged in fraud or material deception in order to obtain a license to practice as evidenced by his false answer regarding pending criminal charges on his June 25, 2010 certification renewal application.

2. Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by Respondent's admission that he took alprazolam and hydrocodone from CVS Pharmacy without proper authorization.

CONCLUSIONS OF LAW

Respondent's violations are cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or revocation and a fine up to the amount of \$1,000 per violation as detailed in Ind. Code § 25-1-9-9.

ORDER

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

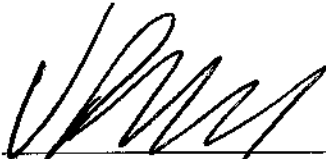
1. Respondent's certification is **REVOKED**.
2. Within thirty (30) days of the date of this Order, pursuant to Ind. Code § 4-6-14-10(b), Respondent shall pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall 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 Lee
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

ORDERED this 22 day of March, 2013.

INDIANA BOARD OF PHARMACY

By: _____


Virgil R. Madden
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

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

Anthony Vican
375 Leisure Ln.
Greenwood, IN 46142
Service by U.S. Mail

Darren R. 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 Email

3/22/13
Date

Jackie Day
Jackie Day

Indiana Board of Pharmacy
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2067
Fax: 317-233-4236
Email: 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.