

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2012 IBP 0095

IN THE MATTER OF THE INDIANA
PHARMACIST LICENSE OF:

JOHN T. WEBB, R.PH.,
LICENSE NUMBER: 26012306A.

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FILED

APR 18 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 April 8, 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 John T. Webb, R.Ph. ("Respondent"), on January 17, 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 6-0-0, finds Respondent to be in default. The Board, by another vote of 6-0-0, 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 3102 N. Warren Road, Bloomfield, Indiana 47424.

2. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26012306A on November 15, 1968.

3. On or around November 13, 2012, Respondent was charged in Vigo County, Indiana Superior Court with two counts of Dealing in a Controlled Substance, a

Class B Felony; two counts of Obtaining a Controlled Substance by Fraud or Deceit, a Class D Felony; and, five counts of Theft, a Class D Felony, under Cause Number 84D01-1211-FB-03519.

4. These charges were based upon Respondent's diversion of controlled substances and cash from JR Pharmacy in Terre Haute, Indiana.

5. On or around December 10, 2012, the Indiana Board of Pharmacy summarily suspended Respondent's license for ninety days.

6. A Complaint was filed by the Petitioner against Respondent on January 17, 2013.

7. On February 18, 2013, IPLA sent a hearing notice by to Respondent at his listed address informing him of the date, time, and place of the administrative hearing on the Complaint scheduled for March 11, 2013 at 2:00 p.m.

8. 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 March 11, 2013.

9. On March 11, 2013, the Board voted 5-0-0 to issue a Notice of Proposed Default Order. On March 22, 2013, the Notice of Proposed Default Order was mailed to Respondent's address of record, and to Respondent's counsel, Joseph Etling.

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

11. On April 8, 2013, the Board voted 6-0-0 to hold Respondent in default.

ULTIMATE FINDINGS OF FACT

Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced by her unauthorized taking of controlled substances from JR Pharmacy.

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 § 25-1-11-12.

ORDER

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

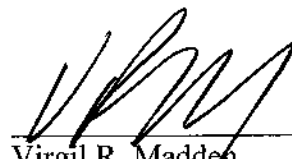
1. Respondent's license is **INDEFINITELY SUSPENDED**.
2. Respondent may petition for reinstatement after fifty (50) years from the date of this Order.
2. Within thirty (30) days of the date of this Order, pursuant to Ind. Code § 4-6-14-10(b), Respondent shall pay a fee of Five Dollars (\$5.00) to be 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 18 day of April, 2013.

INDIANA BOARD OF PHARMACY

By:

A handwritten signature in black ink, appearing to read 'V. R. Madden', written over a horizontal line.

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:

John Webb
3102 N. Warren Rd.
Bloomfield, IN 47424
Service by U.S. Mail

Joseph Etling
Attorney for Respondent
77 Cherry St.
Terre Haute, IN 47807
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

4/18/13
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.