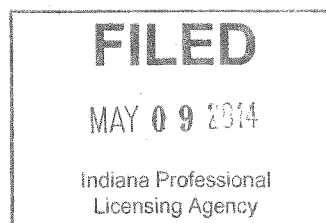


BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NO: 2014 IBP 0026

IN THE MATTER OF THE INDIANA
PHARMACIST LICENSE OF:

RACHEL E. WILCOX, R. PH.,
LICENSE NUMBER: 26014872A (ACTIVE)



COMPLAINT

This complaint is brought against the pharmacist license of Rachel E. Wilcox, R. Ph. (“Respondent”), by the Office of the Attorney General, by counsel, Deputy Attorney General Maritza K. Webb, on behalf of the State of Indiana (“Petitioner”) and pursuant to Ind. Code § 25-1-7-7, Ind. Code § 25-1-5-3, Ind. Code ch. 25-26-13, the Administrative Orders and Procedures Act, Ind. Code art. 4-21.5 and Ind. Code ch. 25-1-9 and in support alleges and states:

FACTS

1. Respondent’s address on file with the Indiana Professional Licensing Agency is 6275 Lakewood Drive, Greentown, Indiana 46936.
2. Respondent is a licensed pharmacist in the State of Indiana having been issued license number 26014872A on July 30, 1981.
3. At all times relevant herein, Respondent was employed as a staff pharmacist with Walmart Pharmacy #10-1329 in Logansport, Indiana (“Walmart”).

4. On or about January 31, 2013, after closing the pharmacy for customers, Respondent placed two to four tizanidine tablets and one olanzapine tablet into an unlabeled amber vial used for prescription medications.

5. Respondent did not label the amber vial prior to leaving the pharmacy for the evening.

6. In early February 2013, Walmart conducted an investigation into alarm anomalies at the store. As part of this investigation, video footage of the pharmacy on the evening of January 31, 2013 was reviewed and showed Respondent interacting with medications after the pharmacy had closed for the evening.

7. Further investigation yielded evidence that four tizanidine tablets and one olanzapine tablet were missing.

8. On or about February 5, 2013, Respondent was confronted by her supervisor at Walmart, Stephen Dennis, and admitted to taking two tizanidine tablets and one olanzapine tablet on January 31, 2013.

9. Respondent further stated that the medications had been prescribed to her; and she took the medications from the pharmacy for her personal use since she was unable to return home to use her own supply of the medications before she needed to arrive for work the following day.

10. Respondent further revealed to Stephen Dennis that she had full knowledge of the partial prescription refills procedure, but chose not to follow this procedure on January 31, 2013.

11. On or about February 5, 2013, Respondent was terminated from her employment at Walmart.

COUNT I

12. Paragraphs 1 through 11 are incorporated by reference herein.

13. Respondent violated Indiana Code 16-42-19-16(a)(D) in that Respondent obtained a legend drug by concealment of a material fact in that Respondent concealed the removal of the tizanidine and olanzapine tablets by failing to create records, failing to follow the partial prescription refill procedures, and failing to voluntarily inform her supervisor of her actions directly after the incident.

COUNT II

14. Paragraphs 1 through 11 are incorporated by reference herein.

15. Respondent violated Indiana Code 25-1-9(a)(3) in that Respondent has knowingly violated a statute regulating her profession, specifically Indiana Code 16-42-19-11(a)(2) by failing to affix to the immediate container containing the tizanidine and olanzapine tablets any label with the information required by law as evidenced by Respondent's removal of the drugs from the pharmacy in an unlabeled amber vial.

COUNT III

16. Paragraphs 1 through 11 are incorporated by reference herein.

17. Respondent violated Ind. Code § 25-1-9-4(a)(8)(A) in that Respondent has diverted a legend drug as evidenced her removal of tizanidine and olanzapine from the pharmacy on January 31, 2013 without making records, following the proper procedures for a partial prescription refill, or obtaining any sort of authorization for removing the drugs from the pharmacy.

WHEREFORE, Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case; and,
3. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

Gregory F. Zoeller
Attorney General of Indiana
Atty. No. 1958-98

By:

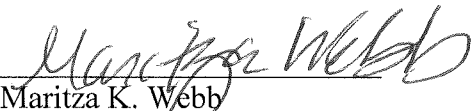

Maritza K. Webb
Deputy Attorney General
Attorney No. 30904-49

CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon the Respondent, by
United States mail, first-class, postage prepaid, on this 9th day of May 2014.

Rachel E. Wilcox
6275 Lakewood Drive
Greentown, IN 46936

By:


Maritza K. Webb
Deputy Attorney General
Attorney No. 30904-49

OFFICE OF THE INDIANA ATTORNEY GENERAL
Indiana Government Center South
302 West Washington St., Fifth Floor
Indianapolis, IN 46204-2770
Telephone Number: 317-234-7118
Facsimile Number: 317-233-4393
Email: maritza.webb@atg.in.gov