



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-900507-090)

In The Matter Of:

O.S.U. STUDENT HEALTH CENTER PHARMACY
Gary P. Mangini, R.Ph.
1875 Millikin Road
Columbus, Ohio 43210
(Terminal Distributor No. 02-133600)

Filed by

11.16.90

DATE

SL

INITIALS

THE MATTER OF O.S.U. STUDENT HEALTH CENTER PHARMACY CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON SEPTEMBER 25, 1990. MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

State's Exhibits

- (1) Exhibit A - Notice Of Opportunity letter dated May 7, 1990.
- (2) Exhibit C - Two-page letter from Gary P. Mangini, R.Ph. dated May 15, 1990.
- (3) Exhibit A1 - Renewal Application as a Terminal Distributor for Ohio State University Student Health Center Pharmacy received December 27, 1989.
- (4) Exhibit A2 - Renewal Application as a Terminal Distributor for Ohio State University Student Health Center Pharmacy received January 17, 1989.
- (5) Exhibit A2A - Eight Medication Procurement Forms showing drugs in possession during lapsed dates.
- (6) Exhibit A3 - Renewal Application as a Terminal Distributor for Ohio State University Student Health Center Pharmacy received January 15, 1986.

Findings Of Fact

- (1) On May 7, 1990, O.S.U. Student Health Center Pharmacy was notified by letter of its right to a hearing, its rights in such hearing, and its right to submit its contentions in writing.
- (2) As demonstrated by return receipt of May 8, 1990, O.S.U. Student Health Center Pharmacy received the letter of May 7, 1990 informing it of the allegations regarding the late renewal of its terminal distributor license, and its rights.

O.S.U. STUDENT HEALTH CENTER PHARMACY

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Order of the Board

- (3) O.S.U. Student Health Center Pharmacy submitted a letter, received May 23, 1990, setting forth its position and contentions in writing, and has not requested a hearing in this matter.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Gary P. Mangini, R.Ph. is the responsible pharmacist for O.S.U. Student Health Center Pharmacy, 1875 Millikin Road, Columbus, Ohio 43210, terminal distributor license number 02-133600.
- (5) Upon consideration of the record as a whole, the State Board of Pharmacy finds that O.S.U. Student Health Center Pharmacy allowed its terminal distributor license to lapse from December 31, 1988 to January 17, 1989; and from December 31, 1985 to January 15, 1986.
- (6) Upon consideration of the record as a whole, the State Board of Pharmacy finds that O.S.U. Student Health Center Pharmacy did, between January 1, 1989 and January 16, 1989, while not being a licensed terminal distributor of dangerous drugs or a practitioner, possess for sale at retail dangerous drugs, to wit: O.S.U. Student Health Center Pharmacy possessed, sold, and/or administered dangerous drugs after having allowed its terminal distributor license to lapse and prior to its renewal. Such conduct is in violation of Section 4729.51(C) of the Ohio Revised Code.
- (7) Upon consideration of the record as a whole, the State Board of Pharmacy finds that O.S.U. Student Health Center Pharmacy did, between January 1, 1985 and January 14, 1985, while not being a licensed terminal distributor of dangerous drugs or a practitioner, possess for sale at retail dangerous drugs, to wit: O.S.U. Student Health Center Pharmacy possessed, sold, and/or administered dangerous drugs after having allowed its terminal distributor license to lapse and prior to its renewal. Such conduct is in violation of Section 4729.51(C) of the Ohio Revised Code.

Conclusions Of Law

- (1) The State Board of Pharmacy concludes that paragraph (5) of the Findings Of Fact constitutes violating the rules of the Board as provided in Division (A)(2) of Section 4729.57 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (5) through (7) of the Findings Of Fact constitute violating the provisions of Chapter 4729. of the Revised Code as provided in Division (A)(3) of Section 4729.57 of the Ohio Revised Code.

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Action Of The Board

Pursuant to Section 4729.57 of the Ohio Revised Code, the State Board of Pharmacy hereby imposes a monetary penalty of one hundred twenty-five dollars (\$125.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 497 578 748

ORDER MAILED: NOVEMBER 8, 1990

FZW/sb

By Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc: Jeanny Eaton, Assistant Attorney General



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY (Docket No. D-900507-091)

In The Matter Of:

O.S.U. STUDENT HEALTH CENTER PHARMACY
Gary P. Mangini, R.Ph.
1875 Millikin Road
Columbus, Ohio 43210
(Wholesale Distributor No. 01-017650)

THE MATTER OF O.S.U. STUDENT HEALTH CENTER PHARMACY CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON SEPTEMBER 25, 1990. MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

State's Exhibits

- (1) Exhibit B - Notice Of Opportunity letter dated May 7, 1990.
- (2) Exhibit C - Two-page letter from Gary P. Mangini, R.Ph. dated May 15, 1990.
- (3) Exhibit B1 - Renewal Application as a Wholesale Distributor for Ohio State University Student Health Center Pharmacy received December 27, 1989.
- (4) Exhibit B2 - Renewal Application as a Wholesale Distributor for Ohio State University Student Health Center Pharmacy received January 17, 1989.
- (5) Exhibit B2A - Three invoices showing purchases of drugs during lapsed dates.
- (6) Exhibit B3 - Renewal Application as a Wholesale Distributor for Ohio State University Student Health Center Pharmacy received January 15, 1986.

Findings Of Fact

- (1) On May 7, 1990, O.S.U. Student Health Center Pharmacy was notified by letter of its right to a hearing, its rights in such hearing, and its right to submit its contentions in writing.
- (2) As demonstrated by return receipt of May 8, 1990, O.S.U. Student Health Center Pharmacy received the letter of May 7, 1990 informing it of the allegations regarding the late renewal of its wholesale distributor license, and its rights.

O.S.U. STUDENT HEALTH CENTER PHARMACY
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Order of the Board

- (3) O.S.U. Student Health Center Pharmacy submitted a letter, received May 23, 1990, setting forth its position and contentions in writing, and has not requested a hearing in this matter.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Gary P. Mangini, R.Ph. is the responsible pharmacist for O.S.U. Student Health Center Pharmacy, 1875 Millikin Road, Columbus, Ohio 43210, wholesale distributor registration number 01-017650.
- (5) Upon consideration of the record as a whole, the State Board of Pharmacy finds that O.S.U. Student Health Center Pharmacy allowed its wholesale distributor registration to lapse from December 31, 1988 to January 17, 1989, and from December 31, 1985 to January 15, 1986.
- (6) Upon consideration of the record as a whole, the State Board of Pharmacy finds that O.S.U. Student Health Center Pharmacy did, between January 1, 1989 and January 16, 1989, while not being a registered wholesale distributor of dangerous drugs, possess for sale, sell, distribute or deliver dangerous drugs at wholesale in Ohio, to wit: O.S.U. Student Health Center Pharmacy did possess for sale, sell, distribute and/or deliver dangerous drugs in Ohio after having allowed its wholesale distributor registration to lapse and prior to its renewal. Such conduct is in violation of Section 4729.51(A) of the Ohio Revised Code.
- (7) Upon consideration of the record as a whole, the State Board of Pharmacy finds that O.S.U. Student Health Center Pharmacy did, between January 1, 1986 and January 14, 1986, while not being a registered wholesale distributor of dangerous drugs, possess for sale, sell, distribute or deliver dangerous drugs at wholesale in Ohio, to wit: O.S.U. Student Health Center Pharmacy did possess for sale, sell, distribute and/or deliver dangerous drugs in Ohio after having allowed its wholesale distributor registration to lapse and prior to its renewal. Such conduct is in violation of Section 4729.51(A) of the Ohio Revised Code.

Conclusions Of Law

- (1) The State Board of Pharmacy concludes that paragraph (5) of the Findings Of Fact constitutes violating the rules of the Board as provided in Division (B) of Section 4729.56 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (5) through (7) of the Findings Of Fact constitute violating the provisions of Chapter 4729. of the Revised Code as provided in Division (B) of Section 4729.56 of the Ohio Revised Code.

Action Of The Board

Pursuant to Section 4729.56 of the Ohio Revised Code, the State Board of Pharmacy hereby imposes a monetary penalty of one hundred twenty-five dollars (\$125.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
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ORDER MAILED: NOVEMBER 8, 1990

FZW/sb

By Franklin Z. Wickham, Executive Director

cc: Jeanny Eaton, Assistant Attorney General