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-900507-087)

In The Matter Of:

MADISON TOWNSHIP VOLUNTEER FIRE DEPARTMENT
Thomas J. Hall, M.D.
c/o Gene Keyes, Chief
712 Montgomery Road
Newark, Ohio 43055

THE MATTER OF MADISON TOWNSHIP VOLUNTEER FIRE DEPARTMENT CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON SEPTEMBER 26, 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 1 - Renewal Application as a Terminal Distributor for Madison Twp Volunteer Fire Dept. dated December 8, 1989.
(3) Exhibit 2 - Renewal Application as a Terminal Distributor for Madison Twp Volunteer Fire Dept. dated May 17, 1989.
(4) Exhibit 3 - Renewal Application as a Terminal Distributor for Madison Twp Vol Fire Dept dated November 23, 1981.
(5) Exhibit 3A - Three Run Sheets dated February 1, 1989, May 25, 1989, and June 22, 1989.

### Findings Of Fact

(1) On May 7, 1990, Madison Township Volunteer Fire Department 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 June 4, 1990, Madison Township Volunteer Fire Department received the letter of May 7, 1990 informing it of the allegations regarding the late renewal of its license, and its rights.

(3) Madison Township Volunteer Fire Department has not responded in any manner to the letter of May 7, 1990, 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 Thomas J. Hall, M.D. is the responsible practitioner for Madison Township Volunteer Fire Department, 143 Margery Drive, N.E., Newark, Ohio 43055, terminal distributor license number 02-306100.

(5) Upon consideration of the record as a whole, the State Board of Pharmacy finds that Madison Township Volunteer Fire Department allowed its terminal distributor license to lapse from December 31, 1987 to January 27, 1989; and from December 31, 1981 to April 19, 1982.

(6) Upon consideration of the record as a whole, the State Board of Pharmacy finds that Madison Township Volunteer Fire Department did, between January 1, 1988 and January 26, 1989, while not being a licensed terminal distributor of dangerous drugs or a practitioner, possess for sale at retail dangerous drugs, to wit: Madison Township Volunteer Fire Department 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 Madison Township Volunteer Fire Department did, between January 1, 1982 and April 18, 1982, while not being a licensed terminal distributor of dangerous drugs or a practitioner, possess for sale at retail dangerous drugs, to wit: Madison Township Volunteer Fire Department 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 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.

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 dollars ($100.00), 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 497 578 744

ORDER MAILED: NOVEMBER 8, 1990

By Franklin Z. Wickham

Franklin Z. Wickham, Executive Director

FZW/sb

cc: Jeanny Eaton, Assistant Attorney General