

ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-920814-011)

In The Matter Of:

**HAROLD SIDNEY RESNICK, R.Ph.**  
3126 Somerset Drive  
Cleveland, Ohio 44122  
(R.Ph. No. 03-1-03773)

INTRODUCTION

THE MATTER OF HAROLD RESNICK CAME TO HEARING ON OCTOBER 21, 1992 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY D. MOORE, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; WAYNE C. MILLER, R.Ph.; RUTH A. PLANT, R.Ph.; NICHOLAS R. REPKE; AND ROBERT W. VALENTINE, R.Ph.

HAROLD RESNICK WAS REPRESENTED BY DANIEL WIGHTMAN, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Harold Resnick, Respondent
- (2) Michael Croom
- (3) James Reye, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Harold Resnick, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Notice of Opportunity letter dated August 14, 1992.
- (2) Exhibit 1A - Hearing Request letter dated August 31, 1992.
- (3) Exhibit 1B - Hearing Schedule letter dated September 4, 1992.
- (4) Exhibit 2 - Pharmacist File Front Sheet of Harold Sidney Resnick showing original date of registration as April 13, 1943.
- (5) Exhibit 3 - Renewal Application for DDD License, No. 02-171850, for a Terminal Distributor of Dangerous Drugs license from January 1, 1992 to December 31, 1992 of Revco Discount Drug Center #1356 signed by Harold Resnick on September 28, 1991.
- (6) Exhibit 4 - Renewal Application for Pharmacist License, No. 03-1-03773, for a license to practice pharmacy in Ohio from September 15, 1991 to September 15, 1992 of Harold S. Resnick dated June 8, 1991.
- (7) Exhibit 5 - Three-page handwritten statement of Kean Choo Low, R.Ph. signed and notarized on August 15, 1991.

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- (8) Exhibit 6 - Handwritten statement of Michael Croom signed and notarized on August 15, 1991.
- (9) Exhibit 7 - Two-page handwritten statement of Harold Resnick signed and notarized on August 15, 1991.
- (10) Exhibit 8 - Ohio State Board of Pharmacy, Prescription Room Barricade Inspection Report of Revco D.S. Inc. #1356 dated May 30, 1990.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Harold Resnick was originally licensed in the state of Ohio on April 13, 1943, pursuant to examination, and is the Responsible Pharmacist at Revco Discount Drug Center #1356 pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Harold Resnick did, on or about August 15, 1991, and dates immediately preceding, permit nonlicensed personnel to possess an access code to an electronic alarm to the pharmacy when personal supervision of the dangerous drug stock was not provided, to wit: Harold Resnick allowed Assistant Manager Michael Croom and/or Assistant Manager Ray McPherson to possess electronic barrier access codes. Such conduct is in violation of Rule 4729-9-11 of the Ohio Administrative Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Harold Resnick did, on or about August 15, 1991, and dates immediately preceding, aid and abet, or cause, Revco Discount Drug Center #1356 to cease to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in Section 4729.55 of the Revised Code, to wit: Harold Resnick, as the Responsible Pharmacist allowed nonlicensed persons unsupervised access to the pharmacy, thereby causing a lack of adequate safeguards to assure the prevention of the sale or other distribution of dangerous drugs by a person other than a pharmacist or practitioner. Such conduct is contrary to the provisions of Sections 4729.27 and 4729.55 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitutes being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitutes being guilty of willfully violating Chapter 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

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ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00) 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 (Aye-7/Nay-0).

MOTION CARRIED.

SO ORDERED.