

STATE BOARD OF PHARMACY

=====

THE STATE BOARD OF PHARMACY

vs

GERALD J. COOPER, R.Ph.

THE MATTER OF GERALD J. COOPER, DOCKET NO. 6-66-1, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON DECEMBER 8, 1983. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that Gerald J. Cooper did admit to Dale Fritz, Pharmacy Board Inspector, and Robert Cole, an Investigator for the Board, that he sold, without a written or oral prescription given by a practitioner, bottles of Talwin 50mg for \$50.00 a bottle to one "Colleen Kaczorski"; in violation of Section 2925.03 of the Revised Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Gerald J. Cooper did, on or about April 25, 1983, knowingly make a false statement in a prescription required by Chapter 3719. of the Revised Code, to wit: Rx No. 145163; in violation of Section 2925.23(A) of the Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Gerald J. Cooper did, on or about April 25, 1983, intentionally make false prescriptions and alter records with the purpose of misleading public officials in an official investigation, to wit: Rx Nos. 130400 and 144826; in violation of Sections 2921.12(A) and 2925.23(B) of the Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Gerald J. Cooper did, on one or more occasion between March 1, 1981 and April 25, 1983, at Sam's Orchard Drugs, Inc., 4025 Tallmadge Road, Toledo, Ohio 43623, as the responsible pharmacist and president of the corporation doing business as Sam's Orchard Drugs, Inc., cause the misbranding of drugs held for sale and the illegal dispensing of drug samples by pharmacists employed by the corporation, to wit: the repackaging of samples of Bactrim tablets in a stock bottle and instructing the employee pharmacists in dispensing the samples.

STATE BOARD OF PHARMACY

=====

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (4) of the Findings Of Fact constitutes gross immorality within the meaning of Section 4729.16(A) of the Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (4) of the Findings Of Fact constitutes willful violations of more than one time of the provisions of Chapter 2925. of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law, the State Board of Pharmacy takes the following actions concerning the registered pharmacist license of Gerald J. Cooper, R.Ph. No. 03-20-5983:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the identification card held by Gerald J. Cooper for 24 months.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy imposes a monetary penalty of three thousand dollars (\$3,000.00).

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

MOTION CARRIED.

SO ORDERED.