

STATE BOARD OF PHARMACY

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THE STATE BOARD OF PHARMACY

vs

VERNON E. WEST, R.Ph.
and
WEST'S PHARMACY

THE MATTERS OF VERNON E. WEST, DOCKET NO. 6-73-3, AND WEST'S PHARMACY, DOCKET NO. 6-90-2, CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON WEDNESDAY, JANUARY 23, 1985. MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

- (1) On December 11, 1983, a Notice of Opportunity For A Hearing was forwarded by the State Board of Pharmacy by Certified Mail, Return Receipt Requested, to Vernon E. West, R.Ph., 2 E. Main Street, New Lebanon, Ohio 45345.
- (2) As demonstrated by return receipt of December 28, 1983, Vernon E. West received the letter of December 14, 1983 informing him of the allegations regarding the late renewal of his pharmacist identification card, his continual practice without a current identification card, failure to renew his terminal distributor of dangerous drugs license as required by Revised Code Section 4729.54, more than one time, and his rights.
- (3) On May 17, 1984, an amended Notice of Opportunity For A Hearing regarding the registered pharmacist license of Vernon E. West, and a Notice of Opportunity For A Hearing regarding the terminal distributor of dangerous drugs license held by West's Pharmacy, were forwarded by Certified Mail, Return Receipt Requested, to Vernon E. West, R.Ph., 2 E. Main Street, New Lebanon, Ohio 45345, and West's Pharmacy, 2 E. Main Street, New Lebanon, Ohio 45345.
- (4) As demonstrated by certified letters P528 045 863 and P528 045 858, which were returned by the U.S. Postal Service marked "Return To Sender, Unclaimed" and "No Response", and both of which were received by the Board of Pharmacy office on June 6, 1984 at 12:08pm, the Board was unable to deliver the Notices required by Revised Code Section 119.07.
- (5) On November 6, 1984, the State Board of Pharmacy requested by Certified Mail, Return Receipt Requested, that the Dayton Daily News publish a "Notice of Opportunity For A Public Hearing" in the legal notices section once a week for a period of three weeks beginning Friday, November 9, 1984 and the following two Fridays in accordance with the provisions of Section 119.07 of the Revised Code.

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- (6) As demonstrated by return receipt of November 9, 1984, the Dayton Daily News, Fourth and Ludlow, Dayton, Ohio 45402, received the request for publication of the "Notice of Opportunity For A Public Hearing" regarding Vernon E. West, R.Ph., and West's Pharmacy.
 - (7) As demonstrated by the notarized proof of publication received from the Dayton Daily News on November 29, 1984, the "Notice of Opportunity For A Public Hearing" was published once a week for three weeks in a newspaper of general circulation in Montgomery County beginning Monday, November 12, 1984 and on the following two Mondays in accordance with the provisions of Section 119.07 of the Revised Code.
 - (8) As of January 23, 1985, Vernon E. West, R.Ph. and responsible pharmacist for West's Pharmacy, 2 E. Main Street, New Lebanon, Ohio 45345, has not responded in any way to the "Notice of Opportunity For A Public Hearing" which was published in the Dayton Daily News on November 12, 19, and 26, 1984 informing him of the allegations and his rights.
 - (9) Upon consideration of the allegations against Vernon E. West, R.Ph., and West's Pharmacy, and the failure of Vernon E. West to request a hearing, submit his position, contentions, or arguments in writing, or to otherwise deny the allegations against him, the State Board of Pharmacy concludes that Vernon E. West did engage in the conduct alleged in the Notice of Opportunity For A Hearing and the Board further concludes that:
 - (a) Said conduct constitutes gross immorality, within the meaning of Section 4729.16(A)(1) of the Revised Code.
 - (b) Said conduct constitutes willful violations of the provisions of Sections 3715.52 to 3715.72, Chapters 2925., 3719., and 4729. of the Revised Code.
 - (c) Said conduct constitutes violations of rules of the Board.
 - (d) Said conduct constitutes violations of provisions of Revised Code Chapter 4729.
 - (e) Said conduct constitutes violations of the provisions of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, and Chapter 3715. of the Revised Code.
 - (f) Said conduct constitutes violations of the federal narcotic act, and Chapters 2925. and 3719. of the Revised Code.
 - (g) West's Pharmacy ceases to satisfy the qualifications for licensure as a terminal distributor of dangerous drugs set forth in Section 4729.55 of the Revised Code.

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Pursuant to Divisions (A)(1) and (A)(5) of Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby revokes the pharmacist identification card and certificate of registration of Vernon E. West, effective immediately.

Pursuant to Divisions (A)(2), (A)(3), (A)(4), (A)(5), and (A)(7) of Section 4729.57 of the Revised Code, the State Board of Pharmacy hereby revokes the terminal distributor of dangerous drugs license of West's Pharmacy, 2 E. Main Street, New Lebanon, Ohio 45345, effective immediately.

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

MOTION CARRIED.

SO ORDERED.

(02/26/85)