



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-960708-068)

In The Matter Of:

BRIAN WARD CHANEY, R.Ph.

P.O. Box 535

126 South Main Street

Bradner, Ohio 43406

(R.Ph. No. 03-1-10261)

INTRODUCTION

THE MATTER OF BRIAN WARD CHANEY CAME TO HEARING ON JULY 24, 1996, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: AMONTE B. LITTLEJOHN, R.Ph., (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; JOSEPH J. MASLAK, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

BRIAN WARD CHANEY WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy
- (2) Brian Ward Chaney, Respondent

Respondent's Witnesses:

- (1) Nancy Chaney, Wife of Respondent
- (2) Brian Ward Chaney, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Summary Suspension Order/Notice of Opportunity letter dated July 8, 1996.

- (2) Exhibit 1A--Hearing Request letter from Allen N. Kepke dated July 10, 1996.
- (3) Exhibit 1B--Hearing Request letter from Brian W. Chaney dated July 10, 1996.
- (4) Exhibit 1C--Hearing Schedule letter dated July 12, 1996.
- (5) Exhibit 1D--Pharmacist File Front Sheet of Brian Ward Chaney showing original date of registration as July 20, 1972; and Renewal Application for Pharmacist License, No. 03-1-10261, for a license to practice pharmacy in Ohio from September 15, 1995, to September 15, 1996, of Brian Ward Chaney dated July 20, 1995.
- (6) Exhibit 2--Four-page certified copy
- (7) Exhibit 3--Prescription number C108751.
- (8) Exhibit 4--Copy of statement of Brian Chaney dated May 23, 1995, re-signed and notarized on March 12, 1996.
- (9) Exhibit 5--Three-page Bradner Pharmacy Patient Prescription Summary of Robert Dix dated from February 1, 1994, to March 21, 1996.
- (10) Exhibit 6--Prescription number C109255.
- (11) Exhibit 7--Copy of prescriptions numbered C109255 and C108751.

Respondent's Exhibits:

- (1) Exhibit A--Letter from Charles F. Kurfess dated July 19, 1996; two-page copy of letter from Richard and Barbara Karr dated July 10, 1996; copy of letter from Biff Matthews dated April 2, 1996; copy of letter from Joe Boyle dated March 27, 1996; copy of letter from Joel Tavormina dated March 26, 1996; copy of letter from Deborah A. Wilson dated March 21, 1996; copy of letter from G. J. Thompson dated March 21, 1996; copy of letter from Richard R. Teeple dated March 29, 1996; copy of letter from Janice A. Stump dated March 27, 1996; copy of letter from Reverend Zedda E. Myers dated April 4, 1996; copy of letter from Tom Amos dated March 22, 1996; copy of letter from Lynn and Wayne St. Clair dated March 26, 1996; copy of letter from Harold Mitchem, not dated; copy of letter from Virginia C. Johnson dated March 25, 1996; two-page copy of letter from Dale W. Chaney dated March 24, 1996; copy of letter from David K. Stroud dated March 19, 1996; copy of letter from Sally and Herb Wunderlich, not dated; copy of Charles H. Barndt dated March 27, 1996; copy of letter from William F. Green, not dated; copy of letter from Joann and Lee Ninke dated March 25, 1996; and copy of letter from Roy and Mary Stahl, not dated.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board indicate that Brian Ward Chaney was originally licensed to practice pharmacy in the state of Ohio on July 20, 1972, pursuant to examination; and, on July 8, 1996, Brian Ward Chaney's license was summarily suspended in accordance with Section 3719.121(C) of the Ohio Revised Code.

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CONCLUSIONS OF LAW

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ACTION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued July 8, 1996.

Pursuant to Section 4729.16 of the Ohio Revised Code, and pursuant to the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby places the pharmacist identification card, No. 03-1-10261, of Brian Ward Chaney on probation for one year, effective as of the date of the mailing of this Order. The terms of probation are as follows:

(1) Brian Ward Chaney must not violate the drug laws of the state of Ohio, any other state, or the federal government.

(2) Brian Ward Chaney must abide by the rules of the Ohio State Board of Pharmacy.

(3) Brian Ward Chaney must comply with the terms of this Order.

The Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

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

MOTION CARRIED.

SO ORDERED.