

**ORDER OF THE STATE BOARD OF PHARMACY**

(Docket No. D-031208-042)

In The Matter Of:

**LAUREN H. SMITH, R.Ph.**  
3755 Edison Street N.W.  
Uniontown, Ohio 44685  
(R.Ph. No. 03-1-10779)

**INTRODUCTION**

THE MATTER OF LAUREN H. SMITH CAME FOR HEARING ON FEBRUARY 4, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; AND JAMES E. TURNER, R.Ph.

LAUREN H. SMITH WAS NOT REPRESENTED BY COUNSEL AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

**SUMMARY OF EVIDENCE**

**State's Witnesses**

1. Louis R. Mandi, R.Ph., Ohio State Board of Pharmacy

**Respondent's Witnesses**

1. Lauren H. Smith, R.Ph., Respondent

**State's Exhibits**

1. Copy of Notice of Opportunity For Hearing letter [12-09-03]  
1A-1G. Procedurals
2. Notarized Statement of Lauren H. Smith [10-22-03]
3. Hand-written inventory for bisoprolol/HCTZ 10/6.25 mg at Children's Ambulatory Care Pharmacy [10/22/03]
4. Copy of Dispensing Record for bisoprolol/HCTZ 10 mg at Ambulatory Care Center Pharmacy [01-01-01 to 10-22-03]
5. Copy of Children's Hospital Purchase History for bisoprolol/HCTZ 10 mg from CardinalCHOICE [04-02 to 09-03]; EON Labs-CS [01-28-02 to 09-22-03]; and AmerisourceBergen [11-10-03]
6. Copy of History Report for bisoprolol/HCTZ 10/6.25 mg at Childrens Medical Center Ambulatory Care Pharmacy [01-17-01 to 10-22-03]
7. Copy of Dangerous Drug Distributor Inspection Report for Nancy Dawson, R.Ph. [10-14-03]

Respondent's Exhibits

- A. Copy of Medical Records for Lauren H. Smith [09-16-96 to 02-18-00]
- B. Copy of letter from John E. Lepto, R.Ph. [01-30-04]

FINDINGS OF FACT

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

(1) Records of the State Board of Pharmacy indicate that Lauren H. Smith was originally licensed by the State of Ohio as a pharmacist on July 31, 1974, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.

(2) Lauren H. Smith did, on or about April 3, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Akron Children's Ambulatory Care Pharmacy, beyond the scope of express or implied consent of the owner, to wit: Lauren H. Smith admittedly stole 30 dosage units of bisoprolol/HCTZ 10/6.25 mg from his employer so as to self-medicate. Lauren H. Smith's condition, hypertension, had allegedly been diagnosed by a physician approximately three to four years previous. Lauren H. Smith did not have a valid prescription for the medication. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(3) Lauren H. Smith did, on or about May 3, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Akron Children's Ambulatory Care Pharmacy, beyond the scope of express or implied consent of the owner, to wit: Lauren H. Smith admittedly stole 30 dosage units of bisoprolol/HCTZ 10/6.25 mg from his employer so as to self-medicate. Lauren H. Smith's condition, hypertension, had allegedly been diagnosed by a physician approximately three to four years previous. Lauren H. Smith did not have a valid prescription for the medication. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(4) Lauren H. Smith did, on or about June 3, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Akron Children's Ambulatory Care Pharmacy, beyond the scope of express or implied consent of the owner, to wit: Lauren H. Smith admittedly stole 30 dosage units of bisoprolol/HCTZ 10/6.25 mg from his employer so as to self-medicate. Lauren H. Smith's condition, hypertension, had allegedly been diagnosed by a physician approximately three to four years previous. Lauren H. Smith did not have a valid prescription for the medication. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(5) Lauren H. Smith did, on or about July 3, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Akron Children's Ambulatory Care Pharmacy, beyond the scope of express or implied consent of the owner, to wit: Lauren H. Smith admittedly stole 30 dosage units of bisoprolol/HCTZ 10/6.25 mg from his employer so as to self-medicate. Lauren H. Smith's condition, hypertension, had allegedly been diagnosed by a physician approximately three to four years previous. Lauren H. Smith did not have a valid prescription for the medication. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(6) Lauren H. Smith did, on or about August 3, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Akron Children's Ambulatory Care Pharmacy, beyond the scope of express or implied consent of the owner, to wit: Lauren H. Smith admittedly stole 30 dosage units of bisoprolol/HCTZ 10/6.25 mg from his employer so as to self-medicate. Lauren H. Smith's condition, hypertension, had allegedly been diagnosed by a physician approximately three to four years previous. Lauren H. Smith did not have a valid prescription for the medication. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(7) Lauren H. Smith did, on or about September 3, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Akron Children's Ambulatory Care Pharmacy, beyond the scope of express or implied consent of the owner, to wit: Lauren H. Smith admittedly stole 30 dosage units of bisoprolol/HCTZ 10/6.25 mg from his employer so as to self-medicate. Lauren H. Smith's condition, hypertension, had allegedly been diagnosed by a physician approximately three to four years previous. Lauren H. Smith did not have a valid prescription for the medication. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(8) Lauren H. Smith did, on or about October 14, 2003, either as a principal or an accessory, possess dangerous drugs when not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: when a Board agent interviewed Lauren H. Smith's live-in girlfriend at his home, Lauren H. Smith possessed 115 unit doses of Protonix 40 mg; 88 unit doses of hydrochlorothiazide 50 mg; 41 unit doses of Celexa 40 mg; and 49 unit doses of Ziac 10/6.25 mg. These drugs were not obtained by prescription. Such conduct is in violation of Section 4729.51(C) of the Ohio Revised Code.

(9) Lauren H. Smith did, on or about October 14, 2003, either as a principal or an accessory, possess a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: when a Board agent interviewed Lauren H. Smith's live-in girlfriend at his home, Lauren H. Smith possessed 26 tablets of Fiorinal, a Schedule III controlled substance. These drugs were not obtained by prescription. 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 paragraphs (2) through (9) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

(2) The State Board of Pharmacy concludes that paragraphs (2) through (9) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

(3) The State Board of Pharmacy concludes that paragraphs (8) and (9) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Lauren H. Smith as follows:

(A) On the basis of the Findings of Fact and paragraphs (1) and (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby places Lauren H. Smith on probation for two years from the effective date of this Order. The terms of probation are as follows:

- (1) Lauren H. Smith must not violate the drug laws of Ohio, any other state, or the federal government.
- (2) Lauren H. Smith must abide by the rules of the State Board of Pharmacy.
- (3) Lauren H. Smith must comply with the terms of this Order.
- (4) Lauren H. Smith's license is deemed not to be in good standing until successful completion of the probationary period.
- (5) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

(B) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of one thousand dollars (\$1,000.00) on Lauren H. Smith and payment of the monetary penalty is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

Lauren H. Smith is hereby advised that 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 (Aye-5/Nay-1).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE MARCH 11, 2004