



OHIO STATE BOARD OF PHARMACY

65 S. FRONT STREET, ROOM 504
COLUMBUS, OHIO 43215
TELEPHONE: 614/466-4143

THE STATE BOARD OF PHARMACY

vs

GREGORY A. NALLY, R.Ph.

THE MATTER OF GREGORY A. NALLY, DOCKET NO. 6-118-1, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON THURSDAY, DECEMBER 5, 1985. 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 Gregory A. Nally is the responsible pharmacist, pursuant to Section 4729.55 of the Revised Code, for Clare-Felicia Pharmacy, 12000 McCracken, Garfield Heights, Ohio 44125, Terminal Distributor of Dangerous Drugs License No. 02-148250.
- (2) From the evidence presented, the State Board of Pharmacy finds that Gregory A. Nally, as the responsible pharmacist pursuant to Section 4729.55 of the Revised Code and Rule 4729-5-23 of the Administrative Code, has the statutory duty and responsibility to maintain supervision and control of all dangerous drugs acquired by Clare-Felicia Pharmacy, and the maintenance of all drug records required by state or federal law.
- (3) From the evidence presented, the State Board of Pharmacy finds that Gregory A. Nally, between January 4, 1984 and June 30, 1985 at Clare-Felicia Pharmacy, 12000 McCracken, Garfield Heights, Ohio 44125, did not keep a record of all controlled substances received or dispensed; in violation of Sections 3719.07(G) and 4729.37 of the Revised Code.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that Gregory A. Nally did fail to maintain supervision and control of all dangerous drugs acquired by Clare-Felicia Pharmacy, and the maintenance of all drug records required by state and federal laws.

GREGORY A. NALLY, R.Ph.
Page Two
Order of the Board

- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that Gregory A. Nally did aid and abet others in violating provisions of Chapters 2925., 3715., 3719., and 4729. 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 hereby imposes a monetary penalty of one thousand dollars (\$1,000.00), due and owing within thirty (30) days of the issuance of this Order. Said monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 65 S. Front Street, Room 504, Columbus, Ohio 43266-0320, with the enclosed form.

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

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt

ORDER ISSUED: January 3, 1986

FZW/sb

By

Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc/John E. Breen, Assistant Attorney General
David L. Grant, Attorney; 1148 Euclid Ave., Suite 403;
Cleveland, Ohio 44115