
OHIO STATE BOARD OF PHARMACY

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-911104-074)

In The Matter Of:

BARBARA ANN KOPELMAN, R.Ph.
23 Helen Avenue
New Hartford, New York 13413
(R.Ph. No. 03-1-10989)

Introduction

THE MATTER OF BARBARA ANN KOPELMAN CAME TO HEARING ON DECEMBER 9, 1991 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: BETTY J. NICHOL, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; NORMAN D. LEIBOW, R.Ph.; TIMOTHY D. MOORE, R.Ph.; RUTH A. PLANT, R.Ph.; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

BARBARA ANN KOPELMAN WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Barbara Ann Kopelman, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated November 4, 1991.
- (2) Exhibit B - Hearing Request letter dated November 15, 1991.
- (3) Exhibit C - Hearing Schedule letter dated November 20, 1991.
- (4) Exhibit 1 - Application for Examination as Pharmacist of Barbara Ann Kopelman dated October 15, 1991; letter from Barbara Ann Kopelman dated October 15, 1991; and paragraph explaining incident in Maryland state, otherwise unidentified.
- (5) Exhibit 2 - Four-page copy of Maryland Board Order of Barbara Kopelman, P.D. dated March 15, 1989.
- (6) Exhibit 3 - Three-page Ohio Board Order, Docket No. D-900319-067, of Barbara Ann Kopelman dated August 21, 1990.

Respondent's Exhibits:

- (1) Exhibit 1 - Copy of letter from Sally Hofmeister, Hospice Care Inc., dated August 20, 1991.

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- (2) Exhibit 2 - Copy of letter from Howard J. Slater, Vyner's Drug Store, Inc., dated August 16, 1991.
- (3) Exhibit 3 - Copy of letter from Howard J. Slater, Vyner's Drug Store, Inc., dated June 6, 1990.
- (4) Exhibit 4 - Copy of letter from M. Neil Jacobs, Belair Professional Pharmacy, dated June 20, 1990.
- (5) Exhibit 5 - Copy of Mutual Release of Barbara Kopelman and Greenbelt Cooperative, Inc. dated April 27, 1984.

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Barbara Ann Kopelman applied to the Board for Examination as a Pharmacist in the state of Ohio on October 21, 1991.
- (2) From the evidence presented, the State Board of Pharmacy finds that on July 6, 1989, pursuant to a formal citation issued by the Maryland Board of Pharmacy and after a prehearing conference, Barbara Ann Kopelman agreed to permanently surrender her license to practice pharmacy in that state in lieu of proceeding with a formal disciplinary hearing on those charges.
- (3) From the evidence presented, the State Board of Pharmacy finds that Barbara Ann Kopelman did, by her own admission, between the dates of February, 1982 and May, 1982, commit the crime of insurance fraud as it relates to the practice of pharmacy.
- (4) From the evidence presented, the State Board of Pharmacy finds that on December 11, 1989 Barbara Ann Kopelman applied to the Board for Examination as a Pharmacist in the State of Ohio. On June 27, 1990 the State Board of Pharmacy proposed to deny the application.
- (5) From the evidence presented, the State Board of Pharmacy finds that on August 21, 1990 the Ohio State Board of Pharmacy concluded that Barbara Ann Kopelman was 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; and not being of good moral character and habits as provided in Division (B) of Section 4729.08 of the Ohio Revised Code. The Board denied the Application For Examination As Pharmacist submitted by Barbara Ann Kopelman on December 11, 1989.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) of the Findings Of Fact constitutes not being of good moral character and habits as provided in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.

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- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) of the Findings Of Fact constitutes having been disciplined by the Ohio State Board of Pharmacy pursuant to Section 4729.16 of the Ohio Revised Code as provided in paragraph (E) of Rule 4729-5-04 of the Ohio Administrative Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (5) of the Findings Of Fact constitute having been disciplined by any board of pharmacy as provided in paragraph (F) of Rule 4729-5-04 of the Ohio Administrative Code.

Action Of The Board

Pursuant to Section 4729.08 of the Ohio Revised Code and Rule 4729-5-04 of the Ohio Administrative Code, the State Board of Pharmacy hereby denies the issuance of an identification card, and therefore denies the Application For Examination As Pharmacist submitted October 21, 1991 by Barbara Ann Kopelman.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-1).

MOTION CARRIED.

SO ORDERED.

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THE STATE BOARD OF PHARMACY
(Docket No. D-900319-067)

In The Matter Of:

BARBARA ANN KOPELMAN, R.Ph.
23 Helen Avenue
New Hartford, New York 13413
(R.Ph. No. 03-1-10989)

INTRODUCTION

THE MATTER OF BARBARA ANN KOPELMAN CAME TO HEARING ON JUNE 27, 1990 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY D. MOORE, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; BETTY NICHOL, R.Ph.; AND JOSEPH SABINO, R.Ph.

BARBARA ANN KOPELMAN WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY JEANNY EATON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Barbara Ann Kopelman - Respondent

Respondent's Witnesses:

- (1) Ronald Burton Kopelman

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice Of Opportunity letter dated March 19, 1990.
- (2) Exhibit B - Request For Hearing letter dated April 13, 1990.
- (3) Exhibit C - Hearing Schedule letter dated April 23, 1990.
- (4) Exhibit 1 - Certified Copy of Resignation Letter from Barbara Kopelman to the Maryland State Board of Pharmacy dated July 6, 1989.

Respondent's Exhibits:

- (1) Exhibit 1 - Letter from Linda S. Spevack, Attorney At Law, to Larry Mitchell dated March 9, 1983.
- (2) Exhibit 2 - Facsimile of Mutual Release between Greenbelt Cooperative, Inc. and Barbara Kopelman dated April 27, 1984.
- (3) Exhibit 3 - Two-page Facsimile of letter to Barbara Kopelman, P.D. from the Maryland State Board of Pharmacy dated March 21, 1989.

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- (4) Exhibit 4 - Four-page Facsimile of Notice Of Hearing in the matter of Barbara Kopelman, P.D. from the Maryland State Board of Pharmacy dated March 15, 1989.
- (5) Exhibit 5 - Facsimile of Memorandum to Roslyn Sheer, Executive Director of the Maryland State Board of Pharmacy, from Alice D. Ike, Assistant Attorney General, Administrative Prosecutor, dated June 2, 1989.
- (6) Exhibit 6 - Two-page Facsimile of letter to Barbara Kopelman, P.D. from Alice D. Ike, Administrative Prosecutor, dated June 2, 1989.
- (7) Exhibit 7 - Letter from Howard J. Slater, R.Ph. dated June 6, 1990.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Barbara Ann Kopelman, on July 6, 1989, pursuant to a formal citation issued by the Maryland Board of Pharmacy and after a prehearing conference, agreed to permanently surrender her license to practice pharmacy in that state in lieu of proceeding with a formal disciplinary hearing on those charges.
- (2) From the evidence presented, the State Board of Pharmacy finds that Barbara Ann Kopelman did, by her own admission, between the dates of February, 1982 and May, 1982, commit the crime of insurance fraud as it relates to the practice of pharmacy.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct in paragraph (2) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct in paragraph (2) of the Findings Of Fact constitutes not being of good moral character and habits as required by Division (B) of Section 4729.08 of the Ohio Revised Code.

ORDER

Pursuant to Sections 4729.08 and 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby denies the Application For Examination As Pharmacist submitted by Barbara Ann Kopelman.

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

MOTION CARRIED.

SO ORDERED.