



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

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www.pharmacy.ohio.gov

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-940624-087)

In The Matter Of:

HOPE GUINN BARNETT, R.Ph.

3786 Freemont

South Euclid, Ohio 44121

(R.Ph. No. 03-1-12349)

INTRODUCTION

THE MATTER OF HOPE GUINN BARNETT CAME TO HEARING ON OCTOBER 24, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; AND SUZANNE L. NEUBER, R.Ph.

HOPE GUINN BARNETT WAS REPRESENTED BY ABRAHAM KAY, AND THE STATE OF OHIO WAS REPRESENTED BY ANNE STRAIT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Jim Polgar, InterFact, Inc.
- (2) Joann D. Predina, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Hope Guinn Barnett, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Summary Suspension Order/Notice of Opportunity letter dated June 24, 1994.
- (2) Exhibit 1A - Hearing Request letter dated July 1, 1994.
- (3) Exhibit 1B - Hearing Schedule letter dated July 8, 1994; and Hearing Schedule letter dated July 13, 1994.
- (4) Exhibit 1C - Pharmacist File Front Sheet of Hope Karola Guinn Barnett showing original date of registration as August 10, 1977; and Renewal Application for Pharmacist

License, No. 03-1-12349, for a license to practice pharmacy in Ohio from September 15, 1993, to September 15, 1994, of Hope Guinn Barnett dated July 11, 1993.

- (5) Exhibit 2
- (6) Exhibit 3
- (7) Exhibit 3A
- (8) Exhibit 4
- (9) Exhibit
- (10) Exhibit
- (11) Exhibit
- (12) Exhibit
- (13) Exhibit
- (14) Exhibit 10 - Patient Profile Printout of Hope K. Barnett dated February 15, 1993.
- (15) Exhibit 11

Respondent's Exhibits:

- (1) Exhibit A
- (2) Exhibit B - Copy of Certificate of Progress of Hope Barnett dated April 30, 1993.
- (3) Exhibit C - Copy of Ohio Department of Health, Vital Statistics Certificate of Death, of Homer K. Guinn, date of death being September 15, 1990.
- (4) Exhibit D
- (5) Exhibit E - Two-page copy of Supplemental Psychological Report of Hope Barnett by Dr. Richard C. Halas dated October 20, 1994.
- (6) Exhibit F
- (7) Exhibit G - Letter from Francine Pettaway dated October 21, 1994.
- (8) Exhibit H - Handwritten letter from Cynthia Rose dated October 20, 1994.

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 Hope Guinn Barnett was originally licensed to practice pharmacy in the state of Ohio on August 10, 1977, pursuant to examination, and her license was summarily suspended on June 24, 1994.
- (2)
- (3)
- (4)

CONCLUSIONS OF LAW

- (1)
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) and (4) of the Findings of Fact constitute being guilty of dishon-

esty or unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) and (4) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

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 June 24, 1994.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby places on probation Hope Guinn Barnett's identification card, No. 03-1-12349, for a period of one year from the effective date of this Order. While on probation, Hope Guinn Barnett must fully comply with all of the terms as listed hereafter:

- (1) Hope Guinn Barnett must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (2) Hope Guinn Barnett must abide by the rules of the Ohio State Board of Pharmacy.
- (3) Hope Guinn Barnett 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 (Aye-7/Nay-0).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE DECEMBER 12, 1994



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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

June 24, 1994

HOPE GUINN BARNETT, R.Ph.

3786 Freemont
South Euclid, Ohio 44121

Re: Ohio Registered Pharmacist
Number 03-1-12349

Dear Pharmacist:

Records of the Board indicate that you are a pharmacist registered by this Board to practice pharmacy in the state of Ohio.

In accordance with Section 2929.17 of the Ohio Revised Code,

YOU ARE HEREBY NOTIFIED that Section 3719.121(C) of the Ohio Revised Code states, in pertinent part:

- (C) On receiving notification pursuant to Section 2929.17 or 3719.12 of the Revised Code, the Board under which ... Pharmacist ... has been licensed or registered shall immediately suspend the license or registration of that person

WHEREFORE, PURSUANT TO SECTION 3719.121(C) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS HEREBY SUSPENDED. This suspension shall remain in effect until an adjudicatory hearing is held by the Board under Chapter 119. of the Revised Code, during which time you may not engage in the practice of pharmacy. If you request a hearing within 30 days of the time of the mailing of this notice, such will be afforded. You may appear at such hearing in person, by or with your attorney, or you may present your position, arguments, or contentions in writing; and at this hearing, you may present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER NOTIFIED that, in addition to the foregoing matter contained in the notice received _____, the following allegations will be considered by the Board:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the state of Ohio on August 10, 1977, pursuant to examination.
- (2)
- (3)
- (4)

For these reasons, the State Board of Pharmacy will determine whether to take action pursuant to Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY ADVISED that under Division (A) of Section 4729.16 of the Ohio Revised Code: The State Board of Pharmacy, after notice and hearing in accordance with sections 119.01 to 119.13 of the Ohio Revised Code, may revoke, suspend, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending his name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy; or
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, a practitioner or any owner, manager, or employee of a health care facility, rest home, or nursing home.

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0230. You may appear at such hearing in person, by or with your attorney, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if you do not request such a hearing within thirty (30) days of the mailing of this notice, the State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

(D-940624-087)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE JUNE 24, 1994

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective December 12, 1994)*