



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-010319-056)

In The Matter Of:

**OJINIKA I. MORA, R.Ph.**

55 Woodland Avenue  
Columbus, Ohio 43203  
(R.Ph. No. 03-1-12478)

### INTRODUCTION

THE MATTER OF OJINIKA I. MORA CAME FOR CONSIDERATION ON OCTOBER 2, 2001, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph.; (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

OJINIKA I. MORA WAS NOT PRESENT NOR WAS SHE REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Christopher Reed, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1M--Copy of five-page Notice of Opportunity for Hearing letter dated March 19, 2001.  
(2) Exhibit 1M-A--Copy of Pharmacist Computer File Front Page of Ojinika I. Mora.  
(3) Exhibit 2--Five-page Dangerous Drug Distributor Inspection Report of CVS/Pharmacy # 3484 dated October 6, 2000.

- (4) Exhibit 3--Copy of two-page Pink Sheet Response dated December 8, 2000.
- (5) Exhibit 4--Two-page Dangerous Drug Distributor Inspection Report of Revco Discount Drug Center dated July 28, 1997; Prescription Room Barricade Inspection Report for Terminal Distributor License No. 02-0137150 dated July 28, 1997.
- (6) Exhibit 5--Copy of two-page Dangerous Drug Distributor Inspection Report of Revco Discount Drug Center dated July 28, 1997 with handwritten response on reverse side of page one, not dated.
- (7) Exhibit 6--DEA 222 Order Form No. 980109242 of CVS/pharmacy #3484 dated January 19, 2000.
- (8) Exhibit 7--DEA 222 Order Form No. 980109245 of CVS/pharmacy #3484 dated March 8, 2000.
- (9) Exhibit 8--DEA 222 Order Form No. 980109246 of CVS/pharmacy #3484 dated March 12, 2000.
- (10) Exhibit 9--DEA 222 Order Form No. 980109247 of CVS/pharmacy #3484 dated March 22, 2000.
- (11) Exhibit 10--DEA 222 Order Form No. 980109248 of CVS/pharmacy #3484 dated March 31, 2000.
- (12) Exhibit 11--DEA 222 Order Form No. 980109249 of CVS/pharmacy #3484 dated April 12, 2000.
- (13) Exhibit 12--DEA 222 Order Form No. 980924246 of CVS/pharmacy #3484 dated April 18, 2000.
- (14) Exhibit 13--DEA 222 Order Form No. 980924247 of CVS/pharmacy #3484 dated May 2, 2000.
- (15) Exhibit 14--DEA 222 Order Form No. 980924248 of CVS/pharmacy #3484 dated May 3, 2000.
- (16) Exhibit 15--DEA 222 Order Form No. 980924249 of CVS/pharmacy #3484 dated May 21, 2000.
- (17) Exhibit 16--DEA 222 Order Form No. 980924250 of CVS/pharmacy #3484 dated June 4, 2000.
- (18) Exhibit 17--DEA 222 Order Form No. 980924252 of CVS/pharmacy #3484 dated July 20, 2000.
- (19) Exhibit 18--DEA 222 Order Form No. 980924253 of CVS/pharmacy #3484 dated July 30, 2000.
- (20) Exhibit 19--DEA 222 Order Form No. 980924254 of CVS/pharmacy #3484 dated August 8, 2000.
- (21) Exhibit 20--DEA 222 Order Form No. 980924255 of CVS/pharmacy #3484 dated August 8, 2000.
- (22) Exhibit 21--DEA 222 Order Form No. 980924256 of CVS/pharmacy #3484 dated August 23, 2000.
- (23) Exhibit 22--DEA 222 Order Form No. 980924257 of CVS/pharmacy #3484 dated September 10, 2000.
- (24) Exhibit 23--DEA 222 Order Form No. 980924258 of CVS/pharmacy #3484 dated September 22, 2000.
- (25) Exhibit 24--DEA 222 Order Form No. 980924259 of CVS/pharmacy #3484 dated September 24, 2000.
- (26) Exhibit 25--DEA 222 Order Form No. 980924242 of CVS/pharmacy #3484 dated September 28, 2000.

- (27) Exhibit 26--DEA 222 Order Form No. 980924243 of CVS/pharmacy #3484 dated October 3, 2000.
- (28) Exhibit 27--Seven-page CVS/Revco #3484 Prescription Register report covering Midnight through Noon of September 28, 2000, dated September 29, 2000.
- (29) Exhibit 28--Nine-page CVS/Revco #3484 Prescription Register report covering Midnight through Noon of October 5, 2000, dated October 6, 2000.
- (30) Exhibit 29--Two-page CVS/Revco #3484 Pharmacist's Statement report for Ray Bozeman covering January 1, 2000 through October 6, 2000, dated October 6, 2000.
- (31) Exhibit 30-- Prescription No. C 590834 00 for Roy Bozeman dated September 20, 2000.
- (32) Exhibit 31-- CVS Third Party/Consultation Log with stickers dated from August 29, 2000 to October 6, 2000.
- (33) Exhibit 32--Copy of three-page Settlement Agreement with the State Board of Pharmacy, Docket No. D-990721-005 in the matter of CVS/Pharmacy #3484 effective November 8, 1999.
- (34) Exhibit 33--CVS/Revco #3484 Pharmacist's Statement report for Greg Daniel covering January 1, 2000 through October 6, 2000, dated October 6, 2000.
- (35) Exhibit 34--Prescription No. C 592163 00 for Greg Daniel dated October 6, 2000.
- (36) Exhibit 35--CVS/Revco #3484 Pharmacist's Statement report for Margaret M. Jackson covering January 1, 2000 through October 6, 2000, dated October 6, 2000.
- (37) Exhibit 36--Prescription No. 592161 00 for Margaret M. Jackson dated October 6, 2000.
- (38) Exhibit 37--Dangerous Drug Distributor Inspection Report for CVS/Pharmacy #3484 dated August 3, 2001.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

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

- (1) On March 19, 2001, Ojinika I. Mora was notified by letter of her right to a hearing, her rights in such hearing, and her right to submit any contentions in writing.
- (2) As demonstrated by personal delivery record dated May 1, 2001, Ojinika I Mora received the letter of March 19, 2001, informing her of the allegations against her, and her rights.
- (3) Ojinika I Mora has not responded in any manner to the letter of March 19, 2001, and has not requested a hearing in this matter.

- (4) Records of the State Board of Pharmacy indicate that Ojinika I. Mora was originally licensed by the State of Ohio on August 10, 1977, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio. Further, Ojinika I. Mora is the Responsible Pharmacist at CVS/pharmacy #3484, 564 Livingston Avenue, Columbus, Ohio 43215, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (5) Ojinika I. Mora as Responsible Pharmacist did, on or about October 6, 2000, and dates preceding, fail to keep a complete and accurate record of all controlled substances. The most recent DEA biennial inventory had been taken on May 1, 1997. Such conduct is in violation of Section 3719.07 of the Ohio Revised Code, Rule 4729-9-14 of the Ohio Administrative Code, and Section 1304.11 of the Code of Federal Regulations.
- (6) Ojinika I. Mora as Responsible Pharmacist did, on or about February 21, 2000, upon becoming the Responsible Pharmacist, fail to take a complete inventory of all controlled substances on hand. Such conduct is in violation of Rule 4729-5-11(C)(2) of the Ohio Administrative Code.
- (7) Ojinika I. Mora as Responsible Pharmacist did, on or about October 6, 2000, and dates preceding, fail to maintain the minimum standards for a pharmacy, to wit: the pharmacy did not possess a copy of current federal and state laws, regulations, and rules governing the legal distribution of drugs in Ohio. The pharmacy's law book had not been updated since August 1998. CVS/pharmacy #3484 had been previously given written warning for a similar violation on July 28, 1997. Such conduct is in violation of Rule 4729-9-02 of the Ohio Administrative Code.
- (8) Ojinika I. Mora as Responsible Pharmacist did, from March 8, 2000, through October 3, 2000, fail to properly execute Schedule II controlled substance order forms, to wit: when drugs were received by the pharmacy pursuant to DEA 222 Order Forms, the following forms were not completed as to the number of packages received or the date received.

DEA 222 Order Form No. 980109245	[03-08-00]
DEA 222 Order Form No. 980109246	[03-12-00]
DEA 222 Order Form No. 980109247	[03-22-00]
DEA 222 Order Form No. 980109248	[03-31-00]
DEA 222 Order Form No. 980109249	[04-12-00]
DEA 222 Order Form No. 980924246	[04-18-00]
DEA 222 Order Form No. 980924247	[05-02-00]
DEA 222 Order Form No. 980924248	[05-03-00]
DEA 222 Order Form No. 980924249	[05-21-00]
DEA 222 Order Form No. 980924250	[06-04-00]
DEA 222 Order Form No. 980924252	[07-20-00]
DEA 222 Order Form No. 980924253	[07-30-00]
DEA 222 Order Form No. 980924254	[08-08-00]
DEA 222 Order Form No. 980924255	[08-08-00]
DEA 222 Order Form No. 980924256	[08-23-00]

DEA 222 Order Form No. 980924257 [09-10-00]  
DEA 222 Order Form No. 980924258 [09-22-00]  
DEA 222 Order Form No. 980924259 [09-24-00]  
DEA 222 Order Form No. 980924242 [09-28-00]  
DEA 222 Order Form No. 980924243 [10-03-00]

Such conduct is in violation of Section 3719.07 of the Ohio Revised Code, Rule 4729-9-14 of the Ohio Administrative Code, and Section 1305.06 of the Code of Federal Regulations.

- (9) Ojinika I. Mora as Responsible Pharmacist did, from September 28, 2000, through October 6, 2000, fail to have dispensing pharmacists sign daily computer printouts, to wit: pharmacists were signing the daily printouts for each other. Such conduct is in violation of Rule 4729-5-28(C)(4) of the Ohio Administrative Code.
- (10) Ojinika I. Mora as Responsible Pharmacist did, on or about October 6, 2000, fail to perform or otherwise offer patient counseling, to wit: when dispensing medications to a patient pursuant to prescription number 590834, pharmacists failed to offer patient counseling. CVS/pharmacy #3484 had been given written warning on July 28, 1997, and also had, on November 8, 1999, entered into a Settlement Agreement with the Board to resolve patient counseling issues. Such conduct is in violation of Rule 4729-5-22 of the Ohio Administrative Code
- (11) Ojinika I. Mora as Responsible Pharmacist did, on or about October 6, 2000, fail to perform or otherwise offer patient counseling, to wit: when dispensing medications to a patient pursuant to prescription number 592163, pharmacists failed to offer patient counseling. CVS/pharmacy #3484 had been given written warning on July 28, 1997, and also had, on November 8, 1999, entered into a Settlement Agreement with the Board to resolve patient counseling issues. Such conduct is in violation of Rule 4729-5-22 of the Ohio Administrative Code.
- (12) Ojinika I. Mora as Responsible Pharmacist did, on or about October 6, 2000, fail to perform or otherwise offer patient counseling, to wit: when dispensing medications to a patient pursuant to prescription number 592161, pharmacists failed to offer patient counseling. CVS/pharmacy #3484 had been given written warning on July 28, 1997, and also had, on November 8, 1999, entered into a Settlement Agreement with the Board to resolve patient counseling issues. Such conduct is in violation of Rule 4729-5-22 of the Ohio Administrative Code.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5) through (12) of the Findings of Fact constitute being guilty of 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 paragraphs (5) and (8) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 3719. 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 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-03-1-12478, held by Ojinika I. Mora and such suspension is effective as of the date of the mailing of this Order.

- (A) Ojinika I. Mora, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Ojinika I. Mora, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return the identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, the Board will consider suspending the suspension provided that Ojinika I. Mora appears before the State Board of Pharmacy. If reinstatement is not accomplished within three years of the effective date of this Order, Ojinika I. Mora must show, at the time of her appearance before the Board, successful completion of the NAPLEX examination or an equivalent examination approved by the Board.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).

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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

OJINIKA I. MORA, R.Ph.

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Order of the Board

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 both the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

VIA CERTIFIED MAIL

#7099 3400 0013 9263 9953

Return Receipt Requested

ORDER MAILED

AND EFFECTIVE: NOVEMBER 7, 2001

WTW/sb

By: 

William T. Winsley, M.S., R.Ph., Executive Director

c: Sally Ann Steuk, Assistant Attorney General

Thomas Ryan, President; CVS Corporation; One CVS Drive; Woonsocket, RI 02895