



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-010313-050)

In The Matter Of:

KAREN E. MARTIN, R.Ph.

1757 Phillips Road
Lebanon, Ohio 45036
(R.Ph. No. 03-1-14807)

INTRODUCTION

THE MATTER OF KAREN E. MARTIN CAME FOR HEARING ON SEPTEMBER 12, 2001 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, 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.

KAREN E. MARTIN WAS REPRESENTED BY DAVID L. KERR, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Robert Burdick, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Karen E. Martin, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of Notice of Opportunity for Hearing letter dated March 13, 2001.
- (2) Exhibit 1A--Hearing Request letter dated March 21, 2001.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated March 23, 2001.
- (4) Exhibit 1C--Copy of Ohio Pharmacist computer record of Karen Elaine Martin.

- (5) Exhibit 2--Copy of Statement of Karen Martin notarized on July 27, 2000.
- (6) Exhibit 3--Copy of Statement of Cynthia Chopp notarized on July 27, 2000.
- (7) Exhibit 4--Copy of CVS Prescription No. 29971500 dated June 21, 1999.
- (8) Exhibit 5--Copy of CVS/pharmacy computer-generated page of labels and customer receipt for Prescription No. 37785600 dated May 19, 2000; Copy of CVS/pharmacy Prescription No. 9105312 dated March 4, 2000, and information printout for Prescription No. 37785600 dated May 19, 2000.
- (9) Exhibit 6--Copy of letter from Marshall C. Wareham, MD, FACS dated August 15, 2001.
- (10) Exhibit 7--Copy of two-page letter from James D. Ruppert dated August 28, 2001.

Respondent's Exhibits:

- (1) Exhibit A1--Two-page letter from Karen E. Martin, PharmD dated February 27, 2001.
- (2) Exhibit A2--Two-page handwritten letter from Charles M. Neu, R.Ph. dated August 25, 2001.
- (3) Exhibit A2a--Typed letter from Charles M. Neu, R.Ph. dated August 25, 2001.
- (4) Exhibit A3--Letter from James E. Henderson, R.Ph. dated August 12, 2001.
- (5) Exhibit A4--Letter from Deacon Ned Ostendorf dated August 13, 2001.

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 Karen E. Martin was originally licensed in the state of Ohio on August 6, 1982, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
- (2) Karen E. Martin did, on or about May 19, 2000, sell a drug that was misbranded, to wit: having prescription number 377856 for Trusopt, an ophthalmic solution to relieve ocular pressure, Karen E. Martin dispensed TobraDex, an ophthalmic steroidal suspension. The patient required surgery and suffered permanent sight loss. Such conduct is in violation of Section 3715.52 of the Ohio Revised Code

CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Sections 3715.52 to 3715.72 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 Conclusion of Law set forth above, the State Board of Pharmacy hereby imposes on Karen E. Martin a monetary penalty of two hundred fifty dollars 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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.
MOTION CARRIED.
SO ORDERED.