



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-971223-028)

In The Matter Of:

DANIEL E. O'DOWD

1477 Peters Alley

Columbus, Ohio 43201

(Pharmacy Intern No. 06-0-02418)

INTRODUCTION

THE MATTER OF DANIEL E. O'DOWD CAME TO HEARING ON APRIL 8, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

DANIEL E. O'DOWD WAS REPRESENTED BY GAROLD L. NEWBOLD, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

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

Respondent's Witnesses:

- (1) Daniel E. O'Dowd, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Three-page copy of Notice of Opportunity for Hearing letter dated December 23, 1997.
- (2) Exhibit 1A--Hearing Request letter dated January 8, 1998.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated January 14, 1998.
- (4) Exhibit 1C--Copy of Hearing Schedule letter dated February 26, 1998.

- (5) Exhibit 1D--Pharmacy Intern File Front Sheet of Daniel E. O'Dowd showing original date of registration as May 7, 1996.
- (6) Exhibit 1E--Copy of Hearing Schedule letter dated March 11, 1998.
- (7) Exhibit 1F--Copy of Hearing Schedule letter dated March 17, 1998.
- (8) Exhibit 2--Renewal Application for Intern License, No. 06-0-02418, for a license to practice pharmacy as an intern in Ohio from September 15, 1997, to September 15, 1998, of Daniel E. O'Dowd dated July 25, 1997.
- (9) Exhibit 3--Certified copy of two-page Sentence Entry in the Franklin County Municipal Court, Columbus, Ohio, State of Ohio City of Columbus v. Daniel O'Dowd, Case No. 9607 CRB 017364, dated August 29, 1996.
- (10) Exhibit 3A--Copy of Complaint in the Franklin County Municipal Court, Case No. 23972/97, against Daniel E. O'Dowd dated September 8, 1997; and copy of Sentence Entry in the Franklin County Municipal Court, Columbus, Ohio, Case No. 23972/97, State of Ohio, City of Columbus vs. Daniel O'Dowd dated January 7, 1998.
- (11) Exhibit 4--Renewal Application for Intern License, No. 06-0-02418, for a license to practice pharmacy as an intern in Ohio from September 15, 1996, to September 15, 1997, of Daniel E. O'Dowd dated July 2, 1996.
- (12) Exhibit 5--Handwritten statement of Daniel E. O'Dowd signed and notarized on August 15, 1997.

Respondent's Exhibits:

- (1) None

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 of Pharmacy indicate that Daniel E. O'Dowd was originally licensed in the state of Ohio on May 7, 1996, and is currently licensed as a pharmacy intern in the state of Ohio.
- (2) Daniel E. O'Dowd did, on or about July 2, 1996, knowingly make a false statement with purpose to secure the issuance by a governmental agency of a license, permit, or registration, to wit: Daniel E. O'Dowd swore on his pharmacy intern renewal application that there were no criminal charges pending against him when in fact, the day previous, Daniel E. O'Dowd had been arrested and criminally charged with theft, a misdemeanor of the first degree. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.
- (3) Daniel E. O'Dowd did, on or about July 1, 1996, with purpose to deprive, knowingly obtain or exert control over property of Kroger without consent, to wit: Daniel E. O'Dowd admittedly stole a razor and a can of shaving cream valued at \$21.64. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Daniel E. O'Dowd did, during the months of April and May, 1997, knowingly obtain, possess, and use a controlled substance, to wit: Daniel E. O'Dowd admittedly obtained, possessed, and smoked marijuana. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being 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.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes having been convicted of a misdemeanor related to, or committed in, the practice of pharmacy as provided in Division (A)(4) 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 paragraph (4) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. 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 reprimands Daniel E. O'Dowd. Further, Daniel E. O'Dowd must comply with the following actions imposed by the Board:

- (A) Daniel E. O'Dowd must write an essay to the Board regarding the issues contained in this Order. The essay must be a minimum of 1,000 words and must be copied and sent to Daniel E. O'Dowd's employer at Ohio State University Hospital and to John M. Cassady, Ph.D., Dean of Ohio State University College of Pharmacy.
- (B) Daniel E. O'Dowd must write letters of apology to the following people:
 - (1) Daniel E. O'Dowd's parents;
 - (2) Robert Cole, Compliance Administrator, Ohio State Board of Pharmacy, 77 S. High St., 17th Floor, Columbus, Ohio 43266-0320;
 - (3) Christopher K. Reed, Compliance Agent, Ohio State Board of Pharmacy, 77 S. High St., 17th Floor, Columbus, Ohio 43266-0320; and
 - (4) William F. Sheridan, Manager of Pharmacy Services, The Kroger Co., 4111 Executive Parkway, Westerville, Ohio 43081
- (C) The essay and a copy of each letter must be sent to the Board office prior to June 5, 1998.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-4/Nay-2).

MOTION CARRIED.

SO ORDERED.