

OHIO STATE BOARD OF PHARMACY

THE STATE BOARD OF PHARMACY  
(Docket No. D-910110-051)

In The Matter Of:

VIRGINIA V. CROSS, R.Ph.  
9944 S.R. 37 E.  
Sunbury, Ohio 43074  
(R.Ph. No. 03-2-04065)

INTRODUCTION

THE MATTER OF VIRGINIA V. CROSS CAME TO HEARING ON MARCH 4, 1991 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

VIRGINIA V. CROSS WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Virginia V. Cross, R.Ph., Respondent
- (2) Jack D. Smittle, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated January 10, 1991.
- (2) Exhibit B - Hearing Request letter dated January 15, 1991.
- (3) Exhibit C - Hearing Schedule letter dated January 31, 1991.
- (4) Exhibit 1 - Continuing Pharmacy Education Report Form dated September 12, 1990 and received August 14, 1990.
- (5) Exhibit 2 - Renewal Application For Pharmacist License Number 03-2-04065 dated August 12, 1990 and received August 14, 1990.
- (6) Exhibit 3 - Audit Request letter dated November 5, 1990.
- (7) Exhibit 4 - Audit Request letter dated November 29, 1990.
- (8) Exhibit 5 - 22 Continuing Pharmacy Education Certificates of Participation: Program Numbers 688-352-87-002 for 0.15 CEU (Continuing Education Unit) dated August 30, 1988; 036-126-87-05 for 0.1 CEU dated September 2, 1987; 183-129-8708 for 0.15 CEU dated August, 1987; 183-129-8709 for 0.15 CEU dated September,

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1987; 183-129-8711 for 0.15 CEU dated November, 1987; 183-129-8712 for 0.15 CEU dated December, 1987; 183-129-8801 for 0.15 CEU dated January, 1988; 183-129-8802 for 0.15 CEU dated February, 1988; 183-129-8803 for 0.15 CEU dated March, 1988; 183-129-8805 for 0.15 CEU dated May, 1988; 183-129-8810 for 0.15 CEU dated October, 1988; 183-129-8811 for 0.15 CEU dated November, 1988; 183-129-8812 for 0.15 CEU dated December, 1988; 688-421-89-01 for 0.2 CEU dated May 31, 1989; 036-135-87-04 for 0.15 CEU dated September 16, 1987; 036-135-88-01 for 0.15 CEU dated February 17, 1988; 036-135-88-02 for 0.15 CEU dated March 16, 1988; 036-135-88-03 for 0.15 CEU dated April 20, 1988; 036-135-88-04 for 0.15 CEU dated September 21, 1988; 036-135-88-05 for 0.15 CEU dated October 19, 1988; 036-135-89-03 for 0.15 CEU dated April 19, 1989; 036-135-89-04 for 0.15 CEU dated September 20, 1989.

**Respondent's Exhibits:**

- (1) Exhibit 1 - Two-page handwritten statement to the Board Members from Virginia V. Cross.
- (2) Exhibit 2 - Envelope with continuing pharmacy education program numbers, and continuing education units with total.
- (3) Exhibit 3 - Three-page copy of eight front covers of Ohio Pharmacist showing volume and/or month of publication and hand-written dates that tests for continuing pharmacy education were submitted to Ohio Pharmacists Association.
- (4) Exhibit 4 - Character reference letter of Virginia Cross sent by C. Morgan Jones, R.Ph., Sharon Woods Pharmacy, dated March 1, 1991.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Virginia V. Cross did not continue her pharmacy education in accordance with Section 4729.12 of the Revised Code and Rules 4729-7-01 through 4729-7-07 of the Administrative Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Virginia V. Cross, on or about September 1, 1990, submitted a Continuing Pharmacy Education Report Form providing documentation of her continuing pharmacy education with the application for renewal of a pharmacist identification card.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy finds that Virginia V. Cross, on or about November 5, 1990, was notified that her continuing pharmacy education was being audited pursuant to paragraph (C) of Rule 4729-7-03 of the Ohio Administrative Code, and that she must provide evidence of the continuing pharmacy education documented on the Continuing Pharmacy Education Report Form submitted with her renewal application.

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- (4) Upon consideration of the record as a whole, the State Board of Pharmacy finds that Virginia V. Cross has not continued her pharmacy education in accordance with Rules 4729-7-01 through 4729-7-07 of the Ohio Administrative Code as required by Section 4729.12 of the Revised Code, to wit: Virginia V. Cross has not provided the required evidence certifying that she has met the continuing pharmacy education requirements for renewal as documented on her Continuing Pharmacy Education Report Form.
- (5) From the evidence presented, the State Board of Pharmacy finds that Virginia V. Cross has shown that she will be submitting additional evidence of completing the continuing pharmacy education required by Section 4729.12 of the Ohio Revised Code and Rule 4729-7-02 of the Ohio Administrative Code.

Conclusion Of Law

- (1) The State Board of Pharmacy concludes that paragraph (5) of the Findings Of Fact does not constitute 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.

ORDER

The State Board of Pharmacy takes no action pursuant to Section 4729.16 of the Ohio Revised Code concerning the pharmacist license, No. 03-2-04065, held by Virginia V. Cross.

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

MOTION CARRIED.

SO ORDERED.