



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
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ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-911223-087)

In The Matter Of:

WALTER P. COOK, R.Ph.
1440 Longwood Drive
Lancaster, Ohio 43130
(R.Ph. No. 03-2-04160)

Introduction

THE MATTER OF WALTER P. COOK CAME TO HEARING ON APRIL 21, 1992 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: METTA LOU HENDERSON, R.Ph. (presiding); PAUL F. LAMPING, R.Ph.; NORMAN D. LEIBOW, R.Ph.; TIMOTHY D. MOORE, R.Ph.; RUTH A. PLANT, R.Ph.; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

WALTER P. COOK WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Walter P. Cook, Respondent
- (2) Jacob Brennemann, R.Ph.
- (3) William Padgett, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Mrs. Florence Allen, Bookkeeper

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter for Walter P. Cook dated December 23, 1991.
- (2) Exhibit B - Notice of Opportunity letter for The Heritage Pharmacy dated December 23, 1991.
- (3) Exhibit C - Hearing Request letter dated January 1, 1992.
- (4) Exhibit D - Hearing Schedule letter dated January 7, 1992.
- (5) Exhibit 1 - Pharmacist File Front Sheet of Walter P. Cook showing original date of registration as June 30, 1948; Applications for Dangerous Drug Renewal of The Heritage Pharmacy, license number 02-150150, for the years 1989, 1990, and 1991.

- (6) Exhibit 2 - Dangerous Drug Distributor Inspection Report of The Heritage Pharmacy dated March 15, 1989.
- (7) Exhibit 3 - Dangerous Drug Distributor Inspection Report of The Heritage Pharmacy dated March 9, 1990.
- (8) Exhibit 4 - Dangerous Drug Distributor Inspection Report, Pink Sheet Response, of The Heritage Pharmacy signed by Walter Cook on March 28, 1989.
- (9) Exhibit 5 - Response to Dangerous Drug Distributor Inspection Report of The Heritage Pharmacy signed by Walter Cook on March 27, 1990.

Respondent's Exhibits:

- (1) Exhibit 1 - Receipt of Inventory for drugs from Bailey Drug Company of The Heritage Pharmacy, Inventory date of May 4, 1987.
- (2) Exhibit 2 - Receipt of Inventory of The Heritage Pharmacy dated May 13, 1991.
- (3) Exhibit 3 - Receipt of Inventory of The Heritage Pharmacy dated June 22, 1989.

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Walter P. Cook was originally licensed to practice pharmacy in this state on June 30, 1948, pursuant to examination, and is the responsible pharmacist at The Heritage Pharmacy pursuant to Sections 4729.55 and 4729.27 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Walter P. Cook as responsible pharmacist did, on or about March 15, 1989, aid and abet The Heritage Pharmacy to cease to satisfy the qualifications of a terminal distributor as set forth in Section 4729.55(C) of the Ohio Revised Code, to wit: adequate safeguards were not maintained to assure the prevention of sale or other distribution of dangerous drugs by a person other than a pharmacist or practitioner, when keys were given to a nonlicensed person and thus unsupervised access was given to the pharmacy. Such conduct is in violation of Rules 4729-9-05 and 4729-9-11 of the Ohio Administrative Code and is contrary to Section 4729.55 of the Ohio Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Walter P. Cook as responsible pharmacist for The Heritage Pharmacy did, on or about March 15, 1989, or prior thereto, take a biennial inventory of controlled substances which was not dated nor was there any indication thereon whether it had been conducted at opening or as of the close of business. Such conduct is in violation of Section 1304.13 of the Code of Federal Regulations and Rule 4729-9-14 of the Ohio Administrative Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Walter P. Cook as responsible pharmacist for The Heritage Pharmacy did, on or about March 9, 1990, or prior thereto, after having been warned of such conduct on March 15, 1989, and after having replied to a pink sheet that the violations had been corrected, take a biennial inventory of controlled substances, which was not dated nor did it have any indication thereon whether it had been taken at opening or as of the close of business. Such conduct is in violation of Section 1304.13 of the Code of Federal Regulations and Rule 4729-9-14 of the Ohio Administrative Code.

- (5) From the evidence presented, the State Board of Pharmacy finds that Walter P. Cook as responsible pharmacist for The Heritage Pharmacy did, on or about March 9, 1990, and dates prior thereto, when dispensing drugs pursuant to original prescriptions, fail to manually record the name or initials of the dispensing pharmacist on such prescription record. Such conduct is in violation of Rule 4729-5-17(A) of the Ohio Administrative Code.

Conclusion Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (5) of the Findings Of Fact constitute being guilty of willfully aiding and abetting the violation of provisions of Chapter 4729. of the Revised Code within the meaning of Section 4729.16 of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

Action Of The Board

The State Board of Pharmacy hereby REPRIMANDS Walter P. Cook for violations of the Ohio Revised Code and warns him that any future violations will result in the Board taking action against him to the full extent of the law.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/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.

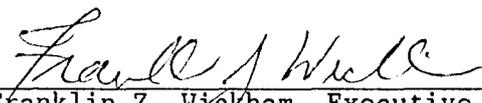
Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

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

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 749 728 866

ORDER MAILED: JULY 1, 1992

By 
Franklin Z. Wickham, Executive Director

FZW/so

cc: Ronda Anderson, Assistant Attorney General