
STATE BOARD OF PHARMACY JOURNAL

THE STATE BOARD OF PHARMACY

VS

THOMAS W. HART, R.Ph.

THE MATTER OF THOMAS W. HART, DOCKET NO. 6-165-1, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON TUESDAY, JUNE 24, 1986. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that Thomas W. Hart, as the responsible pharmacist pursuant to Section 4729.55 of the Revised Code and the pharmacist in full and actual charge of Hart Pharmacy, Terminal Distributor of Dangerous Drugs License No. 02-105400, pursuant to Section 4729.27 of the Revised Code, is responsible for compliance with all state and federal laws regulating the distribution of drugs and the practice of pharmacy.
- (2) From the evidence presented, the State Board of Pharmacy finds that Hart Pharmacy did, between the dates of June 21, 1982 and July 22, 1982, receive in commerce misbranded drugs, hold and offer for sale, and sell misbranded drugs, to wit: misbranded drugs were purchased on at least two different occasions from Wesco Pharmaceutical dba Linwood West, 219 Dunn Street, Cincinnati, Ohio in plastic bags and were dispensed to patients pursuant to written or oral prescriptions. Such conduct is in violation of Ohio Revised Code Section 3715.64(A) and is prohibited by Section 3715.52 of the Ohio Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Hart Pharmacy did, between the dates of August 16, 1984 and December 7, 1984, receive in commerce misbranded drugs, hold and offer for sale, and sell misbranded drugs, to wit: misbranded drugs were purchased on at least three different occasions from Tri-State Pharmaceutical, 625 N. Wayne, Cincinnati, Ohio in plastic bags and were dispensed to patients pursuant to written or oral prescriptions. Such conduct is in violation of Ohio Revised Code Section 3715.64(A) and is prohibited by Section 3715.52 of the Ohio Revised Code.

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- (4) From the evidence presented, the State Board of Pharmacy finds that Hart Pharmacy did, on or about September 30, 1985, receive in commerce misbranded drugs, and hold and offer for sale misbranded drugs, to wit: 74 capsules of Theo-24 200mg were purchased from Tri-State Pharmaceutical, 625 N. Wayne, Cincinnati, Ohio to be dispensed to patients pursuant to written or oral prescriptions. Such conduct is in violation of Ohio Revised Code Section 3715.64(A) and is prohibited by Section 3715.52 of the Ohio Revised Code.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (4) of the Findings Of Fact constitutes unprofessional conduct in the practice of pharmacy.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (2) through (4) of the Findings Of Fact constitutes violating the provisions of Chapter 3715. of the Ohio Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings of Fact and Conclusions Of Law, the State Board of Pharmacy takes the following actions concerning the pharmacist license held by Thomas W. Hart, No. 03-2-06737:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Thomas W. Hart for 12 months, effective October 1, 1986.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00), due and owing within thirty (30) days of the issuance of this Order. Said monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 65 S. Front Street, Room 504; Columbus, Ohio 43266-0320, with the enclosed form.

(C) Further, the Board suspends the suspension on condition that Thomas W. Hart:

- (1) takes and successfully completes the Jurisprudence examination offered by the Board on September 23, 1986;

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(2) does not violate any drug laws of the state of Ohio,
any other state, or the federal government; and

(3) abides by the rules of the State Board of Pharmacy.

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

MOTION CARRIED.

SO ORDERED.