



65 S. FRONT STREET, ROOM 504 * COLUMBUS, OHIO 43266-0320 * 614/466-4143

THE STATE BOARD OF PHARMACY

In The Matter Of:

LARRY B. HUGUENIN, R.Ph.
1165 Beck Road
Galion, Ohio 44833

THE MATTER OF LARRY B. HUGUENIN, DOCKET NO. D-861219-094, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON TUESDAY, JANUARY 27, 1987. 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 Larry B. Huguenin, as the responsible pharmacist pursuant to Section 4729.55 of the Revised Code and the pharmacist in full and actual charge pursuant to Ohio Revised Code Section 4729.27 of H & K Drive-In Pharmacy, Inc., 520-530 Harding Way W., Galion, Ohio 44833, Terminal Distributor of Dangerous Drugs License No. 02-132450, was 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 Larry B. Huguenin did sell, under the exemptions of Ohio Revised Code Section 3719.15 to one Thomas Robinson, a preparation included within such section, to wit: Novehistine(sic) DH, when he knew or could have by reasonable diligence ascertained that such sale would provide the said Thomas Robinson with such preparation within forty-eight consecutive hours with more than one preparation exempted by the provisions of Ohio Revised Code 3719.15, in violation of Ohio Revised Code 3719.16, Dispensing of Exempted Substances.
- (3) From the evidence presented, the State Board of Pharmacy finds that Larry B. Huguenin or pharmacists under his personal supervision did, between the dates of January 2, 1985 and April 10, 1986, while practicing pharmacy at H & K Drive-In Pharmacy, Inc., 520-530 Harding Way W., Galion, Ohio 44833, dispense or sell on ninety-four different occasions to one Thomas Robinson preparations exempted under Section 3719.15 of the Ohio Revised Code as follows:

<u>Date</u>	<u>Exempt Preparation</u>	
01/02/85	Triaminic Expectorant with Codeine	4 oz.
01/10/85	Triaminic Expectorant with Codeine	4 oz.
01/19/85	Novahistine DH	4 oz.
01/24/85	Novahistine DH	4 oz.
01/26/85	Novahistine DH	4 oz.
01/28/85	Novahistine DH	4 oz.
02/01/85	Novahistine DH	4 oz.
02/06/85	Novahistine DH	4 oz.
02/18/85	Novahistine DH	4 oz.
02/22/85	Novahistine DH	4 oz.
02/26/85	Novahistine DH	4 oz.
03/01/85	Triaminic Expectorant with Codeine	4 oz.
03/04/85	Triaminic Expectorant with Codeine	4 oz.
03/06/85	Novahistine DH	4 oz.
03/15/85	Novahistine DH	4 oz.
03/18/85	Novahistine DH	4 oz.
03/21/85	Novahistine DH	4 oz.
03/26/85	Novahistine DH	4 oz.
03/30/85	Novahistine DH	4 oz.
04/12/85	Novahistine DH	4 oz.
04/16/85	Novahistine DH	4 oz.
04/26/85	Triaminic Expectorant with Codeine	4 oz.
05/04/85	Novahistine DH	4 oz.
05/09/85	Triaminic Expectorant with Codeine	4 oz.
05/13/85	Novahistine DH	4 oz.
05/16/85	Triaminic Expectorant with Codeine	4 oz.
05/23/85	Triaminic Expectorant with Codeine	4 oz.
05/28/85	Triaminic Expectorant with Codeine	4 oz.
06/01/85	Triaminic Expectorant with Codeine	4 oz.
06/04/85	Triaminic Expectorant with Codeine	4 oz.
06/07/85	Triaminic Expectorant with Codeine	4 oz.
06/10/85	Triaminic Expectorant with Codeine	4 oz.
06/24/85	Triaminic Expectorant with Codeine	4 oz.
06/28/85	Triaminic Expectorant with Codeine	4 oz.
07/01/85	Triaminic Expectorant with Codeine	4 oz.
07/08/85	Triaminic Expectorant with Codeine	4 oz.
07/12/85	Triaminic Expectorant with Codeine	4 oz.
07/16/85	Triaminic Expectorant with Codeine	4 oz.
07/19/85	Triaminic Expectorant with Codeine	4 oz.
07/22/85	Triaminic Expectorant with Codeine	4 oz.
07/29/85	Triaminic Expectorant with Codeine	4 oz.
08/02/85	Triaminic Expectorant with Codeine	4 oz.
08/08/85	Triaminic Expectorant with Codeine	4 oz.
08/10/85	Triaminic Expectorant with Codeine	4 oz.
08/15/85	Novahistine DH	4 oz.
08/23/85	Novahistine DH	4 oz.
08/23/85	Triaminic Expectorant with Codeine	4 oz.

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<u>Date</u>	<u>Exempt Preparation</u>	
08/27/85	Triaminic Expectorant with Codeine	4 oz.
08/30/85	Triaminic Expectorant with Codeine	4 oz.
09/09/85	Novahistine DH	4 oz.
09/14/85	Novahistine DH	4 oz.
09/20/85	Novahistine DH	4 oz.
09/23/85	Triaminic Expectorant with Codeine	4 oz.
09/25/85	Triaminic Expectorant with Codeine	4 oz.
09/29/85	Triaminic Expectorant with Codeine	4 oz.
10/04/85	Triaminic Expectorant with Codeine	4 oz.
10/07/85	Triaminic Expectorant with Codeine	4 oz.
10/11/85	Novahistine DH	4 oz.
10/14/85	Novahistine DH	4 oz.
10/23/85	Novahistine DH	4 oz.
10/28/85	Novahistine DH	4 oz.
10/30/85	Novahistine DH	4 oz.
11/04/85	Novahistine DH	4 oz.
11/08/85	Novahistine DH	4 oz.
11/12/85	Novahistine DH	4 oz.
11/19/85	Novahistine DH	4 oz.
11/20/85	Novahistine DH	4 oz.
11/27/85	Novahistine DH	4 oz.
12/01/85	Novahistine DH	4 oz.
12/07/85	Novahistine DH	4 oz.
12/09/85	Novahistine DH	4 oz.
12/14/85	Novahistine DH	4 oz.
12/19/85	Novahistine DH	4 oz.
12/21/85	Novahistine DH	4 oz.
12/27/85	Novahistine DH	4 oz.
12/30/85	Novahistine DH	4 oz.
01/04/86	Novahistine DH	4 oz.
01/09/86	Novahistine DH	4 oz.
01/13/86	Novahistine DH	4 oz.
01/21/86	Novahistine DH	4 oz.
01/24/86	Novahistine DH	4 oz.
01/27/86	Novahistine DH	4 oz.
01/31/86	Novahistine DH	4 oz.
02/10/86	Novahistine DH	4 oz.
02/25/86	Naldecon CX	4 oz.
02/27/86	Naldecon CX	4 oz.
03/03/86	Naldecon CX	4 oz.
03/07/86	Naldecon CX	4 oz.
03/13/86	Naldecon CX	4 oz.
03/15/86	Naldecon CX	4 oz.
03/18/86	Naldecon CX	4 oz.
03/21/86	Naldecon CX	4 oz.
03/24/86	Naldecon CX	4 oz.
03/26/86	Ryna CX	4 oz.
04/10/86	Naldecon CX	4 oz.

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Larry B. Huguenin, as a registered pharmacist, knew that these products could cause such person to become drug dependent and that such products are indicated for the temporary relief of coughs due to the common cold. This conduct is prohibited by Ohio Revised Code Section 2925.02(A)(3) and the sales made on August 23, 1985 and November 20, 1985 were not in accordance with Ohio Revised Code Section 3719.16.

Conclusion 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) and (3) of the Findings Of Fact constitutes aiding and abetting the violation of provisions of Chapter 3719. of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusion Of Law, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00). Further, the State Board of Pharmacy suspends one hundred dollars of the monetary penalty imposed provided that during the next 12 months Larry B. Huguenin:

- (1) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and
- (2) abides by the rules of the State Board of Pharmacy.

The four hundred dollar (\$400.00) monetary penalty that was not suspended above is 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.

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

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.

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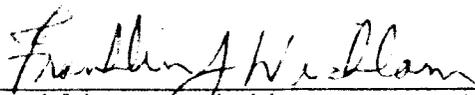
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt

ORDER ISSUED: February 19, 1987

FZW/sb

By 
Franklin Z. Wickham, Executive Director

cc: Yvette McGee, Assistant Attorney General
David Keller, Attorney For Respondent