

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-030606-077)

In The Matter Of:

PATRICIA M. CRANE, R.Ph.

1651 Mentor Avenue 603

Painesville, Ohio 44077

(R.Ph. No. 03-2-11312)

INTRODUCTION

THE MATTER OF PATRICIA M. CRANE CAME FOR CONSIDERATION ON SEPTEMBER 9, 2003, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

PATRICIA M. CRANE WAS NOT PRESENT NOR WAS SHE REPRESENTED BY COUNSEL AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Joann Predina, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses

None

State's Exhibits

1. Copy of Notice of Opportunity For Hearing letter [06-06-03]
 - 1A. Copy of Amendment Notice letter [07-01-03]
 - 1B-1C. Procedurals
2. C.P.E. Report Form for Patricia M. Crane [09-05-02]
3. C.P.E.. Audit Notice letter to Patricia M. Crane [09-13-02]
4. Pharmacist License Lapsed Notice letter to Patricia M. Crane [09-25-02]
5. C.P.E. Audit Non-Compliance letter to Patricia M. Crane [10-18-02]
6. C.P.E. Audit Non-Compliance letter to Patricia M. Crane [11-07-02]
7. Letter from Patricia M. Crane [11-20-02]
8. C.P.E. Report Form for Patricia M. Crane [10-30-02]
9. Letter from Patricia M. Crane [01-10-03]
- 10A-10I. Rx #92427-5821 [09-17-02]; Rx #93070-5821 [09-23-02]; Rx #93834-5821 [09-30-02]; Rx #94481-5821 [10-07-02]; Rx #95647-5821 [10-19-02]; Rx #95769-5821 [10-21-02]; Rx #96653-5821 [10-30-02]; Rx #97028-5821 [11-03-02]; Rx #97259-5821 [11-05-02]

Respondent's Exhibits

None

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witness, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds the following to be fact:

- (1) On June 6, 2003, Patricia M. Crane was notified by letter of her right to a hearing, her rights in such hearing, and her right to submit her contentions in writing.
- (2) As demonstrated by return receipt dated June 17, 2003, Patricia M. Crane received the letter of June 6, 2003, informing her of the allegations against her, and her rights.
- (3) Patricia M. Crane has not responded in any manner to the letter of June 6, 2003, and has not requested a hearing in this matter.
- (4) Records of the Ohio Board of Pharmacy indicate that Patricia M. Crane was originally licensed by the State of Ohio as a pharmacist on August 4, 1975, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (5) Patricia M. Crane did, on or about September 5, 2002, with purpose to defraud, forge a writing so that it purported to be genuine when it was actually spurious, to wit: on Patricia M. Crane's continuing pharmacy education report form to the Board, she falsified continuing education program numbers for programs which she did not complete. Patricia M. Crane submitted the form to the Board purporting to having complied with continuing education requirements, when she had not. Such conduct is in violation of Section 2913.31 of the Ohio Revised Code.
- (6) Patricia M. Crane did, on or about September 5, 2002, knowingly make a false statement to secure the issuance of her renewal identification card by the Ohio Board of Pharmacy and/or when the statement was in connection with a report required by law, to wit: Patricia M. Crane submitted her continuing pharmacy education report form with false information. Such conduct is in violation of Sections 2921.13 and 4729.12 of the Ohio Revised Code.
- (7) Patricia M. Crane did, from September 15, 2002, through November 6, 2002, while not a properly licensed pharmacist, practice pharmacy, to wit: while Patricia M. Crane had not properly renewed her license, and during a period when she had either not obtained her pharmacist's identification card or after she had surreptitiously obtained an invalid identification card, Patricia M. Crane practiced pharmacy when not legally authorized to do so. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (5) through (7) of the Findings of Fact 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.

(2) The State Board of Pharmacy concludes that paragraphs (6) and (7) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

(3) The State Board of Pharmacy concludes that paragraphs (5) and (6) of the Findings of Fact constitute having committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under Chapter 4729. of the Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends, for one month, the pharmacist identification card, No. 03-2-11312, held by Patricia M. Crane effective as of the date of the mailing of this Order. Further, the Board suspends the suspension and places her identification card on probation for 24 months, with the following conditions.

- (A) Patricia M. Crane will be audited for three continuing pharmacy education cycles.
- (B) Patricia M. Crane must not violate the drug laws of Ohio, any other state, or the federal government.
- (C) Patricia M. Crane must abide by the rules of the State Board of Pharmacy.
- (D) Patricia M. Crane must comply with the terms of this Order.
- (E) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code..

Patricia M. Crane is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).
MOTION CARRIED.
SO ORDERED.

ORDER EFFECTIVE OCTOBER 16, 2003