

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-031104-030)

In The Matter Of:

NANCY LEE DAWSON, R.Ph.

3755 Edison Street N.W.

Uniontown, Ohio 44685

(R.Ph. No. 03-2-12544)

INTRODUCTION

THE MATTER OF NANCY LEE DAWSON CAME FOR CONSIDERATION ON MARCH 8, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; AND JAMES E. TURNER, R.Ph.

NANCY LEE DAWSON 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. Louis Robert Mandi, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses

None

State's Exhibits

1. Copy of Summary Suspension Order/Notice of Opportunity For Hearing letter [11-04-03]
 - 1A. Procedural
2. Chapel Hill Pharmacy Investigation Summary [10-09-03]
3. Statement of Nancy L. Dawson [10-08-03]
4. Statement of Joyce Stutler [10-08-03]
5. Statement of Tamara L. Hacker [10-08-03]
6. Number-On-Hand Accountability Sheet for Fiorinal and Provigil at Kaiser Foundation Health Plan Pharmacy [10-10-03]
7. Invoice Summary for Butalbital/ASA/Caff at Kaiser Foundation Health Plan Pharmacy [05-02-03 to 10-08-03]
8. Invoice Summary for Fiorinal at Kaiser Foundation Health Plan Pharmacy [08-26-02 to 05-02-03]
9. Copy of Schedule II Drug Inventory for Butalbital/ASA/Caff at Kaiser Foundation Health Plan Pharmacy [09-25-03 to 10-08-03]
10. Copy of hand-written inventory [09-11-03 to 09-25-03]
11. Inventory of butalbital/ASA/Caffeine at Kaiser Foundation Health Plan Pharmacy [08-26-02 to 10-10-03]

12. Copy of Dangerous Drug Distributor Inspection Report for Nancy L. Dawson, R.Ph. [10-14-03]
13. Copy of Kaiser Foundation Health Chapel Hill Invoice, No. 049-417102, from AmerisourceBergen [05-02-03]
14. Copy of Kaiser Foundation Health Chapel Hill Invoice, No. 049-387136, from AmerisourceBergen [04-15-03]
15. Notarized Statement of Nancy L. Dawson [10-14-03]

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 November 4, 2003, Nancy Lee Dawson was notified by letter of her right to a hearing, her rights in such hearing, and her right to submit any contentions in writing.
- (2) As demonstrated by return receipt dated November 6, 2003, Nancy Lee Dawson received the letter of November 4, 2003, informing her of the allegations against her and her rights.
- (3) Nancy Lee Dawson has not responded in any manner to the letter of November 4, 2003, and has not requested a hearing in this matter, therefore the matter was referred to the Board for consideration.
- (4) Records of the State Board of Pharmacy indicate that Nancy Lee Dawson was originally licensed by the State of Ohio as a pharmacist on August 9, 1978, pursuant to examination, and that her license to practice pharmacy in Ohio was summarily suspended effective November 4, 2003.
- (5) Nancy Lee Dawson did, from August 26, 2002, through September 15, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson admittedly stole 3,881 tablets of Fiorinal, a Schedule III Controlled Substance. Nancy Lee Dawson was observed stealing and abusing the drugs while practicing pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code
- (6) Nancy Lee Dawson did, on or about September 15, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson was observed stealing 103 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(7) Nancy Lee Dawson did, on or about September 16, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson was observed stealing 100 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(8) Nancy Lee Dawson did, on or about September 17, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson was observed stealing 100 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(9) Nancy Lee Dawson did, on or about September 20, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson was observed stealing 6 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(10) Nancy Lee Dawson did, on or about September 22, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson was observed stealing 100 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(11) Nancy Lee Dawson did, on or about September 23, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson was observed stealing 6 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(12) Nancy Lee Dawson did, on or about September 24, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson was observed stealing 3 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(13) Nancy Lee Dawson did, on or about September 25, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson was observed stealing 7 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(14) Nancy Lee Dawson did, on or about September 26, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson was observed stealing 3 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(15) Nancy Lee Dawson did, on or about September 29, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson was observed stealing 8 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(16) Nancy Lee Dawson did, on or about October 1, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson was observed stealing 3 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(17) Nancy Lee Dawson did, on or about October 3, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson was observed stealing 3 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(18) Nancy Lee Dawson did, on or about October 6, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson was observed stealing 40 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(19) Nancy Lee Dawson did, on or about October 7, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson was observed stealing 3 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(20) Nancy Lee Dawson did, on or about October 14, 2003, possess dangerous drugs when not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: when a Board agent interviewed Nancy Lee Dawson at her home, Nancy Lee Dawson possessed 115 unit doses of Protonix 40 mg, 88 unit doses of hydrochlorothiazide 50mg, 41 unit doses of Celexa 40 mg, and 49 unit doses of Ziac 10/6.25 mg. These drugs were not obtained by prescription. Such conduct is in violation of Section 4729.51(C) of the Ohio Revised Code.

(21) Nancy Lee Dawson did, on or about October 14, 2003, possess a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: when a Board agent interviewed Nancy Lee Dawson at her home, Nancy Lee Dawson possessed 26 tablets of Fiorinal, a Schedule III Controlled Substance. These drugs were not obtained by prescription. Such conduct is in violation of Section 4729.51(C) of the Ohio Revised Code.

(22) Nancy Lee Dawson did, on or about April 15, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson was observed stealing 100 tablets of Celexa. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(23) Nancy Lee Dawson did, on or about May 2, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: Nancy Lee Dawson was observed stealing 100 tablets of hydrochlorothiazide 50 mg. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (5) through (23) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

(2) The State Board of Pharmacy concludes that paragraphs (5) through (23) 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.

(3) The State Board of Pharmacy concludes that paragraphs (20) and (21) 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.

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Nancy Lee Dawson on November 4, 2003. 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 indefinitely the pharmacist identification card, No. 03-2-12544, held by Nancy Lee Dawson and such suspension is effective as of the date of the mailing of this Order.

(A) Nancy Lee Dawson, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

(B) Nancy Lee Dawson, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after five years from the effective date of this Order, the Board will consider any petition filed by Nancy Lee Dawson for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-4/Nay-2).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE APRIL 8, 2004

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

November 4, 2003

Nancy Lee Dawson, R.Ph.
3755 Edison Street NW
Uniontown, Ohio 44685

Re: Ohio Registered Pharmacist
Number 03-2-12544

Dear Ms. Dawson:

In accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on August 9, 1978, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You did, from August 26, 2002, through September 15, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you admittedly stole 3,881 tablets of Fiorinal, a Schedule III Controlled Substance. You were observed stealing and abusing the drugs while practicing pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) You did, on or about September 15, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you were observed stealing 103 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) You did, on or about September 16, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you were observed stealing 100 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) You did, on or about September 17, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you were observed stealing 100 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (6) You did, on or about September 20, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you were observed stealing 6 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) You did, on or about September 22, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you were observed stealing 100 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (8) You did, on or about September 23, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you were observed stealing 6 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (9) You did, on or about September 24, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you were observed stealing 3 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (10) You did, on or about September 25, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you were observed stealing 7 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (11) You did, on or about September 26, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you were observed stealing 3 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (12) You did, on or about September 29, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you were observed stealing 8 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (13) You did, on or about October 1, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you were observed stealing 3 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (14) You did, on or about October 3, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you were observed stealing 3 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (15) You did, on or about October 6, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you were observed stealing 40 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (16) You did, on or about October 7, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you were observed stealing 3 tablets of Fiorinal, a Schedule III Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (17) You did, on or about October 14, 2003, possess dangerous drugs when not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: when a board agent interviewed you at your home, you possessed 115 unit doses of Protonix 40mg, 88 unit doses of hydrochlorothiazide 50mg, 41 unit doses of Celexa 40mg, and 49 unit doses of Ziac 10/6.25mg. These drugs were not obtained by prescription. Such conduct is in violation of Section 4729.51(C) of the Ohio Revised Code.
- (18) You did, on or about October 14, 2003, possess a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: when a board agent interviewed you at your home, you possessed 26 tablets of Fiorinal, a Schedule III Controlled Substance. These drugs were not obtained by prescription. Such conduct is in violation of Section 4729.51(C) of the Ohio Revised Code.
- (19) You did, on or about April 15, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you were observed stealing 100 tablets of Celexa. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (20) You did, on or about May 2, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Kaiser Foundation Health Plan Pharmacy, beyond the express or implied consent of the owner, to wit: you were observed stealing 100 tablets of hydrochlorothiazide 50mg. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

(B) If the board under which a person has been issued a license, . . . , . . . determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, . . . , . . . , without a prior hearing.

WHEREFORE, PURSUANT TO SECTION 3719.121(B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO ARE HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until a final adjudication order becomes effective, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;

(7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;

(8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;

(9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;

(10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

IF YOU REQUEST A HEARING within thirty (30) days of the time of the mailing of this notice, such will be afforded. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE HEREBY ADVISED that if you do not request such a hearing within thirty (30) days of the mailing of this notice, the State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten (10) days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

(D-031104-030)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE NOVEMBER 4, 2003

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective April 8, 2004)*