



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-990323-041)

In The Matter Of:

ELIZABETH R. MURCIA, R.Ph.
3881 Dust Commander Drive
Indian Springs, Ohio 45011
(R.Ph. No. 03-2-12631)

INTRODUCTION

THE MATTER OF ELIZABETH R. MURCIA, R.Ph. CAME TO HEARING ON JUNE 15, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

ELIZABETH R. MURCIA WAS REPRESENTED BY DOUGLAS E. GRAFF, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) None

Respondent's Witnesses:

- (1) Elizabeth R. Murcia, R.Ph., Respondent
(2) David R. Baker, R.Ph., Pharmacists Rehabilitation Organization, Inc.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1—Copy of eight-page Order of the State Board of Pharmacy in the matter of Elizabeth R. Murcia dated February 11, 1998.
(2) Exhibit 1A—Hearing Request letter dated March 1, 1999.
(3) Exhibit 1B—Copy of Hearing Schedule letter dated March 23, 1999.

Respondent's Exhibits:

- (1) Exhibit A—Clear cover booklet bound with binding comb containing a copy of eight-page Order of the State Board of Pharmacy in the matter of Elizabeth R. Murcia dated February 11, 1998 and seven tabbed sections containing the following documents: Section 1—Copy of letter from Steven A. Fahnestock dated January 8, 1998; copy of Discharge Summary of Elizabeth Murcia dated June 10, 1997; letter from Steven A. Fahnestock dated September 17, 1997; and letter from Wallace Comer dated September 11, 1997. Section 2—Copy of letter from Rodney E. Stone dated June 8, 1999; copies of sixteen urine drug screen reports of Liz Murcia dated March 6, 1998; April 7, 1998; April 28, 1998; May 29, 1998; June 25, 1998; August 5, 1998; September 9, 1998; October 7, 1998; November 2, 1998; December 4, 1998; January 6, 1999; February 9, 1999; March 4, 1999; April 6, 1999; May 5, 1999; and June 3, 1999. Section 3—Copy of letter from David W. Baker dated June 1, 1999; copy of two-page Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Liz Murcia dated July 1, 1997. Section 4—Copies of nine pages of AA/NA attendance log sheets dated from January 6, 1998 through May 12, 1999. Section 5—Copy of thirteen certificates of continuing education of Elizabeth R. Murcia numbered and dated as follows: 342-000-98-026-H01 dated May 5, 1999; 036-300-99-01-H03 dated May 15, 1999; 022-000-96-003-H01 dated December 31, 1998; 424-000-95-023-H01 dated January 11, 1999; 421-000-95-010-H01 dated December 30, 1998; 038-799-96-005-H01 dated December 31, 1998; 316-999-96-044-H01 dated October 23, 1998; 680-038-95-028 dated September 11, 1998; 424-000-95-013-H01 dated September 4, 1998; 424-999-96-009-H04 dated September 2, 1998; 679702-94-018 dated December 30, 1997; 036-106-97-003 and 036-106-97-004-J dated April 27, 1997; and original certificate of attendance of Liz Murcia, Program Number 036-106-99-004-L01 and 036-106-99-005-L03-J dated May 16, 1999. Section 6—Copy of letter from Alicia Aumentado dated June 9, 1999; letter from Charles Broussard dated June 6, 1999; copy of letter from Mary E. Starr dated June 10, 1999; copy of letter from Henry B. Eyman dated June 7, 1999; copy of letter from Susan M. Fesus-Stone dated June 7, 1999; letter from Mark S. Wenzel dated June 4, 1999; copy of letter from Margaret (Marge) M. Ott dated June 3, 1999. Section 7—Copy of letter from Jeffrey A. Heller dated June 14, 1999.

FINDING OF FACT

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

- (1) Elizabeth R. Murcia has complied with the terms set forth in the Order of the Board, Docket No. D-970423-038, effective February 11, 1998.

ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card of Elizabeth R. Murcia to practice pharmacy in the state of Ohio and places her on probation for five years from the date her identification card is issued, with the following conditions:

- (A) Elizabeth R. Murcia must abide by the treatment plan as designed by Jeffrey A. Heller, Psy.D. or other professional psychologist/psychiatrist. The psychologist/psychiatrist must submit quarterly reports for the duration of treatment that document Elizabeth

R. Murcia's compliance with the treatment plan and her progress, and contain an impression of hours Elizabeth R. Murcia is able to work.

- (B) Elizabeth R. Murcia must inform all prospective employers of the actions taken by the Board of Pharmacy.
- (C) Elizabeth R. Murcia must maintain a current treatment contract with the Pharmacists Rehabilitation Organization or an ODADAS provider acceptable to the Board for the duration of the probation period which must include the following:
 - (1) Random, **observed** urine drug screens shall be conducted at least every three months.
 - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Results of urine screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.
 - (2) The intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion.
 - (3) Regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required.
 - (4) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (D) Elizabeth R. Murcia must submit quarterly progress reports to the Board; due January 10; April 10; July 10; and October 10; of each year of probation, that include:
 - (1) The written report and documentation provided by the treatment program pursuant to the contract,
 - (2) A written description of her progress towards recovery and what she has been doing during the previous three months, and
 - (3) A written report of her work history, including hours worked.
- (E) Other terms of probation are as follows:
 - (1) The State Board of Pharmacy hereby declares that Elizabeth R. Murcia's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - (2) Elizabeth R. Murcia may not serve as a responsible pharmacist.

- (3) Elizabeth R. Murcia may not destroy, assist in, or witness the destruction of controlled substances.
- (4) Elizabeth R. Murcia must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
- (5) Elizabeth R. Murcia must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (6) Elizabeth R. Murcia must abide by the rules of the Ohio State Board of Pharmacy.
- (7) Elizabeth R. Murcia must comply with the terms of this Order.

Elizabeth R. Murcia 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.

MOTION CARRIED.

SO ORDERED.



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-970423-038)

In The Matter Of:

ELIZABETH R. MURCIA, R.Ph.

3881 Dust Commander Drive

Indian Springs, Ohio 45011

(R.Ph. No. 03-2-12631)

INTRODUCTION

THE MATTER OF ELIZABETH R. MURCIA CAME TO HEARING ON JANUARY 12, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph., (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND RUTH A. PLANT, R.Ph.

ELIZABETH R. MURCIA WAS REPRESENTED BY DOUGLAS E. GRAFF, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Elaine Jones, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Charles Broussard, R.Ph., Mercy Hospital, Fairfield, Ohio
- (2) Elizabeth R. Murcia, R.Ph., Respondent
- (3) David Baker, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (4) Alicia Aumentado, R.Ph., Pharmacists Rehabilitation Organization, Inc.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of Summary Suspension Order/Notice of Opportunity for Hearing letter dated April 23, 1997.
- (2) Exhibit 1A--Copy of Hearing Request letter dated May 23, 1997.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated May 27, 1997.

- (4) Exhibit 1C--Copy of Amendment Notice dated May 29, 1997.
- (5) Exhibit 1D--Copy of Renewal Application for Pharmacist License, No. 03-2-12631, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997, of Elizabeth R. Murcia dated July 25, 1996.
- (6) Exhibit 1E--Letter from Douglas E. Graff dated June 11, 1997, with the following attachments: Motion for Continuance, Memorandum in Support of Ms. Murcia's Motion for Continuance, Request for List of Witnesses and Documents and Notice of Appearance of Counsel.
- (7) Exhibit 1F--Copy of Hearing Schedule letter dated June 12, 1997.
- (8) Exhibit 1H--Copy of Hearing Schedule letter dated September 9, 1997.
- (9) Exhibit 1I--Copy of Hearing Schedule letter dated September 23, 1997.
- (10) Exhibit 1J--Copy of Amendment Notice dated December 23, 1997.
- (11) Exhibit 2--Mercy Hospital-Fairfield Pharmacy Narcotic Sheet for Diazepam 5mg dated from November 10, 1996, through April 8 (*sic* 1997).
- (12) Exhibit 3--Mercy Hospital-Fairfield Pharmacy Narcotic Sheet for Lortab 7.5mg dated from November 9, 1996, through April 11 (*sic* 1997).
- (13) Exhibit 4--Four-page Explanation of Spreadsheet of Elizabeth R. Murcia dated April 20, 1997, with attached two-page spreadsheet dated from February 21, 1995, through March 29, 1997.
- (14) Exhibit 4A--Thirty-nine-page copy of partial Interview of Elizabeth Murcia by Elaine Jones, not dated.
- (15) Exhibit 5--Mercy Hospital-Hamilton Control III-V Count Record for Diazepam 10mg (Valium) dated from November 20, 1996, through February 21 (*sic* 1997).
- (16) Exhibit 6--Mercy Hospital-Hamilton Control III-V Count Record for Valium 10mg (Diazepam) dated from February 22 (*sic* 1997), through March 8 (*sic* 1997).
- (17) Exhibit 7--Mercy Hospital-Hamilton Control III-V Count Record for Valium 10mg dated from March 9 (*sic* 1997) through April 6 (*sic* 1997).
- (18) Exhibit 7A--Mercy Hospital-Hamilton Control III-V Count Record for Diazepam 5mg dated from November 20, 1996, through February 16 (*sic* 1997).
- (19) Exhibit 8--Mercy Hospital-Hamilton Control III-V Count Record for Lortab 7.5mg dated from November 21, 1996, through January 29, 1997.
- (20) Exhibit 9--Mercy Hospital-Hamilton Control III-V Count Record for Lortab 7.5mg dated from February 1 (*sic* 1997), through March 23 (*sic* 1997).
- (21) Exhibit 10--Prescription number 2595.
- (22) Exhibit 11--Prescription number 2630.
- (23) Exhibit 12--Prescription number 2631.
- (24) Exhibit 13--Prescription number 2730.
- (25) Exhibit 14--Prescription number 2856.
- (26) Exhibit 15--Prescription number 3630.
- (27) Exhibit 16--Prescription number 3631.
- (28) Exhibit 17--Prescription number 3632.
- (29) Exhibit 18--Prescription number 43554.
- (30) Exhibit 19--Prescription number 43590.
- (31) Exhibit 20--Mercy Hospital Pharmacy, Hamilton, patient profile of Liz Murcia for prescriptions purchased from January 1, 1994, through April 4, 1997.
- (32) Exhibit 21--Mercy Hospital Pharmacy, Hamilton, patient profile of Elizabeth Murcia for prescriptions purchased from January 1, 1980, through April 1, 1997.
- (33) Exhibit 22--Mercy Hospital Pharmacy, Hamilton, patient profile of Nicholas Ratkai for prescriptions purchased from January 1, 1994, through April 2, 1997.
- (34) Exhibit 23--Mercy Hospital Pharmacy, Hamilton, patient profile of Elizabeth Ratkai for prescriptions purchased from January 1, 1994, through April 2, 1997.
- (35) Exhibit 24--Handwritten statement of Dr. Ivan Tuskan signed and notarized on August 19, 1997.

- (36) Exhibit 25--Handwritten statement of Nimmie Sehgal, M.D. signed and notarized on August 7, 1997.
- (37) Exhibit 26--Certified copy of Entry of Plea of Guilty to an Information in the Butler County Common Pleas Court, Case No. CR97-05-0472, of Elizabeth R. Murcia dated May 9, 1997.
- (38) Exhibit 27--Certified Copy of two-page Judgment of Conviction Entry in the Butler County Common Pleas Court, Case No. CR97-05-0472, of Elizabeth R. Murcia dated June 24, 1997.
- (39) Exhibit 28--Certified copy of Conditions of Supervision in the Butler County Common Pleas Court, Department of Rehabilitation and Correction, Adult Parole Authority, Case No. CR97-05-0472, of Elizabeth Murcia dated July 2, 1997.

Respondent's Exhibits:

- (1) Exhibit A--Copy of Resume of Elizabeth Murcia.
- (2) Exhibit B-1--Copy of letter from Steven A. Fahnestock dated January 8, 1998.
- (3) Exhibit B-2--Copy of Discharge Summary of Elizabeth Murcia dated June 10, 1997.
- (4) Exhibit C-1--Copy of letter from Alicia Aumentado, R.Ph. dated December 28, 1997.
- (5) Exhibit C-2--Copy of two-page Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Liz Murcia dated July 1, 1997.
- (6) Exhibit D-1--Copy of two-page Random Urine Schedule Log dated from June 26, 1997, through December 31, 1997.
- (7) Exhibit D-2--Copies of the following: fax coversheet to Douglas E. Graff from Alicia Aumentado dated January 7, 1997; chain of custody request signed and dated by Elizabeth R. Murcia on December 31, 1997; urine drug screen report of Liz Murcia dated December 1, 1997; chain of custody request signed and dated by Elizabeth R. Murcia on November 25, 1997; urine drug screen report of Liz Murcia dated November 18, 1997; chain of custody request signed and dated by Elizabeth R. Murcia on November 14, 1997; urine drug screen report of Liz Murcia dated October 8, 1997; urine drug screen report of Liz Murcia dated September 24, 1997; chain of custody request signed and dated by Elizabeth R. Murcia on October 1, 1997, chain of custody request signed and dated by Elizabeth R. Murcia on September 19, 1997; letter from Alicia Aumentado dated October 31, 1997; urine drug screen report of Liz Murcia dated September 2, 1997; and chain of custody request signed and dated by Elizabeth Murcia on August 28, 1997.
- (8) Exhibit D-3--Copies of six urine drug screen reports of Elizabeth R. Murcia dated June 10, 1997; May 29, 1997; May 20, 1997; May 15, 1997; May 6, 1997, and April 28, 1997.
- (9) Exhibit E-1--Copies of fifteen pages of AA/NA attendance log sheets dated January 6, 1997 (*sic* 1998) and from June 12, 1997, through January 2, 1998.
- (10) Exhibit E-2--Copies of twelve Recovery Support Group Reaction Sheets of Liz Murcia dated as follows: June 16, 1997; June 13, 1997; June 11, 1997; June 6, 1997; June 4, 1997; May 30, 1997; May 29, 1997; May 27, 1997; May 21, 1997; May 19, 1997; May 16, 1997; and May 14, 1997.
- (11) Exhibit F--Copy of letter from Jeffrey A. Heller dated December 17, 1997.
- (12) Exhibit G--Copies of the following: Certificate of Attendance of Liz Murcia for a continuing pharmacy education course held on April 27, 1997; and three copies of one continuing pharmaceutical education certificate of Elizabeth Murcia numbered 679702-94-018 and dated December 30, 1997.
- (13) Exhibit H--Copy of letter from Jeffrey A. Heller dated January 12, 1997 (*sic* 1998).

FINDINGS OF FACT

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

- (1) Records of the Board indicate that Elizabeth R. Murcia is a pharmacist registered by this Board to practice pharmacy in the state of Ohio. On April 23, 1997, the Board determined that there was clear and convincing evidence that the continuation of Elizabeth R. Murcia's professional practice and/or her method of distributing controlled substances presented a danger of immediate and serious harm to others, and her license was suspended in accordance with Section 3719.121(B) of the Ohio Revised Code.
- (2) Elizabeth R. Murcia did, on or about the following dates, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Mercy Hospital of Fairfield, beyond the express or implied consent of the owner and/or by deception, to wit: Elizabeth R. Murcia has admittedly stolen the following controlled substances for personal abuse or sale:

<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
02/11/97	Diazepam 5mg	30
12/13/96	Lortab 7.5mg	20

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (3) Elizabeth R. Murcia did, on or about the following dates, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Mercy Hospital of Hamilton, beyond the express or implied consent of the owner and/or by deception, to wit: Elizabeth R. Murcia has admittedly stolen the following controlled substances for personal abuse or sale:

<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
12/02/96	Diazepam 10mg	15
01/09/97	Diazepam 10mg	10
01/19/97	Diazepam 10mg	10
02/26/97	Diazepam 10mg	20
03/16/97	Diazepam 10mg	20
12/21/96	Diazepam 5mg	10
12/30/96	Lortab 7.5mg	15
01/17/97	Lortab 7.5mg	15
03/03/97	Lortab 7.5mg	15

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (4) Elizabeth R. Murcia did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: Elizabeth R. Murcia created the following documents purporting to be telephone prescriptions so as to cover for her thefts of the drugs:

<u>Date Dispensed</u>	<u>Rx No.</u>	<u>Drug Dispensed</u>	<u>Quantity</u>
02/21/95	2595	Lortab 7.5mg	100
03/04/95	2629	Lorazepam 1mg	30

03/04/95	2630	Lortab 7.5mg	10
03/04/95	2631	Diazepam 10mg	10
04/06/95	2730	Dalmane 15mg	100
05/23/95	2856	Flurazepam 30mg	500
06/07/96	3630	Propoxyphene 65mg/APAP 650mg	100
06/07/96	3631	Diazepam 5mg	30
06/07/96	3632	Hydrocodone 5mg/APAP 500mg	100
07/10/96	3632	Hydrocodone 5mg/APAP 500mg	100
02/02/97	3957	Hydrocodone 5mg/APAP 500mg	100
02/02/97	4050	Diazepam 5mg	30
02/27/97	4087	Diazepam 10mg	10
03/22/97	4087	Diazepam 10mg	10
11/08/96	43554	Flurazepam 30mg	500
12/19/96	43590	Diazepam 10mg	20
01/02/97	43590	Diazepam 10mg	20
02/11/97	43590	Diazepam 10mg	20
03/29/97	43590	Diazepam 10mg	20
02/11/97	43634	Lortab 7.5mg	30
03/13/97	43634	Lortab 7.5mg	30
03/21/97	43634	Lortab 7.5mg	30

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (5) Elizabeth R. Murcia did, on or about the following dates, knowingly sell controlled substances in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Elizabeth R. Murcia admittedly stole and then gave the following controlled substances to her family members without a legitimate prescription having been issued by a practitioner:

<u>Date Dispensed</u>	<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>
06/07/96	3630	Propoxyphene 65mg/APAP 650mg	100
06/07/96	3631	Diazepam 5mg	30
02/02/97	4050	Diazepam 5mg	30

Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (6) Elizabeth R. Murcia did, on or about the following dates, knowingly sell controlled substances in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Elizabeth R. Murcia admittedly stole and then gave the following controlled substances to her family members without a legitimate prescription having been issued by a practitioner.

<u>Date</u>	<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>
04/06/95	2730	Dalmane 15mg	100
06/07/96	3632	Hydrocodone 5mg/APAP 500mg	100

Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (7) Elizabeth R. Murcia did, on or about May 23, 1995, knowingly sell controlled substances in an amount equal to or exceeding three times the bulk amount, but in an

amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: pursuant to prescription number 2856, Elizabeth R. Murcia admittedly stole and then gave 500 units of Flurazepam 30mg to her family members without a legitimate prescription having been issued by a practitioner. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (8) Elizabeth R. Murcia did, on or about the following dates, knowingly sell controlled substances in an amount which exceeds the bulk amount but does not exceed five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Elizabeth R. Murcia admittedly stole and then gave the following controlled substances to her family members without a prescription having been issued by a practitioner.

<u>Date</u>	<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>
02/21/95	2595	Lortab 7.5mg	100
07/10/96	3632	Hydrocodone 5mg/APAP 500mg	100
02/02/97	3957	Hydrocodone 5mg/APAP 500mg	100

Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (9) Elizabeth R. Murcia did, on or about November 8, 1996, knowingly sell controlled substances in an amount which exceeds five times the bulk amount but does not exceed fifty times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: pursuant to prescription number 43554, Elizabeth R. Murcia admittedly stole and then gave 500 units of Flurazepam 30mg to her family members without a legitimate prescription having been issued by a practitioner. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (9) of the Findings of Fact constitute being guilty of a felony as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (9) 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (4) through (9) 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 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION 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 April 23, 1997.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Elizabeth R. Murcia:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card, No. 03-2-12631, held by Elizabeth R. Murcia indefinitely and such suspension is effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Elizabeth R. Murcia may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

- (B) After April, 1999, the Board will consider any petition filed by Elizabeth R. Murcia for a hearing, pursuant to Revised Code Chapter 119., upon the question of the reinstatement of her license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met:
 - (1) Elizabeth R. Murcia must continue bi-monthly sessions with Jeffrey A. Heller, Psy.D., or another psychologist acceptable to the Board, throughout the suspension period.

 - (2) At the time of petitioning the Board for reinstatement, Elizabeth R. Murcia must provide:
 - (a) documentation of compliance with continued counseling; and

 - (b) positive reports from the professional regarding Elizabeth R. Murcia's ongoing rehabilitation through continued counseling; and the professional's opinion of Ms. Murcia's ability to return to the practice of pharmacy and additional counseling which may be needed.

Division (B) of Section 4729.16 of the Ohio Revised Code provides: "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 days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

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

MOTION CARRIED.

SO ORDERED.