



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-940328-075)

In The Matter Of:

LARRY HOWARD DANZIGER, R.Ph.

1261 Wincanton Drive
Deerfield, Illinois 60015
(R.Ph. No. 03-2-12700)

INTRODUCTION

THE MATTER OF LARRY HOWARD DANZIGER CAME ON FOR CONSIDERATION ON JANUARY 27, 1995, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

LARRY HOWARD DANZIGER WAS NOT PRESENT, NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY ROBERT J. McCLAREN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) William T. Winsley, R.Ph., M.S., Asst. Executive Director, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Second Continuing Education Audit Request letter dated November 17, 1993, copy of Request for Certification of Registration form; and copy of Continuing Pharmacy Education Report Form of Larry H. Danziger dated September 7, 1993.

- (2) Exhibit 2--Renewal Application for Pharmacist License, No. 03-2-12700, for a license to practice pharmacy in Ohio from September 15, 1993, to September 15, 1994, of Larry H. Danziger dated August 7, 1993; and Continuing Pharmacy Education Report Form of Larry H. Danziger dated September 7, 1993.
- (3) Exhibit 3--Notice of Opportunity for Hearing letter dated March 28, 1994.
- (4) Exhibit 4--Renewal Application for Pharmacist License, No. 03-2-12700, for a license to practice pharmacy in Ohio from September 15, 1994, to September 15, 1995, of Larry Howard Danziger dated July 1, 1994.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

After having heard the testimony and considered the evidence, the State Board of Pharmacy finds the following to be fact:

- (1) On March 28, 1994, Larry Howard Danziger was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) As demonstrated by return receipt of March 31, 1994, Larry Howard Danziger received the letter of March 28, 1994, informing him of the allegations against him, and his rights.
- (3) Larry Howard Danziger has not responded in any manner to the letter of March 28, 1994, and has not requested a hearing in this matter.
- (4) Larry Howard Danziger has not continued his pharmacy education as required by Section 4729.12 of the Ohio Revised Code and in accordance with Rules 4729-7-01 through 4729-7-07 of the Ohio Administrative Code.
- (5) On or about September 10, 1993, Larry Howard Danziger submitted a Continuing Pharmacy Education Report Form providing evidence of his continuing pharmacy education in another state pursuant to paragraph (F) of Rule 4792-7-02 of the Ohio Administrative Code, with his Renewal Application for Pharmacist License, No. 03-2-12700, for a license to practice pharmacy in Ohio from September 15, 1993, to September 15, 1994, dated August 7, 1993. Subsequently, it was found during the audit, pursuant to paragraph (C) of Rule 4729-7-03 of the Ohio Administrative Code, that:
 - (a) Larry Howard Danziger did not respond to the original audit request dated October 8, 1993;
 - (b) Larry Howard Danziger did not respond to the notification dated November 17, 1993, allowing him an additional thirty days to respond; and
 - (c) Larry Howard Danziger has not provided documented evidence of participation in continuing pharmacy education experiences in accordance with the rules of the Board.

CONCLUSION OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Larry Howard Danziger:

- (A) On the basis of the Findings of Fact and Conclusion of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card, No. 03-2-12700, held by Larry Howard Danziger indefinitely and such suspension is effective as of April 1, 1995. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Larry Howard Danziger may not be employed by or work in a facility licensed by the Ohio Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Further, the State Board of Pharmacy hereby imposes a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.
- (C) Larry Howard Danziger's license to practice pharmacy in the state of Ohio will be reinstated provided that:
 - (1) Larry Howard Danziger has complied with the continuing pharmacy education audit as set forth in Chapter 4729-7 of the Ohio Administrative Code; and
 - (2) Larry Howard Danziger has paid the monetary penalty imposed in paragraph (B) above.

Division (B) of Section 4729.16 of the Revised Code provides 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 days after ... [the effective date] 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.