



OHIO STATE BOARD OF PHARMACY

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-Equal Opportunity Employer and Service Provider-

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-060216-070)

In The Matter Of:

JANET ANN BERRETT, R.Ph.

29276 Bolingbrook Road

Pepper Pike, Ohio 44124

(R.Ph. No. 03-2-12876)

INTRODUCTION

THE MATTER OF JANET ANN BERRETT CAME FOR HEARING ON MAY 10, 2006, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE R. EASTMAN, R.Ph. (presiding); ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

JANET ANN BERRETT WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witnesses

1. Janet Ann Berrett, R.Ph., Respondent
2. Ruth Easton
3. Terry Berrett

State's Exhibits

1. Reinstatement Hearing Request letter from Janet A. Berrett [02-16-06]
1A-1B. Procedurals
2. Notarized Statement of Janet A. Berrett [08-23-05]
3. Glenbeigh Health Sources Intensive Outpatient Treatment Plan for Janet Berrett [07-28-05]
4. Notarized Statement of Reneé Mills [07-20-05]
5. Statement of Marie Groth [07-22-05]
6. Giant Eagle Advantage Card transaction report [06-01-05]
7. Rx #6014104 [06-01-05]; Rx #6014105 [06-01-05]; Rx #6014110 [06-01-05]
8. State Board of Pharmacy Order in re Janet Ann Berrett, R.Ph. [02-13-06]

Respondent's Exhibits

- A. Letter from Janet Berrett [not dated]
- B. Letter from Robin Zizzo [05-05-06]
- C. Letter from Ruth Arnoff Easthon [05-03-06]
- D. Glenbeigh Hospital and Outpatient Centers 2005 and 2006 Attendance Records [08-01-05 to 05-05-06]
- E1-E2. Support Group Attendance Records [09-01-05 to 12-31-05]
- F1-F4. Support Group Attendance Records [01-01-06 to 05-05-06]

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Janet Ann Berrett has appeared before the Board as required by the Order of the State Board of Pharmacy, Docket No. D-050916-031, effective February 13, 2006.

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 adjudicates the matter of Janet Ann Berrett as follows:

(A) On the basis of the Finding of Fact, the State Board of Pharmacy hereby suspends the pharmacist identification card, No. 03-2-12876, held by Janet Ann Berrett (for three additional months) effective as of the date of the mailing of this Order.

(1) Janet Ann Berrett, 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.

(2) Janet Ann Berrett, 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.

(B) On the basis of the Finding of Fact, the State Board of Pharmacy hereby places Janet Ann Berrett on probation for five years effective upon reinstatement of her identification card. The terms of probation are as follows:

(1) Janet Ann Berrett must continue to attend at least three meetings per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group.

(2) Janet Ann Berrett 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:

(a) A written description of Janet Ann Berrett's progress towards recovery and what Janet Ann Berrett has been doing during the previous three months, and

(b) Copies of signed documentation of attendance as required in paragraph (1)

(3) The State Board of Pharmacy hereby declares that Janet Ann Berrett'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.

(4) Janet Ann Berrett may not serve as a responsible pharmacist.

(5) Janet Ann Berrett may not destroy, assist in, or witness the destruction of controlled substances.

(6) Janet Ann Berrett must not violate the drug laws of Ohio, any other state, or the federal government.

(7) Janet Ann Berrett must abide by the rules of the State Board of Pharmacy.

(8) Janet Ann Berrett must comply with the terms of this Order.

(9) Janet Ann Berrett's license is deemed not in good standing until successful completion of the probationary period.

(10) 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.

Janet Ann Berrett 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-5/Nay-1/Recuse-1 Kost)

MOTION CARRIED.

SO ORDERED.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: **JUNE 7, 2006**



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-050916-031)

In The Matter Of:

JANET ANN BERRETT, R.Ph.

29276 Bolingbrook Road

Pepper Pike, Ohio 44124

(R.Ph. No. 03-2-12876)

INTRODUCTION

THE MATTER OF JANET ANN BERRETT CAME FOR CONSIDERATION ON JANUARY 10, 2006, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE R. EASTMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

JANET ANN BERRETT WAS NOT PRESENT NOR WAS SHE REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness:

1. Frank Bodi, Ohio State Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

1. Notice of Opportunity For Hearing letter [09-16-05]
 - 1A. Procedural
2. Notarized Statement of Janet A. Berrett [08-23-05]
3. Glenbeigh Health Sources Intensive Outpatient Treatment Plan for Janet Berrett [07-28-05]
4. Notarized Statement of Reneé Mills [07-20-05]
5. Statement of Marie Groth [07-22-05]
6. Giant Eagle Advantage Card transaction report [06-01-05]
7. Rx #6014104 [06-01-05]; Rx #6014105 [06-01-05]; Rx #6014110 [06-01-05]

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 September 16, 2005, Janet Ann Berrett 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 September 19, 2005, signed by Terry Berrett, Janet Ann Berrett received the letter of September 16, 2005, informing her of the allegations against her and her rights.
- (3) Janet Ann Berrett has not responded in any manner to the letter of September 16, 2005, 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 Janet Ann Berrett was originally licensed by the State of Ohio on June 25, 1979, pursuant to reciprocity, and is currently licensed to practice pharmacy in Ohio.
- (5) Janet Ann Berrett is addicted to or abusing liquor or drugs and/or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Janet Ann Berrett has been observed to have practiced pharmacy while under the influence of alcohol; Janet Ann Berrett has admitted to Board agents that she drank beer while practicing pharmacy due to stress at work; and, Janet Ann Berrett has admittedly enrolled herself into an out-patient program for alcohol treatment. Such conduct indicates that Janet Ann Berrett is within the ambit of Section 4729.16(A)(3) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes 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 paragraph (5) of the Findings of Fact constitutes being guilty of 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 paragraph (5) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio 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 indefinitely the pharmacist identification card, No. 03-2-12876, held by Janet Ann Berrett and such suspension is effective as of the date of the mailing of this Order.

(A) Janet Ann Berrett, 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) Janet Ann Berrett, 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, the Board will consider any petition filed by Janet Ann Berrett for a hearing, pursuant to Ohio Revised Code Chapter 119. with the following conditions:

(1) Janet Ann Berrett must personally appear at the hearing before the Ohio Board of Pharmacy.

(2) If reinstatement is not accomplished within three years of the effective date of this Order, Janet Ann Berrett must also show successful completion of the NAPLEX and MPJE examinations or equivalent examinations approved by the Board.

After additional hearing, if any, the Board will determine the appropriate disposition of the matter in accordance with Section 4729.16 of the Ohio Revised Code.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-0/Recuse-1).

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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

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

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: FEBRUARY 13, 2006