OHIO STATE BOARD OF PHARMACY

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THE STATE BOARD OF PHARMACY
(Docket No. D-910110-050)

In The Matter Of:

MICHAEL D. BRIGLE, R.Ph.
12406 Atwell
Houston, Texas 77035
(R.Ph. No. 03-2-14053)

THE MATTER OF MICHAEL D. BRIGLE CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON MARCH 5, 1991. MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

State's Exhibits

(1) Exhibit A - Notice of Opportunity letter dated January 10, 1991.
(2) Exhibit 1 - Continuing Pharmacy Education Report Form dated August 12, 1990 and received August 27, 1990.
(3) Exhibit 2 - First Notice to Comply with Audit letter dated November 5, 1990.
(4) Exhibit 3 - Second Notice to Comply with Audit letter dated November 29, 1990.

Findings Of Fact

(1) On January 10, 1991, Michael D. Brigle 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 January 16, 1991, Michael D. Brigle received the letter of January 10, 1991 informing him of the allegations against him, and his rights.

(3) Michael D. Brigle has not responded in any manner to the letter of January 10, 1991 and has not requested a hearing in this matter.

(4) Upon consideration of the record as a whole, the State Board of Pharmacy finds that Michael D. Brigle, on or about September 1, 1990, submitted a Continuing Pharmacy Education Report Form providing documentation of his continuing pharmacy education with the application for renewal of a pharmacist identification card.

(5) Upon consideration of the record as a whole, the State Board of Pharmacy finds that Michael D. Brigle, on or about November 5, 1990, was notified that his continuing pharmacy education was being audited pursuant to paragraph (C) of Rule 4729-7-03 of the Ohio Administrative Code, and that he must provide evidence of the continuing pharmacy education documented on the Continuing Pharmacy Education Report Form submitted with his renewal application.

(6) Upon consideration of the record as a whole, the State Board of Pharmacy finds that Michael D. Brigle has not continued his pharmacy education in accordance with Rules 4729-7-01 through 4729-7-07 of the Ohio Administrative Code as required by Section 4729.12 of the Revised Code, to wit: Michael D. Brigle has not provided the required evidence certifying that he has met the continuing pharmacy education requirements for renewal as documented on his Continuing Pharmacy Education Report Form.

Conclusion Of Law

(1) The State Board of Pharmacy concludes that paragraph (6) of the Findings Of Fact constitutes being guilty of unprofessional conduct in the practice of pharmacy as set forth in Division (A)(2) 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 hereby refuses to renew the pharmacist identification card, No. 03-2-14053, held by Michael D. Brigle.

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

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 Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

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

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
P 497 579 157

ORDER MAILED: April 30, 1991

By Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

FZW/sl

cc: Jeanny Eaton, Assistant Attorney General