



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
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ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-920402-132)

In The Matter Of:

REBECCA FIRE, R.Ph.
231 W. 4th St., Apt. 831-A
Cincinnati, Ohio 45203
(R.Ph. No. 03-2-15229)

INTRODUCTION

THE MATTER OF REBECCA FIRE CAME TO HEARING ON SEPTEMBER 22, 1992 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY D. MOORE, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; WAYNE C. MILLER, R.Ph.; RUTH A. PLANT, R.Ph.; NICHOLAS R. REPKE; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

REBECCA FIRE WAS REPRESENTED BY JOSEPH GALLO, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Rebecca Fire, Respondent

Respondent's Witnesses:

- (1) Mary Jo Daly, Ohio State Board of Pharmacy
- (2) Felix R. Moans

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Notice of Opportunity letter dated April 2, 1992.
- (2) Exhibit 1A - Correspondence of Rebecca Fire dated April 22, 1992.
- (3) Exhibit 1B - Correspondence to Rebecca Fire from Franklin Z. Wickham, Ohio State Board of Pharmacy, dated April 29, 1992.
- (4) Exhibit 1C - Hearing Request letter dated May 27, 1992.
- (5) Exhibit 1D - Hearing Schedule letter dated June 2, 1992.
- (6) Exhibit 1E - Withdrawal of Representation letter dated July 8, 1992.
- (7) Exhibit 1F - Hearing Representation letter dated August 6, 1992.
- (8) Exhibit 1G - Hearing Schedule letter dated August 13, 1992.

- (9) Exhibit 2 - Pharmacist File Front sheet of Rebecca L. Moronti Fire showing original date of registration as August 10, 1983.
- (10) Exhibit 3 - Two-page Application for Registration as a Terminal Distributor of Dangerous Drugs license signed by Rebecca Fire, R.Ph. on August 30, 1990.
- (11) Exhibit 4 - Two-page Application for Registration as a Terminal Distributor of Dangerous Drugs license signed by Rebecca Fire, R.Ph. on February 28, 1989.
- (12) Exhibit 5 - Handmade, and color coded, calendar of July, 1989 through December, 1989 made by Rebecca Fire.
- (13) Exhibit 6 - Six-page Statement of Kevin R. Boyd signed and notarized on April 12, 1990.
- (14) Exhibit 7 - Eight-page Statement of Lisa M. Waddell signed and notarized on April 12, 1990.
- (15) Exhibit 8 - Statement of Rebecca Fire signed and notarized on April 24, 1990; copy of memo to Tony Edmond from Rebecca Fire dated September 6, 1989; Copy of memo to Tony Edmond from Rebecca Fire dated September 11, 1989; and ten-page typewritten statement of Rebecca Fire.
- (16) Exhibit 9 - Two-page letter from John Kerins, Roche Professional Service Centers, dated March 7, 1990.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Rebecca Fire was originally licensed in the state of Ohio on August 10, 1983, pursuant to examination, and was the Responsible Pharmacist at MPI Pharmacy Services, Inc., pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code. MPI Pharmacy Services, Inc., purchased Roche Professional Service Centers, Inc., which is located at 344-A Gest Street, Cincinnati, Ohio. Rebecca Fire was the Responsible Pharmacist at Roche Professional Service Centers prior to the transfer of ownership on November 8, 1990.
- (2) From the evidence presented, the State Board of Pharmacy finds that Rebecca Fire, as Responsible Pharmacist did, between July 30, 1989, and December 2, 1989, aid and abet Kevin Boyd, not a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist during such time period, to compound, dispense, or sell dangerous drugs, to wit: knowing Kevin Boyd to be unlicensed in this state, Rebecca Fire, as the Responsible Pharmacist permitted him to practice pharmacy and dispense drugs pursuant to 146 nuclear prescriptions. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) 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.

- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Chapter 4729. of the Revised Code as provided in Division (A)(5) 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 paragraph (2) of the Findings of Fact constitutes being guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy as provided in Division (A)(6) 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 concerning the pharmacist license, No. 03-2-15229, held by Rebecca Fire:

(A) On the basis of paragraphs (1) and (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Rebecca Fire for 12 months effective March 9, 1993.

(B) On the basis of paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of \$2,800.00.

(C) Further, the Board will suspend the suspension and \$2,300.00 of the monetary penalty imposed in paragraph (B) above, and place her identification card on probation until March 9, 1994 provided that Rebecca Fire:

- (1) takes and successfully completes the Jurisprudence examination offered by the Board prior to the effective date of the suspension;
- (2) does not violate the drug laws of the state of Ohio, any other state, or the federal government;
- (3) abides by the rules of the State Board of Pharmacy; and
- (4) complies with the terms of this Order.

The \$500.00 monetary penalty that was not suspended is due and owing within thirty (30) 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 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

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

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.

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Order of the Board

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.

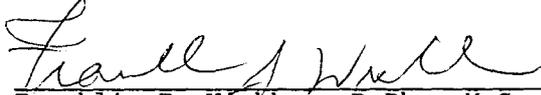
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section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

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED
AND EFFECTIVE: OCTOBER 27, 1992

CERTIFIED MAIL
Return Receipt
#P 749 728 922

FZW/so

By 
Franklin Z. Wickham, R.Ph., M.S.
Executive Director

cc: Ronda Anderson, Assistant Attorney General
Joseph Gallo, Gallo & Ross; 888 Sixteenth St. N.W., Suite 400;
Washington, DC 20006