



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-010116-037)

In The Matter Of:

DANIEL M. SCOTT, R.Ph.

6059 Saddlewood

Toledo, Ohio 43613

(R.Ph. No. 03-2-15428)

INTRODUCTION

THE MATTER OF DANIEL M. SCOTT CAME FOR HEARING ON AUGUST 8, 2001, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

DANIEL M. SCOTT WAS REPRESENTED BY JAMES E. BRAZEAU AND JAMES R. KNEPP, II AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Paul Kover, R.Ph., Ohio State Board of Pharmacy
- (2) Sue Mota

Respondent's Witnesses:

- (1) Daniel M. Scott, R.Ph., Respondent
- (2) Charlene M. Newmister, R.Ph.
- (3) Steven Meyer, R.Ph.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1S--Copy of four-page Notice of Opportunity for Hearing letter dated January 16, 2001.
- (2) Exhibit 1S-A--Hearing Request letter dated February 9, 2001.

- (3) Exhibit 1S-B--Copy of Hearing Schedule letter dated February 16, 2001.
- (4) Exhibit 1S-C--Copy of Ohio Pharmacist computer record of Daniel Mark Scott.

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Respondent's Exhibits:

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(6) Exhibit F--Letter regarding Charlene Newmister from Steven R. Meyer, M.S., R.Ph. dated July 27, 2001.

(7) Exhibit G--Letter regarding Charlene Newmister from Randell Carter, R.Ph. dated July 26, 2001.

(8) Exhibit H--Letter regarding Charlene Newmister from Robert Tjan dated July 24, 2001.

(9) Exhibit I--Letter regarding Charlene Newmister from Tari S. Cecil, R.Ph. dated July 22, 2001.

(10) Exhibit J--Letter regarding Charlene Newmister from Margaret Mattoon MSN, RN dated July 27, 2001.

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FINDINGS 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 the following to be fact:

- (1) Records of the State Board of Pharmacy indicate that Daniel M. Scott was originally licensed in the State of Ohio on March 1, 1984, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect that Daniel M. Scott is the Responsible Pharmacist at Riverside Mercy Home Pharmacy Services pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.

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CONCLUSIONS OF LAW

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- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (4) of the Findings of Fact constitutes being guilty of violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 4729. 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 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of one thousand five hundred dollars (\$1,500.00) on Daniel M. Scott and is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-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 the filing of a Notice of Appeal with both the State Board of Pharmacy and 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

William T. Winsley, M.S., R.Ph., Executive Director

VIA CERTIFIED MAIL

#7099 3400 0013 9264 0027

Return Receipt Requested

ORDER MAILED

AND EFFECTIVE: SEPTEMBER 13, 2001

WTW/sb

By: _____
Timothy J. Benedict, R.Ph., Asst. Executive Director

c: Sally Ann Steuk, Assistant Attorney General
James E. Brazeau & James R. Knepp, II, Attorneys for Respondent; Robison,
Curphey & O'Connell; Four Seagate, Ninth Floor; Toledo, Ohio 43604

