



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-900516-101)

In The Matter Of:

DEBORAH GROSS, R.Ph.
3360 Lansmere Road
Shaker Heights, Ohio 44122
(R.Ph. No. 03-2-15438)

INTRODUCTION

THE MATTER OF DEBORAH GROSS CAME TO HEARING ON SEPTEMBER 25, 1990 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

DEBORAH GROSS WAS REPRESENTED BY WILLIAM T. DOYLE, AND THE STATE OF OHIO WAS REPRESENTED BY JEANNY EATON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) William T. Winsley, R.Ph. - Ohio Board of Pharmacy
- (2) Deborah Gross, Respondent

Respondent's Witnesses:

- (1) Herman Tobin, R.Ph.

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated May 16, 1990.
- (2) Exhibit B - Request for Hearing letter from Deborah Gross dated May 27, 1990.
- (3) Exhibit C - Hearing Schedule letter dated June 7, 1990.

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- (4) Exhibit 1 - Pharmacist File Front Sheet for Deborah Kay Gross showing original date of registration as March 1, 1984.
- (5) Exhibit 2 - Prescription Number 45-262189.
- (6) Exhibit 3 - Letter from Howard E. Rowen, M.D. to William Winsley.
- (7) Exhibit 4 - Prescription Number 45-268860.
- (8) Exhibit 5 - Prescription Number 45-264714.
- (9) Exhibit 6 - Letter from Norman L. Roulet, M.D. dated September 25, 1989.
- (10) Exhibit 7 - Prescription Number 45-268038.
- (11) Exhibit 8 - Letter from Howard J. Tucker, M.D. dated September 26, 1989.

Respondent's Exhibits:

- (1) Exhibit 1 - Two-page Biographical for Deborah K. Gross.
- (2) Exhibit 2 - Letter from Hal Lebovitz dated August 29, 1990.
- (3) Exhibit 3 - Letter from Ronald E. Mortus, R.Ph. dated August 21, 1990.
- (4) Exhibit 4 - Letter from M. Deutsch, R.Ph. dated August 20, 1990.
- (5) Exhibit 5 - Letter from Linda Doss dated August 29, 1990.
- (6) Exhibit 6 - Letter from Jack B. Silverman dated September 5, 1990.
- (7) Exhibit 7 - Letter from Marcia Wyman dated August 28, 1990.
- (8) Exhibit 8 - Letter from Tina Graham dated August 1990.
- (9) Exhibit 9 - Letter from Jody Zucker.
- (10) Exhibit 10 - Letter from Elmer Rubin, R.Ph. dated August 28, 1990.
- (11) Exhibit 11 - Letter from Russell S. Faeges dated August 26, 1990.
- (12) Exhibit 12 - Letter from Melinda F. Nosin, R.Ph. dated September 2, 1990.
- (13) Exhibit 13 - Two-page letter from Stanley C. Baker, R.Ph. dated August 20, 1990.
- (14) Exhibit 14 - Letter from Meyer S. Friedman, R.Ph. dated September 7, 1990.
- (15) Exhibit 15 - Letter from Marvin Felman dated September 7, 1990.
- (16) Exhibit 16 - Prescription Number 99-4446 and Prescription Number 32-283655.
- (17) Exhibit 17 - Prescription Number 280249.
- (18) Exhibit 18 - Prescription Number 280876.
- (19) Exhibit 19 - Prescription Number 273267.
- (20) Exhibit 20 - Prescription Number 239867 and Prescription Number 270682.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Deborah Gross was originally licensed to practice pharmacy in the state of Ohio on March 1, 1984 pursuant to examination.

- (2) From the evidence presented, the State Board of Pharmacy finds that Deborah Gross did, on or about July 5, 1989, make a false or forged prescription for a dangerous drug, to wit: Deborah Gross wrote prescription number 45-262189 for 100 units of Trimethoprim 100mg which designated herself as the patient when such was not done pursuant to a practitioner's order. Such conduct is in violation of Chapter 3715. of the Ohio Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Deborah Gross did, on or about August 3, 1989, make a false or forged prescription for a dangerous drug, to wit: Deborah Gross wrote prescription number 45-268860 for 28 units of Nitrofurantoin 50mg which designated herself as the patient when such was not done pursuant to a practitioner's order. Such conduct is in violation of Chapter 3715. of the Ohio Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Deborah Gross did, on or about July 15, 1989, make a false or forged prescription for a dangerous drug, to wit: Deborah Gross wrote prescription number 45-264714 for 100 units of Prozac 20mg which designated herself as the patient when such was not done pursuant to a practitioner's order. Such conduct is in violation of Chapter 3715. of the Ohio Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Deborah Gross did, on or about July 31, 1989, intentionally make a false or forged prescription, to wit: Deborah Gross wrote prescription number 45-268038 for 140 units of Phenobarbital 15mg, a Schedule IV controlled substance, which designated herself as the patient when such was not done pursuant to a practitioner's order. Such conduct is in violation of Chapter 3715. of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (5) of the Findings Of Fact constitute 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 paragraphs (2) through (5) of the Findings Of Fact constitute violating the provisions of Chapter 3715. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

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ORDER

The State Board of Pharmacy hereby REPRIMANDS Deborah Gross for violations of the Ohio Revised Code and warns her that any future violations will result in the Board taking action against her to the full extent of the law.

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.

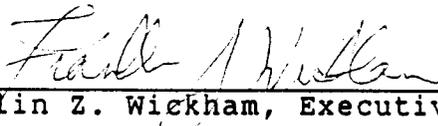
BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 497 578 736

ORDER MAILED: NOVEMBER 8, 1990

FZW/sb

By


Franklin Z. Wickham, Executive Director

cc: Jeanny Eaton, Assistant Attorney General
William T. Doyle, Attorney for Respondent; Standard Bldg.,
Suite 2000; Cleveland, Ohio 44113-1701