



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-940706-002)

In The Matter Of:

**PENNY PARNELL, R.Ph.**

1401 North 13th Street  
Cambridge, Ohio 43725  
(R.Ph. No. 03-2-16513)

### INTRODUCTION

THE MATTER OF PENNY PARNELL CAME TO HEARING ON JANUARY 23, 1995, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

PENNY PARNELL WAS REPRESENTED BY DANIEL D. CONNOR, AND THE STATE OF OHIO WAS REPRESENTED BY ROBERT J. McCLAREN, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) William Padgett, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) William L. Factor, Pharmacists Rehabilitation Organization, Inc.  
(2) H. Dale Friel, Good Samaritan Hospital  
(3) Rick Kryc, Pharmacists Rehabilitation Organization, Inc.  
(4) Jeff Smith, Pharmacists Rehabilitation Organization, Inc.  
(5) Chris Hart  
(6) Larry Parnell  
(7) Mary Spain, Shepherd Hill  
(8) Penny Parnell, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity letter dated July 6, 1994.
- (2) Exhibit 1A--Letter from Daniel D. Connor dated July 1, 1994.
- (3) Exhibit 1B--Copy of letter from David L. Rowland dated July 7, 1994.
- (4) Exhibit 1C--Hearing Request letter dated July 20, 1994.
- (5) Exhibit 1D--Hearing Schedule letter dated July 27, 1994.
- (6) Exhibit 1E--Pharmacist File Front Sheet of Penny Parnell showing original date of registration as August 6, 1986; Renewal Application for Pharmacist License, No. 03-2-16513, for a license to practice pharmacy in Ohio from September 15, 1992, to September 15, 1993, of Penny Parnell dated August 13, 1992; and Renewal Application for Pharmacist License, No. 03-2-16513, for a license to practice pharmacy in Ohio from September 15, 1993, to September 15, 1994, of Penny Parnell dated March 31, 1994.
- (7) Exhibit 2--Two-page handwritten statement of Penny Parnell signed and notarized on August 12, 1993.
- (8) Exhibit 3--Copy of Journal Entry in the Court of Common Pleas for Muskingum County, Ohio, Case No. CR93-202, of Penny Parnell dated October 27, 1993.
- (9) Exhibit 4--Two-page facsimile from Nick A. Kallis dated January 20, 1995.
- (10) Exhibit 5--Eight pictures, still shot frames, from a video cassette tape recording, pictures dated April 17, 1993.
- (11) Exhibit 6--Sixteen pictures, still shot frames, from a video cassette tape recording, pictures dated April 23, 1993.

Respondent's Exhibits:

- (1) Exhibit A1--Two-page copy of Pharmacists Rehabilitation Organization, Inc. Recovering Pharmacist's Contract of Penny Parnell dated June 4, 1994.
- (2) Exhibit A2--Copy of page one of Shepherd Hill Hospital, Recovery Monitoring Services Agreement of Penny Parnell, not dated; and copies of eight Shepherd Hill Hospital Recovery Monitoring Services, Monitoring and Compliance Tracking Form of Penny Parnell for the months of May, 1994, through December, 1994.
- (3) Exhibit A3--Two-page copy of Good Samaritan Medical Center, Alcohol & Drug Recovery Program Interdisciplinary Aftercare Plan/Discharge Summary of Penny Parnell, plan dated December 23, 1993.
- (4) Exhibit A4--Copies of thirty-three urinalysis drug screen reports dated June 4, 1994; June 15, 1994; June 21, 1994; June 28, 1994; July 8, 1994; July 15, 1994; July 20, 1994; two dated August 4, 1994; August 13, 1994; August 18, 1994; August 30, 1994; two dated August 31, 1994; September 7, 1994; two dated September 17, 1994; September 30, 1994; October 11, 1994; October 16, 1994; October 24, 1994; November 1, 1994; November 7, 1994; November 15, 1994; November 24, 1994; November 28, 1994; December 1, 1994; December 13, 1994; two dated December 19, 1994; December 27, 1994; and two dated January 8, 1995.
- (5) Exhibit A5--Ten-page copy of Alcoholics Anonymous Attendance Record of Penny Parnell dated from March 9, 1994; through January 19, 1995.
- (6) Exhibit A6--Copy of Journal Entry in the Court of Common Pleas for Muskingum County, Ohio, Case No. CR93-202, of Penny Parnell dated October 27, 1993, and two attached pieces of calculator tape, both adding up to 1,664.47; copy of Restitution Schedule of Penny Parnell dated August 13, 1993; and copies of seven Muskingum County Common Pleas Clerk of Courts receipts, Case No. CR93-202, of

Penny Parnell numbered as follows: 36494; 36800; 36801; 37219; 37667; 38021; and 38022.

- (7) Exhibit A7--Letter from John M. Stang dated January 12, 1995; letter from Nick A. Kallis dated January 20, 1995; two-page copy of letter from Fred N. Karaffa dated January 12, 1995; two-page letter from Sister Pat Sevcik dated January 11, 1995; copy of letter from Mary Spain dated December 27, 1994; letter from Samuel J. DiGiando, Jr. and John Allen, not dated; and letter from Molly I. Deems dated January 6, 1995.
- (8) Exhibit A8--Two-page letter from Judge David A. Ellwood dated January 18, 1995; two page letter from Jeremy W. Brockwell dated January 13, 1995; letter from Liz Sperandeo dated January 10, 1995; letter from Larry N. Dupler dated January 10, 1995; letter from Dr. Terry Litton dated January 12, 1995; letter from Teresa M. Brooks, not dated; letter from Teresa M. Brooks dated January 9, 1995; letter from James R. Ball, Jr. dated January 9, 1994(*sic*); letter from W. H. Hartley dated January 10, 1995; and letter from R. A. Sherma dated January 14, 1995.
- (9) Exhibit B--Copy of letter from William L. Factor dated October 2, 1994; copy of letter from Fred N. Karaffa dated September 20, 1994; and copy of letter from William L. Factor dated January 5, 1995.
- (10) Exhibit C--Progress Notes from H. Dale Friel, Continuing Care dated from December 28, 1993, to January 17, 1995.

#### FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board of Pharmacy indicate that Penny Parnell was originally licensed in the state of Ohio on August 6, 1986, pursuant to examination; and her license to practice pharmacy in the state of Ohio lapsed on September 15, 1993; however, Penny Parnell applied for renewal on or about April 15, 1994.
- (2) Penny Parnell did, on or about May 8, 1993, and prior thereto, with the purpose to deprive, knowingly obtain or exert control over the property of another beyond the express or implied consent of the owner, Revco, the property being dangerous drugs, to wit: over a period of time Penny Parnell stole Penicillin, Ibuprofen, Valium, Xanax, and Seldane. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) Penny Parnell was, on or about October 27, 1993, convicted in the Court of Common Pleas for Muskingum County, Ohio, of Theft in violation of Section 2913.02 of the Ohio Revised Code, a felony of the fourth degree.
- (4) Penny Parnell did, on or about May 8, 1993, and prior thereto, knowingly sell a controlled substance in amounts less than the minimum bulk amounts when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Penny Parnell stole and subsequently sold the controlled substances Valium and Xanax without prescriptions and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (5) Penny Parnell is addicted to and abusing liquor or drugs and impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Penny Parnell admitted to stealing and selling drugs, in part, to support her addiction.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of a felony or gross immorality 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 being guilty of dishonesty or unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) 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 (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.
- (4) 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 willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 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 refuses to renew the identification card of Penny Parnell, R.Ph. No. 03-2-16513. Further, Penny Parnell may not apply for renewal to obtain a license to practice pharmacy in Ohio prior to April 1, 2005.

Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

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

MOTION CARRIED.

SO ORDERED.