



OHIO STATE BOARD OF PHARMACY

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

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-910905-039)

In The Matter Of:

DIANE LYNN (PTAK) TALLEY, R.Ph.
5818 Shannon Place Lane
Dublin, Ohio 43017
(R.Ph. No. 03-2-16629)

Introduction

THE MATTER OF DIANE LYNN TALLEY CAME TO HEARING ON JANUARY 30, 1992 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: BETTY J. NICHOL, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; TIMOTHY D. MOORE, R.Ph.; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

DIANE LYNN TALLEY WAS REPRESENTED BY R. WILLIAM MEEKS, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Diane Lynn (Ptak) Talley, Respondent
- (2) Robert Amiet, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated September 5, 1991.
- (2) Exhibit B - Hearing Request letter dated September 18, 1991.
- (3) Exhibit C - Hearing Schedule letter dated September 30, 1991.
- (4) Exhibit D - Two-page Facsimile of cover sheet from the law firm of Cassidy & Meeks dated October 22, 1991, and Hearing Continuance Request dated October 22, 1991.
- (5) Exhibit E - Hearing Schedule letter dated October 29, 1991.
- (6) Exhibit F - Change of Address form of Diane L. (Ptak) Talley dated December 19, 1991; and Change of Name form of Diane Lynn (Ptak) Talley dated January 13, 1992.

- (7) Exhibit 1 - Pharmacist File Front Sheet of Diane Lynn Talley showing original date of licensure as November 5, 1986.
- (8) Exhibit 1A - Renewal Application for Pharmacist License, No. 03-2-16629, of Diane Lynn Ptak dated July 26, 1991.
- (9) Exhibit 2 - Two-page handwritten statement of Diane Ptak signed and notarized on August 2, 1991.
- (10) Exhibit 3 - Copy of Registrant's Inventory of Drugs Surrendered of N.C.S. dated March 16, 1990.
- (11) Exhibit 4 - Copy of Registrant's Inventory of Drugs Surrendered of N.C.S. dated April 25, 1990.
- (12) Exhibit 5 - Dangerous Drug Distributor Inspection Report, Receipt of Drugs from Diane Ptak by Robert Amiet dated August 2, 1991.
- (13) Exhibit 6 - One box containing ten of twenty-five dosett ampuls of Meperidine HCl Injection, USP, 50mg/ml.
- (14) Exhibit 7 - One box containing three of twenty-five dosett ampuls of Morphine Sulfate Injection, USP, 15mg/ml.
- (15) Exhibit 8 - One plastic bag containing ten dosett ampuls of Meperidine HCl Injection, USP, 100mg/ml.
- (16) Exhibit 9 - One box of twelve B & O No. 15A, Belladonna and Opium Rectal Suppositories.
- (17) Exhibit 10 - Letter from Phyllis Wilson, Nursing Center Services, dated January 27, 1992.

Respondent's Exhibits:

- (1) Exhibit 1 - Two-page copy of letter from Colleen Toothe, L.I.S.W. dated January 8, 1991 (sic/1992).

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Diane Lynn Ptak (nka Diane Lynn Talley) was originally licensed in the state of Ohio on November 5, 1986 pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) From the evidence presented, the State Board of Pharmacy finds that Diane Lynn Talley did, on or about March 16, 1990, while working for Nursing Center Services, with purpose to deprive the owner, Vella Gibbon, knowingly obtain or exert control over drugs beyond the scope of the express or implied consent, to wit: Diane Lynn Talley stole ten ampules of Meperidine Injection 50mg/ml and three ampules of Morphine Injection 1/4gr, while reporting that she had actually destroyed these Schedule II controlled substances. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Diane Lynn Talley did, on or about April 25, 1990, while working for Nursing Center Services, with purpose to deprive the owner, V. Shaeffer, knowingly obtain or exert control over drugs beyond the scope of the express or implied consent, to wit: Diane Lynn Talley stole ten ampules of Meperidine Injection 100mg/ml while reporting that she had actually destroyed these Schedule II controlled substances. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Diane Lynn Talley did, on or about April 25, 1990, while working for Nursing Center Services, with purpose to deprive the owner, H. Gibbon, knowingly obtain or exert control over drugs beyond the scope of the express or implied consent, to wit: Diane Lynn Talley stole twelve B&O Suppositories 15A while reporting that she had actually destroyed these Schedule II controlled substances. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Diane Lynn Talley did, on or about March 16, 1990, knowingly make a false statement in a report or record required by Chapter 3719. of the Revised Code, to wit: Diane Lynn Talley falsely indicated that she had destroyed ten ampules of Meperidine 50mg/ml and three ampules of Morphine Injection 1/4gr on a record of destruction, required by Section 3719.07 of the Revised Code, when in fact Ms. Talley stole them. Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that Diane Lynn Talley did, on or about April 25, 1990, knowingly make a false statement in a report or record required by Chapter 3719. of the Revised Code, to wit: Diane Lynn Talley falsely indicated that she had destroyed ten ampules of Meperidine 100mg/ml and twelve B&O Suppositories 15A, on a record of destruction, required by Section 3719.07 of the Revised Code, when in fact Ms. Talley stole them. Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code.

Conclusion Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (6) of the Findings Of Fact constitutes being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided 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 takes the following actions concerning the pharmacist license, No. 03-2-16629, held by Diane Lynn Talley:

- (A) On the basis of the Conclusion Of Law set forth above, the State Board of Pharmacy hereby places the pharmacist identification card on probation for two years.
- (B) Further, Diane Lynn Talley must continue her counseling for the duration of the probation unless proven unnecessary by the counselor and the Board is notified. Diane Lynn Talley must submit quarterly progress reports to the Board which will include:

- (1) written reports and documentation provided by the treatment center, and
- (2) written description of her progress towards recovery and what she has been doing during the previous three months.

DIANE LYNN TALLEY, R.Ph.
Page Four
Order of the Board

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Diane Lynn Talley's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns for a period of two years.

The Board further stipulates that Diane Lynn Talley may not serve as a responsible pharmacist during this two-year probation period.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-5/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.

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.

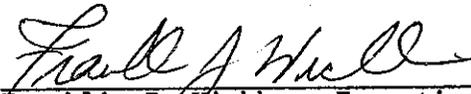
BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 749 728 847

ORDER MAILED: MARCH 10, 1992

FZW/so

By


Franklin Z. Wickham, Executive Director

cc: Ronda Anderson, Assistant Attorney General
R. William Meeks, Attorney for Respondent; Cassidy & Meeks;
511 South High St.; Columbus, Ohio 43215