
OHIO STATE BOARD OF PHARMACY

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-920402-133)

In The Matter Of:

KEVIN R. BOYD, R.Ph.
1806 Belle Chase Circle
Tampa, Florida 33634
(R.Ph. No. 03-2-18124)

INTRODUCTION

THE MATTER OF KEVIN R. BOYD 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.

KEVIN R. BOYD WAS REPRESENTED BY PERRY D. ROBINSON AND WARREN VON CREDO BAKER, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Kevin Boyd, Respondent
- (2) Mary Jo Daly, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 6 - Prescription number 6701.
- (2) Exhibit 7 - Prescription number 6715.
- (3) Exhibit 8 - Prescription number 8227.
- (4) Exhibit 9 - Prescription number 8316.
- (5) Exhibit 10 - Prescription number 9401.
- (6) Exhibit 11 - Prescription number 9671.
- (7) Exhibit 12 - Prescription number 9854.
- (8) Exhibit 13 - Prescription number 9878.
- (9) Exhibit 14 - Prescription number 10606.
- (10) Exhibit 15 - Prescription number 10848.
- (11) Exhibit 16 - Prescription number 10859.
- (12) Exhibit 17 - Prescription number 12381.

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Respondent's Exhibits:

- (1) Exhibit A - Copy of six-page Statement of Kevin R. Boyd signed and notarized on April 12, 1990.
- (2) Exhibit B - Copy of statement of Rebecca Fire signed and notarized on April 24, 1990; and ten-page typewritten statement of Rebecca Fire.
- (3) Exhibit C - Eight-page Statement of Lisa M. Waddell signed and notarized on April 12, 1990.
- (4) Exhibit D - Copy of three-page affidavit of Lisa M. Waddell signed September 21, 1992.
- (5) Exhibit E - Copy of two-page letter from Perry D. Robinson dated July 31, 1992.
- (6) Exhibit F - Copy of two-page letter from Perry D. Robinson dated August 25, 1992.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Kevin R. Boyd was originally licensed in the state of Ohio on December 13, 1989, pursuant to reciprocity from the state of Indiana, and is currently licensed to practice pharmacy in Ohio.
- (2) From the evidence presented, the State Board of Pharmacy finds that Kevin R. Boyd did, between July 30, 1989, and December 2, 1989, while not a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, compound, dispense, or sell dangerous drugs, to wit: prior to being licensed in this state, Kevin R. Boyd worked as a pharmacist and dispensed nuclear drugs pursuant to 146 different prescriptions prior to being licensed to do so. 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.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby imposes a monetary penalty of \$2,800.00.

Further, the Board will suspend \$2,300.00 of the \$2,800.00 monetary penalty imposed above provided that Kevin R. Boyd:

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- (1) does not violate the drug laws of the state of Ohio, any other state, or the federal government;
- (2) abides by the rules of the State Board of Pharmacy; and
- (3) 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.