

**ORDER OF THE STATE BOARD OF PHARMACY**

(Docket No. D-021106-028)

In The Matter Of:

**ALICE M. SPICKLER, R.Ph.**

4041 Fairway Drive  
Medina, Ohio 44256  
(R.Ph. No. 03-2-18197)

**INTRODUCTION**

THE MATTER OF ALICE M. SPICKLER CAME FOR HEARING ON MAY 13, 2003, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: DIANE C. ADELMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

ALICE M. SPICKLER WAS NOT REPRESENTED BY COUNSEL AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

**SUMMARY OF EVIDENCE**

**State's Witnesses**

1. Paul Kover, R.Ph., Ohio State Board of Pharmacy

**Respondent's Witnesses**

1. Alice M. Spickler, R.Ph., Respondent
2. Linda VanMeter
3. Lillian Greer

**State's Exhibits**

1. Copy of Notice of Opportunity For Hearing [11-06-02]  
1A-1C. Procedurals
2. Copy of Rx #330889 [02-20-02]
3. Buehler's Pharmacy Label for Rx #330889 [02-20-02]
4. Photocopy of Rx #330889 Famvir 500 mg pill packet and patient advisory leaflet [02-20-02]
5. Buehler's River Styx #11 Patient Profile for Maud Piar [01-01-02 to 05-02-02]
6. Photograph of Maud Piar [03-09-02]
- 6A-6C. Photographs of Maud Piar [03-09-02 to 05-17-02]
7. Copy of Dangerous Drug Distributor Inspection Report of Buehler Pharmacy #11 [05-02-02]
8. Copy of Dangerous Drug Distributor Inspection Report of Buehler Pharmacy #11 [05-09-02]
9. Copy of Pink Sheet response from Alice M. Spickler, R.Ph. [05-12-02]

10. Copy of Notarized Statement of Alice M. Spickler [05-02-02]
11. Copy of Notarized Statement of Herbert E. Croft, M.D. [05-10-02]
12. Notarized Statement of Maud Piar [05-09-02]
13. Fourteen-page copy of Signature Log [02-19-02 to 02-21-02]
14. Twelve-page copy of Signature Log [03-06-02 to 03-07-02]
15. Copy of Pink Sheet response from Alice M. Spickler, R.Ph. [05-12-02]

Respondent's Exhibits

None

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 Alice M. Spickler was originally licensed by the State of Ohio as a pharmacist on January 23, 1990, pursuant to reciprocity, and is currently licensed to practice pharmacy in Ohio. Records further reflect that, during the relevant time periods stated herein, Alice M. Spickler was the Responsible Pharmacist at Buehler's Pharmacy #11 pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.

(2) Alice M. Spickler did, on or about February 20, 2002, misbrand a drug, to wit: when Alice M. Spickler received Rx #330889 written for Famvir 500 mg #21, she dispensed FemHRT, which had not been prescribed by the physician. The patient was subsequently harmed and was admitted to the hospital. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(3) Alice M. Spickler as the Responsible Pharmacist did, on February 20, 2002, fail to perform prospective drug utilization review and patient counseling, to wit: when dispensing Rx #330889, Alice M. Spickler and/or pharmacists under her control failed to review the original prescription and/or refill information for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse; and Alice M. Spickler and/or pharmacists under her control failed to offer patient counseling. Such conduct is in violation of Rules 4729-5-20 and 4729-5-22 of the Ohio Administrative Code.

CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute 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.

**DECISION OF THE BOARD**

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy takes the following actions in the matter of Alice M. Spickler:

(A) On the basis of the Findings of Fact and Conclusion of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of two hundred fifty dollars (\$250.00) on Alice M. Spickler and payment of the monetary penalty 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.

(B) Alice M. Spickler must submit documentation to the Board of successful completion, within six months after the effective date of this Order, of two hours (0.2 CEUs) of approved continuing pharmacy education in preventing medication errors, which may not also be used for license renewal.

(C) Alice M. Spickler is hereby placed on probation for six months from the effective date of this Order or until the Board receives the documentation as required in paragraph (B) above.

(D) Alice M. Spickler must comply with the terms of this Order.

Alice M. Spickler is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).

MOTION CARRIED.

SO ORDERED.

**ORDER EFFECTIVE JUNE 5, 2003**