



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-060613-083)

In The Matter Of:

MIRABELLE N. ENEH, R.Ph.

3877 Breeders Cup Court
Mason, Ohio 45040

(R.Ph. No. 03-2-19674)

INTRODUCTION

THE MATTER OF MIRABELLE N. ENEH CAME FOR HEARING ON JANUARY 10, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

MIRABELLE N. ENEH WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

1. Richard Haun, Ohio State Board of Pharmacy
2. Mirabelle Eneh, R.Ph., Respondent

Respondent's Witness

None

State's Exhibits

1. Notice of Opportunity For Hearing letter [06-13-06]
1A-1C. Procedurals
2. Pharmacist License Lapsed Notice letter to Mirabelle N. Eneh [08-31-05]; C.P.E. Audit Notice letter [08-31-05]
3. Rx #N324435; Rx #N324438; Rx #N324440 [09-19-05]; Third Party/Consultation Log Daily Signature Sheet [09-19-05]
4. Rx #N324737; Rx #N324741; Rx #N324750 [09-22-05]; Third Party/Consultation Log Daily Signature Sheet [09-22-05]
5. Rx #N324881; Rx #N324882; Rx #N324862 [09-24-05]

Respondent's Exhibits

- A. Three Letters of Support [01-06-07 to 01-07-07]

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 Mirabelle N. Eneh was originally licensed by the State of Ohio as a pharmacist on September 22, 1992, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect that Mirabelle N. Eneh received the following notices from the Board: March 1, 2005, regarding renewal of her license; May 1, 2005, regarding the continuing education deadline; August 31, 2005, regarding both lapse of her license and failure to comply with continuing education.
- (2) Mirabelle N. Eneh did, on or about September 19, 2005, while not a registered pharmacist, dispense dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: after her license had lapsed, Mirabelle N. Eneh dispensed prescription numbers N324435, N324438, and N324440. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (3) Mirabelle N. Eneh did, on or about September 22, 2005, while not a registered pharmacist, dispense dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: after her license had lapsed, Mirabelle N. Eneh dispensed prescription numbers N324737, N324741, and N324750. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (4) Mirabelle N. Eneh did, on or about September 24, 2005, while not a registered pharmacist, dispense dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: after her license had lapsed, Mirabelle N. Eneh dispensed prescription numbers N324881, N324882, and N324862. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (4) 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.
- (2) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 4729. of the Revised Code as provided in Division (A)(5) 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 hereby imposes a monetary penalty of two hundred fifty dollars (\$250.00) on Mirabelle N. Eneh 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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of 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 both the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: **February 8, 2007**

By: _____

William T. Winsley, M.S., R.Ph., Executive Director

