



# OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket Numbers D-050908-027 and D-051019-040)

In The Matter Of:

**ERIN HIPPI, R.Ph.**

7551 Tyler's Hill Court  
Hamilton, Ohio 45011  
(R.Ph. No. 03-2-23564)

### INTRODUCTION

THE MATTER OF ERIN HIPPI CAME FOR HEARING ON NOVEMBER 7, 2005, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE R. EASTMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

ERIN HIPPI WAS REPRESENTED BY DAVID M. RICKERT. 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

#### Respondent's Witness:

1. Erin Hipp, R.Ph., Respondent

#### State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [09-08-05]  
1A-1C. Procedurals  
1D. Summary Suspension Order/Notice of Opportunity For Hearing letter [10-19-05]  
1E. Procedural
2. Information, State of Ohio vs. Erin Hipp, Case No. CR2005-08-1336, Butler County Common Pleas Court [08-17-05]; Judgment of Conviction Entry [10-11-05]
3. Rx #187254 [03-25-05]
4. Rx #193713 [05-06-05]
5. Notarized Statement of Erin N. Hipp [05-17-05]
6. Statement of James Keith Rusk [05-17-05]
7. Statement of Sherry Beavers [05-17-05]

#### Respondent's Exhibits:

- A. Medical Record of Erin Hipp [01-25-05]

- B. Judgment of Conviction Entry, State of Ohio vs. Erin Hipp, Case No. CR2005-08-1336, Butler County Common Pleas Court [09-27-05]  
C. Letters of Character [11-01-05 to 11-02-05]

#### 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 Board of Pharmacy indicate that Erin Hipp was originally licensed in the State of Ohio on June 25, 1999, pursuant to examination, and that her license to practice pharmacy in Ohio was Summarily Suspended effective October 19, 2005.
- (2) Erin Hipp did, on or about March 25, 2005, intentionally create and/or knowingly possess a false or forged prescription, to wit: Erin Hipp created, and maintained on file at the pharmacy, Rx #187254 for 40 unit doses of hydrocodone/APAP 7.5/750 mg, written for herself without authorization from a prescriber. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (3) Erin Hipp did, on or about May 6, 2005, intentionally create and/or knowingly possess a false or forged prescription, to wit: Erin Hipp created, and maintained on file at the pharmacy, Rx #193713 for 60 unit doses of hydrocodone/APAP 7.5/750 mg, written for herself without authorization from a prescriber. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (4) Erin Hipp did, on or about September 27, 2005, plead guilty in State of Ohio vs. Erin Hipp, Case No. CR2005-08-1336, Butler County Common Pleas Court, to two (2) counts of Illegal Processing of Drug Documents, felonies of the fifth degree, under Section 2925.23(B)(1) of the Ohio Revised Code. Such conviction indicates that Erin Hipp is guilty of a felony or gross immorality within the meaning of Section 4729.16 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 a felony as provided in Division (A)(1) 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 dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) 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 2925. 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 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Erin Hipp on October 19, 2005.

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 suspends for one year the pharmacist identification card, No. 03-2-23564, held by Erin Hipp effective as of the date of the mailing of this Order. Further, the Board suspends the suspension and places her identification card on probation for two years, with the following conditions:

- (1) Erin Hipp may not dispense prescriptions for herself or for any member of her family.
- (2) The State Board of Pharmacy hereby declares that Erin Hipp's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
- (3) Erin Hipp may not serve as a responsible pharmacist.
- (4) Erin Hipp must not violate the drug laws of Ohio, any other state, or the federal government.
- (5) Erin Hipp must abide by the rules of the State Board of Pharmacy.
- (6) Erin Hipp must comply with the terms of this Order.
- (7) Erin Hipp's license is deemed not in good standing until successful completion of the probationary period.
- (8) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Erin Hipp 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-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 filing the original Notice of Appeal with the State Board of Pharmacy and a copy with 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: \_\_\_\_\_

CERTIFIED MAIL / Return Receipt  
7001 0360 0002 4139 4392

By: \_\_\_\_\_  
William T. Winsley, M.S., R.Ph., Executive Director

WTW/lf

cc: Sally Ann Steuk, Assistant Attorney General  
David M. Rickert; Attorney for Respondent; Coolidge, Wall, Finlay, Johnson & Beard, LLC;  
260 North Detroit Street; Xenia, Ohio 45385



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## SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

September 8, 2005

**Erin Hipp, R.Ph.**  
7551 Tyler's Hill Court  
Hamilton, Ohio 45011

Re: Ohio Registered Pharmacist  
Number 03-2-23564

Dear Ms. Hipp:

Records of the Board indicate that you are a pharmacist registered by this Board to practice pharmacy in the State of Ohio.

In accordance with Section 2929.24 of the Ohio Revised Code, the office of the Prosecuting Attorney of Butler County, Ohio, has submitted to this Board information which indicates that on August 16, 2005, you pled guilty in the Common Pleas Court of Butler County, Ohio, to a felony drug abuse offense under Section 2925.23 of the Ohio Revised Code. State of Ohio vs. Erin Hipp, Case No. CR2005-08-1336, Butler County Common Pleas Court.

YOU ARE HEREBY NOTIFIED that Section 3719.121 of the Ohio Revised Code states, in pertinent part:

- (C) On receiving notification pursuant to Section 2929.24 or 3719.12 of the Revised Code, the Board under which a person has been issued a license, . . . immediately shall suspend the license, . . . of that person on a plea of guilty to, a finding by a jury or court of the person's guilt of, or conviction of a felony drug abuse offense . . .

WHEREFORE, PURSUANT TO SECTION 3719.121(C) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO ARE HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until an adjudicatory hearing is held by the Board under Chapter 119. of the Revised Code, during which time you may not engage in the practice of pharmacy.

Additionally, you are hereby notified that you have the right to a hearing on the following allegations:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on June 25, 1999, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You did, on or about August 16, 2005, plead guilty in State of Ohio vs. Erin Hipp, Case No. CR2005-08-1336, Butler County Common Pleas Court, to three (3) counts of Illegal Processing of Drug Documents, felonies of the fifth degree, under Section 2925.23(B)(1) of the Ohio Revised Code. Such conviction indicates that you are guilty of a felony or gross immorality within the meaning of Section 4729.16 of the Ohio Revised Code.
- (3) You did, on or about March 25, 2005, intentionally create and/or knowingly possess a false or forged prescription, to wit: you created, and maintained on file at the pharmacy, Rx #187254 for 40 unit doses of hydrocodone/APAP 7.5/750 mg, written for yourself without authorization from a prescriber. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- (4) You did, on or about May 6, 2005, intentionally create and/or knowingly possess a false or forged prescription, to wit: you created, and maintained on file at the pharmacy, Rx #193713 for 60 unit doses of hydrocodone/APAP 7.5/750 mg, written for yourself without authorization from a prescriber. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states in pertinent part:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy;

- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;
- (10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30<sup>TH</sup>) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the thirtieth (30<sup>th</sup>) day following the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part 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.

BY ORDER OF THE STATE BOARD OF PHARMACY

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

| [WTW: \(D-050908-027\)](#)

CERTIFIED MAIL/Return Receipt  
DLR:sr (D-7003 0500 0002 4340 8589)

cc: Sally Ann Steuk, Assistant Attorney General