



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-000530-059)

In The Matter Of:

JENNIFER DIANE BOSS (Quellhorst)

2993 LaRue Prospect Road West

Marion, Ohio 43302

(D.O.B. 04/02/1980)

INTRODUCTION

THE MATTER OF JENNIFER DIANE BOSS CAME TO HEARING ON AUGUST 7, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

JENNIFER DIANE BOSS WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Jennifer Diane Boss, Respondent
- (2) Susan E. Perry, R.Ph., Mt. Gilead, Ohio

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Notice of Opportunity for Hearing letter dated May 30, 2000.
- (2) Exhibit 1A--Hearing Request letter, not dated, received in the Board office on June 8, 2000.
- (3) Exhibit 1B--Hearing Schedule letter dated June 15, 2000.

- (4) Exhibit 2--Copy of Ohio State Board of Pharmacy Application for Pharmacy Intern Registration of Jennifer Diane Boss signed and notarized on January 26, 2000, with the following attachments: explanation regarding Section No. 5 of the application; and two-page copy of Judgment Entry in the Marion Municipal Court, Marion, Ohio, State of Ohio, City of Marion v. Jennifer Boss, Case No. 99CRB0 2276-14 dated August 31, 1999.
- (5) Exhibit 3--Copy of Marion City P.D. Ohio Uniform Incident Report, No. 99-20134, incident date of August 24, 1999, with attachments as follows: copy of Suspect/Arrestee Supplement, Narrative Supplement, and Incident Report-Part 2 regarding Jennifer D. Boss.
- (6) Exhibit 4--Ohio State Board of Pharmacy handwritten, notarized statement of Jennifer Diane Boss, Case No. 00-1177, dated February 29, 2000.

Respondent's Exhibits:

- (1) 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 Jennifer Diane Boss applied to the Board for registration as an intern in the state of Ohio on February 20, 2000.
- (2) Jennifer Diane Boss did, on or about January 26, 2000, knowingly make a false statement, or knowingly swear or affirm the truth of a false statement, to wit: Jennifer Diane Boss submitted an Application for Pharmacy Intern Registration stating that she "had never been charged or convicted of a felony or misdemeanor...except for the violations reported in the attachments to this application." Jennifer Diane Boss' explanation to the Board for misconduct occurring on August 24, 1999, was that she was "attending a social gathering of friends at which alcohol was being served;" but in fact she was stopped by a police officer for a traffic violation and was found to have consumed alcohol while under age 21. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.
- (3) Jennifer Diane Boss did, on or about August 24, 1999, consume an alcoholic beverage, to wit: Jennifer Diane Boss consumed beer while under the legal age of consumption; and, Jennifer Diane Boss admitted to a Board of Pharmacy agent that she consumes alcohol not because she likes it but because of peers in social settings. State of Ohio v. Jennifer Boss, Marion Municipal Court Case No. 99CRB0 2276-14 dated August 31, 1999. Such conduct is in violation of Section 4301.632 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) and (3) of the Findings of Fact constitute not being of good moral character and habits as provided in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.

ACTION OF THE BOARD

Pursuant to Section 4729.11 of the Ohio Revised Code, and on the basis of the foregoing Findings of Fact and Conclusion of Law, the State Board of Pharmacy hereby approves the issuance of an identification card and license to practice pharmacy as an intern in the State of Ohio and, therefore, approves the Application for Pharmacy Intern Registration submitted by Jennifer Diane Boss, with the following stipulations and understandings:

- (A) Jennifer Diane Boss' identification card will be placed on probation for the duration of her intern license, effective upon issuance. The terms of probation are as follows:
 - (1) Jennifer Diane Boss must provide each and every employer and/or preceptor a copy of this Order.
 - (2) Jennifer Diane Boss must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (3) Jennifer Diane Boss must abide by the rules of the Ohio State Board of Pharmacy.
 - (4) Jennifer Diane Boss must comply with the terms of this Order.
- (B) 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.

MOTION CARRIED.

SO ORDERED.

Jennifer Diane Boss (Quellhosrt)
License Number 03-2-26256