



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-070508-046)

In The Matter Of:

WILLIS J. BREEN, R.Ph.

178 North Road

Hinesburg, Vermont 05461

INTRODUCTION

THE MATTER OF WILLIS J. BREEN CAME FOR HEARING ON JUNE 4, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, R.Ph. (presiding); 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.; HEATHER L. PASQUALE, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

WILLIS J. BREEN WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Robert L. Cole, Board of Pharmacy
2. Willis Breen, R.Ph., Respondent

Respondent's Witnesses

None

State's Exhibits

1. Proposal to Deny/Notice of Opportunity For Hearing letter [05-08-07]
1A-1D. Procedurals
2. National Association of Boards of Pharmacy Application for Transfer of Pharmacist Licensure to the State of Ohio [04-27-07]
3. National Association of Boards of Pharmacy Notification of Disciplinary Action in re Willis J. Breen [03-30-07]
4. Specification of Charges, Stipulation and Consent Order in re Willis J. Breen, Jr., Vermont Board of Pharmacy [01-26-00]
5. Stipulation and Consent Order in re Willis J. Breen, Jr., Vermont Board of Pharmacy [03-03-04]

Respondent's Exhibits

- A. Polygraph Examination Results [07-30-04]

- B. State of Vermont Department of Corrections Reparative Probation Information and Notice [05-22-03]; Addison County Reparative Agreement [05-27-03]
- C. Petition for Discharge from Probation, State of Vermont v. Willis Breen, Docket No. 395-1-03, District Court of Vermont [11-16-03]
- D. Maple Leaf Farm Treatment Program Information, www.wdovt.com/mapleleaf/treatment/int_care [06-02-07]
- E. Letter from Denis Dees M.A., L.A.D.C. Counselor, [05-09-07]
- F-G. Two Letters of Support [05-30-07 to 06-02-07]

FINDINGS OF FACT

- (1) Willis J. Breen is a registered pharmacist in the State of Vermont, and on or about April 27, 2007 Willis J. Breen applied for reciprocal registration into the State of Ohio.
- (2) Willis J. Breen was disciplined by the Vermont Board of Pharmacy on January 26, 2000, for allowing non-pharmacists to accept telephoned prescriptions. The Vermont Board of Pharmacy deemed this conduct unprofessional conduct for violating Vermont statutes and Board rules. Willis J. Breen was reprimanded for his conduct. Such discipline constitutes having been disciplined by a state board of pharmacy within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (3) Willis J. Breen was disciplined by the Vermont Board of Pharmacy on December 1, 2004, for practicing pharmacy on January 11, 2003, while having a "clear odor of alcohol" on his breath; and for having been convicted on March 12, 2003, of DUI and Negligent Operation. Willis J. Breen had tested 0.215 BAC. The Vermont Board of Pharmacy deemed this conduct unprofessional conduct for violating Vermont statutes. Willis J. Breen was reprimanded for his conduct. Such discipline constitutes having been disciplined by a state board of pharmacy within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.

CONCLUSIONS OF LAW

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 that Willis J. Breen qualifies for reciprocal registration.

DECISION OF THE BOARD

On the basis of the Findings of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the application for reciprocity, and directs Willis J. Breen to attend the Reciprocity Review session. Information regarding attendance is enclosed herewith.

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 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: July 12, 2007

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

WTW/lf

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9804 1829

c: Sally Ann Steuk, Assistant Attorney General