
OHIO STATE BOARD OF PHARMACY

THE STATE BOARD OF PHARMACY
(Docket No. D-881205-041)

In The Matter Of:

MERRILL E. ELLIOTT, R.Ph.
41 E. South Street
Jackson, Ohio 45640

INTRODUCTION

THE MATTER OF MERRILL E. ELLIOTT CAME TO HEARING ON DECEMBER 15, 1988 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JEROME WIESENHAHN, R.Ph. (presiding); NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

MERRILL E. ELLIOTT WAS NOT PRESENT NOR REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Jack Smittle - Board of Pharmacy

Respondent's Witnesses:

(None)

(B) Exhibits

State's Exhibits:

- (1) Notice of Opportunity Letter dated December 5, 1988.
- (2) Renewal Application of Merrill E. Elliott for 1988-89 license.
- (3) Copy of Notification sent from Board office notifying Mr. Elliott of incomplete application for renewal.
- (4) Response from Mr. Elliott dated October 10, 1988 to Notice of Incomplete Application.
- (5) Letter from Mr. Elliott dated October 28, 1988 requesting the Board lapse his Ohio pharmacist license and return the renewal fee.
- (6) Response from Mr. Elliott dated December 6, 1988 to Notice of Opportunity Letter.

Respondent's Exhibits:

(None)

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FINDINGS OF FACT

- (1) On December 5, 1988, Merrill E. Elliott, R.Ph. No. 03-3-03196, was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his position, contentions, and arguments in writing.
- (2) As demonstrated by return receipt of December 6, 1988, Merrill E. Elliott received the letter of December 5, 1988 informing him that the Board proposed to deny his application for renewal of his identification card to practice pharmacy, and his rights.
- (3) Merrill E. Elliott submitted a letter, dated December 6, 1988, setting forth his position and contentions in writing, and has not requested a hearing in this matter.
- (4) From the evidence presented, the State Board of Pharmacy finds that Merrill E. Elliott has not continued his pharmacy education as required in Section 4729.12 of the Ohio Revised Code, and in accordance with Chapter 4729-7 of the Ohio Administrative Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Merrill E. Elliott has not submitted the required 4.5 CEUs needed for renewal of his pharmacist license.

CONCLUSION OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (4) and (5) of the Findings Of Fact constitutes failure to meet the requirements for a renewal identification card as set forth in Section 4729.12 of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.12 of the Ohio Revised Code, the State Board of Pharmacy hereby denies the renewal application for an identification card to practice pharmacy in Ohio of Merrill E. Elliott, Ohio Registered Pharmacist No. 03-3-03196.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.