THE STATE BOARD OF PHARMACY

VS

TERRY HAWKINS

THE MATTER OF THE STATE BOARD OF PHARMACY VERSUS TERRY HAWKINS, DOCKET NO. 6-34-2, WAS HEARD PURSUANT TO CHAPTERS 4729. AND 119. OF THE OHIO REVISED CODE. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTION WAS MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

FINDINGS OF FACT

1) Based upon all the evidence in the record, the State Board of Pharmacy finds that between June, 1977 and the end of June, 1978, Terry Hawkins, R.Ph., repeatedly made sales of Schedule V exempt narcotic preparations including Robitussin A.C., Terpin Hydrate with Codeine and Histadyl E.C., where such sales provided the purchasers of said preparations with more than four grains of codeine within forty-eight consecutive hours. The Board finds further that with the exercise of reasonable diligence, Mr. Hawkins could have ascertained that said sales provided the purchasers of these preparations with more than four grains of codeine within forty-eight consecutive hours.

2) The State Board of Pharmacy finds that the evidence in the records is insufficient to establish that the prescriptions specified in paragraph 2 of the notice of opportunity for hearing were refilled without physicians authorization.

CONCLUSIONS OF LAW

1) The State Board of Pharmacy concludes that the repeated sales of exempt narcotic preparations set forth in paragraph 1 of the findings of fact constitute gross immorality as that term is used in Section 4729.16(A), Ohio Revised Code.

PURSUANT TO SECTION 4729.16, OHIO REVISED CODE AND THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE STATE BOARD OF PHARMACY HEREBY SUSPENDS THE REGISTERED PHARMACIST IDENTIFICATION CARD OF TERRY HAWKINS FOR A PERIOD OF TWO YEARS, HOWEVER, THE STATE BOARD OF PHARMACY SUSPENDS THE SUSPENSION IMPOSED HEREBY PROVIDED THAT TERRY HAWKINS COMPLY WITH ALL PROVISIONS OF STATE AND FEDERAL DRUG LAWS.

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

MOTION CARRIED.

SO ORDERED.

(6/2/81)