



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-940607-086)

In The Matter Of:

**CAROL M. NOBLE, R.Ph.**

886 Bristol-Champion Townline Road

Bristolville, Ohio 44402

(R.Ph. No. 03-3-07286)

### INTRODUCTION

THE MATTER OF CAROL M. NOBLE CAME TO HEARING ON OCTOBER 25, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

CAROL M. NOBLE WAS REPRESENTED BY PHILIP M. VIGORITO, AND THE STATE OF OHIO WAS REPRESENTED BY ROBERT J. McCLAREN, ASSISTANT ATTORNEY GENERAL, AND JACK STARKOFF, LEGAL INTERN.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) George Pavlich, Ohio State Board of Pharmacy
- (2) Carol M. Noble, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Order of the State Board of Pharmacy, Docket No. D-930112-056, in the matter of Carol M. Noble dated July 1, 1993.
- (2) Exhibit 2 - Two-page Hearing Request letter dated May 24, 1994, and attached certified copy of Judgment Entry of Dismissal in the Trumbull County Court of Common Pleas, Case No. 92 CR 365, of Carol Noble dated May 14, 1994.

- (3) Exhibit 3 - Hearing Schedule letter dated June 7, 1994.
- (4) Exhibit 4 - Copy of agreement between New Start Treatment Center and Carol M. Noble dated July 8, 1993.

Respondent's Exhibits:

- (1) Exhibit A1 - Copy of letter from Murphy Lewis dated September 7, 1994.
- (2) Exhibit A2 - Copy of urine drug screen of Carol Noble dated July 28, 1993.
- (3) Exhibit A3 - Copy of urine drug screen of Carol Noble dated August 16, 1993.
- (4) Exhibit A4 - Copy of urine drug screen of Carol Noble dated September 9, 1993.
- (5) Exhibit A5 - Copy of urine drug screen of Carol Noble dated October 22, 1993.
- (6) Exhibit A6 - Copy of urine drug screen of Carol Noble dated November 29, 1993.
- (7) Exhibit A7 - Copy of urine drug screen of Carol Noble dated December 30, 1993.
- (8) Exhibit A8 - Copy of urine drug screen of Carol M. Noble dated January 14, 1994.
- (9) Exhibit A9 - Copy of urine drug screen of Carol Noble dated February 15, 1994.
- (10) Exhibit A10 - Copy of urine drug screen of Carol Noble dated March 23, 1994.
- (11) Exhibit A11 - Copy of urine drug screen of Carol Noble dated April 18, 1994.
- (12) Exhibit A12 - Copy of urine drug screen of Carol M. Noble dated May 16, 1994.
- (13) Exhibit A13 - Copy of urine drug screen of Carol M. Noble dated June 23, 1994.
- (14) Exhibit A14 - Copy of urine drug screen of Carol Noble dated July 26, 1994.
- (15) Exhibit A15 - Copy of urine drug screen of Carol M. Noble dated September 27, 1994.
- (16) Exhibit A16 - Copy of urine drug screen of Carol M. Noble dated October 12, 1994.
- (17) Exhibit B1 - Copy of letter from Eugene O'Brien dated September 1, 1994.
- (18) Exhibit B2 - Copy of letter from Dolores E. Kreuzwieser dated May 19, 1994.
- (19) Exhibit B3 - Copy of letter from Judith J. Forrest dated May 12, 1994.
- (20) Exhibit B4 - Copy of letter from W. Clare Reese dated May 24, 1994.
- (21) Exhibit B5 - Copy of letter from W. W. Hager dated May 10, 1994.
- (22) Exhibit B6 - Copy of letter from James F. Ervin dated May 24, 1994.
- (23) Exhibit B7 - Copy of letter from Jack H. Nearhoof dated May 26, 1994.
- (24) Exhibit B8 - Copy of letter from Robert Kerek dated August 22, 1994.
- (25) Exhibit B9 - Copy of letter from David M. Boyer dated August 14, 1994.
- (26) Exhibit B10 - Copy of letter from Denise H. Maseck dated August 15, 1994.
- (27) Exhibit B11 - Copy of letter from Eula Jane Bousfield dated August, 1994.
- (28) Exhibit B12 - Copy of letter from Harvey E. Maseck and Brigitte U. Maseck dated August 18, 1994.
- (29) Exhibit B13 - Copy of letter from Philip R. Handerson and Ann Handerson dated May 19, 1994.
- (30) Exhibit B14 - Copy of letter from Rev. James K. Armstrong dated June 29, 1994.
- (31) Exhibit B15 - Copy of letter from Mary Lou Carnell dated May 31, 1994.
- (32) Exhibit B16 - Copy of letter from Charles R. Kent dated June 15, 1994.
- (33) Exhibit B17 - Copy of letter from Charlotte F. Bright dated August 3, 1994.
- (34) Exhibit B18 - Copy of letter from Ann McClaren, not dated.
- (35) Exhibit C1 - Certificate of Appreciation of Carol N. dated May 20, 1994.
- (36) Exhibit C2 - Certificate of Appreciation of Carol N. dated May 3, 1993.
- (37) Exhibit C3 - Certificate of Appreciation of Carol N. dated June 1, 1993.
- (38) Exhibit C4 - Certificate of Appreciation of Carol N. dated March 8, 1994.
- (39) Exhibit C5 - Card to Carol N. from the Poland Tues. Evening Group, fifteen names listed, not dated.
- (40) Exhibit C6 - Card to Carol N. from fifteen people, not dated.
- (41) Exhibit C7 - Copy of Certificate of Church Membership of Carol Noble dated May 16, 1993.

- (42) Exhibit D1 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from April 26, 1992, through May 13, 1992.
- (43) Exhibit D2 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from May 12, 1992, through May 28, 1992.
- (44) Exhibit D3 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from June 2, 1992, through June 6, 1992.
- (45) Exhibit D4 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from June 9, 1992, through July 7, 1992.
- (46) Exhibit D5 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from July 9, 1992, through July 26, 1992.
- (47) Exhibit D6 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from July 28, 1992, through August 21, 1992.
- (48) Exhibit D7 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from August 21, 1992, through September 8, 1992.
- (49) Exhibit D8 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from September 10, 1992, through October 29, 1992.
- (50) Exhibit D9 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from August 24, 1992, through October 29, 1992.
- (51) Exhibit D10 - Copy of AA/NA Attendance Verification Sheet with notation to Mrs. Woodward from Carol M. Noble, not dated.
- (52) Exhibit D11 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from November 26, 1992, through December 15, 1992.
- (53) Exhibit D12 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from November 12, 1992, through November 20, 1992.
- (54) Exhibit D13 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from an unknown month, 15th day, 1992, through February 2, 1993.
- (55) Exhibit D14 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from February 9, 1993, through February 26, 1993.
- (56) Exhibit D15 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from March 2, 1993, through April 2, 1993.
- (57) Exhibit D16 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from April 6, 1993, through April 16, 1993.
- (58) Exhibit D17 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from May 3, 1993, through June 1, 1993.
- (59) Exhibit D 18- Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from June 16, 1993, through July 29, 1993.
- (60) Exhibit D19 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from August 2, 1993, through September 7, 1993.
- (61) Exhibit D20 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from September 9, 1993, through October 19, 1993.
- (62) Exhibit D21 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from October 18, 1993, through November 15, 1993.
- (63) Exhibit D22 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from November 16, 1993, through December 11, 1993.
- (64) Exhibit D23 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from December 14, 1993, through January 20, 1994.
- (65) Exhibit D24 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from January 22, 1994, through March 5, 1994.
- (66) Exhibit D25 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from March 8, 1994, through April 14, 1994.
- (67) Exhibit D26 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from April 21, 1994, through May 16, 1994.

- (68) Exhibit D27 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from May 17, 1994, through June 20, 1994.
- (69) Exhibit D28 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from June 21, 1994, through July 22, 1994.
- (70) Exhibit D29 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from July 26, 1994, through August 27, 1994.
- (71) Exhibit D30 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from August 30, 1994, through September 23, 1994.
- (72) Exhibit D31 - Copy of AA/NA Attendance Verification Sheet of Carol M. Noble dated from August 30, 1994, through September 23, 1994.
- (73) Exhibit D32 - AA/NA Attendance Verification Sheet of Carol M. Noble dated from September 27, 1994, through October 18, 1994.
- (74) Exhibit E1 - Copy of Certification of Continuing Pharmaceutical Education Participation, Program No. 68842091004, of Carol M. Noble dated February 25, 1992.
- (75) Exhibit E2 - Copy of Certification of Continuing Pharmaceutical Education Participation, Program No. 67930192015, of Carol M. Noble dated March 11, 1993.
- (76) Exhibit E3 - Copy of Certification of Continuing Pharmaceutical Education Participation, Program No. 68734888004, of Carol M. Noble dated January 15, 1992.
- (77) Exhibit E4 - Copy of Certification of Continuing Pharmaceutical Education Participation, Program No. 68842092001, of Carol M. Noble dated March 30, 1992.
- (78) Exhibit E5 - Copy of Northeastern Ohio Society of Hospital Pharmacists Certificate of Continuing Education, Program No. 03622191009, of Carol M. Noble dated September 18, 1991.
- (79) Exhibit E6 - Copy of Certification of Continuing Pharmaceutical Education Participation, Program No. 68031391010, of Carol Noble dated September 1, 1993.
- (80) Exhibit E7 - Copy of Certification of Continuing Pharmaceutical Education Participation, Program No. 18031691012, of Carol Noble dated September 1, 1993.
- (81) Exhibit E8 - Copy of Certification of Continuing Pharmaceutical Education Participation, Program No. 68031390004, of Carol Noble dated September 2, 1993.
- (82) Exhibit E9 - Copy of Certification of Continuing Pharmaceutical Education Participation, Program No. 68031391011, of Carol Noble dated September 1, 1993.
- (83) Exhibit E10 - Copy of ACPE Certificate of Successful Completion, Program No. 679-30090009, of Carol M. Noble dated February 11, 1992.
- (84) Exhibit E11 - Copy of ACPE Certificate of Successful Completion, Program No. 679-30092024, of Carol M. Noble dated April 14, 1994.
- (85) Exhibit E12 - Copy of ACPE Certificate of Successful Completion, Program No. 679-30091022, of Carol M. Noble dated March 13, 1994,
- (86) Exhibit E13 - Copy of ACPE Certificate of Successful Completion, Program No. 679-30092001, of Carol M. Noble dated March 13, 1994.
- (87) Exhibit E14 - Copy of ACPE Certificate of Successful Completion, Program No. 679-30093002, of Carol M. Noble dated March 13, 1994.
- (88) Exhibit E15 - Copy of ACPE Certificate of Successful Completion, Program No. 679-30093014, of Carol M. Noble dated July 27, 1994.

#### FINDING OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Carol M. Noble has met the requirements for reinstatement and is in compliance with the Order of the Board, Docket No. D-930112-056, dated July 1, 1993.

## ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of Carol M. Noble's pharmacist identification card, No. 03-3-07286, to practice pharmacy in the state of Ohio and places her on probation for five years from the effective date of this Order provided that Carol M. Noble:

- (A) Provides evidence that she has entered into a new contract with an alcohol and/or drug addiction treatment provider acceptable to the Board, for a period of not less than five years. The contract must provide that:
  - (1) random, **observed** urine screens shall be conducted at least once every three months. The urine drug screens must include reporting of specific gravity;
  - (2) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required during outpatient treatment and/or during aftercare;
  - (3) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and
  - (4) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
  
- (B) Submits quarterly progress reports to the Board; due January 10; April 10; July 10; and October 10; of each year of probation, that include:
  - (1) The written report and documentation provided by the treatment program pursuant to the contract, and
  - (2) a written description of her progress towards recovery and what she has been doing during the previous three months.
  
- (C) Complies with the terms of probation as follows:
  - (1) Carol M. Noble must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
  - (2) Carol M. Noble must not violate the drug laws of the state of Ohio, any other state, or the federal government.
  - (3) Carol M. Noble must abide by the rules of the Ohio State Board of Pharmacy.
  - (4) Carol M. Noble must comply with the terms of this Order.

Carol M. Noble 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.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Carol M. Noble's pharmacist identification card is not in good standing and thereby denies the privilege of being

a preceptor and training pharmacy interns for five years, from the effective date of this Order.

The Board further stipulates that Carol M. Noble may not serve as a responsible pharmacist while on probation.

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

MOTION CARRIED.

SO ORDERED.