



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-910130-056)

In The Matter Of:

KARL RENNER, R.Ph.
1990 Palouse Drive, N.W.
London, Ohio 43140
(R.Ph. No. 03-3-07547)

INTRODUCTION

THE MATTER OF KARL RENNER CAME TO HEARING ON MARCH 7, 1991 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

KARL RENNER WAS REPRESENTED BY JAMES A. BERRY, AND THE STATE OF OHIO WAS REPRESENTED BY JEANNY EATON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Vincent Riano, R.Ph.
- (2) Karl Renner, R.Ph., Respondent

Respondent's Witnesses:

- (1) Fred Williams, Ohio State Board of Pharmacy
- (2) Vincent Riano, R.Ph.
- (3) Karl Renner, R.Ph., Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter for Karl Renner, R.Ph. dated January 30, 1991.
- (2) Exhibit B - Notice of Opportunity letter for Charleston Pharmacy dated January 30, 1991.
- (3) Exhibit C - Hearing Request letter dated February 23, 1991.

- (4) Exhibit D - Hearing Schedule letter dated February 27, 1991.
- (5) Exhibit 1 - A prescription vial with part of a Veteran's Administration (V.A.) label containing 98 units of Ibuprofen 600mg.
- (6) Exhibit 2 - A prescription vial with a Columbus V.A. label for patient Delbert Travis containing 78 units of Methyldopa 250mg.
- (7) Exhibit 3 - A prescription vial with a Chillicothe V.A. label for patient Charles McCafferty containing 38 units of Lancets Monoject.
- (8) Exhibit 4 - A prescription vial with part of a V.A. label containing 90 units of Ibuprofen 400mg.
- (9) Exhibit 5 - A prescription vial with a Columbus V.A. label containing 375 units of Glipizide 5mg.
- (10) Exhibit 6 - A prescription vial with a Dayton V.A. label containing 60 units of Ibuprofen 800mg.
- (11) Exhibit 7 - A prescription vial with part of a V.A. label containing 85 units of Propranolol 40mg.
- (12) Exhibit 8 - A manufacturer stock bottle with a part of a V.A. label containing 30 units of Propranolol 40mg.
- (13) Exhibit 9 - A prescription vial with part of a V.A. label containing 115 units of Propranolol 40mg.
- (14) Exhibit 10 - A prescription vial with a Charleston Pharmacy label containing 125 units of Noroxin 400mg.
- (15) Exhibit 11 - A prescription vial with a Charleston Pharmacy label containing 32 units of Bricanyl 2.5mg.
- (16) Exhibit 12 - A prescription vial with a Charleston Pharmacy label containing 25 units of Corgard 160mg.
- (17) Exhibit 13 - A prescription vial with a Columbus V.A. label for patient Charles McCafferty containing 26 units of Nitrofurantoin 50mg.
- (18) Exhibit 14 - A prescription vial with a manufacturer foil label taped to the top containing 10 units of Brexin LA.
- (19) Exhibit 15 - A prescription vial with a Charleston Pharmacy label containing 20 units of Disobrom.
- (20) Exhibit 16 - A prescription vial with a Charleston Pharmacy label containing 60 units of Aldactazide.
- (21) Exhibit 17 - A prescription vial with a Columbus V.A. label containing 175 units of Glipizide 5mg.
- (22) Exhibit 18 - A prescription vial with a Charleston Pharmacy label containing 250 units of Theo-Dur 200mg.
- (23) Exhibit 19 - A prescription vial with a manufacturer label taped to vial containing 75 units of Slo-bid 50mg.
- (24) Exhibit 20 - A prescription vial containing manufacturer label and 24 units of Mono-Gesic.
- (25) Exhibit 21 - A prescription vial with a Charleston Pharmacy label containing 20 units of Achromycin 250mg.
- (26) Exhibit 22 - A prescription vial with a Charleston Pharmacy label containing 50 units of Theo-Dur 200mg.
- (27) Exhibit 23 - A prescription vial with a Charleston Pharmacy label containing 17 units of Drixoral Gen.
- (28) Exhibit 24 - A prescription vial with a Charleston Pharmacy label containing 10 units of Uniphyll 200mg.

- (29) Exhibit 25 - A prescription vial with a Charleston Pharmacy label for patient Marvin Davidson, Prescription No. 72-734, containing 25 units of Dilantin 100mg.
- (30) Exhibit 27 - A prescription vial with a Charleston Pharmacy label containing 6 units of Neomycin Sulfate.
- (31) Exhibit 28 - A prescription vial with a Charleston Pharmacy label containing 40 units of SK 65.
- (32) Exhibit 29 - A prescription vial with a Charleston Pharmacy label containing 21 units of Inderal 120/50.
- (33) Exhibit 30 - A prescription vial with a small label containing 15 units of Meprobamate 400mg.
- (34) Exhibit 31 - A prescription vial with manufacturer label taped to vial containing 182 units of Glucotrol 5mg.
- (35) Exhibit 32 - A prescription vial with a Charleston Pharmacy label containing 150 units of Theo-Dur 200mg.
- (36) Exhibit 33 - A prescription vial with a Charleston Pharmacy label containing 70 units of Levsin .125mg.
- (37) Exhibit 34 - A prescription vial with a Charleston Pharmacy label containing 72 units of Kaon 10meq.
- (38) Exhibit 35 - A prescription vial with a Charleston Pharmacy label containing 4 units of Neomycin Sulfate .5mg.
- (39) Exhibit 36 - A prescription vial with a Charleston Pharmacy label containing 7 units of Slow K 8meq.
- (40) Exhibit 37 - A prescription vial with a Charleston Pharmacy label containing 15 units of Slow-bid 200mg.
- (41) Exhibit 38 - A prescription vial containing manufacturer label and 42 units of Mexitil 200mg.
- (42) Exhibit 39 - A prescription vial, not labeled, containing 40 units of a white capsule with imprint "WHR 300".
- (43) Exhibit 40 - A prescription vial with a Charleston Pharmacy label containing 120 units of Theo-Dur 200mg.
- (44) Exhibit 41 - A prescription vial with a small label containing 120 units of Viskin 5mg.
- (45) Exhibit 42 - A prescription vial with a Charleston Pharmacy label containing 90 units of Mycelelex-G.
- (46) Exhibit 43 - A prescription vial, not labeled, containing 17 units of Bumex 2mg.
- (47) Exhibit 45 - Renewal Application for a Terminal Distributor of Dangerous Drugs License from January 1, 1991 to December 31, 1991 of Charleston Pharmacy, License No. 02-165900.
- (48) Exhibit 46 - Hand-written statement of Karl A. Renner signed by Karl A. Renner and notarized by Fred Williams on June 11, 1990.
- (49) Exhibit 47 - Hand-written statement of Vincent Riano signed by Vincent Riano, R.Ph. and notarized by Fred Williams on June 13, 1990.
- (50) Exhibit 48 - Two-page Dangerous Drug Distributor Inspection Report dated June 11, 1990; Pink sheets returned in response to June 11, 1990 Dangerous Drug Distributor Inspection Report.
- (51) Exhibit 49 - Two-page Application For Registration as a Terminal Distributor of Dangerous Drugs of Charleston Pharmacy signed and dated by Karl Allan Renner on November 16, 1982.
- (52) Exhibit 50 - Prescription No. 76105.
- (53) Exhibit 51 - Prescription No. 78297 and Prescription No. 78298.
- (54) Exhibit 52 - Prescription No. 79894.

- (55) Exhibit 53 - Prescription No. 79980.
- (56) Exhibit 54 - Prescription No. 79844.
- (57) Exhibit 55 - Prescription No. 79862.
- (58) Exhibit 56 - Prescription No. 79963.
- (59) Exhibit 57 - Prescription No. 79986.
- (60) Exhibit 58 - Prescription No. 80099.
- (61) Exhibit 59 - Report of Theft or Loss of Controlled Substances of Charleston Pharmacy signed and dated by Karl Allan Renner on January 3, 1991.
- (62) Exhibit 60 - Pharmacist File Front Sheet of Karl Allan Renner showing original date of registration as August 28, 1961.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Karl Renner was originally licensed in the state of Ohio on August 28, 1961, pursuant to examination, and is the owner and Responsible Pharmacist at Charleston Pharmacy pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Karl Renner did, on or about June 11, 1990, aid and abet the Charleston Pharmacy to cease to satisfy the qualifications of a terminal distributor as set forth in Section 4729.55(C) of the Ohio Revised Code, to wit: adequate safeguards were not assured to prevent the sale or other distribution of dangerous drugs by persons other than a pharmacist or practitioner when unlicensed persons possessed keys to the unbarricaded pharmacy.
- (3) From the evidence presented, the State Board of Pharmacy finds that Karl Renner did, on or about June 11, 1990, permit non-licensed personnel to possess keys to a pharmacy which is not secured by a physical barricade when personal supervision of the dangerous drug stock by a pharmacist was not provided. Such conduct is in violation of Rule 4729-9-11 of the Ohio Administrative Code and Sections 4729.27 and 4729.55 of the Ohio Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Karl Renner did, on or about June 11, 1990, hold or offer for sale drugs that were misbranded pursuant to Section 3715.64(A) of the Ohio Revised Code, to wit: the pharmacy held for sale to the public drugs which had already been dispensed by another pharmacy and which had labels which were missing or obliterated. Such conduct is in violation of Section 3715.52 of the Ohio Revised Code and Rule 4729-5-14 of the Ohio Administrative Code.

- (5) From the evidence presented, the State Board of Pharmacy finds that Karl Renner did, on continuous dates preceding June 11, 1990, knowingly furnish another a sample drug when this conduct was not in accordance with Chapter 3719. of the Revised Code, to wit: Karl Renner and the Charleston Pharmacy used sample drugs obtained from the Madison County Hospital to dispense to patients when such conduct was not in accord with Section 3719.81 of the Revised Code. Such conduct is in violation of Section 2925.36 of the Ohio Revised Code.
- (6) From the evidence presented Karl Renner did, on continuous dates preceding June 11, 1990, fail to manually initial and personally date original or refill prescriptions or any alternate record when dispensing drugs. Such conduct is in violation of Rule 4729-5-17(A) of the Ohio Administrative Code.
- (7) From the evidence presented Karl Renner did, on continuous dates preceding June 11, 1990, fail to record the name of authorized agents of practitioners who phoned in prescriptions and additional refills. Such conduct is in violation of Rule 4729-5-30(I) of the Ohio Administrative Code.
- (8) From the evidence presented Karl Renner did, on continuous dates preceding June 11, 1990, when dispensing drugs pursuant to prescriptions, fail to affix labels to the containers which included the name or initials of the dispensing pharmacist. Such conduct is in violation of Rule 4729-5-16 of the Ohio Administrative Code.

CONCLUSIONS 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) through (8) of the Findings Of Fact constitutes being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (8) of the Findings Of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, and aiding and abetting the violation of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-3-07547, held by Karl Renner:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Karl Renner indefinitely.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of one thousand dollars (\$1,000.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

(C) Further, the Board will suspend the suspension imposed in paragraph (A) above and place the pharmacist identification card on probation for one year effective September 1, 1991 on the condition that Karl Renner:

- (1) takes and successfully passes the Jurisprudence Examination offered by the Board before September 1, 1991;
- (2) does not violate the drug laws of the state of Ohio, any other state, or the federal government;
- (3) abides by the rules of the State Board of Pharmacy; and
- (4) complies with the terms of this Order.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Karl Renner's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns for a period of one year effective September 1, 1991.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is ..., suspended, ..., shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

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

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.

KARL RENNER, R.Ph.
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Order of the Board

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in 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 a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

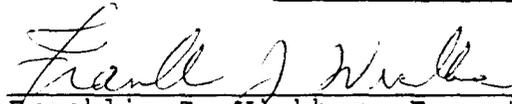
BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
P 497 579 150

ORDER MAILED: April 30, 1991

FZW/sl

By


Franklin Z. Wickham, Executive Director

cc: Jeanny Eaton, Assistant Attorney General
James A. Berry, Attorney for Respondent; 10 West Columbia Street;
P.O. Box 1885; Springfield, Ohio 45501