

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-020912-009)

In The Matter Of:

BONNIE JEAN DOLMAN, R.Ph.

2277 Water's Edge Boulevard

Columbus, Ohio 43209

(R.Ph. No. 03-3-08401)

INTRODUCTION

THE MATTER OF BONNIE JEAN DOLMAN CAME FOR HEARING ON NOVEMBER 5, 2002, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: DIANE C. ADELMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

BONNIE JEAN DOLMAN WAS REPRESENTED BY LARRY M. MALEY AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. William L. Padgett, Ohio State Board of Pharmacy

Respondent's Witnesses

1. Bonnie Jean Dolman, R.Ph., Respondent
2. Bill Maravy, R.Ph.
3. Allen Risch, R.Ph.

State's Exhibits

1. Copy of Notice Of Opportunity For Hearing letter [09-12-02]
1A-1D. Procedurals
2. Copy of RX 761463 [03-17-02]
3. Copy of Notarized Statement of Bonnie J. Dolman [04-16-02]
4. Complaint, State of Ohio vs. Bonnie Dolman, Fairfield County Municipal Court (Lancaster) [05-06-02]
5. Information, State of Ohio vs. Bonnie Dolman, Case No. 02-CR-207, Fairfield County Common Pleas Court [06-04-02]
6. Entry and Community Control Sanctions, Stipulations and Agreement for Pretrial Diversion, State of Ohio vs. Bonnie Dolman, Case No. 02-CR-207, Fairfield County Common Pleas Court [08-19-02]
7. Risch #3 Patient Profile for Bonnie Dolman [01-01-00 to 04-16-02]
8. Certificate of Death for Rand D. Guleff, M.D. [07-26-01]

Respondent's Exhibits

- A. Letter from Eileen Breckstein [not dated]
- B. Kroger Pharmacy Patient Medical Expense Report for Eileen Breckstein [10-29-02]
- C. Statement from Bonnie J. Dolman [not dated]
- D. Letter from Prashant K. Patel, M.D. [11-01-02]

FINDINGS OF FACT

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 the following to be fact:

- (1) Records of the State Board of Pharmacy indicate that Bonnie Jean Dolman was originally licensed by the State of Ohio as a pharmacist on August 16, 1965, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) Bonnie Jean Dolman did, on or about March 17, 2002, knowingly sell a controlled substance when such conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Bonnie Jean Dolman sold 100 unit doses of hydrocodone 5 mg with acetaminophen 500 mg to her sister without a prescription. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (3) Bonnie Jean Dolman did, on or about March 17, 2002, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bonnie Jean Dolman created prescription #761463 and maintained it on file when it had not been authorized by a prescriber. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (4) Bonnie Jean Dolman did, on or about April 2, 2002, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bonnie Jean Dolman created prescription #763452 and maintained it on file as a computerized record when it had not been authorized by a prescriber. The prescription for Zoloft was created for herself, after her physician had died. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute 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.

(3) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy takes the following actions in the matter of Bonnie Jean Dolman:

(A) On the basis of the Findings of Fact and paragraphs (1) and (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-3-08401, held by Bonnie Jean Dolman effective as of the date of the mailing of this Order. Further, the Board suspends the suspension and places her identification card on probation for 12 months.

(B) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes on Bonnie Jean Dolman a monetary penalty of five hundred dollars (\$500.00) and payment of the monetary penalty is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

(C) The terms of probation are as follows:

(1) Bonnie Jean Dolman must obtain, within one year from the effective date of this Order, 0.3 CEUs (three hours) of continuing pharmacy education in Board-approved jurisprudence above that required for renewal. If proof of completion is not submitted to the Board office before the end of her probation period, Bonnie Jean Dolman's pharmacist identification card will be suspended until this condition is achieved.

(2) The State Board of Pharmacy hereby declares that Bonnie Jean Dolman's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.

(3) Bonnie Jean Dolman may not serve as a responsible pharmacist.

(4) Bonnie Jean Dolman may not dispense prescriptions for herself or for any member of her family.

(5) Bonnie Jean Dolman must not violate the drug laws of the state of Ohio, any other state, or the federal government.

(6) Bonnie Jean Dolman must abide by the rules of the State Board of Pharmacy.

(7) Bonnie Jean Dolman must comply with the terms of this Order.

Bonnie Jean Dolman 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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-2).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE DECEMBER 5, 2002