



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-051031-043)

In The Matter Of:

ELIZABETH M. HARTRANFT, R.Ph.

24529 Bruce Road

Bay Village, Ohio 44140

(R.Ph. No. 03-3-08439)

INTRODUCTION

THE MATTER OF ELIZABETH M. HARTRANFT CAME FOR HEARING ON APRIL 3, 2006 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE R. EASTMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; LAWRENCE J. KOST, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

ELIZABETH M. HARTRANFT WAS REPRESENTED BY MICHAEL E. MURMAN. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witnesses

1. Elizabeth M. Hartranft, R.Ph., Respondent
2. Kathleen Epp
3. Robert Hartranft
4. William Hartranft

State's Exhibits

1. Reinstatement Hearing Request letter from Michael E. Murman [10-28-05]
1A-1B. Procedurals
2. State Board of Pharmacy Order In Re Elizabeth M. Hartranft, R.Ph. [11-21-02]
3. State Board of Pharmacy Order In Re Elizabeth M. Hartranft, R.Ph. [02-06-03]
4. Journal Entry, State of Ohio vs. Elizabeth Hartranft, Case No. CR 438041, Cuyahoga County Common Pleas Court [09-05-03]
5. Notarized Statement of Todd Jaros [11-18-02]
6. Notarized Statement of Elizabeth Hartranft [11-19-02]

Respondent's Exhibits

- A. Certified Letter from Michael E. Murman to the Ohio State Board of Pharmacy [03-04-03]; Monetary Penalty Payment Transmittal Form [not dated]; Check #5865 payable to Treasure, State of Ohio [03-04-03]
- B. Letter from Ted Parran, M.D., FACP to Michael Murman, Esq. [09-29-05]
- C. The Cleveland Clinic Foundation Treatment Contract [12-18-02]
- D. Ohio Pharmacists Rehabilitation Organization Licensee Summary Report [01-30-02 to 08-20-05]; Drug Panel [not dated]; Drug Screen Reports [09-27-05 to 03-16-06]; Letter from Michael D. Quigley, R.Ph. to Maral Davis [03-29-06]
- E. C.P.E. Report Form for Elizabeth M. Hartranft [03-29-06]
- F. Support Group Attendance Records [08-25-02 to 03-23-06]
- G. Calendar pages for October 2002 to March 2006
- H. Letter from Linda Pennington to Michael E. Murman, Esq. [03-17-06]; Facsimile Cover letter from Mike Quigley to Tim Benedict [12-10-02]; Treatment Records for Elizabeth Hartranft [10-15-02 to 03-27-06]
- I. Compliance Affidavit of Elizabeth M. Hartranft [03-29-06]
- J. Letter of Support from Lois Hamblin [03-29-06]

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 that Elizabeth M. Hartranft has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-021127-040, effective February 6, 2003.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-3-08439, held by Elizabeth M. Hartranft to practice pharmacy in Ohio and places Elizabeth M. Hartranft on probation for five years beginning on the effective date of this Order, with the following conditions:

(A) Elizabeth M. Hartranft must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office with the renewal application. The contract must provide that:

(1) **Random, observed** urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.

(a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

(b) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.

(c) Results of all drug and alcohol screens must be negative. Refusal of a urine screen or a diluted urine screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

(2) The intervener/sponsor shall submit to the Board reports, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

(3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(B) Elizabeth M. Hartranft must submit 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 Elizabeth M. Hartranft's progress towards recovery and what she has been doing during the previous three months.

(C) Other terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that Elizabeth M. Hartranft'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.

(2) Elizabeth M. Hartranft may not serve as a responsible pharmacist.

(3) Elizabeth M. Hartranft may not destroy, assist in, or witness the destruction of controlled substances.

(4) Elizabeth M. Hartranft must abide by the contract with her treatment provider and must immediately report any violation of the contract to the Board.

(5) Elizabeth M. Hartranft must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Elizabeth M. Hartranft must abide by the rules of the State Board of Pharmacy.

(7) Elizabeth M. Hartranft must comply with the terms of this Order.

(D) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Elizabeth M. Hartranft 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-8/Nay-0).

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.

Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of 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 both the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: _____

By: _____

William T. Winsley, M.S., R.Ph., Executive Director



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-021127-040)

In The Matter Of:

ELIZABETH M. HARTRANFT, R.Ph.

24529 Bruce Road

Bay Village, Ohio 44140

(R.Ph. No. 03-3-08439)

INTRODUCTION

THE MATTER OF ELIZABETH M. HARTRANFT CAME FOR HEARING ON JANUARY 7, 2003, 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.

ELIZABETH M. HARTRANFT WAS REPRESENTED BY MICHAEL E. MURMAN AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Elizabeth M. Hartranft, R.Ph., Respondent
2. Todd R. Jaros, R.Ph.

Respondent's Witnesses

None

State's Exhibits

- 1H. Copy of Notice Of Opportunity For Hearing letter [11-27-02]
- 1HA-1HC. Procedurals
2. Excerpt of Transcript of Proceedings in re Elizabeth M. Hartranft, R.Ph. [10-15-02]
3. Support Group Attendance Record re Betsy Hartranft [12-08-00 to 02-05-01]
4. Calendar page for December 2000
5. Support Group Attendance Record re Betsy Hartranft [05-26-01 to 07-14-01]
6. Calendar pages for May 2001 and June 2001
7. Support Group Attendance Record re Betsy Hartranft [08-28-01 to 10-15-01]
8. Calendar page for September 2001
9. Support Group Attendance Record re Betsy Hartranft [10-16-01 to 12-12-01]

10. Calendar page for November 2001
11. Lake County Crime Laboratory Report [11-08-02], Forensic Document Examiner Qualifications of Andrew T. Szymanski [01-03-03]
12. Copy of Notarized Statement of Todd Jaros [11-18-02]
13. Copy of Notarized Statement of Elizabeth Hartranft [11-19-02]
14. Transcription of Interview with Todd Jaros, R.Ph. [11-14-02]
15. Transcription of Interview with Todd Jaros, R.Ph. [11-18-02]
16. Transcription of Interview with Elizabeth M. Hartranft, R.Ph. [11-19-02]
17. Copy of State Board of Pharmacy Order in re Elizabeth M. Hartranft, R.Ph. [09-11-00]
18. Copy of State Board of Pharmacy Order in re Elizabeth M. Hartranft, R.Ph. [11-12-02]
19. Copy of State Board of Pharmacy Settlement Agreement in re Todd R. Jaros, R.Ph. [09-07-99]
20. Copy of State Board of Pharmacy Order in re Todd R. Jaros, R.Ph. [09-11-00]
21. Support Group Attendance Records re Todd Jaros [11-27-00 to 01-02-02]
22. Support Group Attendance Record re Todd Jaros [05-20-99 to 06-02-99]

Respondent's Exhibits

None

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 Elizabeth M. Hartranft was originally licensed by the State of Ohio as a pharmacist on August 16, 1965, pursuant to examination. Records further reflect that the Board summarily suspended Elizabeth M. Hartranft's license to practice pharmacy on September 11, 2000, and that she requested a reinstatement hearing on March 25, 2002. Elizabeth M. Hartranft's reinstatement hearing was held on October 15, 2002, and the Order of the Board approving reinstatement was mailed and effective November 12, 2002. Elizabeth M. Hartranft is currently on probation until January 6, 2008.

(2) Elizabeth M. Hartranft did, on or about October 15, 2002, in an official proceeding, knowingly make a material, false statement under oath, to wit: in Elizabeth M. Hartranft's reinstatement petition hearing, while under oath to tell the truth, Elizabeth M. Hartranft lied about meeting attendance signature logs. Such conduct is in violation of Section 2921.11 of the Ohio Revised Code.

(3) Elizabeth M. Hartranft did, on or about October 15, 2002, with purpose to defraud, and/or knowing that she was facilitating a fraud, utter a writing that she knew to have been forged, to wit: during Elizabeth M. Hartranft's reinstatement petition hearing, Elizabeth M. Hartranft presented, used, and displayed to the Board her recovery meeting attendance sheets which had been spuriously altered to make them purport to authenticate her attendance in a fashion which was not genuine. Such conduct is in violation of Section 2913.31 of the Ohio Revised Code.

(4) Elizabeth M. Hartranft did, on or about an unknown date in September, 2002, and again on October 15, 2002, knowing that an official proceeding was in progress or was about to be instituted, make, present, and/or use a document, knowing it to be false and with purpose to mislead a public official and/or with purpose to corrupt the outcome of the proceeding, to wit: Elizabeth M. Hartranft and another took Elizabeth M. Hartranft's recovery meeting attendance sheets, intended for use as evidence at Elizabeth M. Hartranft's upcoming reinstatement petition hearing, and altered them so as to mislead the Board in order to obtain reinstatement of her pharmacist license. Such conduct is in violation of Section 2921.12 of the Ohio Revised Code.

(5) Elizabeth M. Hartranft did, on or about October 15, 2002, commit fraud, misrepresentation, and/or deception in applying for or securing a license under Chapter 4729. of the Ohio Revised Code, to wit: during Elizabeth M. Hartranft's reinstatement petition hearing, Elizabeth M. Hartranft lied to the Board about her meeting attendance verification sheets and Elizabeth M. Hartranft submitted false documents to the Board.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) through (5) 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 (5) 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 (5) of the Findings of Fact constitute being guilty of committing fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the Board under Chapter 4729. of the Revised Code as provided in Division (A)(10) 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 Elizabeth M. Hartranft:

(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. 03-3-08439, held by Elizabeth M. Hartranft effective as of the date of the mailing of this Order.

(1) Elizabeth M. Hartranft, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

(2) Elizabeth M. Hartranft, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order

unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

(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 a monetary penalty of seventeen thousand dollars (\$17,000.00) on Elizabeth M. Hartranft 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) Further, after three years from the effective date of this Order, the Board will consider any petition filed by Elizabeth M. Hartranft for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

(1) Elizabeth M. Hartranft provides documentation of payment in full of the monetary penalty imposed by the Board in paragraph (B) above.

(2) Elizabeth M. Hartranft must complete the Ethics and Professionalism CME Program at Case Western Reserve University.

(3) Elizabeth M. Hartranft may not hold any position (officer or sponsor) in Pharmacists Rehabilitation Organization (PRO) or any other treatment program.

(4) Elizabeth M. Hartranft must continue with her treatment plan as governed by her Board Order dated November 12, 2002, for recovery.

(5) Elizabeth M. Hartranft is fit, in the opinion of the Board, to practice pharmacy.

(6) Elizabeth M. Hartranft must comply with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement.

(7) Elizabeth M. Hartranft must comply with the terms of this Order.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-5/Nay-3).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE FEBRUARY 6, 2003



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-020327-049)

In The Matter Of:

ELIZABETH M. HARTRANFT, R.Ph.

24529 Bruce Road

Bay Village, Ohio 44140

(R.Ph. No. 03-3-08439)

INTRODUCTION

THE MATTER OF ELIZABETH M. HARTRANFT CAME FOR HEARING ON OCTOBER 15, 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.

ELIZABETH M. HARTRANFT WAS REPRESENTED BY MICHAEL E. MURMAN AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witnesses

1. Elizabeth M. Hartranft, R.Ph., Respondent
2. Todd Jaros, R.Ph.

State's Exhibits

1. Reinstatement Hearing Request letter from Michael E. Murman [03-25-02]
1A-C. Procedurals
2. Copy of State Board of Pharmacy Order in re Elizabeth M. Hartranft, R.Ph. [09-11-00]
3. Amherst Police Department Incident/Offense Report 01-00-000255 [02-11-00]
4. Notarized Statement of Susan Elliott [02-14-00]
5. Notarized Statement of Alice Fisher [02-15-00]
6. Notarized Statement of Joseph Micheletti [02-17-00]
7. Rite Aid Customer History Report of Elizabeth Hartranft [02-14-99 to 02-14-00]
8. Complaint, City of Amherst vs. Elizabeth M. Hartranft, Case No. 00CRB-00120-A, Oberlin Municipal Court [02-11-00]; Complaint, City of Amherst vs. Elizabeth M. Hartranft, Case No. 00CRB-00120-B, Oberlin Municipal Court [02-11-00]

- 8A. Oberlin Municipal Court Traffic/Criminal Docket re Elizabeth M. Hartranft [02-11-00 to 05-18-00]
9. Journal Entry, Westlake vs Elizabeth M. Hartranft, Case No. 96 TRC 4481-B, Rocky River Municipal Court [06-17-96]
10. Journal Entry, Westlake vs Elizabeth Hartranft, Case No. 97 TRC 770-A, Rocky River Municipal Court [02-03-97]
11. Notarized Statement of Ryan Piscione [02-17-00]
12. Notarized Statement of Deserie Overy [02-17-00]
13. Notarized Statement of Amy Spencer [03-09-00]
14. Notarized Statement of Kimberly Lutz [03-21-00]
15. Notarized Statement of Mark Biczynowski [03-16-00]
16. Rite Aid Pharmacy Patient Counseling/Eligibility Forms for RXs 04580 42957, 04580 42958, 04580 42991, and 04580 42933 [02-10-00]
17. Notarized Statement of Dr. Helmut Jungschaeffler [03-22-00]
18. Renewal Application for Pharmacist License of Elizabeth M. Hartranft [07-20-96]
19. Renewal Application for Pharmacist License of Elizabeth M. Hartranft [08-08-97]

Respondent's Exhibits

- A. PRO Pharmacist's Recovery Contract for Elizabeth M. Hartranft [10-17-00]
- B. Letter from Joseph W. Janesz, Ph.D., PCC, CCDC III-E, CRC and Gregory B. Collins, M.D. [09-18-02]
- C1-C35. Drug Screen Reports [05-15-00 to 09-05-02]
- D. Certificate of Appreciation for Betsy H [09-03-02]
- E1-E16. Sixteen Letters of Support [08-27-02 to 10-08-02]
- F1-F22. Support Group Attendance Records [04-07-00 to 10-09-02]
- G1-G31. Calendar pages for April 2000 to October 2002
- H1-H17. Continuing Pharmaceutical Education Certificates [10-30-98 to 07-11-00]
- I1-I11. Continuing Pharmaceutical Education Certificates [02-01 to 09-12-02]

FINDING 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 that Elizabeth M. Hartranft has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-000222-048, effective September 11, 2000.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-3-08439, held by Elizabeth M. Hartranft to practice pharmacy in Ohio and places Elizabeth M. Hartranft on probation for five years effective from the date her pharmacist identification card is issued, with the following conditions:

- (A) Elizabeth M. Hartranft must enter into a contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office before her pharmacist identification card is issued. The contract must provide that:

(1) Random, **observed** urine drug screens shall be conducted each month for the first twelve months and then once every three months for the remaining four years.

(a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

(b) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.

(c) Results of all drug and alcohol screens must be negative. Any positive results, including those that may have resulted from ingestion of food, but excluding false positives that resulted from medication legitimately prescribed, indicate a violation of probation.

(d) Refusals of urine screens or diluted urine screens are equivalent to a positive result and indicate a violation of probation.

(2) The intervener/sponsor shall provide copies of all drug and alcohol screen reports to the Board in a timely fashion.

(3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(B) Elizabeth M. Hartranft must submit 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 Elizabeth M. Hartranft's progress towards recovery and what she has been doing during the previous three months.

(C) Other terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that Elizabeth M. Hartranft'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.

(2) Elizabeth M. Hartranft may not serve as a responsible pharmacist.

(3) Elizabeth M. Hartranft may not destroy, assist in, or witness the destruction of controlled substances.

(4) Elizabeth M. Hartranft may not work in a pharmacy more than 40 hours per week.

(5) Elizabeth M. Hartranft must, during the first six months of practice, work only with a pharmacist whose license is in good standing.

(6) Elizabeth M. Hartranft must abide by the contract with her treatment provider and must immediately report any violation of the contract to the Board.

(7) Elizabeth M. Hartranft must not violate the drug laws of Ohio, any other state, or the federal government.

(8) Elizabeth M. Hartranft must abide by the rules of the State Board of Pharmacy.

(9) Elizabeth M. Hartranft must comply with the terms of this Order.

(D) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Elizabeth M. Hartranft 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-8/Nay-0).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE NOVEMBER 21, 2002



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-000222-048)

In The Matter Of:

ELIZABETH M. HARTRANFT, R.Ph.

24529 Bruce Road

Bay Village, Ohio 44140

(R.Ph. No. 03-3-08439)

INTRODUCTION

THE MATTER OF ELIZABETH M. HARTRANFT CAME FOR HEARING ON AUGUST 8, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

ELIZABETH M. HARTRANFT WAS REPRESENTED BY MICHAEL E. MURMAN, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Mark Kabat, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) David Baker, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (2) Wayne Miller, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (3) Lois Hamblin, Pharmacists Rehabilitation Organization, Inc.
- (4) Elizabeth M. Hartranft, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Summary Suspension Order/Notice of Opportunity for Hearing letter dated February 22, 2000.
- (2) Exhibit 1A--Copy of Hearing Request letter dated March 7, 2000.

- (3) Exhibit 1B--Copy of Hearing Schedule letter dated March 8, 2000.
- (4) Exhibit 1C--Copy of Pharmacist File Front Sheet of Elizabeth Mild Hartranft showing original date of registration as August 16, 1965; and two-page copy of Renewal Application for Pharmacist License, No. 03-3-08439, for a license to practice pharmacy in Ohio from September 15, 1999, to September 15, 2000, of Elizabeth M. Hartranft dated July 27, 1999.
- (5) Exhibit 2--Seven-page copy of Amherst Police Department Incident/Offense Report, No. 01-00-000255, regarding Elizabeth M. Hartranft on February 11, 2000.
- (6) Exhibit 3--Amber vial, not labeled, containing 30 diltiazem hydrochloride 180mg extended release capsules.
- (7) Exhibit 4--Copy of seven-page handwritten statement of Susan Elliott signed and notarized on February 14, 2000.
- (8) Exhibit 5--Copy of handwritten statement of Alice Fisher signed and notarized on February 15, 2000.
- (9) Exhibit 6--Copy of five-page handwritten statement of Joseph Micheletti signed and notarized on February 17, 2000.
- (10) Exhibit 7--Copy of two-page Rite Aid, South Leavitt Road, Amherst, Ohio, Customer History Report of Elizabeth Hartranft dated from February 14, 1999, to February 14, 2000.
- (11) Exhibit 8--Two-page copy of Complaint in the Municipal Court of Oberlin, Ohio, City of Amherst vs. Elizabeth M. Hartranft, Case No. 00CRB-00120-A dated February 11, 2000.
- (12) Exhibit 9--Copy of Journal Entry in the Rocky River Municipal Court, Westlake vs. Hartranft, Elizabeth M., Case No. 96 TRC 4481-B, dated June 17, 1996.
- (13) Exhibit 10--Copy of Journal Entry in the Rocky River Municipal Court, Westlake vs. Hartranft, Elizabeth M., Case No. 97 TRC 770-A, dated February 3, 1997; and attached docket record dated from January 21, 1997, through February 24, 2000.
- (14) Exhibit 11--Copy of two-page handwritten statement of Ryan Piscione signed and notarized on February 17, 2000.
- (15) Exhibit 12--Copy of two-page handwritten statement of Deserie Overy signed and notarized on February 17, 2000.
- (16) Exhibit 13--Copy of three-page handwritten statement of Amy Spencer signed and notarized on March 9, 2000.
- (17) Exhibit 14--Copy of four-page handwritten statement of Kimberley Lutz signed and notarized on March 21, 2000.
- (18) Exhibit 15--Copy of handwritten statement of Mark Biczynowski signed and notarized on March 16, 2000.
- (19) Exhibit 16--Copy of prescription label and information for prescriptions numbered 42957, 42958, 42991, and 42933 dated February 10, 2000.
- (20) Exhibit 17--Copy of handwritten statement of Dr. Helmut Jungschaefter signed and notarized on March 22, 2000.
- (21) Exhibit 18--Two-page copy of Renewal Application for Pharmacist License, No. 03-3-08439, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997, of Elizabeth M. Hartranft dated July 20, 1996.
- (22) Exhibit 19--Two-page copy of Renewal Application for Pharmacist License, No. 03-3-08439, for a license to practice pharmacy in Ohio from September 15, 1997, to September 15, 1998, of Elizabeth M. Hartranft dated August 8, 1997.

Respondent's Exhibits:

- (1) Exhibit A--Two-page letter from Joseph W. Janesz dated July 26, 2000, and copies of the following attachments: Three-page Cleveland Clinic Foundation Department of Psychiatry/ Psychology, Alcohol and Drug Recovery Center Treatment Contract of

Elizabeth Hartranft, CCF#: 2-497-103-3, dated May 3, 2000; two-page Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Elizabeth Hartranft dated April 13, 2000; five pages of AA Attendance Log sheets of Betsy Hartranft dated from April 7, 2000, through July 26, 2000; letter from Annette Costello dated June 5, 2000; copy of letter from Annette Costello dated July 10, 2000; two-page Cleveland Clinic Foundation Neuropsychological Evaluation Report of Elizabeth Hartranft by Richard I. Naugle, Ph.D. dated March 28, 2000; and two two-page urine drug screen reports of Elizabeth Hartranft with collection dates of July 7, 2000, and July 20, 2000.

- (2) Exhibit B--Copy of AA Attendance Log Sheet of Betsy Hartranft dated from July 27, to August 3, 2000.
- (3) Exhibit C--Copy of five two-page urine drug screen reports of Elizabeth Hartranft with collection dates as follows: two dated May 9, 2000; two dated May 15, 2000; and July 7, 2000; and copy of chain of custody request form dated June 8, 2000.

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 Elizabeth M. Hartranft was originally licensed to practice pharmacy in the State of Ohio on August 16, 1965, pursuant to examination. On February 22, 2000, Elizabeth M. Hartranft's license was summarily suspended in accordance with Section 3719.121(B) of the Ohio Revised Code.
- (2) Elizabeth M. Hartranft did, on or about February 11, 2000, while voluntarily intoxicated, engage in conduct or create a condition that presented a risk of physical harm to herself and/or others, to wit: while on duty, Elizabeth M. Hartranft was intoxicated to the extent that she was unable to function as a pharmacist. Such conduct is in violation of Section 2917.11 of the Ohio Revised Code.
- (3) Elizabeth M. Hartranft did, on or about February 11, 2000, recklessly and/or by force, resist or interfere with her lawful arrest, to wit: while practicing pharmacy and intoxicated to the extent of being unable to function, Elizabeth M. Hartranft persistently refused the requests of paramedics and police officers and attempted to drive a motor vehicle, thereby engaging in activity dangerous to herself and to others. When faced with no alternative, the officers placed Elizabeth M. Hartranft under arrest, but she resisted. Such conduct is in violation of Section 2921.33 of the Ohio Revised Code.
- (4) Elizabeth M. Hartranft did, on or about February 10, 2000, while voluntarily intoxicated, engage in conduct or create a condition that presented a risk of physical harm to herself and/or others, to wit: while on duty practicing pharmacy, Elizabeth M. Hartranft was intoxicated to the extent that she belittled and shouted at patients, drank from a Listerine bottle, and displayed other signs of impairment, indicating that she was unable to safely function as a pharmacist. Such conduct is in violation of Section 2917.11 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of 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 paragraphs (2) through (4) of the Findings of Fact constitute being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Elizabeth M. Hartranft on February 22, 2000.

Pursuant to Section 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-3-08439, held by Elizabeth M. Hartranft and such suspension is effective as of the date of the mailing of this Order.

- (A) Elizabeth M. Hartranft, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Elizabeth M. Hartranft, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return the identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, two years after the effective date of this Order, the Board will consider any petition filed by Elizabeth M. Hartranft for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (A) Elizabeth M. Hartranft must enter into a contract, signed within 90 days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years. The contract must provide that:
 - (1) Random, observed urine drug screens shall be conducted at least once each month.
 - (a) The urine sample must be given within twelve hours of notification. The urine screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

- (b) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but the test must be conducted by an appropriately certified individual within twelve hours of notification.
 - (c) Results of all drug and alcohol screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
- (2) Attendance is required, a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Elizabeth M. Hartranft must provide, at the reinstatement petition hearing, documentation of the following:
- (1) Compliance with the contract required above (e.g.-proof of giving the sample within 12 hours of notification and copies of all drug and alcohol screen reports, meeting attendance records, treatment program reports, etc.);
 - (2) Compliance with the continuing pharmacy education requirements as set forth in Chapter 4729-7 of the Ohio Administrative Code (if applicable);
 - (3) Compliance with the terms of this Order.
- (C) If reinstatement is not accomplished within three years of the effective date of this Order, Elizabeth M. Hartranft must show successful completion of the NAPLEX examination or an equivalent examination approved by the Board.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-1).
MOTION CARRIED.
SO ORDERED.

ORDER EFFECTIVE SEPTEMBER 11, 2000



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

February 22, 2000

Elizabeth M. Hartranft, R.Ph.
24529 Bruce Road
Bay Village, Ohio 44140

Re: Ohio Registered Pharmacist
Number 03-3-08439

Dear Ms. Hartranft:

Records of the Ohio State Board of Pharmacy indicate that you are a pharmacist registered by this Board to practice pharmacy in the state of Ohio.

In accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice and/or your method of distributing controlled substances presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) You did, on or about February 11, 2000, while voluntarily intoxicated, engage in conduct or create a condition that presents a risk of physical harm to yourself and/or others, to wit: while on duty, you were intoxicated to the extent that you were unable to function as a pharmacist. Such conduct is in violation of Section 2917.11 of the Ohio Revised Code.
- (2) You did, on or about February 11, 2000, recklessly and/or by force, resist or interfere with your lawful arrest, to wit: while practicing pharmacy and intoxicated to the extent of being unable to function, you persistently refused the requests of paramedics and police officers and attempted to drive a motor vehicle, thereby engaging in activity dangerous to yourself and to others. When faced with no alternative, the officers placed you under arrest, but you resisted. Such conduct is in violation of Section 2921.33 of the Ohio Revised Code.
- (3) You did, on or about February 10, 2000, while voluntarily intoxicated, engage in conduct or create a condition that presents a risk of physical harm to yourself and/or others, to wit: while on duty to practice pharmacy, you were intoxicated to the extent that you belittled and shouted at patients, drank from a Listerine bottle, and displayed other signs of impairment, indicating you were unable to safely function as a pharmacist. Such conduct is in violation of Section 2917.11 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

- (B) The license, certificate, or evidence of registration of a ** pharmacist, ** may be suspended without a hearing by the board under which he has been licensed or registered if the board determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others. ...

WHEREFORE, PURSUANT TO SECTION 3719.121(B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect a final adjudication order becomes effective, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

- (A) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, place on probation, or refuse to grant or renew an identification card, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:
- (1) Guilty of a felony or gross immorality;
 - (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
 - (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
 - (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
 - (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, or Chapter 2925. or 3719. of the Revised Code;
 - (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
 - (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy; or
 - (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe

drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home.

- (9) Has violated the terms of a consult agreement entered into pursuant to Section 4729.39 of the Revised Code.

IF YOU REQUEST A HEARING within thirty (30) days of the time of the mailing of this notice, such will be afforded. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE HEREBY ADVISED that if you do not request such a hearing within thirty (30) days of the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, 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.

(D-000222-048)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE FEBRUARY 22, 2000

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective September 11, 2000)*