



03-3-08558

65 S. FRONT STREET, ROOM 504 * COLUMBUS, OHIO 43266-0320 * 614/466-4143

BEFORE THE STATE BOARD OF PHARMACY
(Docket No. D-861121-072)

In The Matter Of:

MAUDE A. WOLFE, R.Ph.
%Woodside Receiving Hospital
800 E. Indianola Avenue
Youngstown, Ohio 44502

INTRODUCTION

THE MATTER OF MAUDE A. WOLFE CAME TO HEARING ON JUNE 24, 1987 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: GERALD CLOUSE, R.Ph. (presiding); NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; JEROME WIESENHAHN, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

MAUDE A. WOLFE WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY YVETTE MCGEE, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

- (1) Exhibit #A - Notice of Opportunity in the matter of Maude Wolfe, R.Ph. dated February 3, 1987.
- (2) Exhibit #B - Notice of Opportunity in the matter of Jones Drug dated November 21, 1986.
- (3) Exhibit #C - Letter from Maude Wolfe received December 8, 1986.
- (4) Exhibit #D - Letter dated February 24, 1987 from Maude Wolfe.
- (5) Exhibit #1 - Application for Registration as a distributor of dangerous drugs received October 6, 1986 in the name of Jones Drugs, Inc.
- (6) Exhibit #2 - Statement dated 9/17/86 by Rebecca Wolfe.
- (7) Exhibit #3 - Statement dated August 28, 1986 by Nancy Collins.
- (8) Exhibit #4 - Prescriptions - RX#135688; RX#135689; RX#135690; RX#135691; RX#135692; RX#135693; RX#135694; RX#135695; RX#135696; RX#135697; RX#135698; RX#135699; RX#135700; RX#135701; RX#135702; RX#135703; RX#135704; RX#135705. Prescription vials - RX#135704 for Tylenol #3 in the name of patient Cheryl Douglass containing 60 tablets; RX#135693 for Tetracycline 250 mg. in the name of patient Cheryl Douglass containing 40 tablets.
- (9) Exhibit #5 - RX#135704 and RX#135698.
- (10) Exhibit #6 - RX#135702 for Dalmane 30 mg. in the name of patient Cheryl Douglass containing 30 capsules.

- (11) Exhibit #7 - Application for Registration as a distributor of dangerous drugs received October 6, 1986 in the name of Jones Drugs, Inc.
- (12) Exhibit #8 - Board's Order in the matter of Maude A. Wolfe, R.Ph. dated February 26, 1985.
- (13) Exhibit #9 - One amber plastic vial containing 30 tablets of Fioricet marked Sample.

FINDINGS OF FACT

- (1) On February 3, 1987, Maude A. Wolfe was notified by letter of her right to a hearing, her rights in such hearing, and her right to submit her contentions in writing.
- (2) As demonstrated by return receipt of February 4, 1987, Maude A. Wolfe received the letter of February 3, 1987 informing her of the allegations, and her rights.
- (3) Maude A. Wolfe submitted a letter, dated February 4, 1987, setting forth her position and contentions in writing.
- (4) The State Board of Pharmacy finds that the records of the Board indicate that Maude A. Wolfe is the president of Jones Drugs, Inc., an Ohio corporation doing business as Jones Drugs Inc., 3761 Main Street, Mineral Ridge, Ohio 44440, Terminal Distributor of Dangerous Drugs License No. 02-162200; that Maude A. Wolfe is registered as Ohio Pharmacist No. 03-3-08558; and, that Maude A. Wolfe was the responsible pharmacist required by Section 4729.55 of the Revised Code for Jones Drug Inc., 3761 Main Street, Mineral Ridge, Ohio 44440, Terminal Distributor of Dangerous Drugs License No. 02-162200.
- (5) The State Board of Pharmacy finds that Jones Drug Inc., 3761 Main Street, Mineral Ridge, Ohio 44440, has maintained, since August 18, 1986, dangerous drugs in a place other than that described in the license issued by the Board of Pharmacy, to wit: the pharmacy and its inventory were moved to 3795 Main Street on or about August 18, 1986. Such conduct is prohibited by Division (E) of Section 4729.51 of the Revised Code.
- (6) The State Board of Pharmacy finds that Maude A. Wolfe, between the dates of August 25, 1986 and August 28, 1986, did not have in full and actual charge of the pharmacy which the corporation conducts or manages, a pharmacist registered under the laws of this state, to wit: Nancy Collins, a person not registered under the laws of this state, was in full and actual charge of the pharmacy that was being operated at 3795 Main Street, a place or establishment not registered as a terminal distributor of dangerous drugs. Such conduct is prohibited by Sections 4729.27 and 4729.55 of the Revised Code.

- (7) The State Board of Pharmacy finds that, between the dates of August 25, 1986 and August 28, 1986, an agent or employee of the corporation did dispense drugs and dangerous drugs without being registered to practice pharmacy under the laws of this state, to wit: Nancy Collins did dispense the following prescriptions:

<u>Rx No.</u>	<u>Drug</u>	<u>Date Issued</u>	<u>Date Dispensed</u>
135688	Tylenol with Codeine #3	08/25/86	?
135689	Parafon Forte	08/25/86	?
135690	V-Cillin K 250mg	08/26/86	?
135691	Bentyl 10mg	08/26/86	?
135692	Metamucil	08/26/86	?
135693	Tetracycline 250mg	08/25/86	08/25/86
135694	Ampicillin 250	08/26/86	?
135695	Stuart Natal 1+1	08/26/86	?
135696	Retin-A Cream 0.05%	08/25/86	?
135697	Eryc Capsules 250mg	08/25/86	?
135698	Darvocet N100	?	?
135699	Naldecon	?	08/27/86
135700	V-Cillin K 250	08/25/86	?
135701	Coumadin 2.5	08/25/86	?
135702	Dalmane 30mg	?	08/27/86
135703	Pred Forte Opthal Sol.	08/28/86	?
135704	Tylenol #3	?	08/28/86
135705	Zovirax Oint 5%	?	?

Such conduct is in violation of Section 4729.28 of the Revised Code.

- (8) The State Board of Pharmacy finds that, on one or more occasions between the dates of August 25, 1986 and August 28, 1986, sales of Schedule III and IV controlled substances were made by an employee of the corporation at Jones Drugs, Inc., 3795 Main Street, Mineral Ridge, Ohio 44440, in amounts less than the minimum bulk amount as defined in Section 2925.01 of the Revised Code, in that Nancy Collins, an employee of the corporation, did sell the following controlled substances without being registered to practice pharmacy pursuant to Chapter 4729. of the Revised Code:

<u>Rx No.</u>	<u>Controlled Substance</u>	<u>Quantity Sold</u>
135688	Tylenol with Codeine #3	32
135704	Tylenol with Codeine #3	60
135693	Darvocet N100	30

Such conduct was not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(1) of the Revised Code.

- (9) The State Board of Pharmacy finds that, on or about August 27, 1986, an agent or employee of the corporation did sell a Schedule IV controlled substance in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount as defined in Section 2925.01 of the Revised Code, in that Nancy Collins, an employee of the corporation, did sell 30 capsules of Dalmane-30mg without being registered to practice pharmacy pursuant to Chapter 4729. of the Revised Code. Such conduct was not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(5) of the Revised Code.
- (10) The State Board of Pharmacy finds that Maude A. Wolfe, as the responsible pharmacist and president of the corporation which operates the pharmacy, did not keep records of filling or refilling prescriptions pursuant to the provisions of Ohio Administrative Code Rule 4729-5-12, and Section 1306.22 of the Code of Federal Regulations, to wit:

<u>Rx No.</u>	<u>Drug</u>	<u>Date Issued</u>	<u>Date Dispensed</u>
135688	Tylenol with Codeine #3	08/25/86	?
135689	Parafon Forte	08/25/86	?
135690	V-Cillin K 250mg	08/26/86	?
135691	Bentyl 10mg	08/26/86	?
135692	Metamucil	08/26/86	?
135693	Tetracycline 250mg	08/25/86	08/25/86
135694	Ampicillin 250	08/26/86	?
135695	Stuart Natal 1+1	08/26/86	?
135696	Retin-A Cream 0.05%	08/25/86	?
135697	Eryc Capsules 250mg	08/25/86	?
135698	Darvocet N100	?	?
135699	Naldecon	?	08/27/86
135700	V-Cillin K 250	08/25/86	?
135701	Coumadin 2.5	08/25/86	?
135702	Dalmane 30mg	?	08/27/86
135703	Pred Forte Ophthal Sol.	08/28/86	?
135704	Tylenol #3	?	08/28/86
135705	Zovirax Oint 5%	?	?

- (11) The State Board of Pharmacy finds that Maude A. Wolfe, as the responsible pharmacist and president of the corporation doing business as Jones Drug, Inc., did make a false material statement in an application for a license as a terminal distributor of dangerous drugs, in that Ms. Wolfe answered "No" to the question as to whether or not the applicant has ever been charged or convicted of a violation of Section 4729.51 of the Ohio Revised Code; the "Federal Food, Drug, and Cosmetic Act"; Federal Controlled Substance Act; Ohio's Pure Food, Drug, and Cosmetic Act; or, Chapter 2925., 3719., or 4729. of the Ohio Revised Code.

- (12) The State Board of Pharmacy finds that Maude A. Wolfe was found in violation of Sections 4729.12 and 4729.28 of the Revised Code by the Ohio State Board of Pharmacy on or about February 26, 1985.
- (13) The State Board of Pharmacy finds that Maude A. Wolfe, or employees of the corporation, did cause the misbranding of drugs held for sale, in that samples of Fioricet were obtained from an unknown pharmaceutical representative and removed from their original containers. Such conduct is prohibited by Sections 3715.52(B) and 3719.81(A)(2) of the Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (5) through (10), and (13) of the Findings Of Fact constitutes willful violations of the provisions of Chapters 2925., 3715., 3719., and 4729. of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (6) through (9) of the Findings Of Fact constitutes permitting someone other than a pharmacist or pharmacy intern to practice pharmacy.
- (3) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (10) and (11) of the Findings Of Fact constitutes unprofessional conduct in the practice of pharmacy.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, 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, 65 S. Front Street, Room 504, Columbus, Ohio 43266-0320, with the enclosed form.

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.

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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.

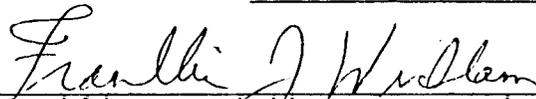
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt

ORDER ISSUED: August 21, 1987

FZW/sb

By 
Franklin Z. Wickham, Executive Director

cc: Yvette McGee, Assistant Attorney General