



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-900907-017)

In The Matter Of:

DUANE I. EVERSON, R.Ph.
Rt. 1, Box 887
Belpre, Ohio 45714
(R.Ph. No. 03-3-09228)

THE MATTER OF DUANE I. EVERSON CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON OCTOBER 23, 1990. MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

State's Exhibits

- (1) Exhibit A - Notice of Opportunity letter dated September 7, 1990.
- (2) Exhibit 1 - Pharmacist File Front Sheet for Duane Ivan Everson showing original date of registration as August 4, 1969.
- (3) Exhibit 2 - Terminal Distributor Renewal Application of Barlow Pharmacy showing Duane Ivan Everson as the responsible pharmacist dated December 22, 1989.
- (4) Exhibit 3 - Pharmacist Renewal Application for Duane I. Everson dated September 9, 1969.
- (5) Exhibit 4 - Pharmacist Renewal Application for Duane I. Everson dated September 27, 1979.
- (6) Exhibit 5 - Pharmacist Renewal Application for Duane I. Everson received September 30, 1982.
- (7) Exhibit 6 - Pharmacist Renewal Application for Duane I. Everson dated July 28, 1985.
- (8) Exhibit 6A - Prescriptions 12524 and 12605.
- (9) Exhibit 7 - Pharmacist Renewal Application for Duane I. Everson dated August 26, 1988.
- (10) Exhibit 7A - Prescription 28237.

Findings Of Fact

- (1) On September 7, 1990, Duane I. Everson was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.

- (2) As demonstrated by return receipt of September 8, 1990, Duane I. Everson received the letter of September 7, 1990 informing him of the allegations regarding the late renewal of his pharmacist license, and his rights.
- (3) Duane I. Everson has not responded in any manner to the letter of September 7, 1990, and has not requested a hearing in this matter.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Duane I. Everson has been licensed to practice pharmacy in Ohio since August 4, 1969, pursuant to examination, and is the Responsible Pharmacist at Barlow Pharmacy, St. Rt. 550 and Co. Rd. 805, Barlow, Ohio, pursuant to Section 4729.27 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (5) Upon consideration of the record as a whole, the State Board of Pharmacy finds that Duane I. Everson did, on or about the following dates, allow his personal identification card and license to practice pharmacy to lapse:

<u>From</u>	<u>To</u>
September 15, 1976	September 22, 1976
September 15, 1979	October 16, 1979
September 15, 1982	October 5, 1982
September 15, 1985	October 3, 1985
September 15, 1988	October 21, 1988

- (6) Upon consideration of the record as a whole, the State Board of Pharmacy finds that Duane I. Everson did, on or about the following dates, while not being a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, dispense dangerous drugs, to wit: after allowing his license to lapse and prior to its renewal, Duane I. Everson practiced pharmacy by filling prescriptions:

<u>From</u>	<u>To</u>
September 15, 1976	September 22, 1976
September 15, 1979	October 16, 1979
September 15, 1982	October 5, 1982
September 15, 1985	October 3, 1985
September 15, 1988	October 21, 1988

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

Conclusion Of Law

- (1) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings Of Fact constitute willfully violating, conspiring to violate, attempting to violate, or 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.

Action Of The Board

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-3-09228, held by Duane I. Everson:

(A) The State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00), 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.

(B) The State Board of Pharmacy hereby suspends the pharmacist identification card held by Duane I. Everson for two years. Further, the Board will set aside the suspension provided that Duane I. Everson:

- (1) successfully completes the Jurisprudence examination offered by the Board;
- (2) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and
- (3) abides by the rules of the State Board of Pharmacy.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Duane I. Everson'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 two years.

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.

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.

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Order of the Board

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 497 578 757

ORDER MAILED: DECEMBER 18, 1990

FZW/sb

By *Franklin Z. Wickham*
Franklin Z. Wickham, Executive Director

cc: Jeanny Eaton, Assistant Attorney General