



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-890710-003)

In The Matter Of:

WALTER P. MOORE, R.Ph.
3683 Atherstine Road
Cleveland Heights, Ohio 44121
(R.Ph. No. 03-3-09686)

INTRODUCTION

THE MATTER OF WALTER P. MOORE CAME TO HEARING ON JANUARY 23, 1990 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY MOORE, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

WALTER P. MOORE WAS REPRESENTED BY JAMES HEWITT, AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Franklin Z. Wickham - Board of Pharmacy

Respondent's Witnesses:

- (1) Walter P. Moore - Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated July 10, 1989.
(2) Exhibit B - Request for Hearing letter dated August 1, 1989.
(3) Exhibit C - Hearing Schedule letter dated August 8, 1989.
(4) Exhibit D - Request for reschedule of hearing letter dated October 23, 1989.
(5) Exhibit E - Hearing Schedule letter dated October 19, 1989.
(6) Exhibit F - Letter from Edward C. Coaxum, Jr., Attorney for Respondent, dated January 9, 1990.

- (7) Exhibit 1 - Pharmacist front sheet for Walter Prentis Moore showing original licensure date of October 26, 1970.
- (8) Exhibit 2 - Pharmacist renewal applications for Walter P. Moore for 1974, 1980, 1982, and 1988; Continuing Education Report Form for Walter P. Moore for 1988.
- (9) Exhibit 3 - Prescription 92875 from L. Morris Jones, M.D., dated 9/15/88.
- (10) Exhibit 4 - Prescription 92971 from C. B. Johnson, M.D., dated 9/22/88.
- (11) Exhibit 5 - Prescription 93592 from Dr. H. L. Stiggers, dated 10/01/88.
- (12) Exhibit 6 - Prescription 93677 from Billy L. Brown, M.D., dated 9/21/88.
- (13) Exhibit 7 - Prescription 93909 from Dr. H. L. Stiggers, dated 10/04/88.
- (14) Exhibit 8 - Prescription 94016 from Richter, M.D., dated October 5, 1988.

Respondent's Exhibits:

- (1) Exhibit A - Copy of canceled check number 901 from Walter P. Moore to the Treasurer State of Ohio for thirty-three dollars and fifty cents, dated 8/23/88.
- (2) Exhibit B - Copy of Notification of Incomplete Application for Renewal for Walter P. Moore, dated September 6, 1988.
- (3) Exhibit C - Copy of Notification of Incomplete Application for Renewal for Walter P. Moore.
- (4) Exhibit D - Copy of Envelope mailed to Walter P. Moore with address corrected.
- (5) Exhibit E - Copy of Voucher From Merrill Lynch showing check number 901 to the Treasurer of State.
- (6) Exhibit F - Copy of letter mailed to Walter P. Moore from the Ohio State Board of Pharmacy dated January 14, 1983.
- (7) Exhibit G - Copy of letter mailed to Walter P. Moore from the Ohio State Board of Pharmacy dated April 28, 1983.
- (8) Exhibit H - Copy of checking account receipt from the Ameritrust Company for Walter P. Moore.
- (9) Exhibit I - Billing from Allnet Communication Services, Inc. showing call made to Columbus, Ohio on 10/12 to number 614-466-4143.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Walter P. Moore was initially registered as a pharmacist in Ohio pursuant to reciprocity on October 26, 1970, and has been practicing pharmacy since that date. Records further indicate that Mr. Moore's license has lapsed through the following dates:

<u>FROM</u>	<u>TO</u>
09-16-88	10-06-88
09-16-80	09-23-80
09-16-74	10-15-74

During the time period of September 16, 1988 through October 6, 1988, Mr. Moore was practicing pharmacy at Eddy Road Pharmacy, 13704 Euclid Avenue, Cleveland, Ohio 44112.

- (2) From the evidence presented, the State Board of Pharmacy finds that Walter P. Moore did, on or about September 23, 1988, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Mr. Moore dispensed 14 tablets of Tenuate Dospan 75mg, a Schedule IV controlled substance. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Walter P. Moore did, on or about September 24, 1988, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Mr. Moore dispensed 40 tablets of Oxycodone w/APAP 5/325mg, a Schedule II controlled substance. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Walter P. Moore did, on or about October 1, 1988, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Mr. Moore dispensed 20 capsules of Mepergan Forte, a Schedule II controlled substance. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Walter P. Moore did, on or about October 3, 1988, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Mr. Moore dispensed 30 tablets of Xanax .5mg, a Schedule IV controlled substance. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that Walter P. Moore did, on or about October 4, 1988, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Mr. Moore dispensed 50 tablets of Percodan, a Schedule II controlled substance. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.