
STATE BOARD OF PHARMACY

THE STATE BOARD OF PHARMACY

vs

LINDA A. LINDE, R.Ph.

THE MATTER OF LINDA A. LINDE, DOCKET NO. 6-179-3, CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON FRIDAY, JUNE 27, 1986 AS A RESULT OF THE REPORT AND RECOMMENDATION SUBMITTED TO THE BOARD BY HEARING OFFICER AND BOARD MEMBER GERALD M. CLOUSE. MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

The State Board of Pharmacy hereby agrees with and adopts the Findings Of Fact set forth in the Report and Recommendation of Hearing Officer and Board Member Gerald M. Clouse, as follows:

- (1) Linda A. Linde, as the responsible pharmacist pursuant to Section 4729.55 of the Revised Code and the pharmacist in full and actual charge pursuant to Ohio Revised Code Section 4729.27 for Drug King, Inc., doing business as Warehouse Drug #7, Terminal Distributor of Dangerous Drugs License No. 02-417200, between the dates of April 1, 1983 and November 26, 1984, is responsible for compliance with all state and federal laws regulating the distribution of drugs and the practice of pharmacy.
- (2) Warehouse Drug #7, between the dates of September 1, 1983 and September 18, 1984, did receive in commerce misbranded drugs, hold and offer for sale, and sell misbranded drugs, to wit: misbranded drugs were purchased on at least 26 different occasions from Tri-State Pharmaceutical, 625 N. Wayne, Cincinnati, Ohio, in plastic prescription vials and/or plastic bags and were dispensed to patients pursuant to written or oral prescriptions. Such conduct is in violation of Ohio Revised Code Section 3715.64(A) and is prohibited by Section 3715.52 of the Ohio Revised Code.
- (3) Warehouse Drug #7, between the dates of September 1, 1983 and September 7, 1984, did receive in commerce misbranded drugs, hold and offer for sale, and sell misbranded drugs, to wit: drugs were purchased on at least 24 different occasions from Tri-State Pharmaceutical, 625 N. Wayne, Cincinnati, Ohio, and were dispensed to

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patients pursuant to written or oral prescriptions. These drugs were misbranded; in that, they were labeled as "clinic packs" and/or as "samples" and, therefore, were false and misleading when sold at retail. Such conduct is in violation of Ohio Revised Code Sections 3715.64(A) and 3719.81, and is prohibited by Sections 2925.36 and 3715.52 of the Ohio Revised Code.

Conclusion Of Law

The State Board of Pharmacy hereby agrees with and adopts the Conclusions Of Law set forth in the Report and Recommendation of Hearing Officer and Board Member Gerald M. Clouse, as follows:

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) and (3) of the Findings Of Fact constitutes aiding and abetting the violations of the provisions of Chapters 2925., 3715., and 3719. of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusion Of Law set forth above, the State Board of Pharmacy hereby agrees with and adopts the recommendation for action set forth in the Report and Recommendation of Hearing Officer and Board Member Gerald M. Clouse. Therefore, the State Board of Pharmacy takes the following actions concerning the pharmacist license held by Linda A. Linde:

(A) On the basis of the Conclusion Of Law set forth above, the State Board of Pharmacy hereby places on probation the pharmacist identification card held by Linda A. Linde, and imposes a monetary penalty of one thousand dollars (\$1,000.00).

(B) Further, the Board suspends the one thousand dollar monetary penalty imposed in paragraph (A) above, on condition that Linda A. Linde:

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

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.