

**ORDER OF THE STATE BOARD OF PHARMACY**

(Docket No. D-000111-040)

In The Matter Of:

**PATRICIA McCANN PARKS, R.Ph.**

2114 Shawnee Drive  
Defiance, Ohio 43512  
(R.Ph. No. 03-3-11697)

INTRODUCTION

THE MATTER OF PATRICIA McCANN PARKS CAME FOR HEARING ON AUGUST 9, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, 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.

PATRICIA McCANN PARKS WAS REPRESENTED BY MARK D. SCHNITKEY, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) David Avery, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Patricia M. Parks, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of four-page Summary Suspension Order/Notice of Opportunity for Hearing letter dated January 11, 2000.
- (2) Exhibit 1A--Hearing Request letter dated January 24, 2000.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated February 2, 2000.
- (4) Exhibit 1C--Continuance Request letter dated February 22, 2000.
- (5) Exhibit 1D--Copy of letter from William T. Winsley dated February 29, 2000.
- (6) Exhibit 1E--Letter from Patricia McCann Parks dated March 3, 2000.
- (7) Exhibit 1F--Copy of Hearing Schedule letter dated March 17, 2000.
- (8) Exhibit 1G--Copy of Hearing Schedule letter dated July 25, 2000.
- (9) Exhibit 1H--Copy of Pharmacist File Front Sheet of Patricia L. McCann Parks showing original date of registration on August 4, 1976; and two-page copy of Renewal Application for Pharmacist License, No. 03-3-11697, for a license to practice pharmacy in Ohio from September 15, 1999, to September 15, 2000, of Patricia McCann Parks dated August 14, 1999.
- (10) Exhibit 1I--Copy of three-page Order of the State Board of Pharmacy, Docket No. D-920320-129, in the matter of Patricia McCann Parks effective August 11, 1992, and attached Monetary Penalty Transmittal Form.

- (11) Exhibit 1J--Copy of Representation letter from Mark D. Schnitkey dated June 26, 2000.
- (12)
- (13) Exhibit 3--Release of Records Statement pursuant to Sections 3719.18 and 2925.03 of the Ohio Revised Code to Defiance Hospital regarding Patricia M. Parks by David D. Avery dated April 13, 2000; and attached copy of Defiance Hospital Toxicology Screen of Patricia L. Parks with a collection date of August 15, 1999.
- (14) Exhibit 4--Statement of William H. Richter, M.D. signed and notarized on April 13, 2000.
- (15) Exhibit 5--Statement of Belinda Renno, R.Ph. signed and notarized on November 2, 1999.
- (16) Exhibit 6--Statement of Mark Marenberg, R.Ph. signed and notarized on April 19, 2000.
- (17) Exhibit 7--Accountability Statement for hydrocodone 10/650 tablets (generic Lorcet) dated October 29, 1999; Number Purchased Accountability Sheet for hydrocodone 10/650 dated October 29, 1999; and Flow-Chart for hydrocodone 10/650 tablets (generic Lorcet) dated from April 4, 1999, through October 29, 1999.
- (18) Exhibit 8--Accountability Statement for hydrocodone 7.5/500 tablets (generic Lortab) dated October 29, 1999; Number Purchased Accountability Sheet for hydrocodone 7.5/500 dated October 29, 1999; Patients Per Drug Report for hydrocodone/APAP/7.5/500 dated from April 4, 1999, through October 29, 1999; and Flow-Chart for hydrocodone 7.5/550 tablets (generic Lortab) dated from April 4, 1999, through October 29, 1999.
- (19) Exhibit 9--Accountability Statement for hydrocodone 7.5/750 tablets (generic Vicodin ES) dated October 29, 1999; Number Purchased Accountability Sheet for hydrocodone 7.5/750 dated October 29, 1999; Patients Per Drug Report for hydrocodone/APAP/7.5/750 dated from April 4, 1999, through October 29, 1999; and two-page Flow-Chart for hydrocodone 7.5/750 tablets (generic Vicodin ES) dated from April 4, 1999, through October 29, 1999.
- (20) Exhibit 10--Accountability Statement for hydrocodone 5/500 tablets (generic Vicodin) dated October 29, 1999; Number Purchased Accountability Sheet for hydrocodone 5/500 dated October 29, 1999; eight pages of Patients Per Drug Report for hydrocodone/APAP/5/500 dated from April 4, 1999, through November 1, 1999; and six-page Flow-Chart for hydrocodone 5/500 tablets (generic Vicodin) dated from April 4, 1999, through October 29, 1999.
- (21) Exhibit 11--Accountability Statement for Vicoprofen 7.5mg tablets dated October 29, 1999; Number Purchased Accountability Sheet for Vicoprofen 7.5mg dated October 29, 1999; Patients Per Drug Report for Vicoprofen/7.5/200 dated from April 4, 1999, through October 29, 1999; and two-page Flow-Chart for Vicoprofen 7.5mg tablets dated from April 4, 1999, through October 29, 1999.
- (22) Exhibit 12--Handwritten statement of Patricia Parks, R.Ph. signed and notarized on November 23, 1999.
- (23)

Respondent's Exhibits:

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)

- (8) Exhibit H--Copy of letter from Leila Allen dated August 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)
- (2)
- (3)

#### CONCLUSIONS OF LAW

- (1)
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes 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 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Patricia McCann Parks:

- (A)
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-3-11697, held by Patricia McCann Parks effective as of the date of the mailing of this Order.
- (C) 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 revokes the pharmacist identification card, No. 03-3-11697, held by Patricia McCann Parks effective as of the date of the mailing of this Order.

Pursuant to Section 4729.16(B) of the Ohio Revised Code, Patricia McCann Parks 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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-4/Nay-3).  
MOTION CARRIED.  
SO ORDERED.



# OHIO STATE BOARD OF PHARMACY

77 South High Street, 17th Floor; Columbus, Ohio 43266-0320

-Equal Opportunity Employer and Service Provider-

PHONE: 614/466-4143

FAX: 614/752-4836

E-MAIL: [exec@bop.state.oh.us](mailto:exec@bop.state.oh.us)

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

URL: <http://www.state.oh.us/pharmacy/>

## SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

January 11, 2000

Patricia McCann Parks  
2114 Shawnee Drive  
Defiance, Ohio 43512

Re: Ohio Registered Pharmacist  
Number 03-3-11697

Dear Ms. Parks:

In accordance with Section 3719.121(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. Further, 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 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) Records of the Board of Pharmacy indicate that you were originally licensed in the state of Ohio on August 4, 1976, pursuant to examination and are currently licensed to practice pharmacy in the state of Ohio. Records further indicate that the Board took action against your license, No. 03-3-11697, on August 11, 1992, for theft and theft of drugs.
- (2) You are addicted to liquor or drugs or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy; to wit: during the four month period of your employment at Antwerp Pharmacy, you have stolen drugs without having prescriptions. You were admitted to the emergency room at Defiance Hospital on August 15, 1999, for "dizziness". You have admitted that you "have a problem with hydrocodone". You have made numerous prescription errors; you have been rude to the customers; and, you frequently showed up late for work. As a result of such conduct, you were terminated by two employers, Antwerp Pharmacy, in Antwerp, Ohio, and Village Apothecary Pharmacy in Paulding, Ohio. Such conduct indicates that you fall within the ambit of Sections 3719.121(A); 3719.121(B); and, 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, from on or about April 4, 1999, through October 29, 1999, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Antwerp Pharmacy, beyond the express or implied consent of the owner and/or by deception, to wit: you stole the following controlled substances from your employer:

Drug

Quantity

Hydrocodone 10 mg/APAP 650 mg	18
Hydrocodone 7.5 mg/APAP 500 mg	50
Hydrocodone 7.5 mg/APAP 750 mg	83
Hydrocodone 5 mg/APAP 500 mg	540
Vicodin 5 mg/500 mg	10
Bancap 5 mg/500 mg	5
Vicoprofen 7.5mg	25
Hydrocodone/Homatropine syrup	180 ml (6 oz)
Codal-DH syrup	360 ml (12 oz)
Codiclear DH syrup	30 ml (10z)

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(A) of the Ohio Revised Code states, in pertinent part: “any ... pharmacist, ... who is or becomes addicted to the use of controlled substances, shall be suspended by the board that authorized the person’s license, certificate, or registration...” Additionally, Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

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

(B) If the board under which a person has been issued a license, . . . , . . . 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, the board may suspend the person’s license, . . . , . . . , without a prior hearing.

WHEREFORE, PURSUANT TO SECTIONS 3719.121(A) and (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 until an adjudicatory hearing has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, 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 under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio 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 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;
- (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 30 days of the time of the mailing of this notice, such will be afforded. Such request shall be mailed to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320. 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 FURTHER ADVISED that if you do not request such a hearing within thirty (30) days of the mailing of this notice, the 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.

BY ORDER OF THE STATE BOARD OF PHARMACY

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