



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-920512-141)

In The Matter Of:

MICHAEL F. NOONAN, R.Ph.
12430 Deer Creek, Apt. 104
North Royalton, Ohio 44133
(R.Ph. No. 03-3-11754)

Introduction

THE MATTER OF MICHAEL F. NOONAN CAME TO HEARING ON JUNE 22, 1992 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: BETTY J. NICHOL, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; NORMAN D. LEIBOW, R.Ph.; TIMOTHY D. MOORE, R.Ph.; RUTH A. PLANT, R.Ph.; AND JOSEPH R. SABINO, R.Ph.

MICHAEL F. NOONAN WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Michael F. Noonan, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Notice of Failure to Comply letter dated November 12, 1991 and mailed November 12, 1991.
- (2) Exhibit 2 - Second Request Notice of Failure to Comply letter dated November 12, 1991 and mailed January 2, 1992.
- (3) Exhibit 3 - Third Request Notice of Failure to Comply letter dated November 12, 1991 and hand-delivered by Jim Reye, Ohio State Board of Pharmacy, on February 5, 1992.
- (4) Exhibit 4 - Notice of Opportunity for Hearing letter dated May 12, 1992 and hand-delivered by Jim Reye, Ohio State Board of Pharmacy, on May 21, 1992.
- (5) Exhibit 5 - Ohio State Board of Pharmacy Continuing Pharmacy Education Report Form of Michael F. Noonan dated August 11, 1991.

- (6) Exhibit 6 - Hearing Request letter dated June 6, 1992.
- (7) Exhibit 7 - Hearing Schedule letter dated June 12, 1992.

Respondent's Exhibits:

- (1) Exhibit A - Eleven continuing pharmaceutical education certificates as follows: "2nd Gen. Calcium Channel Blockers", Program No. 689-356-91-022, dated July 3, 1991; "Panic Disorder: A Pharmacist's Guide", Program No. 680-056-90-136, dated March 19, 1992; "Generic Drug Utilization", Program No. 680-002-91-007, dated July 24, 1992; "Precise Levothyroxine Therapy", Program No. 680-018-91001, dated March 30, 1992; "Anxiety Disorders: 362", Program No. 679-003-90-015, dated October 8, 1991; "Treatment of Anxiety Disorders", Program No. 036-124-91-07, dated October 8, 1991; "Practical Aspects of Diabetes Care - Type II", Program No. 680-302-90-080, dated June 12, 1992; "Contact Dermatitis", Program No. 189-761-91-005, dated March 9, 1992; "Saving Lives: Pharmacists", Program No. 189-358-92-003, dated May 1, 1992; "Pediatric Enuresis", Program No. 036-124-91-08 dated November 12, 1991; and "Treatment of Hypertension in the Elderly", Program No. 036-124-92-03, dated March 10, 1992.

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that on or about August 11, 1991, Michael F. Noonan submitted a Continuing Pharmacy Education Report Form as documentation of completing the required four and one-half (4.5) CEU's of continuing pharmacy education, with the application for renewal of a pharmacist identification card.
- (2) From the evidence presented, the State Board of Pharmacy finds that Michael F. Noonan did not respond to the original audit request dated October 11, 1991, nor the notification dated November 11, 1991 giving him thirty days to comply before receiving the Notice of Opportunity for a Hearing before the Board.
- (3) From the evidence presented, the State Board of Pharmacy finds that Michael F. Noonan has not submitted the required proof of continuing pharmacy education as claimed by him for renewal of his pharmacist identification card.
- (4) From the evidence presented, the State Board of Pharmacy finds that Michael F. Noonan has not continued his pharmacy education as required by Section 4729.12 of the Ohio Revised Code and in accordance with Chapter 4729-7 of the Ohio Administrative Code.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (1) through (4) 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.

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- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (4) of the Findings Of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of sections 3715.52 to 3715.52 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. 03-3-11754, held by Michael F. Noonan:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the identification card held by Michael F. Noonan indefinitely.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, 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.

(C) Further, the identification card of Michael F. Noonan may be reinstated after sixty (60) days if the following stipulations have been met:

(1) Michael F. Noonan must submit evidence of successful completion of 4.5 CEU's of approved continuing pharmacy education.

(2) These hours submitted may not be used to fulfill this three-year cycle of continuing pharmacy education requirement due August 1, 1994.

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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-0).

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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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.

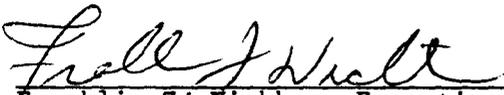
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section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

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 749 728 879

ORDER MAILED: August 11, 1992

FZW/so

By 
Franklin Z. Wickham, Executive Director

cc: Ronda Anderson, Assistant Attorney General