



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-880601-226)

In The Matter Of:

RONALD HAROLD HAVER, R.Ph.
3637 Sunset Drive
Upper Arlington, Ohio 43221

INTRODUCTION

THE MATTER OF RONALD HAROLD HAVER CAME TO HEARING ON JUNE 28, 1988 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: NORMAN LEIBOW, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND JEROME WIESENHAHN, R.Ph.

RONALD HAROLD HAVER WAS REPRESENTED BY JAMES D. COLNER, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) William Padgett, Board of Pharmacy
- (2) Fred Williams, Board of Pharmacy
- (3) Ronald Haver, R.Ph.

Defendant's Witnesses:

- (1) Jack Beal
- (2) Edward Salser
- (3) Ray Lok
- (4) Donald Scott Halka

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity dated June 1, 1988 in the matter of Ronald Harold Haver, R.Ph.
- (2) Exhibit B - Request for hearing dated June 6, 1988.

RONALD HAROLD HAVER, R.Ph.

Page Two

Order of the Board

- (3) Exhibit C - Hearing schedule letter dated June 7, 1988.
- (4) Exhibit D - Application for annual license renewal as a pharmacist for Ronald Haver for licensure year 1987-1988.
- (5) Exhibit 1 - Certification of licensure as a pharmacist/non-certification of license as a terminal distributor of dangerous drugs/wholesale distributor of dangerous drugs.
- (6) Exhibit 2 - 288 tablets Ery-tab 500mg.
- (7) Exhibit 3 - 20 tablets Erythromycin 250mg.
- (8) Exhibit 4 - Statement of Ronald Haver dated November 24, 1987.
- (9) Exhibit 5 - Five checks showing payment from Stoltz Leader Drug to Ronald Haver.
- (10) Exhibit 6 - Letter dated February 1, 1988 from Abbott Labs.
- (11) Exhibit 7 - Judgment Entry in the matter of Ronald Haver, Athens County Court of Common Pleas.
- (12) Exhibit 8 - Transcript of meeting between Fred Williams and Bill Padgett of the Ohio State Board of Pharmacy and Ronald Haver.

Respondent's Exhibits:

(None)

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Ronald Harold Haver did, between January 16, 1986 and April 3, 1987 while employed by Abbott Laboratories, 14th & Sheridan Road, North Chicago, IL 60064, willfully violate, and aid and abet the violation of, Ohio Revised Code Sections 3715.52 and 4729.51, to wit: Ronald Harold Haver did sell the following misbranded dangerous drugs at wholesale to Stoltz Leader Drug, 40 Watkins Street, Nelsonville, Ohio 45764 while not registered as a wholesale or terminal distributor of dangerous drugs nor employed by a licensed terminal distributor of dangerous drugs: One (1) clear plastic bag containing two unit-of-use packages labeled ERY-TAB 500mg and containing 286 unlabeled pink, oblong tablets bearing the markings "[Abbott logo] ED." These markings have been identified as the imprints used by Abbott Laboratories to identify their product, ERY-TAB 500mg. These drugs are thus misbranded as defined by Section 3715.64 of the Revised Code. Such conduct is prohibited by Sections 3715.52 and 4729.51 of the Ohio Revised Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Ronald Harold Haver did, between January 16, 1986 and April 3, 1987 while employed by Abbott Laboratories, 14th & Sheridan Road, North Chicago, IL 60064, obtain the following dangerous drugs by commission of a theft offense as defined in Section 2913.01 of the Revised Code:

<u>Name of Drug</u>	<u>Strength</u>	<u>Size of Package</u>	<u>Number of Packages</u>
Erytab 250	250mg	100's	25
Erytab 333	333mg	100's	40
Erytab 500	500mg	100's	15
EES 400	400mg	100's	50 or 60
K-Lor		30's	2
Optilet M-500		100's	3

Such conduct is prohibited by Sections 2925.21 of the Ohio Revised Code.

- (3) From the evidence presented, the State Board of Pharmacy finds that Ronald Harold Haver did, between January 16, 1986 and April 3, 1987 while employed by Abbott Laboratories, 14th & Sheridan Road, North Chicago, IL 60064, willfully violate and aid and abet the violation of Ohio Revised Code Section 4729.51, to wit: Ronald Harold Haver did sell the following dangerous drugs at wholesale to Stoltz Leader Drug, 40 Watkins Street, Nelsonville, Ohio 45764 while Mr. Haver was not registered as a wholesale or terminal distributor of dangerous drugs or employed by a licensed distributor of dangerous drugs:

<u>Name of Drug</u>	<u>Strength</u>	<u>Size of Package</u>	<u>Number of Packages</u>
Erytab 250	250mg	100's	25
Erytab 333	333mg	100's	40
Erytab 500	500mg	100's	15
EES 400	400mg	100's	50 or 60
K-Lor		30's	2
Optilet M-500		100's	3

Such conduct is prohibited by Section 4729.51 of the Ohio Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Ronald Harold Haver, on May 5, 1988 in Athens County Common Pleas Court, pled guilty to Section 2925.21 of the Ohio Revised Code, Theft of Drugs, a felony of the fourth degree.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (4) of the Findings Of Fact constitutes being guilty of a felony.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (3) of the Findings Of Fact constitutes dishonesty.

- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (3) of the Findings Of Fact constitutes willful violations of the provisions of Chapters 2925., 3715., and 4729. of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-3-11856, held by Ronald Harold Haver:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of two thousand dollars (\$2,000.00).

(B) On the basis of paragraphs (2) and (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Ronald Harold Haver for 6 months.

(C) Further, the Board suspends the suspension and one thousand dollars of the monetary penalty imposed in paragraph (A) above.

The one thousand dollar monetary penalty that was not suspended in paragraph (C) above is 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.

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.

RONALD HAROLD HAVER, R.Ph.

Page Five

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

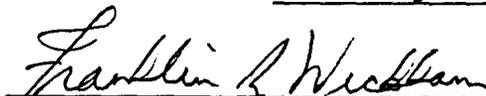
CERTIFIED MAIL

Return Receipt

ORDER ISSUED: August 22, 1988

FZW/sb

BY



Franklin Z. Wickham, Executive Director

cc: Christopher Costantini, Assistant Attorney General