



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-910830-031)

In The Matter Of:

BARBARA JEAN HARMON, R.Ph.
1580 Austin Road
Miamisburg, Ohio 45342
(R.Ph. No. 03-3-11937)

Introduction

THE MATTER OF BARBARA JEAN HARMON CAME TO HEARING ON DECEMBER 11, 1991 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.; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

BARBARA JEAN HARMON 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) Barbara Jean Harmon, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated August 30, 1991.
- (2) Exhibit B - Hearing Request letter dated September 16, 1991.
- (3) Exhibit C - Hearing Schedule letter dated October 1, 1991.
- (4) Exhibit 1 - Renewal Application For Pharmacist License Number 03-3-11937 of Barbara J. Harmon dated August 14, 1991.
- (5) Exhibit 2 - Ohio State Board of Pharmacy Order of Barbara J. Harmon, Docket No. 6-72-1, dated March 23, 1984.
- (6) Exhibit 3 - Renewal Application for a License to Practice Pharmacy in Ohio from September 15, 1989 to September 15, 1990 of Barbara J. Harmon, License No. 03-3-11937, dated July 22, 1989.

- (7) Exhibit 4 - Kettering Homecare Products, Prescription Numbers 002983 and 002988.

Respondent's Exhibits:

- (1) Exhibit A - Letter from Barbara J. Harmon dated February 22, 1990.
(2) Exhibit 1 - Two-page letter from Gerald M. Clouse dated December 5, 1991.
(3) Exhibit 2 - Letter from Barry M. Stegall dated December 5, 1991.

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Barbara Jean Harmon was initially registered as a pharmacist in the state of Ohio pursuant to examination on August 4, 1976 and is currently practicing pharmacy in Ohio.
- (2) From the evidence presented, the State Board of Pharmacy finds that, on March 23, 1984, the Board found that:
- (a) Barbara Jean Harmon did fail to renew her identification card on the fifteenth day of September, 1983, as required by Section 4729.12 of the Ohio Revised Code, when she did not renew until November 1, 1983.
- (b) Barbara Jean Harmon did fail to renew her identification card on the fifteenth day of September, 1982, as required by Section 4729.12 of the Ohio Revised Code, when she did not renew until October 4, 1982.
- (c) Barbara Jean Harmon did fail to renew her identification card on the fifteenth day of September, 1976 as required by Section 4729.12 of the Ohio Revised Code, when she did not renew until September 22, 1976.
- (d) Barbara Jean Harmon did dispense and sell dangerous drugs while not being a registered pharmacist during the lapsed dates of her pharmacist license; in violation of Section 4729.28 of the Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that, on March 23, 1984, the Board imposed a monetary penalty of six hundred dollars, and suspended five hundred dollars of the monetary penalty.
- (4) From the evidence presented, the State Board of Pharmacy finds that Barbara Jean Harmon failed to renew her identification card on the first day of December, 1989, as required by Section 4729.12 of the Ohio Revised Code, to wit: Barbara Jean Harmon did not renew until December 19, 1989.

- (5) From the evidence presented, the State Board of Pharmacy finds that Barbara Jean Harmon did, between December 2, 1989 and December 19, 1989, while practicing pharmacy at Kettering Medical Center, 3535 Southern Blvd., Kettering, Ohio 45429, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing her license to lapse, Barbara Jean Harmon compounded Prescription No. 002983 on December 11, 1989 for 1 Heparin-Flush 100U/ml 1ml tubex, and Prescription No. 002988 on December 12, 1989 for 1 Tobramycin 140mg. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

Conclusion Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) of the Findings Of Fact constitutes being guilty of violating provisions of Chapter 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 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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/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.

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.

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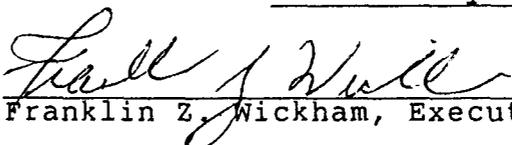
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section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

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 749 728 840

ORDER MAILED: January 31, 1992

FZW/so

By 
Franklin Z. Wickham, Executive Director

cc: Ronda Anderson, Assistant Attorney General



OHIO STATE BOARD OF PHARMACY

65 S. FRONT STREET, ROOM 504
COLUMBUS, OHIO 43215
TELEPHONE: 614/466-4143

THE STATE BOARD OF PHARMACY

VS

BARBARA J. HARMON, R.Ph.

THE MATTER OF BARBARA J. HARMON, DOCKET NO. 6-72-1, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON JANUARY 24, 1984. AFTER CONSIDERATION OF THE TESTIMONY RECEIVED AND EVIDENCE ADDUCED, MOTION WAS MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that Barbara J. Harmon did fail to renew her identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1983, when she did not renew until November 1, 1983.
- (2) From the evidence presented, the State Board of Pharmacy finds that Barbara J. Harmon did fail to renew her identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1982, when she did not renew until October 4, 1982.
- (3) From the evidence presented, the State Board of Pharmacy finds that Barbara J. Harmon did fail to renew her identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1976, when she did not renew until September 22, 1976.
- (4) From the evidence presented, the State Board of Pharmacy finds that Barbara J. Harmon did dispense and sell dangerous drugs while not being a registered pharmacist during the lapsed dates of her pharmacist license; in violation of Section 4729.28 of the Revised Code.

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Conclusions Of Law

- (1) 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 violation of more than one time of the provisions of Section 4729.12 of the Revised Code.
- (2) 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 willful violation of more than one time of Section 4729.28 of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law set forth above, the State Board of Pharmacy hereby takes the following actions concerning the registered pharmacist license of Barbara J. Harmon:

(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 one hundred dollars (\$100.00).

(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).

(C) Further, the Board suspends the one hundred dollar monetary penalty imposed in paragraph (A) above, and four hundred dollars of the five hundred dollar monetary penalty imposed in paragraph (B) above. Said one hundred dollar monetary penalty imposed to be due and owing within thirty (30) days of the issuance of this Order. Said monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 65 S. Front Street, Room 504, Columbus, Ohio 43215, 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.

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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. 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 Requested

ORDER ISSUED: March 23, 1984

FZW/sb

By Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc/John E. Breen, Assistant Attorney General