



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-980602-063)

In The Matter Of:

CLAIRE A. HARTER, R.Ph.

P.O. Box 7

603 N. Main Street

Alger, Ohio 45812

(R.Ph. No. 03-3-12039)

INTRODUCTION

THE MATTER OF CLAIRE A. HARTER CAME ON FOR CONSIDERATION ON SEPTEMBER 10, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

CLAIRE A. HARTER WAS NOT PRESENT, NOR WAS SHE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Timothy J. Benedict, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Notice of Opportunity for Hearing letter dated June 2, 1998.
(2) Exhibit 1A--Personal Delivery Record of Claire A. Harter dated July 16, 1998.
(3) Exhibit 1B--Letter from Claire A. Harter dated July 28, 1998.

- (4) Exhibit 1C--Copy of Pharmacist File Front Sheet of Claire Ann Engelhardt Harter showing original date of registration as March 29, 1977; and two-page copy of Renewal Application for Pharmacist License, No. 03-3-12039, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997, of Claire A. Harter dated August 15, 1996.
- (5) Exhibit 2--Three-page copy of Rite Aid Corporation Internal Theft Incident Report regarding Claire A. Harter.
- (6) Exhibit 3--Copy of Handwritten Statement of Claire Ann Harter dated September 19, 1994.
- (7) Exhibit 4--Copy of Rite Aid Corporation Installment Note of Claire A. Harter, not dated, and copy of note to Kris from Robin, not dated.
- (8) Exhibit 5--Copy of Putnam County Sheriff's Office Complaint Form, Report No. 96-2760, dated September 9, 1996.
- (9) Exhibit 6--Copy of seven-page Handwritten Statement of Miriam L. Miller dated September 23, 1996.
- (10) Exhibit 7--Copy of Miranda Rights form signed by Claire A. Harter on September 16, 1996.
- (11) Exhibit 8--Copy of three-page handwritten statement of Claire A. Harter dated September 16, 1996.
- (12) Exhibit 9--Copy of two-page handwritten statement of Claire A. Harter dated September 16, 1996.
- (13) Exhibit 10--Copy of Complaint in the Putnam County Court, State of Ohio vs. Claire E. Harter (*sic* Claire A. Harter), dated September, 1996.
- (14) Exhibit 11--Copy of letter from Donald L. Jerwers dated November 26, 1996.
- (15) Exhibit 12--Copy of Miller's Pharmacy Reconciliation Establishing Missing Funds dated from January 1, 1996, through September 14, 1996.
- (16) Exhibit 13--Copy of sixteen pages of Miller's Pharmacy Prescription records dated from January 1, 1996, through September 14, 1996.
- (17) Exhibit 14--Copy of letter to Miriam from Claire, not dated.
- (18) Exhibit 15--Certified copy of three-page Judgment Entry in the Putnam County Common Pleas Court, State of Ohio vs. Claire Harter, Case No. 96-CRI-00047, dated January 22, 1997; and certified copy of two-page Judgment Entry in the Putnam County Common Pleas Court, State of Ohio vs. Claire Harter, Case No. 96-CRI-00047, dated December 18, 1996.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) On June 2, 1998, Claire A. Harter was notified by letter of her right to a hearing, her rights in such hearing, and her right to submit her contentions in writing.
- (2) As demonstrated by Personal Delivery Record dated July 16, 1998, Claire received the letter of June 2, 1998, informing her of the allegations against her, and her rights.

- (3) Claire A. Harter submitted her contentions in writing, marked as State's Exhibit 1B, and has not requested a hearing in this matter.
- (4) Records of the Board of Pharmacy indicate that Claire A. Harter was originally licensed in the State of Ohio on March 29, 1977, pursuant to examination; however, Ms. Harter allowed her license to lapse on September 15, 1997.
- (5) Claire A. Harter did, on or about dates preceding September 19, 1994, with purpose to deprive, knowingly obtain or exert control over property of Rite Aid without consent, to wit: while practicing pharmacy, Claire A. Harter admittedly stole approximately \$12,000.00 from Rite Aid. Claire A. Harter's employment was terminated and law enforcement and/or the Board was not notified. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) Claire A. Harter did, from January 1, 1996, through September 14, 1996, with purpose to deprive, knowingly obtain or exert control over property of Miller's Pharmacy without consent, to wit: while practicing pharmacy at Miller's Pharmacy, Claire A. Harter admittedly stole money from the store's cash register using three different modes of theft, the amount stolen being approximately \$37,701.01. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) Claire A. Harter was, on or about January 22, 1997, convicted of Grand Theft in violation of Section 2913.02 of the Ohio Revised Code, a felony of the third degree. State of Ohio v Claire Harter, Case No. 96-CRI-00047, Putnam County Common Pleas Court.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (7) of the Findings of Fact constitutes being guilty of a felony as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5) through (7) 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.

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 Claire A. Harter:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-3-12039, held by Claire A. Harter effective as of the date of the mailing of this Order.
- (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. 03-3-12039, held by Claire A. Harter effective as of the date of the mailing of this Order.

Division (B) of Section 4729.16 of the Ohio Revised Code provides: "Any individual whose identification card is revoked, suspended, or refused, shall return the identification card and license to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The wall license and pocket identification card should be forwarded by certified mail, return receipt requested.

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

MOTION CARRIED.

SO ORDERED.