



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-001121-024)

In The Matter Of:

RAYNA BROWNING, R.Ph.

2078 Howland-Wilson Road NE

Cortland, Ohio 44410

(R.Ph. No. 03-3-12973)

INTRODUCTION

THE MATTER OF RAYNA BROWNING CAME FOR HEARING ON APRIL 4, 2001, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, 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.

RAYNA BROWNING WAS NOT 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) Joann Predina, R.Ph., Ohio State Board of Pharmacy
- (2) Thomas Devaney Sr.
- (3) Pamela Devaney

Respondent's Witnesses:

- (1) Rayna Browning, R.Ph., Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of two-page Notice of Opportunity for Hearing letter dated November 21, 2000.
- (2) Exhibit 1A--Hearing Request letter received December 22, 2000.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated December 27, 2000.
- (4) Exhibit 1C--Copy of Hearing Schedule letter dated March 7, 2001.

- (5) Exhibit 1D--Copy of Pharmacist Computer File Front Page of Rayna Browning showing original date of registration as August 8, 1979.
- (6) Exhibit 2--Prescription No. 6688670 dated July 28, 1999.
- (7) Exhibit 3--Copy of Compounding Log Sheet dated July 28th.
- (8) Exhibit 4--Copy of prescription bottle labeled Prescription No. 6688670 dispensed July 28, 1999.
- (9) Exhibit 5--Copy of Telephoned Prescription sheet with handwritten notes, not dated.
- (10) Exhibit 6--Copy of Forum Health Toxicology-Forensic Lab Report dated August 3, 1999.
- (11) Exhibit 7--Copy of prescription bottle labeled for Nicholas Devaney dated July 29, 1999.
- (12) Exhibit 8--Copy of Refill Request form for Prescription No. 6688670 dated July 28, 1999.
- (13) Exhibit 9--Two-page Statement of Rayna Strickland Browning dated August 21, 1999, and notarized August 27, 1999.
- (14) Exhibit 10--Four-page Statement of Pamela L. Devaney dated January 3, 2000, and notarized March 30, 2000.
- (15) Exhibit 11--Two-page Statement of Thomas A. Devaney Sr. dated March 3, 2000, and notarized March 30, 2000; Two-page Statement of Pamela L. Devaney dated January 20, 2000, and notarized March 30, 2000.

Respondent's Exhibits:

- (1) Exhibit A--Copy of Prescription No. 2205765 dated October 2, 1999 and Prescription No. 2207336 dated March 18, 2000; Copy of two pages of medical records for Rayna Browning with dates from February 10, 1998, to July 25, 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) Records of the State Board of Pharmacy indicate that Rayna Browning was originally licensed in the state of Ohio on August 8, 1979, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
- (2) Rayna Browning did, on or about July 28, 1999, sell a drug that was misbranded, to wit: Rayna Browning received a prescription for an infant written for "methadone 1mg/1ml, Sig: 0.5ml per dose, #35ml." Rayna Browning intended to dispense this as "methadone 1mg/10ml, Sig: 5.0ml per dose." However, Rayna Browning dispensed "methadone 1mg/1ml, Sig: 5.0 ml per dose, #350ml," which caused serious harm to the patient.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) 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 paragraph (2) of the Findings of Fact constitutes being guilty of violating,

conspiring to violate, attempting to violate, or aiding and abetting the violation of the provisions of sections 3715.52 to 3715.72 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, and on the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes on Rayna Browning a monetary penalty of two hundred fifty dollars due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

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

MOTION CARRIED.

SO ORDERED.