



OHIO STATE BOARD OF PHARMACY

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

THE STATE BOARD OF PHARMACY

vs

CYNTHIA A. McLEAN, R.Ph.

THE MATTER OF CYNTHIA A. McLEAN, DOCKET NO. 6-93-1, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON WEDNESDAY, MARCH 27, 1985. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE 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 Cynthia A. McLean, on one or more occasions between the dates of January 4, 1983 and August 29, 1983, at "The Drug Store", 212 Center Street, Ironton, Ohio 45638, did sell by dispensing controlled substances when she knew, or had reasonable cause to believe, such drugs were not prescribed for legitimate medical purposes by practitioners in the course of their professional practice, to wit: approximately 6,222 doses of Schedule II stimulants were dispensed by her to many of the same patients or members of the same family over periods exceeding several months. These Schedule II stimulants (Desoxyn, Biphedamine, and Preludin) are appetite suppressants which are indicated only for the management of exogenous obesity as a short-term (6-12 weeks) adjunct in a regimen of weight reduction based on caloric restriction, exercise, and behavior modification. Such conduct was not in accordance with Chapters 3715., 3719. and 4729. of the Revised Code and is prohibited by Section 2925.03 of the Revised Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Cynthia A. McLean, on one or more occasions between the dates of October 20, 1982 and August 9, 1983, at "The Drug Store", 212 Center Street, Ironton, Ohio 45638, did sell by dispensing Schedule II controlled substances when she knew, or had reasonable cause to believe, such drugs were not prescribed for legitimate medical purposes by a practitioner in the course of his professional practice, to wit: a 30-day supply of Preludin-75mg was dispensed to the same person within seven days

(Prescription No.'s 74051 and 74342); illogical combinations of drugs of abuse were dispensed on the same day to the same person (Preludin-75mg, Quaalude-300mg, and Percodan on 12/15/82; Tuinal-20mg, Biphedamine, and Percodan on 07/16/83; Preludin-75mg and Quaalude-300mg on 03/05/83); 120 tablets of Preludin-75mg were dispensed to the same patient within a time period of 27 days (Prescription No.'s 85620 and 86283).

- (3) From the evidence presented, the State Board of Pharmacy finds that Cynthia A. McLean did knowingly aid and abet others in the trafficking of drugs, between the dates of May 1, 1981 and August 25, 1983, at "The Drug Store", 212 Center Street, Ironton, Ohio 45638; in that, she did aid and abet Ralph Kelley, R.Ph. and various practitioners in committing violations of Section 2925.03 of the Revised Code, to wit: the sale, by dispensing, without valid prescriptions of approximately 71,500 doses of Schedule II stimulants (Biphedamine-20mg and Preludin-75mg) and approximately 20,287 doses of Schedule II depressants (Nembutal-100mg, Quaalude-300mg, Tuinal-200mg, and Seconal-100mg), and that her conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is in violation of Section 2925.03 of the Revised Code and is prohibited by Section 2923.03 of the Revised Code.

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 gross immorality, within the meaning of Section 4729.16 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 paragraphs (1) through (3) of the Findings Of Fact constitutes willfully violating the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law, the State Board of Pharmacy takes the following action concerning the pharmacist identification card of Cynthia A. McLean, R.Ph. No. 03-3-14276:

- (A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Cynthia A. McLean (03-3-14276) for a period of 12 months, effective July 1, 1985.
- (B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Cynthia A. McLean (03-3-14276) for a period of 12 months, effective July 1, 1985.

CYNTHIA A. McLEAN, R.Ph.
Page Three
Order of the Board

(C) Further, the two 12-month suspensions imposed in paragraphs (A) and (B) above shall run concurrently, and the Board shall suspend both suspensions provided that Cynthia A. McLean:

- (1) takes and successfully completes a Jurisprudence examination offered by the Board;
- (2) does not violate any drug laws of the state of Ohio, any other state, or the federal government; and
- (3) abides by the rules of the State Board of Pharmacy.

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.

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: April 25, 1935

FZW/sb

By

Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc/John E. Breen, Assistant Attorney General

Donald P. Love, Attorney; 289 S. Hamilton Road; P. O. Box 09684;
Columbus, Ohio 43209