



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-041202-038)

In The Matter Of:

**MICHELE ANNE MATHEWS, R.Ph.**

472 Crest Hill Drive  
Mogadore, Ohio 44260  
(R.Ph. No. 03-3-14484)

### INTRODUCTION

THE MATTER OF MICHELE ANNE MATHEWS CAME FOR HEARING ON JUNE 7, 2005, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

MICHELE ANNE MATHEWS WAS REPRESENTED BY DUARD D. BRADSHAW. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### State's Witness

1. Thomas Miksch, Ohio State Board of Pharmacy

#### Respondent's Witnesses

1. Michele Mathews, R.Ph., Respondent
2. Frederick R. Mathews, Jr.
3. Frederick W. Mathews

#### State's Exhibits

1. Notice of Opportunity For Hearing letter [12-02-04]
  - 1A-1B. Procedurals
  - 1C. Addendum Notice letter [03-15-05]
  - 1D. Procedural
2. 
- 2A. 
3. 
- 3A. 

- 4. [REDACTED]
- 4A. [REDACTED]
- 5. [REDACTED]
- 5A. [REDACTED]
- 6. [REDACTED]
- 7. [REDACTED]
- 7A. [REDACTED]
- 8. [REDACTED]
- 8A. [REDACTED]
- 9. [REDACTED]
- 9A. [REDACTED]
- 10. [REDACTED]
- 11. [REDACTED]
- 11A. [REDACTED]
- 12. [REDACTED]
- 13. [REDACTED]
- 13A. [REDACTED]
- 14. [REDACTED]
- 14A. [REDACTED]
- 15. [REDACTED]
- 15A. [REDACTED]
- 16. [REDACTED]
- 16A. [REDACTED]
- 17. [REDACTED]
- 17A. [REDACTED]
- 17B. [REDACTED]
- 18. [REDACTED]
- 18A. [REDACTED]
- 18B. [REDACTED]
- 19. [REDACTED]
- 20. [REDACTED]
- 21. [REDACTED]
- 22. [REDACTED]
- 23. [REDACTED]
- 24. [REDACTED]
- 25. [REDACTED]

26. [REDACTED]

Respondent's Exhibits

- A. Statement of N.V. Rimedio, D.O. [05-12-05]
  - B. Treatment Records for Frederick Mathews [09-05-00]; Children's Hospital Medical Center of Akron Final Report for Frederick Mathews [09-06-00]
  - C. Copy of pages 50 and 51 of the Pharmacist's Manual, U.S. Department of Justice for Schedule III-V Controlled Substance Prescriptions [March 2001]
  - D-E. Two letters from Mark A. Smith, M.D. [05-10-05 to 05-17-05]
  - F-H. Three letters of Support [05-11-05 to 05-31-05]
- [REDACTED]

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 Michele Anne Mathews was originally licensed by the State of Ohio as a pharmacist on March 23, 1982, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.

(2) [REDACTED]

[REDACTED]

(3)

[REDACTED]

(4)

[REDACTED]

(5)

[REDACTED]

CONCLUSIONS OF LAW

(1) [REDACTED]

(2) The State Board of Pharmacy concludes that paragraphs (2) through (5) 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.

(3) The State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Michele Anne Mathews as follows:

(A) The State Board of Pharmacy hereby places on probation for one year the pharmacist identification card, No. 03-3-14484, held by Michele Anne Mathews effective as of the date of the mailing of this Order. The terms of probation are as follows:

(1) Michele Anne Mathews may never dispense prescriptions for herself or her family.

(2) Michele Anne Mathews must not violate the drug laws of Ohio, any other state, or the federal government.

(3) Michele Anne Mathews must abide by the rules of the State Board of Pharmacy.

(4) Michele Anne Mathews must comply with the terms of this Order.

(5) Michele Anne Mathews's license is deemed not to be in good standing until successful completion of the probationary period.

(6) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

(B) The State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00) on Michele Anne Mathews and payment of the monetary penalty is 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.

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Order of the Board

Michele Anne Mathews is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-5/Nay-3).

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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

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

**BY ORDER OF THE STATE BOARD OF PHARMACY**

ORDER MAILED & EFFECTIVE: JULY 14, 2005

*by: Timothy J. Benedict*

William T. Winsley, M.S., R.Ph., Executive Director

CERTIFIED MAIL / Return Receipt  
7001 0360 0002 4139 3784

WTW/lf

cc: Sally Ann Steuk, Assistant Attorney General  
Duard D. Bradshaw, Attorney for Respondent; Roderick Linton LLP; 15th Floor,  
One Cascade Plaza; Akron, Ohio 44308-1108