



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-971218-027)

In The Matter Of:

JOY EGBOSIMBA MONEME, R.Ph.

194 Cottswold Drive
Delaware, Ohio 43015
(R.Ph. No. 03-3-14505)

INTRODUCTION

THE MATTER OF JOY EGBOSIMBA MONEME CAME TO HEARING ON FEBRUARY 9, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: AMONTE B. LITTLEJOHN, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; JOSEPH J. MASLAK, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JOY EGBOSIMBA MONEME WAS REPRESENTED BY JANICE K. VAN DYNE, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Christopher K. Reed, Ohio State Board of Pharmacy
- (2) Nancy L. Little, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Joy EgboSimba Moneme, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Notice of Opportunity for Hearing letter dated December 18, 1997.
- (2) Exhibit 1A--Notice of Appearance and Request for Hearing received in the Board office on January 7, 1998.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated January 8, 1998.

- (4) Exhibit 1C--Copy of Pharmacist File Front Sheet of Joy (Ifeoma) Egbosimba Moneme showing original date of registration as March 5, 1982.
- (5) Exhibit 2--Copy of Renewal Application for Pharmacist License, No. 03-3-14505, for a license to practice pharmacy in Ohio from September 15, 1997, to September 15, 1998, of Joy Egbosimba Moneme dated September 22, 1997.
- (6) Exhibit 3--Certified copy of Judgment Entry in the Delaware Municipal Court, State of Ohio vs. Joy E. Moneme, Case No. 97CRB01835, dated November 20, 1997.
- (7) Exhibit 4--Prescription number 3164-848553.
- (8) Exhibit 5--Handwritten statement of Joy E. Moneme signed and notarized on October 24, 1997.
- (9) Exhibit 6--Prescription number 3164-848563.
- (10) Exhibit 7--Prescription number 3164-848570.
- (11) Exhibit 8--Prescription number 3164-848595.
- (12) Exhibit 9--Copy of six-page Incoming Calls Log dated September 18, 1997.

Respondent's Exhibits:

- (1) Exhibit A--Copy of front and back of cancelled check, No. 1989, made payable to the order of Delaware Municipal Court, by Joy Moneme dated November 10, 1997.

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) Records of the Board of Pharmacy indicate that Joy Egbosimba Moneme was originally licensed in the state of Ohio on March 5, 1982, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
- (2) Joy Egbosimba Moneme did, on or about September 19, 1997, while not being a registered pharmacist or pharmacy intern under the personal supervision of a registered pharmacist, dispense or sell dangerous drugs, to wit: after failing to renew her license to practice pharmacy, and after having been told by a Board of Pharmacy employee that she could not practice pharmacy without a current license to do so, Joy Egbosimba Moneme dispensed 15 unit doses of Hydrocodone with APAP 5/500 pursuant to prescription number 3164-848553. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (3) Joy Egbosimba Moneme did, on or about September 19, 1997, while not being a registered pharmacist or pharmacy intern under the personal supervision of a registered pharmacist, dispense or sell dangerous drugs, to wit: after failing to renew her license to practice pharmacy, and after having been told by a Board of Pharmacy employee that she could not practice pharmacy without a current license to do so, Joy Egbosimba Moneme dispensed 10 unit doses of Hydrocodone with APAP 5/500 pursuant to prescription number 3164-848563. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (4) Joy Egbosimba Moneme did, on or about September 20, 1997, while not being a registered pharmacist or pharmacy intern under the personal supervision of a registered pharmacist, dispense or sell dangerous drugs, to wit: after failing to renew her license to practice pharmacy, and after having been told by a Board of Pharmacy employee that she could not practice pharmacy without a current license to do so, Joy Egbosimba Moneme dispensed 24 unit doses of APAP with Codeine #3 pursuant to prescription number 3164-848570. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (5) Joy Egbosimba Moneme did, on or about September 20, 1997, while not being a registered pharmacist or pharmacy intern under the personal supervision of a registered pharmacist, dispense or sell dangerous drugs, to wit: after failing to renew her license to practice pharmacy, and after having been told by a Board of Pharmacy employee that she could not practice pharmacy without a current license to do so, Joy Egbosimba Moneme dispensed 30 unit doses of Hydrocodone with APAP 5/500 pursuant to prescription number 3164-848595. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (6) Joy Egbosimba Moneme was found guilty, on or about November 20, 1997, of Unlawful Selling of Drugs in violation of Section 4729.28 of the Ohio Revised Code, a misdemeanor of the third degree, in the Delaware Municipal Court, State of Ohio vs. Joy E. Moneme, Case No 97CR01835.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (5) of the Findings of Fact constitute 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 (6) of the Findings of Fact constitutes being convicted of a misdemeanor related to, or committed in, the practice of pharmacy as provided in Division (A)(4) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (5) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of 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 takes the following actions in the matter of Joy Egbosimba Moneme:

- (A) On the basis of the Findings of Fact and paragraphs (1) and (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby places the pharmacist identification card, No. 03-3-14505, of Joy Egbosimba Moneme on probation for three years, effective as of the date of the mailing of this Order. The terms of probation are as follows:

- (1) Joy Egbosimba Moneme must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (2) Joy Egbosimba Moneme must abide by the rules of the Ohio State Board of Pharmacy.
- (3) Joy Egbosimba Moneme must comply with the terms of this Order.

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.

- (B) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days of the issuance of this Order. The monetary penalty 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, 17th Floor, Columbus, Ohio 43266-0320.

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

MOTION CARRIED.

SO ORDERED.