



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-071108-013)

In The Matter Of:

HAZEL A. MYRICK, R.Ph.

2143 Deer Meadow Drive

Cincinnati, Ohio 45240

(R.Ph. No. 03-3-15797)

INTRODUCTION

THE MATTER OF HAZEL A. MYRICK CAME FOR HEARING ON MARCH 5, 2008, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: GREGORY BRAYLOCK, R.Ph. (presiding); ELIZABETH I. GREGG, R.Ph.; RICHARD F. KOLEZYNSKI, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; HEATHER L. PASQUALE, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; JAMES E. TURNER, R.Ph.; AND JEROME J. WIESENHAHN, R.Ph.

HAZEL A. MYRICK WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL AND ANDREA L. VINCENT, PHARM.D, LEGAL INTERN.

SUMMARY OF EVIDENCE

State's Witnesses

1. Rick Haun, Ohio State Board of Pharmacy
2. Hazel A. Myrick, R.Ph., Respondent

Respondent's Witnesses

None

State's Exhibits

1. Notice of Opportunity For Hearing letter [11-08-07]
 - 1A. Addendum Notice [12-19-07]
 - 1B-1E. Procedurals
2. Notarized Statement of Hazel A. Myrick [09-27-07]
3. Rx #4424669 [09-17-07]; Rx #4424673 [09-17-07]; Rx #4424677 [09-18-07];
Rx #4424676 [09-18-07]; Rx #4424696 [09-21-07]; Rx #2206304 [09-21-07];
Rx #4424697 [09-22-07]; Rx #4424698 [09-22-07]; Rx #4424699 [09-23-07];
Rx #4424700 [09-23-07]; Rx #6759626 [09-24-07]; Rx #4424706 [09-25-07];
Rx #4424709 [09-25-07]; Rx #6759737 [09-27-07]
4. Rx #6759588 [09-22-07]; Rx #6759589 [09-22-07]
5. Notarized Statement of Hazel Augustine-Myrick [11-27-07]

6. Written Statements of Cindy (Stelzer) and Iris M. Funk [11-19-07]
7. Ohio State Board of Pharmacy Order in re Hazel A. Myrick, R.Ph. [08-23-89]

Respondent's Exhibits

- A. Letter from Hazel Augustine-Myrick [03-04-08]; Resume of Hazel M. Augustine-Myrick, R.Ph.; Four Letters of Support [02-16-08 to 03-03-08]

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 Hazel A. Myrick was originally licensed by the State of Ohio as a pharmacist on March 1, 1985, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect that Hazel A. Myrick was previously disciplined by the Board on August 23, 1989.

(2) Hazel A. Myrick did, on or about September 17, 2007, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Hazel A. Myrick did not renew her license to practice pharmacy, Hazel A. Myrick dispensed Rx #4424669 and Rx #4424673, and she performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

(3) Hazel A. Myrick did, on or about September 18, 2007, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Hazel A. Myrick did not renew her license to practice pharmacy, Hazel A. Myrick dispensed Rx #4424676 and Rx #4424677, and she performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

(4) Hazel A. Myrick did, on or about September 21, 2007, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Hazel A. Myrick did not renew her license to practice pharmacy, Hazel A. Myrick dispensed Rx #2206304 and Rx #4424696, and she performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

(5) Hazel A. Myrick did, on or about September 22, 2007, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Hazel A. Myrick did not renew her license to practice pharmacy, Hazel A. Myrick dispensed Rx #4424697 and Rx #4424698, and she performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

(6) Hazel A. Myrick did, on or about September 23, 2007, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Hazel A. Myrick did not renew her license to practice pharmacy, Hazel A. Myrick dispensed Rx #4424699 and Rx #4424700, and she performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

(7) Hazel A. Myrick did, on or about September 24, 2007, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Hazel A. Myrick did not renew her license to practice pharmacy, Hazel A. Myrick dispensed Rx #6759626, and she performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

(8) Hazel A. Myrick did, on or about September 25, 2007, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Hazel A. Myrick did not renew her license to practice pharmacy, Hazel A. Myrick dispensed Rx #4424706 and Rx #4424709, and she performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

(9) Hazel A. Myrick did, on or about September 27, 2007, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Hazel A. Myrick did not renew her license to practice pharmacy, and after being specifically told by a Board employee that she was not renewed, Hazel A. Myrick dispensed Rx #6759737, and she performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

(10) Hazel A. Myrick did, on or about September 22, 2007, intentionally create and/or knowingly possess a false or forged prescription, to wit: Hazel A. Myrick created Rx #6759588 for 20 Zyrtec-D tablets and Rx #6759589 for Zithromax 250 mg without authorization from a prescriber. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

(11) Hazel A. Myrick did, on or about the middle of October 2007, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Wal-Mart Pharmacy, beyond the express or implied consent of the owner, to wit: Hazel A. Myrick admittedly stole a 10-day supply of naproxen for self-medication. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(12) Hazel A. Myrick did, on or about October 31, 2007, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Wal-Mart Pharmacy, beyond the express or implied consent of the owner, to wit: Hazel A. Myrick admittedly stole 15 clonazepam 0.5 mg tablets and 5 Prozac 20 mg tablets for self-medication. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(13) Hazel A. Myrick did, on or about November 3, 2007, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Wal-Mart

Pharmacy, beyond the express or implied consent of the owner, to wit: Hazel A. Myrick admittedly stole neomycin and polymyxin 5 ml for self-medication. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(14) Hazel A. Myrick did, on or about November 21, 2007, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Wal-Mart Pharmacy, beyond the express or implied consent of the owner, to wit: Hazel A. Myrick admittedly stole 6 Prozac for self-medication. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (10) through (14) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

(2) The State Board of Pharmacy concludes that paragraphs (2) through (14) 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 paragraphs (2) through (10) 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.

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 hereby adjudicates the matter of Hazel A. Myrick as follows:

(A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy places Hazel A. Myrick on probation for one year from the effective date of this Order, or until completion of the terms of probation, whichever is later, with the following conditions:

(1) Hazel A. Myrick must obtain, within one year from the effective date of this Order, three hours of approved continuing pharmacy education (0.3 CEUs) in Jurisprudence, which may not also be used for license renewal.

(2) Hazel A. Myrick will be automatically audited for the next continuing pharmacy education cycle.

(3) The State Board of Pharmacy hereby declares that Hazel A. Myrick's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.

- (4) Hazel A. Myrick may not serve as a responsible pharmacist.
- (5) Hazel A. Myrick must not violate the drug laws of Ohio, any other state, or the federal government.
- (6) Hazel A. Myrick must abide by the rules of the State Board of Pharmacy.
- (7) Hazel A. Myrick must comply with the terms of this Order.
- (8) Hazel A. Myrick's license is deemed to be not in good standing until successful completion of the probationary period.
- (9) 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) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes on Hazel A. Myrick a monetary penalty of two hundred and 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, Room 1702, Columbus, Ohio 43215-6126.

Hazel A. Myrick 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-8/Nay-0).

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.

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Order of the Board

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of 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: APRIL 10, 2008

By: _____
William T. Winsley, M.S., R.Ph., Executive Director

WTW/lf

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9805 7981

c: Sally Ann Steuk, Assistant Attorney General

OHIO STATE BOARD OF PHARMACY

THE STATE BOARD OF PHARMACY
(Docket No. D-881205-048)

In The Matter Of:

HAZEL A. MYRICK, R.Ph.
3900 East North St.
Greenville, South Carolina 29615
(Identification No. 03-3-15797)

THE MATTER OF HAZEL A. MYRICK CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON FRIDAY, JUNE 30, 1989 AS A RESULT OF THE REPORT AND RECOMMENDATION SUBMITTED TO THE BOARD BY HEARING OFFICER AND BOARD MEMBER BETTY NICHOL. FOLLOWING CONSIDERATION OF THE REPORT AND RECOMMENDATION, THE TRANSCRIPT OF THE HEARING, AND EVIDENCE ADDUCED AT THE HEARING, MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

State's Exhibits

- (1) Exhibit A - Notice of Opportunity letter dated December 5, 1988.
- (2) Exhibit 1 - Copy of Continuing Education Report Form submitted by Hazel Myrick.
- (3) Exhibit 2 - Copy of an Explanation Sheet dated August 18, 1988.
- (4) Exhibit 3 - Copies of Continuing Education certificates submitted by Hazel Myrick.

Findings Of Fact

The State Board of Pharmacy hereby agrees with and adopts the Findings Of Fact set forth in the Report and Recommendation of Hearing Officer and Board Member Betty Nichol, as follows:

- (1) The State Board of Pharmacy finds that on December 5, 1988, Hazel A. Myrick, R.Ph. 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) The State Board of Pharmacy finds that as demonstrated by return receipt of February 3, 1989, Hazel A. Myrick received the letter of December 5, 1988, informing her of the Board's proposal to deny her renewal application.
- (3) The State Board of Pharmacy finds that Hazel A. Myrick has not responded in any manner to the letter of December 5, 1988 and has not requested a hearing in this matter.

OHIO STATE BOARD OF PHARMACY

- (4) The State Board of Pharmacy finds that Hazel A. Myrick has not continued her pharmacy education in accordance with Ohio Revised Code Section 4729.12 and Ohio Administrative Code Rules 4729-7-01 to 4729-7-07.

Conclusion Of Law

The State Board of Pharmacy hereby agrees with and adopts the Conclusion Of Law set forth in the Report and Recommendation of Hearing Officer and Board Member Betty Nichol, as follows:

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraph (4) of the Findings Of Fact constitutes failure to meet the requirements for a renewal identification card as set forth in Section 4729.12 of the Ohio Revised Code.

Action Of The Board

The State Board of Pharmacy hereby agrees with and adopts the recommendation for action set forth in the Report and Recommendation of Hearing Officer and Board Member Betty Nichol. Therefore, pursuant to Section 4729.12 of the Ohio Revised Code, the State Board of Pharmacy hereby denies the renewal application for an identification card submitted by Hazel A. Myrick.

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

MOTION CARRIED.

SO ORDERED.