



## OHIO STATE BOARD OF PHARMACY

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Columbus, Ohio 43266-0320  
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ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-910521-071)

In The Matter Of:

JOSEPH SCOTT HEIMLICH, R.Ph.  
5584 Pleasant View Drive  
Milford, Ohio 45150  
(R.Ph. No. 03-3-15822)

Introduction

THE MATTER OF JOSEPH SCOTT HEIMLICH CAME TO HEARING ON SEPTEMBER 25, 1991 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: BETTY J. NICHOL, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; NORMAN D. LEIBOW, R.Ph.; TIMOTHY D. MOORE, R.Ph.; RUTH A. PLANT, R.Ph.; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

JOSEPH SCOTT HEIMLICH WAS REPRESENTED BY JAMES V. HEATH, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Joseph Scott Heimlich, Respondent
- (2) Dr. Ron Reynolds, M.D.

Respondent's Witnesses:

- (1) Dennis Stallo

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated May 21, 1991.
- (2) Exhibit B - Hearing Request letter dated June 14, 1991.
- (3) Exhibit C - Hearing Schedule letter dated June 27, 1991.
- (4) Exhibit 1 - Pharmacist File Front Sheet of Joseph Scott Heimlich showing original date of registration as March 1, 1985.
- (5) Exhibit 2 - Renewal Application for Pharmacist License Number 03-3-15822 for a license to practice pharmacy in Ohio from 09/15/90 to 09/15/91 of Joseph Scott Heimlich dated July 18, 1990.

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- (6) Exhibit 3 - Prescription number 849452.
- (7) Exhibit 4 - Day Heights Pharmacy Record of Prescriptions for Vernice Fain from January 1, 1989 to August 1, 1990.
- (8) Exhibit 5 - Notarized statement of Dr. Ron Reynolds dated August 20, 1990.
- (9) Exhibit 6 - Prescription number 112590.
- (10) Exhibit 7 - Empty amber pill vial, prescription number 112590, for Vernice Fain dated April 7, 1990.
- (11) Exhibit 8 - Sealed patient medical record.

Respondent's Exhibits:

- (1) Exhibit B - Day Heights Pharmacy Record of Prescriptions for Vernice Fain from January 1, 1988 to September 13, 1991.

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Joseph Scott Heimlich was originally licensed in the state of Ohio on March 1, 1985, pursuant to examination, and is currently licensed to practice in Ohio.
- (2) From the evidence presented, the State Board of Pharmacy finds that, on or about September 26, 1989, Joseph Scott Heimlich filled prescription number 849452 for 50 units of Premarin .625mg.
- (3) From the evidence presented, the State Board of Pharmacy finds that, on or about April 7, 1990, Joseph Scott Heimlich filled prescription number 112590 for 50 units of Premarin .625mg.
- (4) From the evidence presented, the State Board of Pharmacy finds that procedures used by the pharmacy did not assign responsibility and accountability for the legal distribution of dangerous drugs (i.e.-to the persons dispensing or delivering the prescription to the patient).

Action Of The Board

The State Board of Pharmacy determines that the evidence presented was insufficient to conclude that Joseph Scott Heimlich willfully violated the provisions of Chapter 3715. of the Ohio Revised Code, and that the public interest is adequately served by reprimanding Joseph Scott Heimlich, but the Board confirms the importance of careful review of the prescription to ensure that the drug dispensed is the drug ordered by the prescriber.

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Pursuant to Section 3715.57 of the Ohio Revised Code, the State Board of Pharmacy hereby warns Joseph Scott Heimlich that similar incidents occurring in the future will result in the Board taking appropriate action against his pharmacist identification card to practice pharmacy in Ohio.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY  
(Aye-7/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 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.

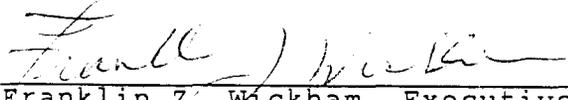
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section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

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL  
Return Receipt  
#P 497 578 949

ORDER MAILED: November 4, 1991

FZW/so

By   
Franklin Z. Wickham, Executive Director

cc: Ronda Anderson, Assistant Attorney General  
James V. Heath, Attorney for Respondent; 606 Lila Avenue; Milford,  
Ohio 45150