



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-890202-105)

In The Matter Of:

ELAINE RENEE HARRIS, R.Ph.
2575 E. Trinity
Colorado Springs, Colorado 80918
(Identification No. 03-3-16052)

THE MATTER OF ELAINE RENEE HARRIS 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 February 2, 1989.
- (2) Exhibit B - Hearing Request letter dated February 22, 1989.
- (3) Exhibit C - Hearing Schedule letter dated March 15, 1989.
- (4) Exhibit D - Letter from Elaine R. Harris dated March 22, 1989, canceling her appearance at the Board Hearing.
- (5) Exhibit 1 - Copy of the Continuing Education Report form submitted by Elaine Harris.
- (6) Exhibit 2 - Audit letter from Board of Pharmacy dated October 28, 1988.
- (7) Exhibit 3 - Form from Board of Pharmacy sent to Elaine Harris indicating four program numbers that had been submitted on the report form with no certificates submitted to document them.

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 February 2, 1989, Elaine Renee Harris, 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.

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- (2) The State Board of Pharmacy finds that as demonstrated by return receipt of February 6, 1989, Elaine Renee Harris received the letter of February 2, 1989, informing her of the Board's proposal to deny her renewal application.
- (3) The State Board of Pharmacy finds that Elaine Renee Harris has not continued her pharmacy education in accordance with Section 4729.12 of the Revised Code and Rules 4729-7-01 through 4729-7-07 of the Administrative Code.
- (4) The State Board of Pharmacy finds that Elaine Renee Harris did, on or about July 29, 1988, submit a continuing pharmacy education report form providing evidence of having successfully completed four and one-half (4.5) CEU's of continuing pharmacy education credits, with her application for renewal of her pharmacist identification card.
- (5) The State Board of Pharmacy finds that Elaine Renee Harris did submit evidence pursuant to the Board's audit request dated October 28, 1988, which did not correspond to the information filed with the Board by her for renewal of her identification card, to wit: Elaine Renee Harris filed false information with the Board of Pharmacy with purpose to secure the issuance of a license. Such conduct is in violation of Division (A)(5) of Section 2921.13 of the Ohio Revised Code.

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 paragraphs (3) through (5) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.

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 4929.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license held by Elaine Renee Harris:

- (A) On the basis of the Conclusion Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of four hundred fifty dollars (\$450.00).
- (B) Further, the Board suspends one hundred fifty dollars of the four hundred fifty dollar monetary penalty imposed in paragraph (A) above.

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The three hundred dollar (\$300.00) monetary penalty that was not suspended in paragraph (B) above is due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

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
#P 417 664 899

ORDER MAILED: AUGUST 23, 1989

FZW/pw

By Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc: Steve Dlott, Assistant Attorney General