



# OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-120515-246)

In The Matter Of:

**Penny Anne Coons, R.Ph.**

866 Loch Lomond

Worthington, Ohio 43085

(R.Ph. Number 03-3-18462)

### INTRODUCTION

The Matter of Penny Anne Coons came for hearing on December 3, 2014, before the following members of the Board: Michael A. Moné, R.Ph.; (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph.; Fred M. Weaver, R.Ph. and Kilee S. Yarosh, R.Ph.

Margaret A. Huwer, R.Ph., Recused.

Penny Anne Coons was represented by E. Scott Shaw. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

### SUMMARY OF EVIDENCE

#### State's Witnesses:

None

#### Respondent's Witnesses:

1. Penny Anne Coons, R.Ph., Respondent
2. Nicole Disabato, R.Ph., PRO Sponser
3. Jarrod Grossman, R.Ph., Executive Director of PRO

#### State's Exhibits:

- |        |  |          |
|--------|--|----------|
| 1.     | Request for Reinstatement Letter                           | 10-30-14 |
| 1A-1B. | Procedurals  |          |
| 2.     | Ohio State Board of Pharmacy Order in RE: Penny Anne Coons | 05-23-13 |
| 3.     | Notarized Statement of Penny A. Coons, R.Ph.               | 05-07-12 |
| 4.     | Ohio State Board of Pharmacy Order in RE: Penny Anne Coons | 08-04-95 |

#### Respondent's Exhibits:

- |     |                           |                           |
|-----|---------------------------|---------------------------|
| A1. | AA & NA Meeting Calendars | 08-15-12 through 12-31-12 |
| A2. | AA & NA Meeting Calendars | 01-01-13 through 12-31-13 |
| A3. | AA & NA Meeting Calendars | 01-01-14 through 11-26-14 |

A4.	AA & NA Meeting Attendance Sheets	08-21-12 through 01-03-13
A5.	AA & NA Meeting Attendance Sheets	01-08-13 through 01-17-14
A6.	AA & NA Meeting Attendance Sheets	01-17-14 through 10-29-14
B.	Urine Screen Payments	09-28-12 through 10-27-14
B1.	Urine Screens	09-28-12 through 12-05-12
B2.	Urine Screens	01-02-13 through 12-16-13
B3.	Urine Screens	01-02-14 through 10-27-14
C1.	CPE Monitor Transcript	04-07-13 through 11-06-14
C2.	Continuing Education Certificates	04-07-13
C3.	Continuing Education Certificates	09-29-14 through 11-06-14
C4.	Continuing Education Certificates	04-07-13 through 10-17-14
D.	PRO Contract	06-18-13
D1.	Certificate of Completion University of Utah School on Alcoholism & Other Drug Dependencies	06-20-14
D2.	Entry of Completion of Intervention in Lieu of Conviction and Entry of Probation Termination	01-27-14
D3.	Recovery Activities	No Date.
E1.	Urine Screen Results	09-28-12 through 11-18-14
E2.	Urine Test Payment	11-18-14
E3.	Email from Janet Harmer Concerning August 2013 Test Result	11-26-14
F1.	AA & NA Meeting Calendar	11-01-14 through 11-30-14
F2.	AA & NA Meeting Attendance Sheet	11-01-14 through 11-25-14
G.	Letters of Support	11-07-14 through 11-27-14

#### FINDING 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 that Penny Anne Coons has substantially complied with the terms set forth in the Board Order of the State Board of Pharmacy, Docket No. D-120515-246 effective May 23, 2013.

#### DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, Number 03-3-18462, held by Penny Anne Coons to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

(A) Penny Anne Coons must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) approved treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office before his pharmacist identification card is issued. The contract must provide that:

(1) Random, **observed** urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.

(a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

(b) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification

(c) Results of all drug screens must be negative. Refusal of a urine screen or a diluted urine screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

(2) The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

(3) Attendance is required a minimum of three separate days per calendar week (Sunday through Saturday), at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(B) Penny Anne Coons must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:

(1) The written report and documentation provided by the treatment program pursuant to the contract, and

(2) A written description of Penny Anne Coons' progress towards recovery and what she has been doing during the previous three months.

(C) Other terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that Penny Anne Coons' 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.

(2) Penny Anne Coons may not serve as a responsible pharmacist.

(3) Penny Anne Coons may not destroy, assist in, or witness the destruction of controlled substances.

(4) Penny Anne Coons must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.

(5) Penny Anne Coons must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Penny Anne Coons must abide by the rules of the State Board of Pharmacy.

(7) Penny Anne Coons must comply with the terms of this Order.

(8) Penny Anne Coons' license is deemed not in good standing until successful completion of the probationary period.

(D) 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.

Penny Anne Coons 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.

Mr. Weaver moved for Findings of Fact; Mr. Kolezynski seconded the motion. Motion passed (Aye-6/Nay-0).

Ms. Marchal moved for Decision of the Board; Ms. Ferris seconded the motion. Motion passed (Aye-6/Nay-0).

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.

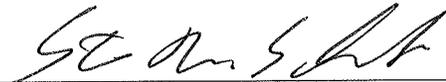
Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place 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.

Penny Anne Coons, R.Ph.  
Page 5  
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: January 9, 2015

By:   
Steven W. Schierholt, Esq., Executive Director

SWS/rlc  
Certified Mail / Return Receipt  
7011 1150 0001 6782 5405

c: Charissa D. Payer, Assistant Attorney General



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(Docket Number D-120515-246)

In The Matter Of:

**PENNY ANNE COONS, R.Ph.**

866 Loch Lomond

Worthington, Ohio 43085

(R.Ph. Number 03-3-18462)

### INTRODUCTION

The Matter of Penny Anne Coons came for hearing on April 8, 2013, before the following members of the Board: Brian M. Joyce, R.Ph.; (presiding); Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Richard F. Kolezynski, R.Ph.; Kevin J. Mitchell, R.Ph.; Michael A. Moné, R.Ph. and Kilee S. Yarosh, R.Ph.

Margaret A. Huwer, R.Ph., Board Member, Recused.

Penny Anne Coons was represented by E. Scott Shaw. The State of Ohio was represented by Alan P. Schwepe, Assistant Attorney General.

### SUMMARY OF EVIDENCE

#### State's Witness:

1. Christopher Reed, Ohio State Board of Pharmacy

#### Respondent's Witnesses:

1. Lameika Robinson
2. Penny Anne Coons, R.Ph., Respondent
3. Nicole DiSabato, R.Ph.

#### State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity for Hearing [05-15-12]  
1A-1C. Procedurals  
1D. Addendum Notice [10-30-12]  
1E-1H. Procedurals
2. Ohio State Board of Pharmacy Order in re Penny Anne Coons, R.Ph. [08-04-95]
3. Video Surveillance Equipment Permission for Installation [04-10-12]
4. General Document (1103) [not dated]
5. Surveillance Camera Pictures 04-16-12]
6. Notarized Written Statement of Penny A. Coons, R.Ph. [05-07-12]
7. Accountability Statements [04-10-12]

Respondent's Exhibits:

- A. Indictment, State of Ohio, Franklin County, Case No. 12CR 06 2817, Court of Common Pleas, Franklin County, Ohio [06-06-12]
- B. Motion for Intervention in Lieu of Conviction, State of Ohio vs. Penny A. Coons, Case No. 12 CR 2817, Court of Common Pleas, Franklin County, Ohio [08-20-12]
- C. Netcare Forensic Center Report [11-30-12]
- D. Entry, State of Ohio -vs- Penny Coons, Case No. 12CR-2817, Court of Common Pleas, Franklin County, Ohio [12-07-12]
- E. Franklin County Adult Probation Services Terms and Conditions [various dates]
- F. Franklin County Adult Probation Services Progress Notes and Summary [03-25-13]
- G. Pharmacists Rehabilitation Organization, Inc. Contract [08-26-12]
- H. Cornerstone of Recovery Discharge Documentation [08-10-12]
- I. Urine Screen Forms [various dates]
- J. Meeting Attendance Calendars and Records [August 2012 to March 2013]
- K. Letter from Penny Coons [03-06-13]
- L. Letter from Kenneth M. Winegate, R.Ph. [not dated]
- M. Letter from Pete Johnson, R.Ph. [03-30-13]
- N. Letter from Craig Brasmer, President PC GUYS LLC [03-03-13]
- O. Letter from Jessica Coons [03-29-13]
- P. Letter from Jarrod Grossman, PharmD, R.Ph. [04-04-13]
- Q. Meeting Attendance Sheet [04-01-13 to 04-04-13]
- R. Drug Screen Collection Form [illegible]
- S. Continuing Education Credits and Certificates [various dates]

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 Board of Pharmacy indicate that Penny Anne Coons was originally licensed in the State of Ohio on July 30, 1990, pursuant to examination, and Penny Anne Coons' license to practice pharmacy in the State of Ohio was summarily suspended effective May 15, 2012. Records further reflect that Penny Anne Coons was previously disciplined by the Board on August 4, 1995.
- (2) Penny Anne Coons is addicted to or abusing drugs or alcohol and/or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Penny Anne Coons has admitted that she is addicted to the use of controlled substances. Penny Anne Coons has admitted to stealing drugs from her employer and have been observed engaging in such acts on at least ten different occasions on or around the timeframe of April 16, 2012 to May 7, 2012. Such conduct indicates that Penny Anne Coons falls within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) Penny Anne Coons did, on or around April 16, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny

Anne Coons admitted to and was observed stealing hydrocodone polistirex/chlorpheniramine suspension, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (4) Penny Anne Coons did, on or around April 16, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing carisoprodol 350 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) Penny Anne Coons did, on or around April 17, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) Penny Anne Coons did, on or around April 18, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) Penny Anne Coons did, on or around April 18, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing hydrocodone/APAP 10/325 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (8) Penny Anne Coons did, on or around April 23, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing hydrocodone polistirex/chlorpheniramine suspension, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (9) Penny Anne Coons did, on or around April 25, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (10) Penny Anne Coons did, on or around April 30, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny

Anne Coons admitted to and was observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (11) Penny Anne Coons did, on or around May 1, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (12) Penny Anne Coons did, on or around May 1, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing carisoprodol 350 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (13) Penny Anne Coons did, from July 3, 2011 through April 10, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the scope of consent of the owner, to wit: Penny Anne Coons stole hydrocodone/homatropine syrup from her pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (14) Penny Anne Coons did, from July 3, 2011 through April 10, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the scope of consent of the owner, to wit: Penny Anne Coons stole hydrocodone polistirex/chlorpheniramine suspension from her pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (15) Penny Anne Coons did, from July 3, 2011 through April 10, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the scope of consent of the owner, to wit: Penny Anne Coons stole hydrocodone/APAP 10/325 mg. tablets from her pharmacy employer. 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 (3) through (15) of the Findings of Fact constitute being guilty of a felony as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (3) through (15) 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 (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.

(4) The State Board of Pharmacy concludes that paragraphs (3) and (15) 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 \*\*\*Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 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 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Penny Anne Coons on May 5, 2012.

Further, after eighteen months from the effective date of this Order, the Board will consider any petition filed by Penny Anne Coons for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

(A) Penny Anne Coons must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) approved treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, mail a copy of the contract to the Board office. The contract must provide that:

(1) **Random, observed** urine drug screens shall be conducted at least once each month.

(a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

(b) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but the test must be conducted by an appropriately certified individual within twelve hours of notification.

(c) Results of all drug and alcohol screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

(2) Attendance is required a minimum of three times per calendar week (Sunday through Saturday), at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(B) Penny Anne Coons must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

(C) Penny Anne Coons must provide, at the reinstatement petition hearing, documentation of the following:

(1) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);

(2) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;

(3) Compliance with the terms of this Order.

(D) If reinstatement is not accomplished within three years of the effective date of this Order, Penny Anne Coons must also show successful completion of the NAPLEX and MPJE examinations or equivalent examinations approved by the Board.

Upon such time as the Board may consider reinstatement, Penny Anne Coons will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

Troy Gahm moved for Findings of Fact; Michael Moné seconded the motion. Motion passed (Aye-6/Nay-0).

Kilee Yarosh moved for Conclusions of Law; Richard Kolezynski seconded the motion. Motion passed (Aye-6/Nay-0).

Kevin Mitchell moved for Action of the Board; Kilee Yarosh seconded the motion. Motion passed (Aye-4/Nay-3).

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.

**Penny Anne Coons, R.Ph.**

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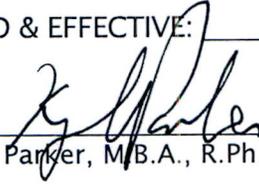
Order of the Board

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: 5-23-13

By: \_\_\_\_\_

  
Kyle W. Parker, M.B.A., R.Ph., Executive Director

KWP/vf

Certified Mail / Return Receipt  
7010 1870 0002 9254 7904

c: Alan P. Schwepe, Assistant Attorney General  
E. Scott Shaw, Attorney for Respondent



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## ADDENDUM NOTICE

October 30, 2012

**Penny Anne Coons, R.Ph.**  
866 Loch Lomond  
Worthington, Ohio 43085

Re: Ohio Registered Pharmacist  
License No. 03-3-18462

Dear Ms. Coons:

YOU ARE HEREBY NOTIFIED that, in addition to the allegations stated in the May 15, 2012, Summary Suspension Order/Notice of Opportunity letter, the following allegations will also be considered, as numbered:

- (13) You did, from July 3, 2011 through April 10, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the scope of consent of the owner, to wit: you stole hydrocodone/homatropine syrup from your pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (14) You did, from July 3, 2011 through April 10, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the scope of consent of the owner, to wit: you stole hydrocodone polistirex/chlorpheniramine suspension from your pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (15) You did, from July 3, 2011 through April 10, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the scope of consent of the owner, to wit: you stole hydrocodone/APAP 10/325 mg. tablets from your pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY ADVISED that Section 4729.16 of the Ohio Revised Code states in pertinent part that:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not more than five hundred dollars, if the board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;
- (10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

Penny Anne Coons, R.Ph.

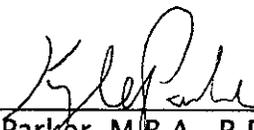
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Addendum Notice

AS PREVIOUSLY NOTED IN THE SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY letter dated May 15, 2012 and with regard to your adjudication hearing scheduled for Wednesday, January 9, 2013 at 1:30 p.m. you may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

If you wish to request a continuance in this matter, such request should be sent by certified mail, return receipt requested, to the offices of the Ohio State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. However, you must submit such request prior to forty-five (45) days from the date of the scheduled hearing on [DATE OF HEARING]. The request will be presented to the Board for consideration and you will be notified as soon as practical regarding the request. If you have any questions regarding this matter, feel free to contact the Board office.

BY ORDER OF THE STATE BOARD OF PHARMACY



Kyle W. Parker, M.B.A., R.Ph.  
Executive Director

KWP/vlf (120515-246)

Registered Mail/Return Receipt  
RE 946 606 051 US

c: Sean M. Culley, Assistant Attorney General  
E. Scott Shaw, Attorney for Respondent; 500 South Front Street; Suite 130; Columbus, Ohio 43215



# OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: [exec@bop.state.oh.us](mailto:exec@bop.state.oh.us)

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

## SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

May 15, 2012

**Penny Anne Coons, R.Ph.**  
866 Loch Lomond  
Worthington, Ohio 43085

-THIS IS A RED INK STAMP-

I certify this to be a true and exact copy  
of the original document on file with the  
Ohio State Board of Pharmacy.

*Kyle W. Parker*  
Kyle W. Parker, Executive Director

Date: 5-15-12

Re: Ohio Registered Pharmacist  
License No. 03-3-18462

MUST HAVE BOARD SEAL TO BE OFFICIAL.

Dear Ms. Coons:

In accordance with Section 3719.121(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. Further, in accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on July 30, 1990, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio. Records further reflect that you were previously disciplined by the Board on August 4, 1995.
- (2) You are addicted to or abusing drugs or alcohol and/or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have admitted that you are addicted to the use of controlled substances. You have admitted to stealing drugs from your employer and have been observed engaging in such acts on at least ten different occasions on or around the timeframe of April 16, 2012 to May 7, 2012. Such conduct indicates that you are within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, on or around April 16, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing hydrocodone polistirex/chlorpheniramine suspension, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (4) You did, on or around April 16, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were

observed stealing carisoprodol 350 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

- (5) You did, on or around April 17, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (6) You did, on or around April 18, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (7) You did, on or around April 18, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing hydrocodone/APAP 10/325 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (8) You did, on or around April 23, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing hydrocodone polistirex/chlorpheniramine suspension, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (9) You did, on or around April 25, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or

unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

- (10) You did, on or around April 30, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (11) You did, on or around May 1, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (12) You did, on or around May 1, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing carisoprodol 350 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(A) of the Ohio Revised Code states, in pertinent part: "any ... pharmacist, ... who is or becomes addicted to the use of controlled substances, shall be suspended by the board that authorized the person's license, certificate, or registration..."

YOU ARE HEREBY NOTIFIED that Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

(B) If the board under which a person has been issued a license, . . . determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, . . . without a prior hearing.

WHEREFORE, PURSUANT TO SECTIONS 3719.121(A) and (B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO

**POSSESS OR DISTRIBUTE DANGEROUS DRUGS.** This suspension shall remain in effect until an adjudicatory hearing has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, during which time you may not engage in the practice of pharmacy.

**YOU ARE FURTHER NOTIFIED** that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;

Penny A. Coons, R.Ph.  
Page 5  
Summary Suspension

(10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30<sup>TH</sup>) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the thirtieth (30<sup>th</sup>) day following the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

BY ORDER OF THE STATE BOARD OF PHARMACY

  
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Kyle W. Parker, M.B.A., R.Ph.  
Executive Director

KWP/vlf (D-120515-246)

REGISTERED MAIL/Return Receipt  
RE 663 138 245 US

c: Sean M. Culley, Assistant Attorney General



# OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider

TEL: 614/466-4143

E-MAIL: [exec@bop.state.oh.us](mailto:exec@bop.state.oh.us)

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

## ADDENDUM NOTICE

October 30, 2012

**Penny Anne Coons, R.Ph.**  
866 Loch Lomond  
Worthington, Ohio 43085

Re: Ohio Registered Pharmacist  
License No. 03-3-18462

Dear Ms. Coons:

YOU ARE HEREBY NOTIFIED that, in addition to the allegations stated in the May 15, 2012, Summary Suspension Order/Notice of Opportunity letter, the following allegations will also be considered, as numbered:

- (13) You did, from July 3, 2011 through April 10, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the scope of consent of the owner, to wit: you stole hydrocodone/homatropine syrup from your pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (14) You did, from July 3, 2011 through April 10, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the scope of consent of the owner, to wit: you stole hydrocodone polistirex/chlorpheniramine suspension from your pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (15) You did, from July 3, 2011 through April 10, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the scope of consent of the owner, to wit: you stole hydrocodone/APAP 10/325 mg. tablets from your pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY ADVISED that Section 4729.16 of the Ohio Revised Code states in pertinent part that:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not more than five hundred dollars, if the board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;
- (10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

Penny Anne Coons, R.Ph.

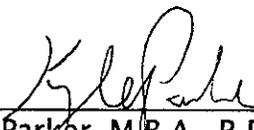
Page 3

Addendum Notice

AS PREVIOUSLY NOTED IN THE SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY letter dated May 15, 2012 and with regard to your adjudication hearing scheduled for Wednesday, January 9, 2013 at 1:30 p.m. you may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

If you wish to request a continuance in this matter, such request should be sent by certified mail, return receipt requested, to the offices of the Ohio State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. However, you must submit such request prior to forty-five (45) days from the date of the scheduled hearing on [DATE OF HEARING]. The request will be presented to the Board for consideration and you will be notified as soon as practical regarding the request. If you have any questions regarding this matter, feel free to contact the Board office.

BY ORDER OF THE STATE BOARD OF PHARMACY



---

Kyle W. Parker, M.B.A., R.Ph.  
Executive Director

KWP/vlf (120515-246)

Registered Mail/Return Receipt  
RE 946 606 051 US

c: Sean M. Culley, Assistant Attorney General  
E. Scott Shaw, Attorney for Respondent; 500 South Front Street; Suite 130; Columbus, Ohio 43215



# OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

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## SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

May 15, 2012

**Penny Anne Coons, R.Ph.**  
866 Loch Lomond  
Worthington, Ohio 43085

-THIS IS A RED INK STAMP-

I certify this to be a true and exact copy  
of the original document on file with the  
Ohio State Board of Pharmacy.

*Kyle W. Parker*  
Kyle W. Parker, Executive Director

Date: 5-15-12

Re: Ohio Registered Pharmacist  
License No. 03-3-18462

MUST HAVE BOARD SEAL TO BE OFFICIAL.

Dear Ms. Coons:

In accordance with Section 3719.121(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. Further, in accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on July 30, 1990, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio. Records further reflect that you were previously disciplined by the Board on August 4, 1995.
- (2) You are addicted to or abusing drugs or alcohol and/or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have admitted that you are addicted to the use of controlled substances. You have admitted to stealing drugs from your employer and have been observed engaging in such acts on at least ten different occasions on or around the timeframe of April 16, 2012 to May 7, 2012. Such conduct indicates that you are within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, on or around April 16, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing hydrocodone polistirex/chlorpheniramine suspension, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (4) You did, on or around April 16, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were

observed stealing carisoprodol 350 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

- (5) You did, on or around April 17, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (6) You did, on or around April 18, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (7) You did, on or around April 18, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing hydrocodone/APAP 10/325 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (8) You did, on or around April 23, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing hydrocodone polistirex/chlorpheniramine suspension, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (9) You did, on or around April 25, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or

unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

- (10) You did, on or around April 30, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (11) You did, on or around May 1, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (12) You did, on or around May 1, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: you have admitted to and were observed stealing carisoprodol 350 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(A) of the Ohio Revised Code states, in pertinent part: "any ... pharmacist, ... who is or becomes addicted to the use of controlled substances, shall be suspended by the board that authorized the person's license, certificate, or registration..."

YOU ARE HEREBY NOTIFIED that Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

(B) If the board under which a person has been issued a license, . . . determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, . . . without a prior hearing.

WHEREFORE, PURSUANT TO SECTIONS 3719.121(A) and (B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO

**POSSESS OR DISTRIBUTE DANGEROUS DRUGS.** This suspension shall remain in effect until an adjudicatory hearing has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, during which time you may not engage in the practice of pharmacy.

**YOU ARE FURTHER NOTIFIED** that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;

Penny A. Coons, R.Ph.  
Page 5  
Summary Suspension

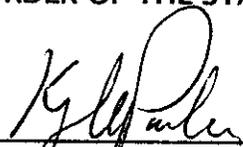
(10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30<sup>TH</sup>) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the thirtieth (30<sup>th</sup>) day following the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

BY ORDER OF THE STATE BOARD OF PHARMACY

  
\_\_\_\_\_  
Kyle W. Parker, M.B.A., R.Ph.  
Executive Director

KWP/vlf (D-120515-246)

REGISTERED MAIL/Return Receipt  
RE 663 138 245 US

c: Sean M. Culley, Assistant Attorney General



# OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

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E-MAIL: [exec@bop.state.oh.us](mailto:exec@bop.state.oh.us)

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[www.pharmacy.ohio.gov](http://www.pharmacy.ohio.gov)

## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-950315-044)

In The Matter Of:

**PENNY ANNE COONS-GRANT, R.Ph.**

425 Dayton Towers Drive

Apartment 12-A

Dayton, Ohio 45410

(R.Ph. No. 03-3-18462)

### INTRODUCTION

THE MATTER OF PENNY ANNE COONS-GRANT CAME TO HEARING ON JUNE 29, 1995, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

PENNY ANNE COONS-GRANT WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY ROBERT J. McCLAREN, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) William T. Winsley, R.Ph., Ohio State Board of Pharmacy
- (2) Penny Anne Coons-Grant, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity for Hearing letter dated March 15, 1995.
- (2) Exhibit 2--Hearing Request letter, not dated, received in the Board office on March 22, 1995.

- (3) Exhibit 3--Hearing Schedule letter dated March 23, 1995, with the following attachments: copy of Continuing Pharmacy Education Report Form of Penny Coons-Grant dated August 11, 1994, copy of page 27 of the Directory of Approved Providers, copy of Meijer certificate of Continuing Pharmacy Education of Penny Coons dated October 17, 1990; and copies of continuing pharmaceutical education certificates of Penny Coons for Program No. 680-056-88-109 dated June 13, 1991, and Program No. 680-056-90-136 dated May 31, 1991.
- (4) Exhibit 4--Pharmacist File Front Sheet of Penny Anne Coons-Grant showing original date of registration as July 30, 1990.
- (5) Exhibit 5--Renewal Application for Pharmacist License, No. 03-3-18462, for a license to practice pharmacy in Ohio from September 1, 1994, to September 15, 1995, dated August 11, 1994.
- (6) Exhibit 6--Continuing Pharmacy Education Report Form of Penny Coons-Grant dated August 11, 1994.
- (7) Exhibit 7--First Audit Request letter dated October 7, 1994.
- (8) Exhibit 8--Second Audit Request letter dated November 8, 1994.
- (9) Exhibit 9--Letter from Ms. Penny A. Coons-Grant dated January 12, 1995.
- (10) Exhibit 9A--Continuing pharmaceutical education certificate of Penny A. Coons for Program No. 679-304-90-012 dated July 15, 1991.
- (11) Exhibit 9B--Continuing pharmaceutical education certificate of Penny Grant for Program No. 692-424-93-002 dated May 10, 1993.
- (12) Exhibit 9C--Continuing pharmaceutical education certificate of Penny Grant for Program No. 189-761-92-006 dated May 19, 1993.
- (13) Exhibit 9D--Continuing pharmaceutical education certificate of Penny Grant for Program No. 692-424-93-008 dated June 28, 1993.
- (14) Exhibit 9E--Continuing pharmaceutical education certificate of Penny Grant for Program No. 692-424-93-013 dated December 8, 1993.
- (15) Exhibit 9F--Continuing pharmaceutical education certificate of Penny Coons Grant for Program No. 692-424-93-010 dated February 22, 1994.
- (16) Exhibit 9G--Continuing pharmaceutical education certificate of Penny Grant for Program No. 680-073-92-50 dated February 28, 1994.
- (17) Exhibit 9H--Continuing pharmaceutical education certificate of Penny Coons-Grant for Program No. 692-424-93-006 dated March 31, 1994.
- (18) Exhibit 9I--Continuing pharmaceutical education certificate of Penny Coons-Grant for Program No. 692-424-93-017 dated March 31, 1994.
- (19) Exhibit 9J--Continuing pharmaceutical education certificate of Penny Coons-Grant for Program No. 692-424-93-021 dated March 31, 1994.
- (20) Exhibit 9K--Continuing pharmaceutical education certificate of Penny Coons-Grant for Program No. 692-424-93-012 dated April 4, 1994.
- (21) Exhibit 9L--Continuing pharmaceutical education certificate of Penny Coons-Grant for Program No. 692-424-93-015 dated March 31, 1994.
- (22) Exhibit 9M--Continuing pharmaceutical education certificate of Penny Coons-Grant for Program No. 692-424-93-018 dated March 31, 1994.
- (23) Exhibit 9N--Continuing pharmaceutical education certificate of Penny A. Coons-Grant for Program No. 679-401-93-020 dated March 14, 1994.
- (24) Exhibit 9P--Continuing pharmaceutical education certificate of Penny Coons-Grant for Program No. 680-202-92-081 dated September 7, 1994.
- (25) Exhibit 9Q--Continuing pharmaceutical education certificate of Penny Coons-Grant for Program No. 679-702-93-011 dated September 3, 1994.
- (26) Exhibit 9R--Continuing pharmaceutical education certificate of Penny Coons-Grant for Program No. 680-202-93-027 dated September 7, 1994.
- (27) Exhibit 9S--Continuing pharmaceutical education certificate of Penny Coons-Grant for Program No. 680-026-93-063 dated August 30, 1994.

- (28) Exhibit 9T--Continuing pharmaceutical education certificate of Penny A. Grant for Program No. 679-022-94-117 dated September 1, 1994.
- (29) Exhibit 9U--Continuing pharmaceutical education certificate of Penny Grant for Program No. 036-290-94-001 dated November 9, 1994.
- (30) Exhibit 10--Letter from Penny A. Coons-Grant dated April 21, 1994.
- (31) Exhibit 10A--Continuing pharmaceutical education certificate of Penny A. Coons for Program No. 686-342-92-006 dated March 23, 1992.
- (32) Exhibit 11--Letter from Penny A. Coons-Grant dated May 10, 1995.
- (33) Exhibit 11A--Continuing pharmaceutical education certificate of Penny Coons Grant for Program No. 682-327-94-205 dated April 30, 1995.
- (34) Exhibit 12--Two-page letter from Ms. Penny A. Coons-Grant dated June 2, 1995.
- (35) Exhibit 13--Continuing pharmaceutical education certificate of Penny Coons-Grant for Program No. 680-202-93-027 dated September 7, 1994.
- (36) Exhibit 13A--Continuing pharmaceutical education certificate of Penny Coons-Grant for Program No. 680-202-92-081 dated September 7, 1994.
- (37) Exhibit 13B--Continuing pharmaceutical education certificate of Penny A. Coons-Grant for Program No. 689-356-95-008 dated May 22, 1995.
- (38) Exhibit 13C--Continuing pharmaceutical education certificate of Penny Grant for Program No. 679-702-94-017 dated June 11, 1995.

Respondent's Exhibits:

- (1) Exhibit A--Memo from Trey Riley dated June 28, 1995.

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 Penny Anne Coons-Grant was originally licensed to practice pharmacy in the state of Ohio on July 30, 1990, pursuant to examination and is currently licensed to practice pharmacy.
- (2) Penny Anne Coons-Grant has not continued her pharmacy education in accordance with Section 4729.12 of the Ohio Revised Code and Rules 4729-7-01 through 4729-7-07 of the Ohio Administrative Code.
- (3) Penny Anne Coons-Grant did, on or about August 30, 1994, submit a Continuing Pharmacy Education Report Form providing evidence of at least four and one-half (4.5) C.E.U.'s of continuing pharmacy education with her application for renewal of a pharmacist identification card. Subsequently, it was found during the audit, pursuant to Rule 4729-7-03(C) of the Ohio Administrative Code, that:
  - (a) Penny Anne Coons-Grant did not respond to the original request dated October 7, 1994, giving her twenty days to comply with the audit.
  - (b) Penny Anne Coons-Grant did respond to the second request dated November 8, 1994, giving her an additional thirty days to comply with the audit. However, the Board of Pharmacy has examined the evidence Penny Anne Coons-Grant submitted on or about January 13, 1995, as verification of having continued her pharmacy education, and found that this evidence was insufficient to prove that she has continued her pharmacy education in accordance with the rules of the Board.

Thus, Penny Anne Coons-Grant had not provided documented evidence of participation in continuing pharmacy education experiences in accordance with the rules of the Board. Such conduct is in violation of Section 4729.12 of the Ohio Revised Code.

- (4) Penny Anne Coons-Grant did, on or about June 22, 1995, sufficiently meet the required amount of C.E.U.'s for her continuing pharmacy education; however, some of the programs were dated outside the audit period of July 1, 1991, through July 1, 1994.

#### CONCLUSION OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes 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.

#### ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby imposes a monetary penalty of one hundred dollars (\$100.00) 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.

MOTION CARRIED.

SO ORDERED.