



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-931227-033)

In The Matter Of:

PEGGY DIANE BAYLIN, R.Ph.

7183 Innisfree Lane
Dublin, Ohio 43017
(R.Ph. No. 03-3-18732)

INTRODUCTION

THE MATTER OF PEGGY DIANE BAYLIN CAME TO HEARING ON OCTOBER 25, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: PAUL F. LAMPING, R.Ph. (presiding); ROBERT B. CAVENDISH, 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.

PEGGY DIANE BAYLIN WAS REPRESENTED BY DAVID W. GRAUER, AND THE STATE OF OHIO WAS REPRESENTED BY AVA SERRANO, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Robert Amiet, R.Ph., Ohio State Board of Pharmacy
- (2) Peggy Diane Baylin, R.Ph. Respondent
- (3) Leslie Mauersberg, R.Ph.

Respondent's Witnesses:

- (1) Leslie Mauersberg, R.Ph.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Notice of Opportunity letter of Peggy Diane Baylin dated December 27, 1993.
- (2) Exhibit 1A - Pharmacist File Front Sheet of Peggy Diane Rickner Baylin showing original date of registration as February 15, 1991; Renewal Application for Pharmacist License, No. 03-3-18732, for a license to practice pharmacy in Ohio from September

- 15, 1994, to September 15, 1995, of Peggy Diane Baylin dated August 12, 1994; and attached handwritten note from Peggy D. Baylin dated August 12, 1994.
- (3) Exhibit 2 - Notice of Opportunity letter of Leslie Ann Mauersberg dated December 27, 1993.
 - (4) Exhibit 2A - Pharmacist File Front Sheet of Leslie Ann Mauersberg showing original date of registration as October 31, 1988; and Renewal Application for Pharmacist License, No. 03-1-17558, for a license to practice pharmacy in Ohio from September 15, 1994, to September 15, 1995, of Leslie Ann Mauersberg dated July 1, 1994.
 - (5) Exhibit 3 - Request for Hearing and Notice of Appearance in the matter of Peggy Diane Baylin dated January 21, 1994.
 - (6) Exhibit 3A - Request for Hearing and Notice of Appearance in the matter of Leslie Ann Mauersberg dated January 21, 1994.
 - (7) Exhibit 3B - Motion to Consolidate Hearings in the matters of Peggy Diane Baylin and Leslie Ann Mauersberg dated January 21, 1994.
 - (8) Exhibit 3C - Hearing schedule letter dated January 25, 1994.
 - (9) Exhibit 3D - Hearing schedule letter dated September 27, 1994.
 - (10) Exhibit 4 - Prescription No. 426565.
 - (11) Exhibit 5 - Handwritten statement of Leslie Mauersberg signed and notarized on July 8, 1992.
 - (12) Exhibit 6 - CSA Registrant Data regarding Nelson Harward Kraus, M.D. dated May 14, 1992.
 - (13) Exhibit 7 - Prescription No. 426597.
 - (14) Exhibit 8 - Handwritten statement of Peggy D. Baylin signed and notarized on July 8, 1992.
 - (15) Exhibit 9 - Prescription No. 426659.
 - (16) Exhibit 10 - Two-page handwritten statement of Deanne L. Wallick signed and notarized on April 20, 1992.
 - (17) Exhibit 11 - Three-page summary of prescriptions prepared by Robert H. Amiet, Jr. dated October 25, 1994.

Respondent's Exhibits:

- (1) Exhibit A - Letter from Phyllis Wilson dated August 23, 1994.
- (2) Exhibit B - Letter from Richard Millette dated August 31, 1994.
- (3) Exhibit C - Letter from Douglas V. Yeager dated August 31, 1994.
- (4) Exhibit D - Letter from Richard F. Kiebler dated August 15, 1994.
- (5) Exhibit E - Letter from Joseph A. Talarico dated October, 1994.
- (6) Exhibit F - Letter from Suzanne R. Eastman dated September 7, 1994.
- (7) Exhibit G - Letter from Timothy J. Pelton dated September 26, 1994.
- (8) Exhibit H - Facsimile copy of prescription for patient Jym Ganahl written for Dilaudid Suppositories 3mg dated November 1, 1991.
- (9) Exhibit I - Facsimile copy of two prescriptions for patient Jym Ganahl written for Dilaudid Suppositories 3mg dated November 3, 1991.
- (10) Exhibit J - Facsimile copy of two prescriptions for patient Jym Ganahl written for Dilaudid Suppositories 3mg dated November 3, 1991, and November 4, 1991.

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 Peggy Diane Baylin was originally licensed in the state of Ohio on February 15, 1991, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) Peggy Diane Baylin did, on or about November 3, 1991, intentionally make and/or knowingly possess a false or forged prescription, to wit: Peggy Diane Baylin created and maintained on file at the pharmacy prescription number 426659, which was written to replace a false or forged prescription which indicated 5 refills for Dilaudid, a schedule II controlled substance. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) 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.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the 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.

ACTION OF THE BOARD

Pursuant to Section 4729.25(B) of the Ohio Revised Code, the State Board of Pharmacy hereby orders the Executive Director of the Board to issue a written reprimand to Peggy Diane Baylin.

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

MOTION CARRIED.

SO ORDERED.