



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-061108-012)

In The Matter Of:

ERIC JEAN CROPP, R.Ph.
30677 Cambridge Court West
Bay Village, Ohio 44140
(R.Ph. No. 03-3-19886)

INTRODUCTION

THE MATTER OF ERIC JEAN CROPP CAME FOR HEARING ON APRIL 11, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; HEATHER L. PASQUALE, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

ERIC JEAN CROPP WAS REPRESENTED BY JOHN R. IRWIN. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Joann Perdina, R.Ph., Ohio State Board of Pharmacy
2. Peter Ratycz, R.Ph.
3. Lawrence Solak, R.Ph.
4. Kelly Jerry
5. Christopher Jerry

Respondent's Witnesses

1. Lila Sohnley
2. Todd Evans
3. Jerry Lischak, R.Ph.
4. Anita Subramaniam, R.Ph.
5. Eric Cropp, R.Ph., Respondent

State's Exhibits:

1. Notice of Opportunity For Hearing letter [11-08-06]
1A-1C. Procedurals
1D. Addendum Notice [03-27-07]
2. Prescription Orders for Etoposide chemotherapy [02-21-06]
- 3-3A. University Hospitals of Cleveland Chemotherapy/Drug Preparation Worksheet for Cisplatin [02-24-06 to 02-26-06]; Photograph of Cisplatin Base Ingredients [not dated]

4. University Hospitals of Cleveland Chemotherapy/Drug Preparation Worksheet for Etoposide [02-24-06 to 02-26-06]
5. Two Photographs of Cisplatin Exacta-Mix Bag [02-26-06]
6. Two Photographs of Etoposide Ecacta-Mix Bag [02-26-06]
7. UHHS Core Lab Print Results [02-26-06]
8. Cuyahoga County Coroner's Verdict [03-13-06]
- 9-9C. Four Photographs of Rainbow and Children's (RB&C) Pharmacy layout [not dated]
- 10-10-1. Photograph of Cisplatin Base Compounding Components [not dated]; List of Actual Components for Cisplatin Base as Shown in Photo 10 [not dated]
- 10A-10A-1. Photograph of Etoposide Base per Technician Dudash [not dated]; List of Actual Components for Etoposide Base as Shown in Photo 10A [not dated]
- 10B. Photograph of Completed Cisplatin Base and Etoposide Base per Dudash [not dated]
- 10C. Photograph of Cisplatin Base and Etoposide Base Per Compounding Worksheet [not dated]
- 10D-10D-1. Photograph of Etoposide Base Per Compounding Worksheet Directions [not dated]; List of Actual Components for Etoposide Base as Shown in Photo 10D [not dated]
11. Two Notarized Statements of Katie Dudash [09-11-06 and 09-15-06]
12. Notarized Statement of Eric J. Cropp [09-12-06]
13. University Hospitals Health System Corrective Action Form for Eric Cropp [03-06-06]
14. Notarized Statement of Evangeline Ann Ramsay [04-17-06]
15. Two Notarized Statements of William H. Franklin [06-30-06 and 10-11-06]
16. Notarized Statement of Audrey Parham [04-05-06]
17. Notarized Statement of Theresa Powali [10-11-06]
18. Photograph of Completed Cisplatin and Etoposide Bases As Found on Table by R.Ph. Cropp prior to checking [not dated]
- 18A. Photograph of Etoposide Base Compounding Scenarios [not dated]
- 18B. Photograph of Etoposide Base Scenarios-Out of Bin [not dated]
19. Glossary of Pharmacy Practice Definitions [not dated]
20. Notarized Statement of Pete Ratycz [03-21-07]
21. Notarized Statement of Lawrence P. Solak, R.Ph. [03-22-07]
22. Notarized Statement of James A. Sennhenn, III, R.Ph. [03-22-07]
23. Notarized Statement of Abbie A. Vinczi [03-22-07]
24. Discount Drug Mart Medication Error Alert [11-16-06]; Disciplinary Probation Notice [01-19-07]
25. Confidential Pharmacy Misfill Report [10-06-06]
26. Confidential Pharmacy Misfill Report [07-19-06]
27. Confidential Pharmacy Report [07-29-06]
28. Confidential Pharmacy Report [08-18-06]
29. Confidential Pharmacy Misfill Report [09-30-06]
30. Confidential Pharmacy Misfill Report [11-15-06]
31. Confidential Pharmacy Misfill Report [11-17-06]
32. Confidential Pharmacy Misfill Report [11-20-06]
33. Confidential Pharmacy Misfill Report [12-13-06]
34. Confidential Pharmacy Misfill Report [12-16-06]
35. Confidential Pharmacy Misfill Report [12-26-06]
36. Confidential Pharmacy Misfill Report [02-05-07]
37. Confidential Pharmacy Misfill Report [02-05-07]
38. Testimony of Kelly A. and Christopher S. Jerry [04-11-07]; Testimonial of Matthew S. Jennings, M.D. [04-06-07]

Respondent's Exhibits:

A1-A4. Northern Ohio Academy of Pharmacy Installation Banquet Program [06-20-01]

B-F. Five Letters of Support [03-17-07 to 04-04-07]

G. The Plain Dealer article titled "Girl's death puts spotlight on regulating technicians" dated November 15, 2006

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the State Board of Pharmacy indicate that Eric Jean Cropp was originally licensed by the State of Ohio as a pharmacist on October 27, 1993, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) Eric Jean Cropp did, on or about February 26, 2006, misbrand a drug, to wit: when Eric Jean Cropp received an order for etoposide (with a base solution of 0.9% sodium chloride), he dispensed etoposide having been compounded with a base solution of 23.4% sodium chloride, which had not been specifically prescribed by the physician. The two-year-old patient subsequently died. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (3) Eric Jean Cropp did, on or about February 26, 2006, when adding a drug to a parenteral solution, fail to properly label the admixture with the correct name and amount of the parenteral solution, to wit: when compounding the preparation, Eric Jean Cropp failed to affix a distinctive label to the preparation indicating the name of the solution that was actually used. Such conduct is in violation of Rule 4729-17-10 of the Ohio Administrative Code.
- (4) Eric Jean Cropp did, on or about April 26, 2006, misbrand a drug, to wit: when Eric Jean Cropp received Rx #1259180 for Compazine 10 mg tablets, #60, with directions for use as: "Take one tablet by mouth every 4 hours as needed for nausea and vomiting," he dispensed prochlorperazine 10 mg tablets, with the directions "... as needed for pain." The label did not indicate the correct directions for use as prescribed. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (5) Eric Jean Cropp did, on or about July 18, 2006, misbrand a drug, to wit: when Eric Jean Cropp received Rx #1275748 for Vicoprofen, #40, he dispensed tramadol with acetaminophen, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (6) Eric Jean Cropp did, on or about July 25, 2006, misbrand a drug, to wit: when Eric Jean Cropp received Rx # 1277092 for Biaxin XL 500 mg tablets, #20, he dispensed metformin ER 500 mg tablets, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (7) Eric Jean Cropp did, on or about July 25, 2006, misbrand a drug, to wit: when Eric Jean Cropp received Rx # 1277091, written for Glucophage XR 500 mg (metformin), #30, he dispensed Biaxin XL 500 mg tablets, which had not been specifically prescribed by the

physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

- (8) Eric Jean Cropp did, on or about August 18, 2006, misbrand a drug, to wit: when Eric Jean Cropp received Rx #1281512, written for Phenergan 25 mg suppositories, #10, with directions for use as: "Insert one suppository rectally every 8 hours as needed for nausea and vomiting," he indicated the directions for use on the label as: to be taken by mouth. Eric Jean Cropp thus did not indicate the directions for use on the label as was prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (9) Eric Jean Cropp did, on or about September 19, 2006, misbrand a drug, to wit: when Eric Jean Cropp received Rx #1287443, written for Focalin XR 5 mg capsules, #30, he dispensed 30 Adderall XR 5 mg capsules, which had not been specifically prescribed by the physician. The 8 year-old patient was harmed. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (10) Eric Jean Cropp did, on or about November 13, 2006, misbrand a drug, to wit: when Eric Jean Cropp received Rx #1298491 for Salsalate 500 mg, he dispensed Sulfasalazine 500 mg #60, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (11) Eric Jean Cropp did, on or about November 16, 2006, misbrand a drug, to wit: when Eric Jean Cropp received Rx #1299427 for Plendil 2.5 mg tablets, he labeled and dispensed the vial for the wrong patient. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (12) Eric Jean Cropp did, on or about November 18, 2006, misbrand a drug, to wit: when Eric Jean Cropp received Rx #1299787 for VoSol HC, which had been prescribed by an ear, nose, and throat specialist for use in the patient's ear, he labeled the prescription for use "in the eye." Eric Jean Cropp thus did not indicate the correct directions for use on the label as was prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (13) Eric Jean Cropp did, on or about December 12, 2006, misbrand a drug, to wit: when Eric Jean Cropp received Rx #1304338 for Zoloft (sertraline) 100 mg #60 tablets, to be taken: "two tablets every evening, he labeled the prescription as: "Take one tablet twice daily." Eric Jean Cropp thus did not indicate the directions for use on the label as was prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (14) Eric Jean Cropp did, on or about December 15, 2006, misbrand a drug, to wit: when Eric Jean Cropp received Rx #1305079 for Avelox 400 mg #7, take one daily, he labeled and dispensed the vial for the wrong patient. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (15) Eric Jean Cropp did, on or about December 26, 2006, misbrand a drug, to wit: when Eric Jean Cropp received Rx #1633083 for Zoloft (sertraline) 100 mg, he dispensed sertraline 50 mg tablets, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (16) Eric Jean Cropp did, on or about February 3, 2007, misbrand a drug, to wit: when Eric Jean Cropp received Rx #663033 for E.E.S. 200 mg/5ml suspension (erythromycin

ethylsuccinate), he dispensed erythromycin with sulfisoxazole suspension, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

- (17) Eric Jean Cropp did, on or about February 4, 2007, misbrand a drug, to wit: when Eric Jean Cropp received Rx #657210 for 2 boxes of Imitrex 6 mg/0.5 ml, he dispensed a quantity less than what was indicated on the label. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraphs (2) through (17) of the Findings of Fact constitute 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.

DECISION OF THE BOARD

Though the Board finds credible the testimony of Respondent's witnesses Sohnley, Evans, and Lischak, their testimony is largely unpersuasive. The testimony of Subramaniam appeared flippant and does not entirely conform to prevailing practices in the preparation of pediatric chemotherapy drugs. The testimony of Respondent Cropp himself was particularly disturbing to the Board. Cropp himself admitted that he is currently unable emotionally to practice pharmacy. This comports significantly to the testimony of the state's witnesses Ratycz and Solak. Cropp's demeanor and present mental state as exhibited, considered jointly with the errors herein adjudicated, the seriousness and potential for harm to the public therewith, lead this Board to the only appropriate conclusion.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Eric Jean Cropp as follows:

On the basis of the Findings of Fact and the Conclusion of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-3-19886, held by Eric Jean Cropp effective as of the date of the mailing of this Order.

Eric Jean Cropp, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his license to practice (pocket ID card) and registration (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-2).

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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

pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

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: **May 14, 2007**

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

WTW/lf

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9804 7401

c: Sally Ann Steuk, Assistant Attorney General
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