
OHIO STATE BOARD OF PHARMACY

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-921028-023)

In The Matter Of:

KERRIE ANNE JARVIS
10717 Mindling Drive
Minerva, Ohio 44657
(Intern No. 06-0-01889)

INTRODUCTION

THE MATTER OF KERRIE ANNE JARVIS CAME TO HEARING ON DECEMBER 8, 1992, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY D. MOORE, R.Ph. (presiding); PAUL F. LAMPING, R.Ph.; WAYNE C. MILLER, R.Ph.; RUTH A. PLANT, R.Ph.; NICHOLAS R. REPKE; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

KERRIE ANNE JARVIS WAS REPRESENTED BY ROBERT G. FAIS, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Kerrie Anne Jarvis, Respondent
- (2) David Gallagher, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Kerrie Anne Jarvis, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Notice of Opportunity letter dated October 28, 1992.
- (2) Exhibit 1A - Hearing Request letter dated November 19, 1992.
- (3) Exhibit 1B - Hearing Schedule letter dated November 24, 1992.
- (4) Exhibit 2 - Intern File Front Sheet of Kerrie Anne Jarvis showing original date of registration as March 21, 1990.
- (5) Exhibit 3 - Renewal Application for Intern License No. 06-0-01889, for a license to practice pharmacy as an intern in Ohio from September 15, 1992, to September 15, 1993, of Kerrie Anne Jarvis dated August 10, 1992.
- (6) Exhibit 4 - Statement of Nelson D. Carman handwritten by Roberta J. Carman signed and notarized on September 25, 1991.
- (7) Exhibit 5 - Three-page handwritten statement of Kerrie Anne Jarvis signed, notarized, and witnessed on November 6, 1991.
- (8) Exhibit 6 - Handwritten statement of Bruce Thomas signed and notarized on November 7, 1991.

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- (9) Exhibit 7 - Copy of refill prescription number 613903 for patient Nelson Carman.
- (10) Exhibit 8 - Computer printouts of page eleven and page eighteen of the Prescription Log Report for Period 8/22/91 thru 8/22/91, Refills, of Thomas Drug.
- (11) Exhibit 9 - Computer printout of Detailed Prescription Profiles from period 01/01/91 to 09/25/91 of Thomas Drug, for patient Nelson Carman dated September 25, 1991.
- (12) Exhibit 10 - Photocopy of Calan 240mg caplet, in possession of victim's attorney, and notes of Agent David Gallagher dated August 25, 1991.

Respondent's Exhibits:

- (1) Exhibit A - Letter from Peter A. Previte, Professor, Ohio Northern University, dated December 7, 1992.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Kerrie Anne Jarvis was originally licensed as an intern in the state of Ohio on March 21, 1990, and is currently licensed as an intern in Ohio.
- (2) From the evidence presented, the State Board of Pharmacy finds that Kerrie Anne Jarvis did, on or about August 22, 1991, while working as an intern but not under the personal supervision of a registered pharmacist at Thomas Drug, 104 N. Market St., Minerva, Ohio 44657, compound, dispense, or sell dangerous drugs, to wit: Kerrie Anne Jarvis dispensed 30 caplets of Calan SR 240mg pursuant to prescription number 613903, said prescription having been written by the practitioner for 30 tablets of Procan SR 500mg. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code and Rule 4729-5-25 of the Ohio Administrative Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Kerrie Anne Jarvis did, on or about August 22, 1991, sell or deliver a drug which was misbranded, to wit: Kerrie Anne Jarvis dispensed Calan SR 240mg pursuant to a prescription written by a practitioner for Procan SR 500mg. Such conduct is in violation of Section 3715.52 of the Ohio Revised Code.

CONCLUSION OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2), and (3) 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.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the intern license, No. 06-0-01889, held by Kerrie Anne Jarvis:

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(A) On the basis of the Conclusion of Law set forth above, the State Board of Pharmacy hereby places the identification card, number 06-0-01889, held by Kerrie Anne Jarvis, on probation for the duration of the internship provided that Kerrie Anne Jarvis:

- (1) does not violate the drug laws of the state of Ohio, any other state, or the federal government;
- (2) abides by the rules of the State Board of Pharmacy; and
- (3) complies with the terms of this Order.

(B) Further, Kerrie Anne Jarvis will forfeit one hundred hours of internship credit accrued effective as of the date of the mailing of this notice.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-0).

MOTION CARRIED.

SO ORDERED.