



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2013-1902)

In The Matter Of:

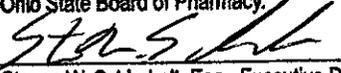
Heather Christine Gaal, R.Ph.

124 Ryan Ridge, NE

Navarre, Ohio 44662

(R.Ph. No. 03-3-22051)

-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.

Steven W. Schierhoff, Esq., Executive Dir.
Date: 4/16/15

-MUST HAVE BOARD SEAL TO BE OFFICIAL-

INTRODUCTION

The Matter of Heather Christine Gaal came for hearing on March 3, 2015, before the following members of the Board: Michael A. Moné, R.Ph.; (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph.; Fred M. Weaver, R.Ph. and Kilee S. Yarosh, R.Ph.

Heather Christine Gaal requested a hearing on April 9, 2014 but subsequently withdrew her request on February 25, 2015. (See Respondent's exhibit A and State's exhibit 1J). Heather Christine Gaal was not present nor represented by Counsel. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. David Gallagher, Ohio State Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|--------|---|---------------------------|
| 1. | Summary Suspension/Notice of Opportunity for Hearing | 03-12-14 |
| 1A.-J. | Procedurals | |
| 2. | OSBP Order RE: Heather Christine Gaal | 05-14-08 |
| 3. | Discount Drug Mart-Loss Prevention Report | 10-11-13 |
| 4. | Notarized Statement of Jeffrey L. Kistler | 04-16-14 |
| 5. | Store #30 Pharmacy Schedules for Jeff, Heather,
Brian and Beth | 10-15-13 through 03-03-14 |
| 6. | Notarized Statement of Dr. Diane Kreptowski | 02-13-14 |
| 7. | Patient Profile for Heather Gaal, | 10-01-13 through 03-03-14 |

Respondent's Exhibits:

- | | | |
|----|------------------------------------|----------|
| A. | Letter from Heather Christine Gaal | 02-26-14 |
|----|------------------------------------|----------|

FINDINGS OF FACT

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

- (1) Records of the Board of Pharmacy indicate that Heather Christine Gaal was originally licensed in the State of Ohio on October 16, 1996, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect that you were previously disciplined by this Board on May 14, 2008.
- (2) Heather Christine Gaal 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: she has admitted that she is addicted to the use of controlled substances. She has admitted stealing drugs from Discount Drug Mart #30, where she is an employee.
- (3) Heather Christine Gaal did, on or around February 26, 2014, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Discount Drug Mart #30, beyond the express or implied consent of the owner, to wit: she admitted to stealing oxycodone/APAP 5/325 mg. tablets during her shift while practicing pharmacy.
- (4) Heather Christine Gaal did, on or around February 26, 2014, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Discount Drug Mart #30, beyond the express or implied consent of the owner, to wit: she admitted to stealing oxycodone/APAP 7.5/325 mg. tablets during her shift while practicing pharmacy.
- (5) Heather Christine Gaal did, on or around February 26, 2014, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Discount Drug Mart #30, beyond the express or implied consent of the owner, to wit: she removed oxycodone/APAP 10/325 mg. tablets during her shift while practicing pharmacy.
- (6) Heather Christine Gaal did, on or about April 8, 2013, by deception, procure the dispensing of a dangerous drug, to wit: she knowingly obtained a prescription for OxyContin 10mg in violation of her patient contract with her physician. Specifically, she failed to inform her prescribing physician of an existing and overlapping opiate prescription written by another physician.
- (7) Heather Christine Gaal did, on or about March 21, 2013, by deception, procure the dispensing of a dangerous drug, to wit: she knowingly obtained a prescription for Percocet 10mg in violation of her patient contract with her physician. Specifically, she failed to inform her prescribing physician of an existing and overlapping opiate prescription written by another physician.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) through (7) of the Findings of Fact constitute being guilty of a felony and gross immorality 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 (7) 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 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) Further, as a result of the evidence and testimony presented, the State Board of Pharmacy concludes that paragraphs (6) and (7) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of Chapter 2925. of the Ohio 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 Heather Christine Gaal on March 12, 2014.

Pursuant to Section 4729.16 of the Ohio Revised Code, and pursuant to Section 4729-9-01(E) of the Ohio Administrative Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Heather Christine Gaal as follows:

- (1) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-3-22051, held by Heather Christine Gaal effective as of the date of the mailing of this Order.
- (2) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-3-22051, held by Heather Christine Gaal effective as of the date of the mailing of this Order.
- (3) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-3-22051, held by Heather Christine Gaal effective as of the date of the mailing of this Order.
- (4) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification

card, No. 03-3-22051, held by Heather Christine Gaal effective as of the date of the mailing of this Order.

Heather Christine Gaal, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her 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.

Ms. Yarosh moved for Findings of Fact; Ms. Huwer seconded the motion. Motion passed (Aye-7/Nay-0).

Ms. Huwer moved for Conclusions of Law; Ms. Ferris seconded the motion. Motion passed (Aye-7/Nay-0).

Ms. Marchal moved for Action of the Board; Mr. Cain seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

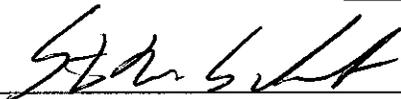
It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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.

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: April 9, 2015

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