



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-050311-051)

In The Matter Of:

**MARIA C. DAMATO, R.Ph.**  
616 Meadowridge Drive  
Ellwood City, Pennsylvania 16117  
(R.Ph. No. 03-3-23981)

### INTRODUCTION

THE MATTER OF MARIA C. DAMATO CAME FOR CONSIDERATION ON MAY 4, 2005, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, 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.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

MARIA C. DAMATO WAS NOT PRESENT NOR WAS SHE REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### State's Witness

1. William McMillen, R.Ph., Ohio State Board of Pharmacy

#### Respondent's Witnesses

None

#### State's Exhibits

1. Notice of Opportunity For Hearing letter [03-11-05]
  - 1A. Procedural
2. Renewal Application for Pharmacist License of Maria C. Damato [08-07-04]
3. Pennsylvania Department of State Bureau of Professional and Occupational Affairs License Verification for Maria C. Damato [06-17-04]
4. Letter to George Pavlich from Maria Damato [09-16-04]
5. Pennsylvania State Board of Pharmacy CE Audit (RP036922L) letter In Re Maria C. Damato [02-10-03]
6. Response letter to Pennsylvania State Board of Pharmacy from Maria Damato [09-26-03]
7. Notice, Commonwealth of Pennsylvania Bureau of Professional and Occupational Affairs vs. Maria C. Damato, Docket No. 0344-54-04, File No. 03-54-13782; Order to Show Cause; Certificate of Service [03-03-04]

## Respondent's Exhibits

None

## FINDINGS OF FACT

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

- (1) On March 11, 2005, Maria C. Damato was notified by letter of her right to a hearing, her rights in such hearing, and her right to submit any contentions in writing.
- (2) As demonstrated by return receipt dated March 16, 2005, Maria C. Damato received the letter of March 11, 2005, informing her of the allegations against her and her rights.
- (3) Maria C. Damato has not responded in any manner to the letter of March 11, 2005, and has not requested a hearing in this matter, therefore the matter was referred to the Board for consideration.
- (4) Records of the State Board of Pharmacy indicate that Maria C. Damato was originally licensed by the State of Ohio as a pharmacist on February 8, 2000, pursuant to reciprocity, and is currently licensed to practice pharmacy in Ohio.
- (5) Maria C. Damato did, on or about August 7, 2004, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Maria C. Damato indicated on her pharmacist license renewal application that she had not been the subject of disciplinary action by any state or federal agency when in fact she had been formally admonished by the Pennsylvania Board of Pharmacy. In fact, the Pennsylvania Board Order, dated March 3, 2004, indicated that it was a "disciplinary action." Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

## CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes being guilty of misrepresentation in applying for or securing a license or identification card issued by the board as provided in Division (A)(10) of Section 4729.16 of the Ohio Revised Code.

## DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby notes the disciplinary action of the Pennsylvania Board of Pharmacy in the matter of Maria Damato.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).

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 filing 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: MAILED JUNE 9, 2005

By: \_\_\_\_\_  
Timothy J. Benedict, R.Ph., Assistant Executive Director

CERTIFIED MAIL / Return Receipt  
7003 0500 0002 4340 8312

TJB/lf

cc: Sally Ann Steuk, Assistant Attorney General