



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-061212-019 & D-070126-030)

In The Matter Of:

SUSAN M. BRUGGEMAN, R.Ph.

1214 Bailey Avenue
Vandalia, Ohio 45377
(R.Ph. No. 03-3-24146)

INTRODUCTION

THE MATTER OF SUSAN M. BRUGGEMAN 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.

SUSAN M. BRUGGEMAN WAS REPRESENTED BY JAMES LINDON. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

1. Todd Knauss, Ohio State Board of Pharmacy

Respondent's Witness

1. Susan M. Bruggeman, R.Ph., Respondent

State's Exhibits

1. Notice of Opportunity For Hearing letter [12-12-06]
 - 1A-1B. Procedurals
 - 1C. Summary Suspension/Notice of Opportunity For Hearing [01-26-07]
 - 1D. Procedural
2. Statement of Susan Bruggeman [03-02-06]; Notice of Civil Demand [03-02-06]; Promissory Note [03-02-06]
3. Statement of Susan Bruggeman [03-14-06]
4. Rx #841607 [01-04-04]; Rx #847458 [02-19-04]
- 4A. CVS Pharmacy #3476 Patient Prescription Record [01-01-04 to 03-08-06]
5. Rx #841833 [01-05-04]
- 5A. CVS Pharmacy #3476 Patient Prescription Record [01-01-04 to 03-08-06]
6. Rx #869592 [08-29-04]
- 6A. CVS Pharmacy #3476 Patient Prescription Record [01-01-04 to 06-07-06]
- 6B. Notarized Statement of Billie J. Bramlette [07-11-06]
7. Rx #889705 [02-11-05]; Rx #889706 [02-11-05] Rx #889707 [02-11-05]

- 7A. CVS Pharmacy #3476 Patient Prescription Record for Susan Bruggeman [01-01-04 to 03-08-06]
- 8. Rx #894051 [03-11-05]
- 8A. CVS Pharmacy #3476 Patient Prescription Record [01-01-04 to 06-07-06]
- 8B. Notarized Statement of Emily Johnson [07-11-06]
- 9. Indictment, State of Ohio vs. Susan Bruggeman, Case No. 06CR412, Miami County Common Pleas Court [08-22-06]; Entry Granting Intervention in Lieu of Conviction [01-19-07]
- 10. Notarized Statement of Stephanie L. Clack [03-29-06]
- 11. CVS Pharmacy #3476 Patient Prescription Record [01-01-04 to 03-08-06]
- 12. Complaint, State of Ohio v. Susan Bruggeman, Case No. 06CR14293, Franklin County Municipal Court [06-08-06]

Respondent's Exhibits:

- A. Letter from Dr. Anne Miller, D.O. [03-15-07]; Thirteen Letters of Support [04-02-06 to 04-07-07]

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 Susan M. Bruggeman was originally licensed by the State of Ohio as a pharmacist on June 13, 2000, pursuant to reciprocity, and that her license to practice pharmacy in Ohio was summarily suspended effective January 26, 2007 for Intervention In Lieu of Conviction.
- (2) Susan M. Bruggeman did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: Susan M. Bruggeman created the following documents without authorization from an authorized prescriber:

<u>Rx No.</u>	<u>Date Filled</u>	<u>Drug</u>	<u>Qty</u>
841607	01/04/04	sulfamethoxazole w/TMP	479
847458	02/19/04	amoxicillin 500 mg	30
841833	08/02/04	Differin 0.1 cream	45
869592	08/29/04	Tri-Spintec	28
889705	02/11/05	Nasonex 50 mcg	17
889706	02/11/05	Zithromax Tri-Pak 500 mg	3
889707	02/11/05	Guaifenex PSE 600/120 mg	60
894051	03/11/05	Ortho Tri-Cyclen	28

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (3) Susan M. Bruggeman did, on or about June 8, 2006, plead guilty to one count of Medicaid Fraud in violation of Section 2913.40(B) of the Ohio Revised Code, a misdemeanor of the first degree. State of Ohio vs. Susan Bruggeman, Case No. 2006 CR B 014293, Franklin County Municipal Court. Susan M. Bruggeman was sentenced to 180 days incarceration, suspended (two years probation), and 80 hours of community service and a \$250.00 fine.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of 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 (2) and (3) 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 (3) of the Findings of Fact constitutes having been convicted of a misdemeanor related to, or committed in, the practice of pharmacy as provided in Division (A)(4) of Section 4729.16 of the Ohio Revised Code.
- (4) 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 provisions of Chapter 2925. of the 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 Susan M. Bruggeman on January 26, 2007.

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 adjudicates the matter of Susan M. Bruggeman as follows:

- (A) On the basis of the Findings of Fact and the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends until May 26, 2007, the pharmacist identification card, No. 03-3-24146, held by Susan M. Bruggeman. Susan M. Bruggeman, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby limits Susan M. Bruggeman's practice of pharmacy in that she may not dispense prescriptions for herself or for any member of her family.
- (C) On the basis of the Findings of Fact and the Conclusions of Law set forth above, the State Board of Pharmacy hereby places Susan M. Bruggeman on probation for one year effective upon reinstatement of her identification card. The terms of probation are as follows:
 - (1) The State Board of Pharmacy hereby declares that Susan M. Bruggeman's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - (2) Susan M. Bruggeman may not serve as a responsible pharmacist.

- (3) Susan M. Bruggeman may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) Susan M. Bruggeman must not violate the drug laws of Ohio, any other state, or the federal government.
 - (5) Susan M. Bruggeman must abide by the rules of the State Board of Pharmacy.
 - (6) Susan M. Bruggeman must comply with the terms of this Order.
 - (7) Susan M. Bruggeman's license is deemed not in good standing until successful completion of the probationary period.
- (D) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Susan M. Bruggeman is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

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 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 9805 7547

cc: Sally Ann Steuk, Assistant Attorney General
James Lindon, Pharm D., Ph.D.; Attorney for Respondent; Lindon & Lindon LLC; 1250
Linda Street; Rocky River, Ohio 44116