



# OHIO STATE BOARD OF PHARMACY

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-Equal Opportunity Employer and Service Provider-

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-020502-054)

In The Matter Of:

**DANA FRANCES CASPER, R.Ph.**

8495 State Route 48

Waynesville, Ohio 45068

(D.O.B. 06/09/1971)

### INTRODUCTION

THE MATTER OF DANA FRANCES CASPER CAME FOR HEARING ON SEPTEMBER 10, 2002, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: DIANE C. ADELMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

DANA FRANCES CASPER WAS REPRESENTED BY ERIC J. PLINKE AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### State's Witnesses

None

#### Respondent's Witnesses

1. Dana Frances Casper, R.Ph., Respondent
2. Wayne C. Miller, R.Ph.

#### State's Exhibits

1. Reinstatement Hearing Request letter from Dana F. Casper [05-03-02]  
1A-1C. Procedurals
2. Copy of State Board of Pharmacy Order in re Dana Frances Casper, R.Ph. [09-13-01]
3. NABP Official Application For Transfer Of Pharmaceutic Licensure issued March 27, 2001 to Dana Frances Casper [04-07-01]
4. Alcohol Influence Report, Town and Country (Missouri) Police Department [11-13-99]
5. Completion Certificate, Missouri Substance Abuse Traffic Offenders' Program
6. Letter from Ben Capshaw, Esq. [06-21-01]
7. O'Fallon (Missouri) Police Department Alcohol Influence Report; Offense/Incident Report; Ticket 001793062, Driving While Intoxicated; Ticket 001793065, Fail to Yield to Emergency Vehicle; Ticket 001793084, No Proof of Insurance; Ticket 001793063, Following Too Closely [03-21-01]

8. Copy of handwritten memo of dispositions of tickets for Dana Casper

Respondent's Exhibits

- A. State Board of Pharmacy Order in re Dana Frances Casper, R.Ph. [09-13-01]
- B. Letter and Psychological Evaluation results from Jack C. Lunderman, Jr., M.D. [10-23-01]; Psychiatric Treatment Plan Compliance Report from Jack C. Lunderman, Jr., M.D. [09-04-02]
- C. PRO Pharmacist's Recovery Contract for Dana Casper [09-18-01]; Letters from Wayne C. Miller [11-13-01, 12-26-01, 01-06-02, 07-10-02]; Letter from Michael D. Quigley, R.Ph. [08-31-02]
- D. Drug Screen Reports [10-16-01 to 08-23-02]
- E. Support Group Attendance Records [07-31-01 to 09-09-02]
- F. Psychiatric Treatment Plan Compliance Report from Bill Tayon, M.A., LPC [05-16-02]
- G. Ten Letters of Support [01-09-02 to 08-26-02]

FINDING 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 that Dana Frances Casper has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-010727-006, effective September 13, 2001.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the issuance of a pharmacist identification card to Dana Frances Casper to practice pharmacy in Ohio and, therefore, will accept an Official application for reciprocity submitted by Dana Frances Casper.

Further, Dana Frances Casper will be placed on probation for five years from the effective date of this Order, with the following conditions:

- (A) Dana Frances Casper must continue to abide by the terms of her Pharmacists Rehabilitation Organization Pharmacist's Recovery Contract signed September 18, 2001, and any violation must be reported to the Board immediately.
- (B) Dana Frances Casper must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:
  - (1) The written report and documentation provided by the treatment program pursuant to the contract, and
  - (2) A written description of Ms. Casper's progress towards recovery and what she has been doing during the previous three months.

(C) Other terms of probation are as follows:

- (1) The State Board of Pharmacy hereby declares that Dana Frances Casper '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) Dana Frances Casper may not serve as a responsible pharmacist.
- (3) Dana Frances Casper may not destroy, assist in, or witness the destruction of controlled substances.
- (4) Dana Frances Casper must not violate the drug laws of Ohio, any other state, or the federal government.
- (5) Dana Frances Casper must abide by the rules of the State Board of Pharmacy.
- (6) Dana Frances Casper must comply with the terms of this Order.

(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.

Dana Frances Casper 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.

**ORDER EFFECTIVE OCTOBER 21, 2002**



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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-010727-006)

In The Matter Of:

**DANA FRANCES CASPER, R.Ph.**

8495 State Route 48

Waynesville, Ohio 45068

(D.O.B. 06/09/1971)

### INTRODUCTION

THE MATTER OF DANA FRANCES CASPER CAME FOR HEARING ON AUGUST 6, 2001, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

DANA FRANCES CASPER WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) William Padgett, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) John Casper, Father of Respondent
- (2) Beulah Corgan, Grandmother of Respondent
- (3) Dana Frances Casper, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of five-page Proposal To Deny/Notice of Opportunity for Hearing letter dated July 27, 2001.
- (2) Exhibit 1A--Hearing Request letter dated July 30, 2001.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated July 31, 2001.

- (4) Exhibit 1C--Copy of Ohio Pharmacist computer record of Reciprocity Candidate Dana Frances Casper dated July 30, 2001.
- (5) Exhibit 2--Four-page copy of National Association of Boards of Pharmacy (NABP) Official Application For Transfer Of Pharmaceutic Licensure to the state of Ohio dated April 7, 2001.
- (6) Exhibit 3--Copy of four-page Missouri Department of Revenue Alcohol Influence Report of Dana Frances Casper dated November 13, 1999.
- (7) Exhibit 4--Copy of State of Missouri SATOP (Substance Abuse Traffic Offenders' Program) Completion Certificate (C-2) of Dana F. Casper dated May 6, 2001.
- (8) Exhibit 5--Copy of letter from Ben Capshaw, Attorney at Law, dated June 21, 2001.
- (9) Exhibit 6--Copy of pages one and three of Missouri Department of Revenue Alcohol Influence Report, No. 2001-06018, of Dana Frances Casper dated March 21, 2001; Copy of three-page O'Fallon Police Department Offense/Incident Report, Complaint No. 2001-06018, of Dana Frances Casper dated March 21, 2001; Copy of four Missouri Uniform Complaint & Summons, numbered 001793062, 001793063, 001793064, and 001793065, of Dana F. Casper dated March 21, 2001.
- (10) Exhibit 7--Copy of handwritten list of dispositions for Dana Casper of 001793062, 001493063(*sic*), 001793064, 001793065, 961585344, 961585345, and 961585346.

Respondent's Exhibits:

- (1) Exhibit A--Copy of State of Missouri SATOP (Substance Abuse Traffic Offenders' Program) Completion Certificate (C-2) of Dana F. Casper dated May 6, 2001.
- (2) Exhibit B--Copy of Plea of Guilty in the Municipal Court of St. Charles County, State of Missouri, dated July 18, 2001. City of O'Fallon vs. Dana Casper, Case No. 00017-93062, 0001793063, 0001793064, 0001793065.
- (3) Exhibit C--Copy of letter from Ben Capshaw dated June 21, 2001.
- (4) Exhibit D--Copy of letter from Bill Tayon, M.A., LPC, CSAC II dated April 30, 2001.
- (5) Exhibit E--Copy of attendance record of support meetings dated July 31 to August 2.
- (6) Exhibit F--Copy of letter from Cathy Wheeler dated April 30, 2001.
- (7) Exhibit G--Copy of letter from Kelly Mornhinweg, not dated.
- (8) Exhibit H--Copy of letter from Marcos Munoz dated August 3, 2001.
- (9) Exhibit I--Copy of letter from David W. Baker dated August 4, 2001.

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 indicate that Dana Frances Casper was originally licensed to practice pharmacy in the State of Missouri on November 1, 1997, pursuant to examination, and is currently licensed to practice pharmacy in the State of Missouri. On April 16, 2001, Dana Frances Casper applied for reciprocal licensure into the state of Ohio.
- (2) Dana Frances Casper was, on or about November 13, 1999, arrested by the Town and Country Police Department (Missouri) for Driving Under the Influence. Dana Frances Casper tested at .149 Blood-Alcohol, even though Ms. Casper told the arresting officer that she only consumed three and one-quarter beers that evening. Further, Dana Frances Casper had been driving after drinking, and drinking while having used prescription medication.

- (3) Dana Frances Casper was, subsequent to making application to the Ohio Board of Pharmacy for reciprocal licensure on April 7, 2001, arrested by the Offalen (Missouri) Police Department for Driving Under the Influence. Dana Frances Casper tested at .19 breath-alcohol.

#### CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being addicted to or abusing liquor or 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 and paragraph (D) of Rule 4729-5-04 of the Ohio Administrative Code.
- (2) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes having committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under Chapter 4729. of the Revised Code as provided in Division (A)(10) of Section 4729.16 of the Ohio Revised Code.

#### ACTION OF THE BOARD

Pursuant to Sections 4729.09 and 4729.16 of the Ohio Revised Code and Rule 4729-5-04 of the Ohio Administrative Code, and on the basis of the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy hereby denies the issuance of a certificate of registration or an identification card to practice as a pharmacist in Ohio and, therefore, denies the Official Application for Transfer of Pharmaceutic Licensure submitted by Dana Frances Casper on or about April 16, 2001.

Further, September 1, 2002 or thereafter, the Board will consider any petition filed by Dana Frances Casper for a hearing, pursuant to Ohio Revised Code Chapter 119., for licensure. The Board will only consider an application for a license to practice pharmacy in Ohio if the following conditions have been met:

- (A) Dana Frances Casper must obtain, within sixty days after the effective date of this Order, a full psychiatric or psychological evaluation by a licensed psychiatrist or psychologist and must abide by the treatment plan as designed by that psychiatrist or psychologist. The psychiatrist or psychologist must provide an initial status report, which includes the recommended treatment plan, to the Board within ten days after completing the assessment.
- (B) Dana Frances Casper must enter into a contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, mail a copy of the contract to the Board office. The contract must provide that:
  - (1) Random, observed urine drug screens shall be conducted at least once each month.
    - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

- (b) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but the test must be conducted by an appropriately certified individual within twelve hours of notification.
  - (c) Results of all drug and alcohol screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
- (2) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
  - (3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (C) Dana Frances Casper must provide, at the petition hearing, documentation of the following:
- (1) Compliance with the licensed psychiatrist's or psychologist's recommended treatment plan;
  - (2) A report by the licensed psychiatrist or psychologist regarding Dana Frances Casper's fitness for admission into the practice of pharmacy;
  - (3) Compliance with the contract required above (e.g.-proof of giving the urine sample within twelve hours of notification and copies of all drug and alcohol urine screen reports, meeting attendance records, treatment program reports, etc.);
  - (4) Compliance with the terms of this Order.

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

**ORDER EFFECTIVE SEPTEMBER 13, 2001**