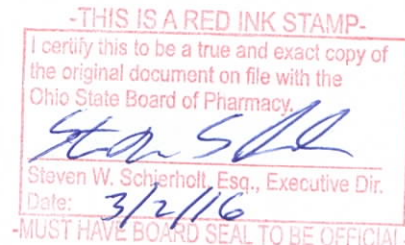




ORDER OF THE STATE BOARD OF PHARMACY
(Case Number 2014-2151)

In The Matter Of:

Michael Carter, R.Ph.
730 S. Sixth St.
Columbus, Ohio 43206
(R.Ph. No. 03-3-30911)



INTRODUCTION

The Matter of Michael Carter came for consideration on February 1, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Michael A. Moné, R.Ph.; Absent.

Michael Carter was not present nor represented by Counsel. The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Paul Schad, R.Ph., State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | |
|--------------------------------------|------------|
| 1. Notice of Opportunity for Hearing | 08-13-2015 |
| 2. Letter of Michael Carter | 09-15-2015 |
| 3. Board Complaint | 12-12-2014 |
| 4. RX#287495 | 02-10-2014 |
| 5. Statement of Michael Carter | 12-31-2014 |
| 6. Lab Results | 12-06-2014 |
| 7. Physician Office Visit Notes | 12-10-2014 |

Respondent's Exhibits:

None

FINDINGS OF FACT

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

77 South High Street, 17th Floor, Columbus, Ohio 43215



1. On October 27, 2014, RPh Michael Carter misbranded a drug within the meaning of ORC 3715.64, to wit: when he received a prescription label to fill an "owed" quantity of 80 tablets of warfarin 6 mg tablets for Rx# 287495, which was initially partially dispensed on 10-21-14 with 10 tablets containing the correct 6 mg dose, he instead dispensed warfarin 10 mg tablets which was not specifically prescribed by the physician. As a result, the patient ingested warfarin 10 mg tablets for 24 days and had a high INR (International Normalized Ratio) of 12.68 (normal INR range is 2-3). INR is a blood test used to monitor the effects of anticoagulants on the clotting system.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraphs (1) of the Findings of Fact constitutes a violation of Section 3715.52(A)(2) of the ORC.
2. Similarly, such conduct, as set forth in paragraphs (1) of the Findings of Fact constitutes a violation of Section 3715.64(A)(1) of the ORC.
3. Additionally, such conduct, as set forth in paragraphs (1) of the Findings of Fact constitutes a violation of each of the following Sections of the ORC:
 - a. Being guilty of unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2); and
 - b. Being guilty of willfully violating, any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provision; ORC Section 4729.16(A)(5).
4. Finally, such conduct, as set forth in paragraphs (1) of the Findings of Fact constitutes a violation of the following Ohio Administrative Code (OAC): having committed acts that, if convicted, constitute a violation of any state or federal pharmacy or drug law, OAC Rule 4729-5-04(B).

DECISION OF THE BOARD

1. 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 imposes a monetary penalty of \$1000 on Michael Carter and payment in full is due no later than thirty days from the effective date of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126.
2. Michael Carter must obtain, within 90 days from the effective date of this Order, 6 hours of approved continuing pharmacy education (0.6 CEUs) in medication errors and/or patient safety, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov within 90 days from the effective date of this Order.

Mr. Wilt moved for Findings of Fact; Ms. Marchal seconded the motion. Motion passed (Aye-5/Nay-0).

Mr. Weaver moved for Conclusions of Law; Mr. Passafume seconded the motion. Motion passed (Aye-5/Nay-0).

Mr. Passafume moved for Action of the Board; Mr. Cain seconded the motion. Motion passed (Aye-5/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.

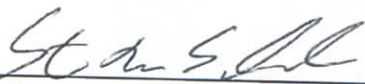
Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place 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: March 2, 2016

By:



Steven W. Schierholt, Esq., Executive Director

SWS/rlc

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