



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-011207-025)

In The Matter Of:

**REGINA ANN JUTZ**

875 South Boston Street

Galion, Ohio 44833

(D.O.B. 10/12/1974)

### INTRODUCTION

THE MATTER OF REGINA ANN JUTZ CAME FOR CONSIDERATION ON MARCH 4, 2002, 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.

REGINA ANN JUTZ WAS NOT PRESENT, NOR WAS SHE 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) Lynn Mudra, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of four-page Proposal To Deny/Notice of Opportunity for Hearing letter dated December 7, 2001.
- (2) Exhibit 1A--Ohio State Board of Pharmacy Personal Delivery Record for Regina Ann Jutz dated January 18, 2002.
- (3) Exhibit 2-- Copy of two-page Kansas Board of Pharmacy Application for Registration of Intern of Regina Lee dated February 22, 1999.
- (4) Exhibit 3--Copy of letter from Larry Froelich, R.Ph.

- (5) Exhibit 4--Copy of Ohio Application for Pharmacy Intern Registration of Regina Ann Jutz and attached violation statement receipt-stamped by the Ohio Board of Pharmacy on October 4, 2001.
- (6) Exhibit 5--Copy of letter from Larry Froelich, R.Ph. dated November 3, 1999.
- (7) Exhibit 6--Copy of excerpt from Minutes of Kansas State Board of Pharmacy, Page 6, re: Regina A. Lee Jutz, not dated.
- (8) Exhibit 7--Copy of letter from Tom Gossell dated November 3, 1999.

Respondent's Exhibits:

- (1) 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 December 7, 2001, Regina Ann Jutz was notified by letter of her right to a hearing, her rights in such hearing, and her right to submit her contentions in writing.
- (2) As demonstrated by Personal Delivery Record of January 18, 2002, Regina Ann Jutz received the letter of December 7, 2001 informing her of the allegations against her, and her rights.
- (3) Regina Ann Jutz has not responded in any manner to the letter of December 7, 2001, and has not requested a hearing in this matter.
- (4) Records of the Ohio Board of Pharmacy indicate that Regina Ann Jutz submitted an Ohio Application for Pharmacy Intern Registration on October 4, 2001.
- (5) Regina Ann Jutz did, on or about February 22, 1999, knowingly make a false statement with the purpose to obtain the issuance of an intern license, to wit: Regina Ann Jutz submitted a false application to the Kansas Board of Pharmacy when applying for an intern license. The application contained a document that was purported to be signed by Thomas Gossel, then Dean of Ohio Northern University College of Pharmacy, when in fact the signature had been forged. Such conduct constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code, and thus not meeting the requirements of the Board within the meaning of Section 4729.11 of the Ohio Revised Code.
- (6) Regina Ann Jutz was, on or about November of 1999, ordered by the Kansas Board of Pharmacy to surrender her Kansas intern license and to appear before that board for a hearing due to submission of a false application for said license. Rather than comply, Regina Ann Jutz left the state of Kansas, returned to Ohio, and obtained employment as a pharmacy intern without having an Ohio pharmacy intern license. Such conduct constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code, and thus not meeting the requirements of the Board within the meaning of Section 4729.11 of the Ohio Revised Code.

- (7) Regina Ann Jutz did, on or about February, 1999, through November, 1999, continually and habitually lie to her employers, pharmacies in the state of Kansas, about her status as a licensed intern and/or about the status of her application and examination to become a licensed pharmacist. Such conduct constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code, and thus not meeting the requirements of the Board within the meaning of Section 4729.11 of the Ohio Revised Code.
- (8) Regina Ann Jutz did, subsequent to November, 1999, while not licensed as a pharmacist or pharmacy intern under the personal supervision of a pharmacist, engage in the practice of pharmacy, to wit: after the Kansas Board of Pharmacy took her license to practice as an intern in that state, Regina Ann Jutz moved to Ohio and obtained employment with Rite Aid as an intern, and Regina Ann Jutz practiced pharmacy as an intern in Ohio but she did not have an Ohio license or registration as an intern. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code and constitutes being guilty of violating provisions of Chapter 4729. of the Revised Code within the meaning of Section 4729.16 of the Revised Code and/or of not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code, and thus not meeting the requirements of the Board within the meaning of Section 4729.11 of the Ohio Revised Code.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5) through (8) of the Findings of Fact constitute not being of good moral character and habits as provided in Division (C) of Rule 4729-5-04 of the Ohio Administrative Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5) through (8) of the Findings of Fact constitute being guilty of dishonesty within the meaning of Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (8) 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 4729. of the Revised Code within the meaning of Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

#### ACTION OF THE BOARD

Pursuant to Section 4729.11 of the Ohio Revised Code, and Rule 4729-5-04 of the Ohio Administrative Code, the State Board of Pharmacy hereby refuses to grant a license and, therefore, denies the Application for Pharmacy Intern Registration submitted by Regina Ann Jutz on October 4, 2001.

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 a Notice of Appeal with both the State Board of Pharmacy and 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**

VIA CERTIFIED MAIL  
#7099 3400 0013 9263 9809  
Return Receipt Requested

ORDER MAILED  
AND EFFECTIVE: APRIL 11, 2002

By: William T. Winsley, M.S., R.Ph., Executive Director