

ORDER OF THE STATE BOARD OF PHARMACY
(Docket Nos. D-000531-061 and D-000710-001)

In The Matter Of:

GARNET VALENTINE ANDERSON
840 Echo Avenue
Zanesville, Ohio 43701
(Pharmacy Intern No. 06-0-00949)

INTRODUCTION

THE MATTER OF GARNET VALENTINE ANDERSON CAME FOR HEARING ON OCTOBER 3, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); ANN D. ABELE, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; AND JAMES E. TURNER, R.Ph.

GARNET VALENTINE ANDERSON WAS REPRESENTED BY DANIEL D. CONNOR, 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) Garnet Valentine Anderson, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of four-page Notice of Opportunity for Hearing letter dated May 31, 2000.
- (2) Exhibit 1A--Hearing Request letter dated June 7, 2000.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated June 15, 2000.
- (4) Exhibit 1C--Copy of four-page Proposal to Deny Exam Application/Notice of Opportunity for Hearing letter dated July 10, 2000.
- (5) Exhibit 1D--Letter of Representation from Daniel D. Connor dated September 8, 2000.
- (6) Exhibit 1E--Intern Registration Record of Garnet Valentine Anderson showing original date of registration as April 28, 1997.

- (7) Exhibit 1F--Renewal Application for Intern License, No. 06-0-00949, for a license to practice pharmacy as an intern in Ohio from September 15, 2000, to September 15, 2001, of Garnet Valentine Anderson dated July 7, 2000.
- (8) Exhibit 1G--Application for Examination as a Pharmacist of Garnet Valentine Anderson signed and notarized on June 29, 2000, with the following attachments: Zanesville Police Department Authorization to Release Information form of Garnet V. Anderson, Zanesville Police Department Record Certification form signed by Jerri Newell, and copy of Criminal Docket report for Garnet V. Anderson, all dated May 12, 2000.
- (9) Exhibit 2--Renewal Application for Intern License, No. 06-0-00949, for a license to practice pharmacy as an Intern in Ohio from September 15, 1999, to September 15, 2000, of Garnet Valentine Anderson dated January 31, 2000.
- (10) Exhibit 3--Zanesville Municipal Court Traffic/Criminal Docket of Garnet V. Anderson regarding case number 99CRB01181.
- (11) Exhibit 4--Two-page letter from Garnet Anderson received in the Board office on March 3, 2000.
- (12) Exhibit 5--Copy of page one of Zanesville Police Department Supplementary Report, Inc. # 9906270, dated August 7, 1999.
- (13) Exhibit 6--Letter from Cindy Cash dated March 21, 2000, and attached report of a meeting held on August 16, 1999 between Bruce Umbleby, Cindy Cash, Scott Kimmins, and Garnet Valley Anderson dated March 16, 2000.
- (14) Exhibit 7--Three-page handwritten statement of Garnet V. Anderson signed and notarized on March 15, 2000.
- (15) Exhibit 8--Application for Intern Registration of Garnet Valentine Anderson signed and notarized on April 15, 1997.

Respondent's Exhibits:

- (1) Exhibit A--Copy of two-page letter from Linda Kirkbride dated September 13, 2000; copy of letter from Paul D. Mumma dated September 26, 2000; letter from Martin Winland, not dated; and letter from Scott A. Kimmins dated September 1, 2000.

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 Garnet Valentine Anderson was originally licensed to practice pharmacy as an intern in the State of Ohio on April 28, 1997, and is currently licensed as an intern. Records further indicate that Garnet Valentine Anderson submitted an application for examination as a pharmacist on or about July 6, 2000.
- (2) Garnet Valentine Anderson did, on or about January 31, 2000, knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when the statement was made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, or registration, to wit: Garnet Valentine Anderson falsified her renewal application for phar-

macy intern license number 06-0-00949 by indicating that she had never been charged with or convicted of a felony or misdemeanor when she had in fact been

criminally charged with and convicted of Disorderly Conduct and Criminal Trespassing on August 9, 1999. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

- (3) Garnet Valentine Anderson is addicted to and/or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Garnet Valentine Anderson admitted that she has no recollection of the events that took place from 2:00 a.m. to 5:00 a.m. on August 7, 1999, after leaving a local bar in Zanesville, Ohio, where she became intoxicated. Garnet Valentine Anderson was found, passed out, lying in the front yard of the residence at 1635 Linden Avenue, Zanesville, Ohio. Officers were unable to wake Garnet Valentine Anderson; they transported Garnet Valentine Anderson to the city jail where she awoke. While being interviewed, Garnet Valentine Anderson stated that she was not really passed out, that she was faking it and only wanted to have a good time.
- (4) Garnet Valentine Anderson was, on or about August 9, 1999, convicted of Criminal Trespassing in violation of Section 2911.21 of the Ohio Revised Code and Disorderly Conduct in violation of Section 2917.11 of the Ohio Revised Code, Fourth Degree Misdemeanors, in the Zanesville Municipal Court, State of Ohio v. Garnet V. Anderson, Case No. 99CRB01181.

CONCLUSION OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of dishonesty as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

- (A) Pursuant to Section 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusion of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacy intern license, No. 06-0-00949, of Garnet Valentine Anderson for two years and such suspension is effective as of the date of the mailing of this Order.
- (B) Further, the Board suspends the two-year suspension and places Garnet Valentine Anderson's pharmacy intern identification card on probation for two years, effective as of the date of the mailing of this Order. The terms of probation are as follows:
 - (1) Garnet Valentine Anderson must not violate the drug laws of the state of Ohio, any other state, or the federal government.

- (2) Garnet Valentine Anderson must abide by the rules of the Ohio State Board of Pharmacy.
 - (3) Garnet Valentine Anderson must comply with the terms of this Order.
- (C) Pursuant to Section 4729.08 of the Ohio Revised Code, and the foregoing Findings of Fact and Conclusion of Law, the State Board of Pharmacy hereby accepts the Application for Examination as a Pharmacist submitted by Garnet V. Anderson, and will provisionally allow her to sit for the examination with the stipulation that, if Garnet Valentine Anderson successfully completes the examination, her pharmacist license will be placed on probation effective as of the issuance of the pharmacist identification card through October 6, 2002. The terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Garnet V. Anderson'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) Garnet V. Anderson may not serve as a responsible pharmacist.
 - (3) Garnet V. Anderson must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (4) Garnet V. Anderson must abide by the rules of the Ohio State Board of Pharmacy.
 - (5) Garnet V. Anderson must comply with the terms of this Order.
- (D) 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-4/Nay-2).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE OCTOBER 6, 2000