

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-021211-047)

In The Matter Of:

HEATHER MARIE HEIDORN
2140 Timber Creek Drive, Apt. B
Toledo, Ohio 43615
(D.O.B. 07/10/1981)

INTRODUCTION

THE MATTER OF HEATHER MARIE HEIDORN CAME FOR HEARING ON FEBRUARY 4, 2003, 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.

HEATHER MARIE HEIDORN WAS NOT REPRESENTED BY COUNSEL AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Jesse Wimberly, Ohio State Board of Pharmacy

Respondent's Witnesses

1. Heather Heidorn, Respondent
2. Don Heidorn
3. Alicia Heidorn

State's Exhibits

1. Copy of Proposal To Deny/Notice of Opportunity for Hearing letter [12-11-02]
1A-1B. Procedurals
2. Application For Pharmacy Intern Registration of Heather Marie Heidorn [04-28-02]
3. Letter from Heather Heidorn [09-05-02]
4. Beavercreek Police Department Report No. 99-22481 [11-14-99]
5. Beavercreek Police Department Report No. 00-924 [01-13-00]
6. Dismissal Entry, City of Beavercreek vs. Heather Marie Heidorn, Case No. 00CRB00656-A [03-20-00]; Beavercreek Police Department Report No. 00-5844 [03-18-00]; Beavercreek Police Department Narrative Supplement of Officer R. D. Curd #36 [03-18-00]; Narrative Supplement of Officer Hall [03-18-00]; Narrative Supplement of Ptl. C. M. Williams #46 [03-19-00]; Statement of Heather Heidorn [03-18-00]; Statement of Erin Meyerhoefer [03-18-00]; Two Statement of Assault/Request for Temporary Protection Order, Complaint No. 00-5844 [03-18-00]

7. Nolle Prosequi, City of Beavercreek Police Department vs. Heather Marie Heidorn, Case No. 00CRB00914-A, Fairborn Municipal Court [10-26-00]; Beavercreek Police Department Report No. 00-7753 [04-15-00]; Statement of Maureen D. Sears-Meyerhoefer [04-15-00]; Statement of Heather Marie Heidorn [04-15-00]; Constitutional Rights Pre-Interview Form re Heather Heidorn [04-15-00]; Form 10-A: Protection Order Notice to NCIC re Heather Marie Heidorn [03-20-00]; Cash Appearance Bond re Heather Heidorn [04-15-00]; Beavercreek Police Sales Draft to Don L. Heidorn [04-15-00]; Beavercreek Police Transaction Reports, Batch 163 [04/17/00]; Beavercreek Police Department Narrative Supplement, Case No. 00-7753 [12-24-00]
8. Guilty Entry, City of Beavercreek vs. Heather Marie Heidorn, Case No. 00CRB01278-A, Fairborn Municipal Court [10-04-00]; Beavercreek Police Department Incident Report No. 00-11096 [05-28-00]; Narrative Supplement of Officer Darkow #70 [05-28-00]; Statement of Rhonda L. Norris [05-28-00]; Statement of Assault/Request for Temporary Protection Order, Complaint No. 00-11096 [05-28-00]; Beavercreek Police Domestic Violence Checklist [05-28-00]; Beavercreek Police Department Narrative Supplement, Case No. 00-11096 [05-28-00]; Pretrial Conclusion Sheet, State of Ohio vs. Leonard G. Meyerhoefer, Case No. 00CRB00658 [06-26-00]; two photographs
9. Guilty Entry, City of Beavercreek vs. Heather Marie Heidorn, Case No. 00CRB02170-A and Case No. 00CRB02170-B, Fairborn Municipal Court [12-06-00]; Beavercreek Police Department Report No. 00-18352 [08-30-00]; Narrative Supplement of Officer Spicer [08-30-00]; Narrative Supplement of Officer Hilderbrandt [08-30-00]; Beavercreek Police Department Property Tag, Complaint No. 00-18352 [08-30-00]; Miami Valley Regional Crime Laboratory Report, Case No. 00-18352 [08-30-00]; Miami Valley Regional Crime Laboratory Report, Laboratory Case No. 00-012010 [09-07-00]; Affidavit of Brooke J. Baker [09-06-00]; Beavercreek Police Department Narrative Supplement, Case No. 00-18352 [12-31-00]

Respondent's Exhibits

- A. Letter from Adelia I. Barone, M.A., M.S., LPCC [02-03-03]
- B. Letter from David Meeks, [02-03-03]
- C. Letter from Verna J. Reese, R.Ph. [01-25-03]
- D. Letter from Dennis W. White, R.Ph., PIC [01-26-03]

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 Heather Marie Heidorn applied to the Board for registration as a Pharmacy Intern in Ohio on September 23, 2002.

(2) Heather Marie Heidorn did, on or about November 14, 1999, engage in conduct that would constitute the crime of assault in violation of Section 2903.13 of the Ohio Revised Code, to wit: Heather Marie Heidorn admitted to a Board agent that she and another fought. Though the police were dispatched to the scene, both Heather Marie Heidorn and the other declined to prosecute. (Report No. 99-22481, Beavercreek Police Department, 11/14/1999). 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.

(3) Heather Marie Heidorn did, on or about January 13, 2000, engage in conduct that would indicate Heather Marie Heidorn was impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Heather Marie Heidorn admitted to a Beavercreek Police officer that she and another argued and that Heather Marie Heidorn threatened to slit her wrist with a razor. Heather Marie Heidorn further admitted that she was a masochist and bipolar. Due to these circumstances, Heather Marie Heidorn was taken to a hospital for evaluation. 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/or impaired physically or mentally to such a degree as to render Heather Marie Heidorn unfit to practice pharmacy; and thus not meeting the requirements of the Board within the meaning of Section 4729.11 of the Ohio Revised Code.

(4) Heather Marie Heidorn did, on or about March 18, 2000, engage in conduct that would constitute the crime of assault in violation of Section 2903.13 of the Ohio Revised Code, to wit: Heather Marie Heidorn admitted to a Board agent that she and others fought. A civil protection order was issued by a court of law against Heather Marie Heidorn and her boyfriend's sister. City of Beavercreek vs. Heather Marie Heidorn, Case No. 00CRB00914-A, Fairborn Municipal Court, 10/26/2000. 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.

(5) Heather Marie Heidorn did, on or about April 15, 2000, engage in conduct that would constitute violating a civil protection order, to wit: Heather Marie Heidorn was observed in the vicinity of her boyfriend's sister, with whom Heather Marie Heidorn was parties to the restraining order. Heather Marie Heidorn was subsequently summoned to court for said violation. The case was Nolle Prosequi. City of Beavercreek vs. Heather Marie Heidorn, Case No. 00CRB00914-A, Fairborn Municipal Court. 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) Heather Marie Heidorn did, on or about May 28, 2000, engage in conduct that would constitute the crime of domestic violence in violation of Section 2919.25 of the Ohio Revised Code, to wit: Heather Marie Heidorn was arrested by the Beavercreek Police Department for assaulting her live-in boyfriend. Heather Marie Heidorn was, on or about October 4, 2000, convicted of Domestic Violence, a misdemeanor of the first degree, whereupon Heather Marie Heidorn was sentenced to one year of probation. City of Beavercreek vs. Heather Marie Heidorn, Case No. 00CRB01278-A, Fairborn Municipal Court. 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) Heather Marie Heidorn did, on or about August 30, 2000, engage in conduct that would constitute violating a civil protection order and also the crime of possessing drug paraphernalia in violation of Section 2925.14 of the Ohio Revised Code, to wit: Heather Marie Heidorn was arrested by the Beavercreek Police Department for violating a civil protection order by traveling in a vehicle with her boyfriend, in violation of a protection order. The police found Heather Marie Heidorn to be in possession of two glass pipes used for smoking marijuana. Heather Marie Heidorn was, on or about December 6, 2000, convicted of Attempted Possession of Drug Paraphernalia, a minor misdemeanor; and Disorderly Conduct, a misdemeanor of the fourth degree, whereupon Heather Marie Heidorn was fined a total of \$200.00. City of Beavercreek vs. Heather M. Heidorn, Case No. 00CRB02170-A & B, Fairborn Municipal Court. 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.

CONCLUSION OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) through (7) of the Findings of Fact set forth above constitute not being of good moral character and habits as set forth in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.

DECISION OF THE BOARD

Pursuant to Section 4729.11 of the Ohio Revised Code and Rule 4729-3-03 of the Ohio Administrative Code, and after consideration of the record as a whole, the State Board of Pharmacy takes the following actions in the matter of Heather Marie Heidorn:

(A) The State Board of Pharmacy hereby accepts the Application for Pharmacy Intern Registration submitted by Heather Marie Heidorn on September 23, 2002. Before a license will be issued, Heather Marie Heidorn 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.

(1) 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.

(2) The psychiatrist or psychologist must also provide a final report at the end of probation or treatment, whichever comes first, that includes Heather Marie Heidorn's fitness to practice pharmacy.

(B) The State Board of Pharmacy hereby places Heather Marie Heidorn on probation for two years from the effective date of this Order with the following conditions:

(1) Heather Marie Heidorn's psychiatric treatment provider must submit quarterly reports to the Board (due January 10, April 10, July 10 , and October 10 of each year of probation).

(2) Heather Marie Heidorn must comply with the licensed psychiatrist's or psychologist's recommended treatment plan.

(3) Heather Marie Heidorn must not violate the drug laws of the state of Ohio, any other state, or the federal government.

(4) Heather Marie Heidorn must abide by the rules of the State Board of Pharmacy.

(5) Heather Marie Heidorn must comply with the terms of this Order.

(C) 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.

Heather Marie Heidorn 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 MARCH 6, 2003