



ORDER OF THE STATE BOARD OF PHARMACY
(Case Number 2017-2322)

In The Matter Of:

Anthony Fuller, RPh.
3589 Hunters Hill
Poland, Ohio 44514
(License No. 03-1-29822)



INTRODUCTION

The Matter of Anthony Fuller came for hearing on January 8, 2019, before the following members of the State of Ohio Board of Pharmacy (Board): Fred M. Weaver, RPh, *Presiding*; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh and Kilee S. Yarosh, RPh.

Anthony Fuller was not present and was not represented by Counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Karrie Southard—Director of Licensing

Respondent's Witnesses:

None

State's Exhibits:

- | | |
|---|-------------|
| 1. Notice of Opportunity for Hearing/Proposal to Take Disciplinary Action Against License | 12-Dec-2017 |
| 2. Letter from the State of Ohio Board of Pharmacy | 8-Aug-2017 |
| 3. CPE Monitor Activity Transcript | Varied |

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:



1. On or about March 1, 2013 through September 15, 2016, Anthony Fuller completed 4.825 units (48.25 hours) of continuing education. Records of the Board indicate that Anthony Fuller was 1.175 units (11.75 hours) deficient of the 6.0 units (60 hours) of continuing education required for compliance, as set forth in Attachment A and incorporated as though fully set forth in the Notice of Opportunity for Hearing letter dated December 19, 2017.
2. During an investigation by an Agent of the Board, it was also discovered on Anthony Fuller's 2017 renewal application that he falsely answered "Yes" to the certification statement that stated, "I certify the Continuing Pharmacy Education information submitted via this process is true and accurate".

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of section 4729.08(B) of the ORC and Rule 4729-5-04(C) of the OAC, not of good habits.
2. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of section 4729-7-02 of the OAC, requirements for renewal of a pharmacist identification card.
3. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of section 4729.16 of the ORC, as effective July 16, 2015:
 - a. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2); and
 - b. 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 provisions, ORC Section 4729.16(A)(5); and
 - c. Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code, ORC 4729.16(A)(10).

DECISION OF THE BOARD

Anthony Fuller must obtain, within 60 days from the effective date of this Order, 34 hours of approved continuing pharmacy education (3.4 CEUs), four (.4) in patient safety, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.

Further, the State of Ohio Board of Pharmacy imposes a monetary penalty in the amount of \$750.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.

Ms. Marchal moved for Findings of Fact; Mr. Cox seconded the motion. Motion passed (Aye-6/Nay-0).

Mr. Cox moved for Conclusions of Law; Ms. Rudell seconded the motion. Motion passed (Aye-6/Nay-0).

Ms. Yarosh moved for Action of the Board; Ms. Rudell seconded the motion. Motion passed (Aye-6/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.

TIME AND METHOD TO PERFECT AN APPEAL

Any party desiring to appeal shall file a Notice of Appeal with the Pharmacy Board, setting forth the order appealed from and stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal shall also be filed by the appellant with the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If any party appealing from the order is not a resident of and has no place of business in this state, the party may appeal to the court of common pleas of Franklin county. Such notices of appeal shall be filed within fifteen (15) days after the mailing of the notice of this Order as provided in Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: **February 14, 2019**

By: 

Steven W. Schierholt, Esq., Executive Director

SWS/nmd/kl

CMRRR: 9414 7118 9956 0044 2647 05



**NOTICE OF OPPORTUNITY FOR HEARING
PROPOSAL TO TAKE DISCIPLINARY ACTION AGAINST LICENSEE**

IN THE MATTER OF:

CASE NO. 2017-2322

Anthony Fuller, RPh
3589 Hunters Hill
Poland, Ohio 44514

License No. 03-1-29822

December 19, 2017

Dear Anthony Fuller:

You are hereby notified, in accordance with the provisions of Section 119.07 of the Ohio Revised Code the State of Ohio Board of Pharmacy (Board) proposes to take action against your license for violations of Chapter 4729. of the Revised Code and Section 4729 of the Administrative Code under authority of Section 4729.16 of the Revised Code.

JURISDICTION

1. Pursuant to Section 4729.16 (effective July 16, 2015) of the Ohio Revised Code (ORC) and the rules adopted thereunder, the Board has the authority to revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card issued to a pharmacist or pharmacist applicant for reciprocal registration in the state of Ohio. Additionally, Section 4729.16 of the Revised Code grants the Board the authority to impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or \$500 if the acts committed have not been classified as an offense by the Revised Code.
2. Rule 4729-05-04 of the Ohio Administrative Code (OAC) provides that the Board may discipline or deny the issuance of a certificate of registration or an identification card to practice pharmacy as a pharmacist in Ohio.
3. You are a licensed pharmacist in the state of Ohio under license number 03-1-29822.

ALLEGATIONS

1. On or about March 1, 2013 through September 15, 2016, you completed 4.825 units (48.25 hours) of continuing education. Records of the Board indicate that you are 1.175 units (11.75 hours) deficient of the 6.0 units (60 hours) of continuing education required for compliance, see Attachment A attached hereto and incorporated as though fully set forth herein.

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



2. In response to a Board audit inquiry, you submitted a signed affidavit acknowledging you failed to complete the continuing education unit hours required.
3. During an investigation by an Agent of the Board, it was also discovered on your 2017 renewal application that you falsely answered "Yes" to the certification statement that stated "I certify the Continuing Pharmacy Education information submitted via this process is true and accurate".

POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of section 4729.08(B) of the ORC and Rule 4729-5-04(C) of the OAC, not of good moral character and habits, punishable by a maximum penalty of \$500.
2. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of section 4729-7-02 of the OAC, requirements for renewal of a pharmacist identification card, punishable by a maximum penalty of \$500.
3. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of section 4729.16 of the ORC, as effective July 16, 2015, each violation constituting a minor misdemeanor, each punishable by a maximum penalty of \$150:
 - a. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2); and/or
 - b. 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 provisions, ORC Section 4729.16(A)(5); and/or
 - c. Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code, ORC 4729.16(A)(10).

YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the State of Ohio Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.

IF YOU DESIRE A HEARING, such request shall either be mailed to the State of Ohio Board of Pharmacy, Attn: Legal, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to legal@pharmacy.ohio.gov (please note faxes will **not** be accepted). **YOUR REQUEST MUST BE RECEIVED ON OR PRIOR TO THE 30TH DAY FOLLOWING THE MAILING DATE OF THIS NOTICE.** Please note that if you submit a request via email, your request will be acknowledged within one business day of receipt. If you do not receive an acknowledgment, please contact the Board offices at 614-466-4143 and request the legal department. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the 30th day following the mailing of this notice, the State of Ohio Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

If you have questions regarding the Chapter 119. Administrative Hearing process, please e-mail your questions to legal@pharmacy.ohio.gov or call the Board office at 614-466-4143 and ask for the legal department.

BY ORDER OF THE STATE BOARD OF PHARMACY



Steven W. Schierholt, Esq., Executive Director

SWS/sva/rlc

CMRRR: 7016 3010 0000 8417 3797