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Minutes Of The Meeting

Ohio State Board of Pharmacy
Columbus, Ohio
June 8, 9, 10, 1998

MONDAY, JUNE 8, 1998

8:30 a.m. ROLL CALL

The State Board of Pharmacy convened in Room 1914, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio with the following members present:

Amonte B. Littlejohn, R.Ph. (President); Joseph J. Maslak, R.Ph. (Vice-President); Diane Adelman, R.Ph.; Robert Cavendish, R.Ph.; John Hanna, R.Ph.; Paul Lamping, R.Ph.; Suzanne Neuber, R.Ph.; and Nicholas Repke, Public Member.

RES. 98-208 Staff reported that the hearing scheduled for Tuesday at 9:00 a.m. in the matter of Darshan Singh Bambrah, R.Ph. had been continued.

Suzanne Neuber, Chair of the Recruitment Committee, reported on the committee's activities to date.

9:12 a.m.

Mrs. Neuber moved that the Board go into Executive Session for the purpose of considering personnel matters. The motion was seconded by Mr. Maslak and a roll call vote was taken by President Littlejohn as follows: Adelman-Yes, Cavendish-Yes, Hanna-Yes, Lamping-Yes, Maslak-Yes, Neuber-Yes, and Repke-Yes.

9:40 a.m.

Board Member John Hanna and Executive Director Frank Wickham excused themselves from the meeting due to the fact that they would not participate in the interview process.

10:00 a.m.

William T. Winsley, a candidate for the position of Executive Director, joined the Board for the purpose of being interviewed by the Board members.

11:35 a.m.

The interview was completed and the Board recessed the meeting for lunch.

1:00 p.m.

The Board members reconvened in Executive Session to continue their interviews. James H. Granecki, a candidate for the position of Executive Director, joined the Board.

2:55 p.m.

The interview was completed and the Board recessed for ten minutes.

3:00 p.m.

The Board members reconvened in Executive Session to continue their interviews. Patricia A. Nussle, a candidate for the position of Executive Director, joined the Board.

5:02 p.m.

The interview was completed and the meeting opened to the public. The meeting was recessed until Tuesday, June 9, 1998 at 8:00 a.m.

TUESDAY, JUNE 9, 1998

8:10 a.m. ROLL CALL

The following members of the State Board of Pharmacy reconvened in Room 1914, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio with the following members present:

Amonte B. Littlejohn, R.Ph. (President); Joseph J. Maslak, R.Ph. (Vice-President); Diane Adelman, R.Ph.; Robert Cavendish, R.Ph.; Paul Lamping, R.Ph.; Suzanne Neuber, R.Ph.; Ruth Plant, R.Ph.; and Nicholas Repke, Public Member.

The Board was joined by Zoltan Melczer, Director of Field Services for IMS Health, a division of IMS America, Totowa, New Jersey, and Robert H. Doyle, President of Doyle and Associates, for the purpose of discussing patient confidentiality.

9:21 a.m.

The presentation was concluded and the Board recessed for five minutes.

9:32 a.m.

Mrs. Neuber moved that the Board go into Executive Session for the purpose of considering personnel matters. The motion was seconded by Mr. Repke and a roll call vote taken as follows by President Littlejohn: Adelman-Yes, Cavendish-Yes, Lamping-Yes, Maslak-Yes, Neuber-Yes, Plant-Yes, and Repke-Yes.

11:15 a.m.

The Board recessed the Executive Session and opened the meeting to the public. The Board was joined by Fred E. Hamlin, Regional Sales Manager and J. Stephen Groover, Vice-President of NDC Health Information Services, Atlanta, Georgia. The purpose of the meeting was to discuss the company's Pre- and Post-Editing program and patient confidentiality as it relates to their prescription records that are maintained by pharmacies.

12:07 p.m.

The presentation was concluded following questions by Board members and staff. Mrs. Neuber moved that the Board go into Executive Session for the purpose of considering personnel matters. The motion was seconded by Mr. Lamping and a roll call vote taken as follows by President Littlejohn: Adelman-Yes, Cavendish-Yes, Lamping-Yes, Maslak-Yes, Neuber-Yes, Plant-Yes, and Repke-Yes.

12:25 p.m.

RES. 98-209

The Executive Session was concluded and the meeting opened to the public. Mr. Cavendish moved that the Board appoint William T. Winsley to the position of Executive Director effective January 1, 1999. The motion was seconded by Mr. Lamping and approved unanimously by the Board (Aye-8/Nay-0).

12:30 p.m.

The Board recessed the meeting for twenty minutes.

1:00 p.m.

The members of the State Board of Pharmacy reconvened in Room 1919, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio for the purpose of meeting with the candidates for licensure by reciprocity, as follows:

BARTH, REBECCA A.	03-1-23028	MICHIGAN
CENTER, TRACIE L.	03-1-23048	GEORGIA
COX, BRIAN G.	03-1-22996	INDIANA
DRIVER, MELISSA J.	03-1-23046	ILLINOIS
DUNCAN, ANGELA L.	03-1-23107	INDIANA
GALENAS, NICOLE T.	03-1-23071	PENNSYLVANIA
KLEIN, KARL F.	03-1-22940	NEBRASKA
LAMBERT, MELANIE B.	03-1-22963	UTAH
MARSHALL, CHARLES C.	03-1-22905	VIRGINIA
MARVIN, KEVIN C.	03-1-23126	WISCONSIN
NGUYEN, KHANH P.	03-1-23027	MICHIGAN
REYNOLDS, RHEA L.	03-1-23010	KENTUCKY

ROSE, BRIAN G.	03-1-23047	MICHIGAN
SHIREMAN, THERESA I.	03-1-23009	IOWA
WIMBERLEY, SOPHIE L.	03-1-22957	TEXAS

1:35 p.m.

RES. 98-210 Mrs. Neuber moved that the candidates be approved and their licenses to practice pharmacy in Ohio be issued. The motion was seconded by Mr. Cavendish and approved (Aye-7/Nay-0). The Board recessed the meeting until 2:30 p.m.

2:45 p.m.

The Board members reconvened in Room 1914 to continue the business meeting. Mary Ryan, Vice-President of Merck-Medco Managed Care, L.L.C., joined the Board and discussed the new mail service pharmacy that will be located in Fairfield, Ohio.

Mr. Lamping moved that the Minutes of the May 4, 5, 6, 1998 meeting be approved as amended. The motion was seconded by Mr. Cavendish and approved (Aye-7/Nay-0).

RES. 98-211 The Board then considered the application of Wayne J. Johnson for renewal of his license to practice pharmacy in Ohio. Mr. Johnson's license lapsed in September, 1975. Following discussion, Mrs. Plant moved that the license be renewed. The motion was seconded by Mr. Cavendish and approved (Aye-7/Nay-0).

RES. 98-212 The Board then considered the request of Metro Health Medical Center, Cleveland, Ohio for approval of their TB clinic as a medication pick-up station pursuant to Ohio Administrative Code Rule 4729-5-10. Mrs. Neuber moved that the request be approved. Mrs. Adelman seconded the motion and the request was approved (Aye-7/Nay-0).

The Board then discussed the proposed Medical Board rules regarding the management of intractable pain. Several concerns were voiced by Board member Suzanne Neuber and will be presented by Tim Benedict to the prescribing committee during their meeting.

4:00 p.m.

The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of conducting an adjudication hearing pursuant to Ohio Revised Code Chapters 119. and 4729. in the matter of Jerry H. Starr, R.Ph., Dayton.

4:54 p.m.

Mrs. Plant moved that the Board go into Executive Session for the purpose of considering the investigation of charges and complaints against licensees and registrants. The motion was seconded by Mr. Cavendish and a roll call vote was conducted by President Littlejohn as follows: Adelman-Yes, Cavendish-Yes, Lamping-Yes, Maslak-Yes, Neuber-Yes, Plant-Yes, and Repke-Yes.

5:16 p.m.

RES. 98-213 The Executive Session was concluded and the meeting opened to the public. Mr. Cavendish moved that the hearing be recessed until a later date and that the Assistant Attorney General be authorized to present the terms of a settlement that were agreed to by the Board during the Executive Session, and that such agreement must be in place by July 1, 1998. The motion was seconded by Mr. Maslak and approved (Aye-5/Nay-2).

5:19 p.m. The Board recessed until 8:00 a.m., Wednesday, June 10, 1998.

WEDNESDAY, JUNE 10, 1998

8:15 a.m. ROLL CALL

The following members of the State Board of Pharmacy reconvened in Room 1914, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio with the following members present:

Amonte B. Littlejohn, R.Ph. (President); Joseph J. Maslak, R.Ph. (Vice-President); Diane Adelman, R.Ph.; Robert Cavendish, R.Ph.; John Hanna, R.Ph.; Paul Lamping, R.Ph.; and Suzanne Neuber, R.Ph.

RES. 98-214 The Board was joined by Kroger representatives Brian Spengler (Coordinator of Pharmacy Systems), Charles Watka (Manager of Facility Engineering), and Jim Brown (Senior Facility Engineer) for the purpose of discussing the company's request for Board approval to temporarily house two pharmacies in a secure trailer. The pharmacies will be temporarily located in a secure trailer for approximately eight weeks while new facilities are being constructed. The first site would be in Nelsonville, while the second is in Zanesville. Mr. Cavendish moved that the Board approve the request, Mr. Maslak seconded, and the Board approved (Aye-5/Nay-0/Abstain-1[Lamping]).

Matters appearing on the agenda and not requiring official action by the Board were discussed.

9:00 a.m.

The Board was joined by Ken Hale, Ph.D., Assistant Dean for Professional Student Affairs, and Gerald Cable, Clinical Assistant Professor, to discuss the Ohio State University College of Pharmacy's Pharm.D. program.

9:35 a.m.

The presentation and discussion was concluded and the Board recessed for fifteen minutes.

10:13 a.m.

The Board reconvened the business meeting. The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of conducting an adjudication hearing pursuant to the provisions of Chapters 119. and 4729. of the Ohio Revised Code in the matter of Robert J. Garrity, applicant for licensure by reciprocity.

11:23 a.m.

All evidence and testimony having been entered into the record, the hearing was concluded and the Board recessed for five minutes.

11:30 a.m.

Board member Nicholas Repke arrived and joined the Board. Mr. Cavendish moved that the Board go into Executive Session for the purpose of conferring with the Assistant Attorney General regarding the investigation of charges and complaints against licensees and registrants. The motion was seconded by Mr. Lamping and a roll call vote was conducted by President Littlejohn as follows: Adelman-Yes, Cavendish-Yes, Hanna-Yes, Lamping-Yes, Maslak-Yes, Neuber-Yes, and Repke-Yes.

12:10 p.m.

RES. 98-215 The Executive Session was concluded and the meeting opened to the public. Mr. Cavendish moved that the Board summarily suspend the license of Mary M. Berk-Mortus, R.Ph. (03-2-09832) for the reason that there is clear and convincing evidence that the continuation of her professional practice and method of distributing controlled substances presents a danger of immediate and serious harm to others. The motion was seconded by Mr. Lamping and approved by the Board (Aye-7/Nay-0).

RES. 98-216 Mr. Winsley presented a response from RNA, Inc. for the Board's information. The Board reiterated its approval as set forth in the April 1998 minutes that RNA, Inc. cannot, in its data collection efforts, capture any patient-specific prescription information without the patient's consent.

RES. 98-217 Mr. Cavendish moved that the Board approve the proposed settlement in the matter of Norton Silverberg as discussed during the Executive Session. The motion was seconded by Mr. Repke and approved (Aye-7/Nay-0).

RES. 98-218 Mrs. Neuber moved that the Board deny the proposal to enter into a settlement agreement in the matter of Ruth Ann Roberts, R.Ph. (03-1-07989) and that the adjudication hearing be held as scheduled. The motion was seconded by Mr. Lamping and approved by the Board (Aye-7/Nay-0).

RES. 98-219 Mrs. Neuber moved that the Board deny the proposal to enter into a settlement agreement in the matter of Michael David Perciful, R.Ph. (03-2-16516) and that the adjudication

hearing be held as scheduled. The motion was seconded by Mr. Hanna and approved by the Board (Aye-7/Nay-0).

RES. 98-220 Mrs. Neuber moved that the Board authorize Assistant Attorney General Sally Ann Steuk to negotiate a settlement agreement in the matter of Steven A. Goldblatt, R.Ph. (03-2-13785) pursuant to the terms outlined by the Board during the Executive Session. The motion was seconded by Mr. Maslak and approved by the Board (Aye-7/Nay-0).

12:30 p.m.

The Board recessed for lunch.

1:42 p.m.

The Board reconvened in Room 1914 and was joined by Assistant Attorney General Sally Ann Steuk for the purpose of conducting an adjudication hearing in the matter of Lisa Katherine Ramirez, R.Ph. pursuant to the provisions of Chapters 119. and 4729. of the Ohio Revised Code.

3:30 p.m.

All evidence and testimony having been entered into the record, the hearing was concluded. Mr. Lamping moved that the Board go into Executive Session for the purpose of considering the evidence and testimony received in the matters of Robert J. Garrity and Lisa Katherine Ramirez. The motion was seconded by Mrs. Adelman and a roll call vote was conducted by President Littlejohn as follows: Adelman-Yes, Cavendish-Yes, Hanna-Yes, Lamping-Yes, Maslak-Yes, Neuber-Yes, and Repke-Yes.

4:35 p.m.

RES. 98-221 The Executive Session was concluded and the meeting opened to the public. Mr. Lamping moved that the Board adopt the following Order approving the application of Robert J. Garrity and that he be licensed to practice pharmacy in Ohio. Mr. Cavendish seconded the motion and it was approved (Aye-5/Nay-1/Abstain-1[Repke]).

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-980326-051)

In The Matter Of:

ROBERT JAMES GARRITY

1196 Summit Avenue
Lakewood, Ohio 44107
(D.O.B. 11/22/1959)

INTRODUCTION

THE MATTER OF ROBERT JAMES GARRITY CAME TO HEARING ON JUNE 10, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: AMONTE B. LITTLEJOHN, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; JOSEPH J. MASLAK, R.Ph.; AND SUZANNE L. NEUBER, R.Ph.

ROBERTY JAMES GARRITY WAS NOT 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) Robert James Garrity, Respondent

Respondent's Witnesses:

- (1) Harold Schwartz, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (2) Wayne C. Miller, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (3) Charles Broussard, R.Ph., Pharmacists Rehabilitation Organization, Inc.

(B) Exhibits

- (1) Exhibit 1--Copy of three-page Proposal to Deny/Notice of Opportunity for Hearing letter
- (2) Exhibit 1A--Hearing Request letter dated March 31, 1998.
Exhibit 1B--Copy of Hearing Schedule letter dated April 3, 1998.
Exhibit 1C--Copy of Hearing Schedule letter dated May 1, 1998.
- (5) Transfer Of Pharmaceuic Licensure to the state of Ohio of Robert James Garrity dated February 26, 1998.
Exhibit 3--Copy of five-page Order of the State Board of Pharmacy in the matter of Robert J. Garrity, Docket No. D-970228-031, dated July 17, 1997.
Exhibit 4--Copy of five-page Consent Order, State of Illinois Department of Professional

Respondent's Exhibits:

- (1) Robert J. Garrity dated from September 30, 1995, through June 8, 1998.
- (2) tation of Robert Garrity dated from March 6, 1996, through June 5, 1998.
- (3) sts Rehabilitation Organization Pharmacist's Recovery Contract of Robert J. Garrity dated June 19, 1997; copy of letter from William X. Pharmacist Recovery Contract of Robert J. Garrity dated September 29, 1995; copy of letter from Philip Caravello dated May 17, 1996; copy of Continuing Care Contract of Regulation v. Robert J. Garrity, Notice, No. 95-3410, dated March 21, 1996; copy of five-page Consent Order, No. 95-3410-LEG, from the State of Illinois Department of Profes- in the Circuit Court of the 15th Judicial Circuit, Stephenson County, State of Illinois, People of the State of Illinois vs. Robert J. Garrity copy of two-page Sentencing Order in the Circuit Court of the 15th Judicial Circuit, People of the State of Illinois vs. Robert J. Garrity, Case No. fessional Regulation Registered Pharmacist License, No. 0051-034443, expiration date March 31,
- (4) Exhibit D--Copy of Certificate of Appreciation of Bob G. from West Park Group dated of Bob Garrity for the year 1998; copy of Certificate of Appreciation of Bob G. from Lakewood Non-Smokers dated April 23, 1997; copy of Certificate of Appreciation of Bob of Bob G. from Perpetual Help dated September 30, 1996; copy of Certificate of Participa 004-L01, of Robert J. Garrity dated July 25, 1996; and letter from Jerry Walton dated Decem
- (5) Exhibit E--Copies of the following: Resume of Robert J. from Jeffrey E. Rinda dated April 21, 1998; letter from Nick A. Kallis dated May 7, 1998; letter from Bernard F. Klaus dated April 25, 1998; letter from Jim O'Connor dated May 19, May, 1998; letter from Ernest T. Witzke, not dated; three-page letter from Cheryl L. Farine dated May 18, 1998; and letter from David N. Gragg dated May 15, 1998.

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be

- (1) Records of the Board indicate that on or about March 9, 1998, Robert James Garrity submitted a National Association of Boards of Pharmacy Official Application for Transfer of Pharmaceutic Licensure to the state of Ohio.
- (2) Records further indicate that Robert James Garrity previously submitted a National Association of Boards of Pharmacy Official Application for Transfer of Pharmaceutic Licensure to the state of Ohio. Robert James Garrity's application was proposed to be denied and, on or about July 17, 1997, the Board found the following to be fact:
 - (a) Robert James Garrity was, on or about March 21, 1996, disciplined by the Illinois Department of Professional Regulation pursuant to a consent order wherein the following was stipulated: "Respondent has a history of substance abuse, involving among others, alcohol, crack cocaine, and Valium. Respondent practiced pharmacy while in an impaired condition. In addition, on or about September 25, 1995, Respondent received a felony conviction for unlawful possession of controlled substance(s)."

For this reason, the Board concluded that Robert James Garrity had been convicted of a felony, convicted of violating state or federal pharmacy or drug laws, not of good moral character and habits, and that Robert James Garrity had been disciplined by the State of Illinois Department of Professional Regulation. Pursuant to Rule 4729-5-04 of the Ohio Administrative Code and Section 4729.09 of the Ohio Revised Code, Robert James Garrity's application was denied.

ACTION OF THE BOARD

Pursuant to Section 4729.09 of the Ohio Revised Code, the State Board of Pharmacy hereby approves the issuance of a certificate of registration or an identification card, and therefore approves the NABP Official Application for Transfer of Pharmaceutic Licensure submitted by Robert James Garrity with the following stipulations:

- (A) On the basis of paragraph (2) of the Findings of Fact set forth above, the State Board of Pharmacy hereby places the pharmacist identification card of Robert James Garrity on probation for five years, from the date his identification card is issued. The terms of probation are as follows:
 - (1) Robert James Garrity must enter into a new contract, after the effective date of this Order, with a treatment provider acceptable to the Board, for a period of not less than five years and submit a copy of the signed contract to the Board office before appearing at the Reciprocity Hearing. The contract must provide that:
 - (a) random, observed urine drug screens shall be conducted at least every three months. The urine sample must be given within twelve hours of notification. The urine drug screen must report testing for alcohol and must also report testing for creatinine or specific gravity of the sample as the dilutional standard;
 - (b) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required;
 - (c) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and
 - (d) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.

Results of urine screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false

indicates a violation of the contract and probation.

Robert James Garrity must submit quarterly progress reports to the Board; due January 10; April 10; July 10; and October 10; of each year of probation. Each report shall include:

the written report and documentation provided by the treatment program pursuant to the contract, and

a written description of his progress towards recovery and what he has been doing during the previous three months.

(3) terms of probation are as follows:

(a)

James Garrity's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor

Rule 4729-3-01 of the Ohio Administrative Code.

(b)

cist.

(c)

destruction of con

(d)

Robert James Garrity must abide by the contract from the treatment provider and any violation shall be reported to the Board immediately.

(e)

of Ohio, any other state, or the federal government.

(f)

Board of Pharmacy.

(g)

(B) Robert James Garrity 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

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

RES. 98-222 Mr. Repke moved that the Board adopt the following order:

(Docket No. D-980508-056)

In The Matter Of:

LISA KATHERINE RAMIREZ, R.Ph.
511 West Lakeshore Drive, Unit 501 A-3
Port Clinton, Ohio 43452

INTRODUCTION

THE MATTER OF LISA KATHERINE RAMIREZ CAME TO HEARING ON JUNE 10, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: AMONTE B. LITTLEJOHN, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; JOSEPH J. MASLAK, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

LISA KATHERINE RAMIREZ WAS REPRESENTED BY WILLIAM G. MEYER, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) None

Respondent's Witnesses:

- (1) Lisa K. Ramirez, Respondent
- (2) Michael D. Quigley, Pharmacists Rehabilitation Organization, Inc.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of four-page Probation Violation Hearing letter dated May 8, 1998.
- (2) Exhibit 2--Copy of six-page Order of the State Board of Pharmacy, Docket No. D-930629-098, in the matter of Lisa Katherine Ramirez, R.Ph. dated December 9, 1993.
- (3) Exhibit 3--Copy of seven-page Order of the State Board of Pharmacy, Docket No. D-960315-044, in the matter of Lisa Katherine Ramirez dated October 29, 1996.
- (4) Exhibit 4--Urine Drug Screen Report of Lisa Ramirez dated March 26, 1998.
- (5) Exhibit 5--Urine Drug Screen Report of Lisa Ramirez dated April 8, 1998.
- (6) Exhibit 6--Urine Drug Screen Report of Lisa Ramirez dated April 10, 1998.
- (7) Exhibit 7--Chain of Custody Request of Lisa K. Ramirez dated March 5, 1997; and Urine Drug Screen Report of Lisa Ramirez dated March 5, 1997.
- (8) Exhibit 8--Chain of Custody Request of Lisa K. Ramirez dated March 26, 1998; and Urine Drug Screen Report of Lisa Ramirez dated March 26, 1998.

Respondent's Exhibits:

- (1) Three page Hearing Brief in the matter of Lisa Katherine Ramirez, not dated.
- (2) Exhibit A--Copy of two-page letter from Sharon A. Taxter dated May 1, 1998; copies of page one and page five of the Insider dated December 4, 1997; copy of an Internet document titled "Opiates Test" from Drug Detection Devices Limited; copy of eight pages of an Internet document titled "Challenges of Contemporary Parenting: Effectively Applying Urine Drug Tests for Children"; copy of an Internet document titled "The Analysis of Thebaine in Urine for the Detection of Poppy Seed Consumption" from the Journal of Analytical Toxicology; copy of a three-page Internet document titled "Is it Poppy Seeds or Opiates?" from MedReview, Inc.; and copy of a three-page Internet document titled "Automatic Quantitative Opiates (Morphine/Codeine)" from Poison Lab.
- (3) Exhibit B--Letter from Lee Kelley with attached business card, not dated; two-page letter from Nancy J. Reed dated June 5, 1998; letter from Cheryl Cooper dated May 31, 1998; letter from Tim and Laurie Smith dated May 30, 1998; letter from Clyde E. Lentz dated May 27, 1998; letter from Brenda Fishburn dated May 28, 1998; letter from Dana Stahl dated May 28, 1998; letter from Mark May dated May 28, 1998; letter from Terri P. Radecki dated May 15, 1998; letter from Dr. John L. Miller, not dated, with attached references; two-page letter from Frank Strader dated May 18, 1998; letter from Jeffrey L. Wilson dated May 13, 1998; letter from Debbie Hymore Tester dated May 14, 1998; letter from Nick Johnson, not dated; letter from Paul Dornbusch dated May 12, 08 (sic 98);

letter from Everett M. Woodel, Jr. dated May 13, 1998; and letter from Nan Davis dated April 8, 1998.

- (4) Exhibit C--Copies of twenty-seven pages of AA Attendance Record of Lisa K. Ramirez dated from September 15, 1996, through May 13, 1998; copy of letter from David Lewandowski dated April 8, 1997; and copy of N.C.O.A. Intergroup Sober Horizon Area Group News, February, 1998.

FINDINGS OF FACT

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

- (1) Records of the Board of Pharmacy indicate that Lisa Katherine Ramirez was originally licensed to practice pharmacy in the State of Ohio on April 16, 1981, pursuant to examination. On June 29, 1993, Lisa Katherine Ramirez's license was summarily suspended in accordance with Section 3719.121(B) of the Ohio Revised Code. On December 9, 1993, pursuant to the Order of the Board, Docket No. D-930629-098, Lisa Katherine Ramirez's license, No. 03-2-14085, was revoked.

- (2) On or about December 11, 1995, Lisa Katherine Ramirez submitted an Application for Examination as a Pharmacist. The Board proposed to deny the application, and the matter came to hearing on September 18, 1996. On or about October 29, 1996, the Board voted to approve Lisa Katherine Ramirez's application for examination pursuant to the Order of the Board, Docket No. D-960315-044; and, provided the examinations were successfully completed and upon registration, Lisa Katherine Ramirez's identification card was to be placed on probation for five years. Lisa Katherine Ramirez was licensed, for the second time, to practice pharmacy in the State of Ohio on April 18, 1997; thus, Lisa Katherine Ramirez's identification card was placed on probation for five years from that date, and the terms of probation were set forth as follows:

- (A)

ract prior to registration, with a treat-

signing, submit a copy of the contract to the Board office. The contract must provide

- (1) random, **observed** urine drug screens shall be conducted at least twice a month for the first contract year and at least once a month for the remaining four contract years. The specimen must be obtained within eight hours from the time the urine drug screen was requested. The urine drug screen must report testing for alcohol and must also report testing for creatinine or specific gravity of the sample as the dilutional standard;
- (2) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required during outpatient treatment and/or during aftercare;
- (3) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and
- (4) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.

- (B) Lisa Katherine Ramirez must submit quarterly progress reports to the Board; due January 10; April 10; July 10; and October 10; of each year of probation, that include:

- (1) the written report and documentation provided by the treatment program pursuant to the contract, and
- (2) a written description of her progress towards recovery and what she has been doing during the previous three months.

- (C) Other terms of probation are as follows:

- (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Lisa Katherine Ramirez's pharmacist identification card will not be in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns throughout the probation period.
- (2) The Board further stipulates that Lisa Katherine Ramirez may not serve as a responsible pharmacist while on probation.
- (3) Lisa Katherine Ramirez may not destroy, or may not assist in or witness the destruction of, controlled substances while on probation.
- (4) Lisa Katherine Ramirez must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
- (5) Lisa Katherine Ramirez must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (6) Lisa Katherine Ramirez must abide by the rules of the Ohio State Board of Pharmacy.
- (7) Lisa Katherine Ramirez must comply with the terms of this Order.

Lisa Katherine Ramirez was 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; and that, at any time during the period of probation, the Board may revoke probation for a violation occurring during the probation period.

- (3) Pursuant to the terms of Lisa Katherine Ramirez's probation, she gave a specimen of urine on or about March 26, 1998, to be tested for various substances. The test results were positive, indicating that Lisa Katherine Ramirez had consumed an amount of an opiate, specifically morphine. The positive test is in violation of the terms of probation set forth in the Board's Order dated October 29, 1996.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Lisa Katherine Ramirez:

- (A) On the basis of the Findings of Fact set forth above, the State Board of Pharmacy hereby reprimands Lisa Katherine Ramirez.
- (B) On the basis of the Findings of Fact set forth above, the State Board of Pharmacy hereby continues the probation of Lisa Katherine Ramirez for the duration of the original probation period, through April 18, 2002, and sets the following new terms of probation:
 - (1) Lisa Katherine Ramirez must enter into a new contract, after the effective date of this Order, with a treatment provider acceptable to the Board, for the duration of the original probation period, through April 18, 2002 and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:
 - (a) random, observed urine drug screens shall be conducted at least once every month. The urine sample must be given within eight hours of notification. The urine drug screen must report testing for alcohol and must also report testing for creatinine or specific gravity of the sample as the dilutional standard;
 - (b) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required;

- (c) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and the intervener/sponsor may not be Michael D. Quigley;
- (d) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.

Urine drug screen results must be **negative**. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, constitutes a violation of the contract and probation.

- (2) Lisa Katherine Ramirez must submit quarterly progress reports to the Board; due January 10; April 10; July 10; and October 10; of each year of probation, that include:
 - (a) the written report and documentation provided by the treatment program pursuant to the contract, and
 - (b) a written description of her progress towards recovery and what she has been doing during the previous three months.
- (3) Other terms of probation are as follows:
 - (a) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Lisa Katherine Ramirez's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
 - (b) Lisa Katherine Ramirez may not serve as a responsible pharmacist.
 - (c) Lisa Katherine Ramirez may not destroy, assist in, or witness the destruction of controlled substances.
 - (d) Lisa Katherine Ramirez must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (e) Lisa Katherine Ramirez must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (f) Lisa Katherine Ramirez must abide by the rules of the Ohio State Board of Pharmacy.
 - (g) Lisa Katherine Ramirez must comply with the terms of this Order.

Lisa Katherine Ramirez 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.

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mr. Cavendish and approved (Aye-7/Nay-0).

Mr. Littlejohn and Mr. Repke reported on the Annual Meeting of the National Association of Boards of Pharmacy that they attended in May.

RES. 98-223 The Board then proceeded to elect officers for Fiscal Year 99. Mr. Maslak was elected President and Mr. Cavendish was elected Vice-President.

RES. 98-224 President Littlejohn administered the Oaths of Office to Mr. Maslak as President for Fiscal Year 99 and Mr. Cavendish as Vice-President for Fiscal Year 99 as follows:

OATH OF PRESIDENT

I, **Joseph J. Maslak**, as President of the Ohio Board of Pharmacy do solemnly swear to uphold the Constitution of the United States and the state of Ohio; to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the state of Ohio; and carry out the responsibilities of the Board as mandated by the laws of the state of Ohio without bias or prejudice, so help me God.

OATH OF VICE-PRESIDENT

I, **Robert B. Cavendish**, as Vice-President of the Ohio Board of Pharmacy do solemnly swear to uphold the Constitution of the United States and the state of Ohio; to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the state of Ohio; and carry out the responsibilities of the Board as mandated by the laws of the state of Ohio without bias or prejudice, so help me God.

Mr. Cavendish moved that the Board receive Per Diem as follows:

<u>PER DIEM</u>	<u>5/17-20</u>	<u>6/4</u>	<u>6/8</u>	<u>6/9</u>	<u>6/10</u>	<u>Total</u>
Adelman	-	-	1	1	1	3
Cavendish	-	-	1	1	1	3
Hanna	-	1	1	-	1	3
Lamping	-	-	1	1	1	3
Littlejohn	4	-	1	1	1	7
Maslak	-	-	1	1	1	3
Neuber	-	1	1	1	1	4
Plant	-	1	-	1	-	2
Repke	4	-	1	1	1	7

The motion was seconded by Mr. Repke and approved by the Board (Aye-7/Nay-0).

4:56 p.m. Mr. Cavendish moved that the meeting be adjourned. The motion was seconded by Mr. Repke and approved (Aye-7/Nay-0).

/s/ Amonte B. Littlejohn
Amonte B. Littlejohn, President

/d/ 7/8/98
Date

/s/ Franklin Z. Wickham
Franklin Z. Wickham, Executive Director