

STATE BOARD NEWS -- NOVEMBER 1998 ISSUE
(State Section Only)

SEVENTY-EIGHT ISSUES AND NO LONGER COUNTING

This issue brings to a close my tenure as editor for this publication. The first issue of Ohio's State Board News was published in August of 1979 - two years following my appointment as Executive Director of the Ohio State Board of Pharmacy.

Effective November 30, 1998, I will finish 30 years of public service as an employee of the State of Ohio. Assuming the responsibilities as Executive Director of the Board and State-Board News Editor on December 1, 1998 is William T. Winsley. Mr. Winsley becomes the fifth full-time Executive Director of the Board since it was established by the Ohio General Assembly in May 1884.

Mr. Winsley has been with the Ohio Board of Pharmacy since his employment as a Pharmacy Board Compliance Specialist for northeastern Ohio in December of 1988 and was appointed Assistant Executive Director on October 1, 1991. He obtained his B.S. in Pharmacy in 1974 and a Master's degree in Hospital Pharmacy in 1978 from Ohio State University.

Mr. Winsley was born and raised in Zanesville, Ohio and is the son of two pharmacists - Thomas and Rowena, who are now retired. His grandfather, Charles E. Harris, was also a pharmacist and operated Harris Pharmacy in Zanesville, Ohio from 1939 through 1959 when it was purchased by Mr. Winsley's parents. Mr. Winsley's pharmacy experience began long before he obtained his degree in pharmacy. He began working for his parents at the age of 12 in their community pharmacy.

Following graduation from Ohio State University, Mr. Winsley practiced pharmacy at the West Virginia University Medical Center in Morgantown for two years. In 1980, he moved his family back to Ohio and became the Assistant Director of Pharmacy at Akron City Hospital. Mr. Winsley's wife, Betsy, is also a pharmacist and practices at Fairfield Medical Center in Lancaster, Ohio.

DRUG LAWS OF OHIO REVISED

The Pharmacy Practice Act and the laws governing the legal distribution of drugs in Ohio were revised by the Ohio General Assembly this year. Am. Sub. Senate Bill 66 became effective July 22, 1998 and amended 110 sections, repealed three sections, and enacted two new sections of the Ohio Revised Code. These changes were published in August and made available by West Group Publishing Company.

The Board established the following committees to draft new rules and amend present Ohio Administrative Code Rules to implement the new legislation:

Chapter 5 - Pharmacy Practice Diane Adelman, R.Ph.; John Ahler, R.Ph.; Jeffrey Allison, Pharm.D.; Robert Amiet, R.Ph.; Dale Bertke, R.Ph.; Gerald Cable, R.Ph.; Laura Carpenter, R.Ph., J.D.; Robert Cavendish, R.Ph. (Chair); George Chapman, R.Ph.; David Isaacs, R.Ph.; Leonard Kaes, R.Ph.; Katherine Karas, R.Ph.; Michael Krzan, R.Ph.; Timothy Lanese, R.Ph.; Amonte Littlejohn, R.Ph.; Louis Mandi, R.Ph.; Joseph Maslak, R.Ph.; Randall Myers, R.Ph.; Mary Ryan, R.Ph.; Sonya Schultz, R.Ph.; H. Leonard Stallo, R.Ph.; James Turner, R.Ph.; Robert Waggonblot, R.Ph.; and Kent Zellner, R.Ph. This committee reviewed each of the 29 existing rules in Chapter 5 to determine if they needed to be amended due to the enactment of Am. Sub. S.B. 66. Following several meetings, the committee recommended that 15 of the existing rules be amended and that one new rule be adopted.

Chapter 7 - Continuing Pharmacy Education Ann Abele, R.Ph.; Jeffrey Allison, Pharm.D.; Kathleen Donley, R.Ph.; Kenneth Hale, R.Ph.; Jack Justice, Pharm.D.; Mark Keeley, R.Ph.; Paul Lamping, R.Ph. (Chair); Louis Mandi, R.Ph.; Susan McBeth, R.Ph.; Lynn Moran, R.Ph.; Margaret Olmon, R.Ph.; and Ruth Plant, R.Ph. This committee recommended that of the existing eight rules, three be amended, one be rescinded, and that a new rule be adopted regarding specialty certification programs in pharmacy practice.

Chapter 9 - Dangerous Drugs Robert Amiet, R.Ph.; Donald Bennett, R.Ph.; Jeffrey Carty, R.Ph.; Robert Cavendish, R.Ph.; Suzanne Eastman, R.Ph.; Kevin Fearon, R.Ph.; Paul Kover, R.Ph.; Warren Kramer, R.Ph.; John Long, R.Ph.; Joseph Maslak, R.Ph. (Chair); Michael Powell, R.Ph.; Mary Ryan, R.Ph.; Donald Schneider, R.Ph.; H. Leonard Stallo, R.Ph.; Suzanne Widing, R.Ph.; and Joni Wright, R.Ph. A total of 22 existing rules were reviewed by this committee. The committee recommended amending 19 of the existing rules and adopting one new rule.

Chapter 17 - Institutional Facilities Ann Abele, R.Ph.; William Armbrecht, R.Ph.; Donald Bennett, R.Ph.; Randy Brown, R.Ph.; Michael Dick, R.Ph.; Kathleen Donley, R.Ph.; Suzanne Eastman, R.Ph.; Elizabeth Gregg, R.Ph.; Gary Greiner, R.Ph.; John Hanna, R.Ph.; Glenn Huth, R.Ph.; Elaine Jones, R.Ph.; Randal Koch, R.Ph.; Paul Kover, R.Ph.; Jeffrey Lewis, R.Ph.; Craig Meyer, R.Ph.; Philip Miller, R.Ph.; Suzanne Neuber, R.Ph.; Ruth Plant, R.Ph. (Chair); Michael Powell, R.Ph.; Donald Schneider, R.Ph.; and Joni Wright, R.Ph. This committee reviewed 10 existing rules and recommended that eight be amended.

Chapter 19 - Fluid Therapy Prescriptions Mike Ahrendt, R.Ph.; John Hanna, R.Ph. (Chair); Mark Keeley, R.Ph.; Amonte Littlejohn, R.Ph.; Philip Miller, R.Ph.; Joann Predina, R.Ph.; and Terrye Thompson, R.Ph. The committee reviewed the four rules making up this chapter of the Ohio Administrative Code and the committee recommended that all four be amended and one new rule adopted.

Chapter 29 - Consult Agreement William Armbrecht, R.Ph.; Karen Beard, R.Ph.; Hector Buch, M.D.; Jeffrey Carty, R.Ph.; Morton Goldman, Pharm.D.; Constance Hammond, R.Ph.; Mary Ann Heuerman, R.Ph.; Elaine Jones, R.Ph.; Ellen Keating, R.Ph.; Paul Lamping, R.Ph.; Cheryl Laughlin, Pharm.D.; Robert Marks, R.Ph.; Willard McCall, R.Ph.; Suzanne Nesbit, Pharm.D.; Suzanne Neuber, R.Ph. (Chair); Allen Nichol, Pharm.D.; John Petrus, M.D.; Joann Predina, R.Ph.; Paula Sondergeld, R.Ph.; and Rodney Wirsching, Pharm.D. This Board is establishing this new Administrative Code chapter due to the enactment of Am. Sub. S.B. 66 and the legislative mandate for the Board of Pharmacy to adopt rules in consultation with the State Medical Board regarding "consult agreements". Representatives of both the State Medical Board and the Ohio State Medical Association attended the meetings of

this committee. The purpose of the rules is to establish standards and procedures for a pharmacist to follow when establishing a consult agreement for managing a patient's drug therapy. The committee recommended five new rules for consideration by the Board.

1998 AD HOC ADVISORY COMMITTEE ON RULE REVIEW

Each year each state agency is required to review one-fifth of its Administrative Code rules and determine whether or not they need to be amended or be rescinded if no longer needed. Accordingly, the Board appointed the following individuals to the 1998 Ad Hoc Advisory Committee on Rule Review: Diane Adelman, R.Ph. (Chair); William Armbrrecht, R.Ph.; Karen Beard, R.Ph.; Robert Cavendish, R.Ph.; Elizabeth Gregg, R.Ph.; Randall Myers, R.Ph.; Sonya Schultz, R.Ph.; Terrye Thompson, R.Ph.; James Turner, R.Ph.; and Kent Zellner, R.Ph. Twenty rules were scheduled for review this year by the committee. Rules from the following Ohio Administrative Code chapters were included in this year's review: 4729-10 (Non-resident Terminal Distributor of Dangerous Drugs), 4729-13 (Approved Laboratories), 4729-14 (Animal Shelters), and 4729-15 (Nuclear Pharmacies). The committee recommended to the Board that eight of the rules reviewed be amended and that 12 did not need to be revised or rescinded.

The Board considered the recommendations during its October meeting and the final decision of the Board regarding the recommendations was published on the Board's Home-Page the week of October 26, 1998. The Chapter 119. public rules hearing will be held at 1:00 p.m. on Monday, December 7, 1998 in Room 1919, 77 South High Street, Columbus, Ohio.

OHIO STATE MEDICAL BOARD RULES

Controlled Substances

By the time you read this newsletter, each pharmacist licensed with the Ohio State Board of Pharmacy should have received a Compliance Bulletin regarding the amendment of rules regulating the use of Schedule IV controlled substances for weight control. Ohio Administrative Code (O.A.C.) Chapter 4731-11 (Controlled Substances) was amended by the State Medical Board in October.

The Medical Board also adopted a new rule (4731-11-08) regarding the prescribing of controlled substances by physicians for members of their family. The new rule provides that they may prescribe controlled substances for members of their family only in an emergency and only in quantities to cover the emergency. The new rule defines a "family member" to mean spouse, parent, child, sibling, or other individual in relation to whom the practitioner's personal or emotional involvement may render that practitioner unable to exercise detached professional judgment in reaching diagnostic or therapeutic decisions. The new rule also prohibits physicians from prescribing controlled substances for themselves.

Treatment of Intractable Pain

A new chapter of rules (4731-21) was also adopted by the State Medical Board regarding the treatment of intractable pain. These rules set out the minimum standards for the treatment of intractable pain and addresses the legitimate use of prescription drugs in treating pain. An important feature of these rules is that they apply to drugs that are subject to abuse but are not necessarily controlled substances. The rules recognize the fact that some drugs

approved for marketing by the federal Food and Drug Administration are subject to abuse and/or are addictive but they have not been classified by the federal Drug Enforcement Administration as a controlled substance. It is important that practicing pharmacists carefully read the compliance bulletins and review these important rules adopted by the State Medical Board. These rules impact on the administration, dispensing, and prescribing of controlled substances or non-controlled prescription drugs by physicians (Doctors of Medicine and Doctors of Osteopathic Medicine) licensed to practice medicine in Ohio. The rules establish conditions for the legal use of controlled substances and prescription drugs and must be considered by dispensing pharmacists in determining whether or not a prescription has been issued for a legitimate medical purpose and the drug prescribed may be legally dispensed.

The importance of these rules cannot be underestimated and, for this reason, the new and amended Medical Board rules may be found on the Board of Pharmacy's web site (<http://www.state.oh.us/pharmacy/>) and downloaded. The rules will also be published in the next update of the Drug Laws of Ohio (expected publication date is early 1999). While the amended rules (O.A.C. Chapter 4731-11) include significant changes as pointed out in the recent compliance bulletin, many provisions were not changed. Additional information regarding the use of controlled substances in weight loss programs may also be found on the Board's HomePage (click on *C.P.E. News* then on *August 1997 State Board News*).

Additional information regarding these topics is also available on the State Medical Board's HomePage (<http://www.state.oh.us/med/>) under the button titled "Policies and Positions". Copies of the following two Medical Board policy and position statements may be downloaded: "Chronic Benign Pain-August 14, 1996" and "Self and Family Prescribing of Controlled Substances- March 11, 1992".

FALSE PRESCRIPTION LABELS

The Board is receiving an increasing number of complaints from patients and caregivers that they are being "shorted" on their prescriptions. They are not receiving the quantity of drugs prescribed by their physician when getting their prescriptions filled. The prescription labels, however, indicate that the prescribed quantity was dispensed, and neither the patient nor caregiver were told when picking up the prescription that they did not receive the quantity prescribed nor the quantity appearing on the label.

Many of the patients have discovered that they were possibly shorted on their prescription when all of the doses have been taken and it is too early to have the prescription refilled or obtain a new prescription order. Consequently more patients and caregivers are checking their prescriptions when they arrive at their home. Some have stated that they intend to check before they leave the pharmacy.

It is important that the dispensing pharmacist be certain that patients receive the correct quantity of drug prescribed. If this is not possible due to the fact that not enough of the drug is available to dispense the prescription as prescribed, the dispensing pharmacist should insure that the patient or caregiver knows what quantity was dispensed, why, and when they will be able to obtain the remaining doses.

It is also important that the prescription label accurately reflect the amount dispensed by the pharmacist. It is a felony to knowingly make or affix any false label to a package or receptacle containing any dangerous drug. If the dangerous drug is a Schedule II controlled substance, it is a felony of the fourth degree to knowingly make or affix a false label to the

prescription vial. It is a felony of the fifth degree to do so for any other dangerous drug (i.e., Schedule III, IV, or V controlled substances and non-controlled prescription drugs).

Billing a third party for the quantity prescribed and not the quantity dispensed if less constitutes fraud and subjects both the dispensing pharmacist and pharmacy to disciplinary action by the Board as well as criminal prosecution. The same is true for knowingly making and affixing false labels to prescription vials.

DISCIPLINARY ACTIONS

The disciplinary actions listed below include only those where the individual's license to practice has been suspended, revoked, or restricted, and does not include those actions where the individual's license to practice has been placed on probation or has been reinstated without restrictions, or a monetary penalty imposed by the board.

Anyone having a question regarding the license status of a particular practitioner, nurse, pharmacist, pharmacy intern, or dangerous drug distributor in Ohio should contact the licensing board that regulates the profession or activity, as follows:

- State Dental Board (614/466-2580);
- State Medical Board (614/466-3934);
- State Nursing Board (614/466-3947);
- State Optometry Board (614/466-5115);
- State Pharmacy Board (614/466-4143);
- State Veterinary Medical Board (614/644-5281);
- Drug Enforcement Administration (800/230-6844).

STATE PHARMACY BOARD:

Order Effective 02/11/98:

William C. Cody, R.Ph.; Mansfield - License revoked and may not be employed by or work in a facility licensed by the Board.

Order Effective 07/16/98:

Robert James Garrity, R.Ph.; Lakewood - May not be a preceptor or train pharmacy interns, may not serve as responsible pharmacist, and may not destroy, assist in, or witness the destruction of controlled substances for five years effective 08/04/98.

Settlement Agreement Effective 07/07/98:

Jerry H. Starr, R.Ph.; Dayton - License suspended indefinitely, minimum of six months, effective February 10, 1998 and may not be employed by or work in a facility licensed by the Board while suspended.

Orders Effective 09/09/98:

Michael Allen Grothouse, R.Ph.; West Carrollton - License suspended indefinitely, minimum three years, and may not be employed by or work in a facility licensed by the

Board while suspended.

Gregory G. Korte, R.Ph.; Miamisburg - License revoked.

David Angelo Pishotti, R.Ph.; Warren - License suspended indefinitely, minimum one year, and may not be employed by or work in a facility licensed by the Board while suspended.

Summary Suspension of Licenses:

Patty Jane Baxter, R.Ph.; Rome - Effective 09/11/98.

Roderick Keith Crenshaw, R.Ph.; Columbus - Effective 09/10/98.

Jeffrey Scott Dannemiller, R.Ph.; Akron - Effective 07/07/98.

William Steven Kinnaird, R.Ph.; Novelty - Effective 09/09/98.

STATE MEDICAL BOARD:

[A more detailed history is available on the Internet at: <http://www.state.oh.us/med/> then click on the License On-line Lookup box, then follow the instructions.]

Rafic A. Amro, M.D.; Bethlehem, PA - License suspended six months - 09/01/98.

John Israel Biskind, M.D.; Cleveland - License revoked - 09/08/98.

Jessica Beatrice Campbell, M.D.; Zanesville - License reinstated; Shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess any controlled substances, and shall be ineligible to re-apply for or to hold registration with D.E.A. without prior Board approval - 06/10/98.

Ira Nathan Chaiffetz, M.D.; Columbus - License revoked - 09/11/98.

Dennis W. Enright, M.D.; Louisville, KY - License revoked - 09/09/98.

James Edward Gadek, M.D.; Columbus - License suspended indefinitely - 07/16/98.

Brian David Heim, M.D.; Akron - Pre-hearing suspension of license effective 07/09/98.
License suspended indefinitely, minimum one year - 09/09/98.

Jerome David Homish, D.O.; The Plains/Toledo - License suspended indefinitely,
minimum three months - 08/12/98.

Paul George Koussandianos, M.D.; Lakewood - License revoked - 09/10/98.

Joseph Leroy Logan, M.D.; Warren - Pre-hearing suspension of license effective
09/10/98.

John Randall Lyons, D.O.; Norwood - Pre-hearing suspension of license effective
07/09/98.

Frederick Thomas Martin, M.D.; Cincinnati - License permanently limited and restricted
to performance of insurance physicals only, and ineligible to practice medicine in any
other form or manner - 08/12/98.

Gerard P. McLaughlin, M.D.; East Liverpool - Pre-hearing suspension of license
effective 06/11/98. License revoked - 08/12/98.

Bradford James Murphy, D.O.; Kettering - License reinstated; May not administer or
distribute controlled substances without prior Board approval - 08/12/98.

John Thomas Namey, Jr., D.O.; Ashtabula - License revoked - 08/18/98.

Kenneth Harry Oberheu, M.D.; Dayton - License permanently limited to restrict doctor from treating or providing controlled substances to himself or any family member - 09/09/98.

Allan Dean Packer, M.D.; Middletown - License suspended, minimum one year - 07/16/98.

William Anthony Romer, M.D.; Centerville - License suspended, minimum six months - 08/12/98.

Gary Evan Sivak, M.D.; Elyria - License reinstated; Shall not prescribe any controlled substances in Schedules II and III and shall refrain from treating himself or any family member, minimum five years - 07/16/98.

Kathleen Ellen Talbot, M.D.; Amherst - License suspended indefinitely; Must immediately surrender D.E.A. certificate - 09/09/98.

William E. Todd, M.D.; Worthington - License permanently retired - 07/08/98.

David Carl Ward, D.O.; Willoughby - License revoked - 07/10/97.

Paul Wesley Wilson, D.O.; Belpre - License suspended indefinitely - 12/23/97. License reinstated; Shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess any controlled substances, and shall be ineligible to re-apply for or to hold registration with D.E.A. without prior Board approval - 06/10/98.

Haw-Chyr Wu, M.D.; Warren - License revoked - 10/18/96.

Herman Samuel Yassall, D.O.; Brookfield - License surrendered - 08/12/98.

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