

**STATE BOARD NEWS -- FEBRUARY 1998 ISSUE**  
(State Section Only)

**OHIO JURISPRUDENCE C.P.E. QUIZ ENCLOSED**

*[SEE State Board News - February 1998 - Jurisprudence Quiz]*

Enclosed is the quiz which covers the May 1997, August 1997, November 1997, and this issue of the State Board Newsletter for Jurisprudence Continuing Pharmacy Education Credit. Be sure to note that no credit will be granted for Answer Sheets postmarked after April 30, 1998.

You may write to the Board of Pharmacy office (Attention: Yolanda) to request a copy of any back issues. You must enclose with your request the appropriate fee (check or money order) for the copy(ies) you want as follows:

May 1997 issue	\$1.00
August 1997 issue	\$1.50
November 1997 issue	\$1.00
February 1998 issue	\$1.50

Certificates of Credit will be mailed after May 1, 1998 to those receiving a passing grade of 75 or better.

**FAXING PRESCRIPTIONS**

Much to the chagrin and surprise of the Board office staff, a practicing pharmacist called to inquire about the ridiculous possibility of a prescription being faxed to a pharmacy by a prescriber's office. "Surely that is not allowed!" The pharmacist was surprised to learn that the Ohio Board has permitted the faxing of all prescriptions except Schedule II controlled substances to a pharmacy by a prescriber or prescriber's agent since July 1, 1990. The use of facsimile machines as an "other means of communication" of prescriptions and medication orders for controlled substances was first acknowledged by the federal Drug Enforcement Administration on May 19, 1994.

Recent changes in both the state and federal regulations regarding the faxing of prescriptions and the pharmacist's inquiry about this issue identified the need to address this topic in this newsletter. The last time this issue was discussed was in the May and August 1990 State Board Newsletters. Copies of the current Ohio Administrative Code Rules and Federal Regulations discussed in this article may be downloaded from the Ohio Board of Pharmacy's Web site: <http://www.state.oh.us/pharmacy/>

**Schedule II Controlled Substances**

A Schedule II controlled substance prescription which has been faxed to a community pharmacy may be used **for informational purposes only** when dispensing oral dosage forms (e.g. - tablets, capsules, syrups, or suspensions) for ambulatory patients. Section 1306.11 of

Title 21 of the Code of Federal Regulations (CFR) does not permit a pharmacist to dispense the Schedule II controlled prescription **until** the original written, signed prescription has been received by the pharmacist. [21 CFR 1306.11(a)]

Schedule II controlled substance parenteral, intravenous, intramuscular, subcutaneous, or intraspinal prescriptions **that are to be compounded** for the direct administration to a patient that are faxed to a pharmacy serve as the original prescription and authorize the dispensing of the medication. The faxed prescription must be maintained in the same manner as other Schedule II controlled substance prescriptions. [21 CFR 1306.11(e)]

Schedule II controlled substance prescriptions for **residents** of Long Term Care Facilities may also be faxed to a pharmacy and the facsimile serves as the original prescription. The facsimile must be maintained in the same manner as all other Schedule II prescriptions. [21 CFR 1306.11(f)]

As of March 24, 1997, Schedule II controlled substance prescriptions written for **patients enrolled in a hospice** may be faxed to a pharmacist to authorize the dispensing of the drug pursuant to Federal regulations. Faxed Schedule II prescriptions for hospice patients serves as the original written prescription and is to be maintained with the other Schedule II prescriptions. The prescriber or the prescriber's agent must note on the faxed prescription that the patient is a "hospice patient". By the time you receive this newsletter, Ohio's rules will have been amended to reflect the federal rules regarding the faxing of Schedule II prescriptions for hospice patients. [21 CFR 1306.11(g)]

### **Schedule III, IV, and V Controlled Substances/Non-Controlled Prescription Drugs**

These drugs may be dispensed pursuant to prescriptions faxed from a prescriber's office by either the prescriber or the prescriber's agent. The faxed prescription serves as the original prescription record and must be maintained for three years by the pharmacy.

Original prescriptions faxed to a pharmacy may not be given to the patient and are to be filed in the patient's records at the prescriber's office or at the institutional facility where it was issued by the prescriber. Faxed prescriptions are not legal unless such prescription is faxed directly to the pharmacy by either the prescriber or prescriber's agent. Agents faxing prescriptions for a prescriber must be identified by their full name on the faxed prescription record. [Ohio Administrative Code (OAC) Rule 4729-5-30; 21 CFR 1306.21]

**All prescriptions faxed** to a pharmacy must be signed by the practitioner in his/her own handwriting in order to be a valid authorization to dispense the medication ordered. The dispensing pharmacist is responsible for ensuring that the faxed prescription is valid and contains all of the information required by both federal and state regulations or rules. Questionable faxed prescriptions should not be dispensed by the pharmacist unless the prescriber has been contacted and the prescription determined to be valid.

### **Transferring Prescriptions (OAC Rule 4729-5-24)**

Pharmacists may also use facsimiles to transfer prescription copies. The prescription copy faxed to the other pharmacy must include the serial prescription number assigned by the pharmacy dispensing the original prescription; name and address of the pharmacy transferring the prescription; date of issuance of the prescription; date of original dispensing as well as number of refills permitted; date of last refill; number of valid refills left; and the name of the transferring pharmacist.

## **DRUG LAWS OF OHIO**

The October 1997 Update is available from West Group at a cost of \$39.50. The update was shipped in December to all persons having a subscription for the Official Edition of the Drug Laws of Ohio (for information regarding this publication, call 1-800/362-4500).

To order the October update, call 1-800/344-5009. The October 1997 update for Ohio Revised Code laws is current through August 3, 1997; Ohio Administrative Code rules through July 31, 1997; United States Code laws through September 17, 1997; and Code of Federal Regulations through September 16, 1997.

## **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 which regulates that 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 (216/522-3705).

### **STATE PHARMACY BOARD:**

*Order Effective 03/21/96:*

James D. Vogel song, R.Ph.; Lucasville - License suspended indefinitely, minimum 3 years, and may not be employed by or work in any facility licensed by the Board while suspended.

*Orders Effective 03/13/97:*

Hutton's Pharmacy, T.D.; Toledo - License revoked.

Thomas Jefferson Hutton, R.Ph.; Toledo - License revoked and may not be employed by or work in any facility licensed by the Board.

*Orders Effective 06/19/97:*

Stephen Robert Chikosky, R.Ph.; Boardman - May not train pharmacy interns or be a preceptor and may not serve as responsible pharmacist for two years.

David P. McMillen, R.Ph.; Phoenix, AZ - License suspended indefinitely and may not be employed by or work in any facility licensed by the Board while suspended.

*Order Effective 07/01/97:*

Anthony Savoca, R.Ph.; Westlake - License revoked.

*Settlement Agreement Effective 07/13/97:*

Mark Jeffrey Schirtzinger, R.Ph.; Xenia - License suspended indefinitely and may not be employed by or work in any facility licensed by the Board while suspended.

*Orders Effective 07/17/97:*

Lawrence E. Broome, R.Ph.; Wellington - License suspended 30 days. Upon reinstatement, may not train pharmacy interns or be a preceptor and may not serve as responsible pharmacist for three years.

Richard Anthony Holdorf, R.Ph.; Weirton, WV - License suspended indefinitely and may not be employed by or work in any facility licensed by the Board while suspended.

Kent W. Schindler, R.Ph.; Mansfield - License suspended indefinitely and may not be employed by or work in any facility licensed by the Board while suspended.

John S. Yaskanich, R.Ph.; Sheffield Lake - License approved for reinstatement. Upon reinstatement, may not train pharmacy interns or be a preceptor and may not serve as responsible pharmacist for five years.

*Settlement Agreement Effective 09/08/97:*

Henry B. Eyman, R.Ph.; Springfield - License suspended indefinitely and may not be employed by or work in any facility licensed by the Board while suspended.

*Order Effective 09/11/97:*

Keith Jered Hochadel, R.Ph.; Salem - License revoked.

*Orders Effective 10/08/97:*

David Scott Blazy, R.Ph.; Maple Heights - License revoked.

Mary Berk Mortus, R.Ph.; Strongsville - May not train pharmacy interns or be a preceptor and may not serve as responsible pharmacist for five years.

David P. Sano, R.Ph.; Alliance - License revoked.

*Summary Suspension of Licenses:*

William C. Cody, R.Ph.; Mansfield - Effective 09/18/97.

Matthew Earl Fisher, R.Ph.; Columbus - Effective 12/10/97.

William John Hocevar, R.Ph.; Madison - Effective 11/25/97.

Elizabeth R. Murcia, R.Ph.; Indian Spring - Effective 04/23/97.

Randy J. Patrick, R.Ph.; Patriot - Effective 12/10/97.

David P. Sano, R.Ph.; Alliance - Effective 06/09/97.

Mary Elizabeth Starr, R.Ph.; Gahanna - Effective 09/09/97.

**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.]*

Robert Harry Adams, M.D.; St. Marys - License revoked - 01/30/97.

William H. Allen, Jr., M.D.; Athens - License suspended indefinitely, minimum one year - 10/16/96.

Gordon A. Bailey, M.D.; Zanesville - License revoked - 06/03/97.

Craig Howard Bammer, D.O.; Huron - License suspended indefinitely - 07/10/97. License reinstated, ineligible to hold or apply for D.E.A. registration without prior Board approval - 09/10/97.

Kevin R. Berry, M.D.; Columbus - License reinstated; Shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess any controlled substances for a minimum of five years; Ineligible to hold or apply for D.E.A. registration without prior Board approval - 12/04/96.

Robert William Brannon, M.D.; Columbus - License suspended indefinitely - 08/13/97.

Jessica Beatrice Campbell, M.D.; Zanesville - License suspended indefinitely, minimum one year - 06/10/97.

Thomas Warren Carrigan, M.D.; Troy - License suspended indefinitely, minimum two years - 09/08/97.

Orlando Roa Castro, M.D.; East Liverpool - License suspended indefinitely, minimum one year - 10/27/96.

John Christopher Cheek, M.D.; Shaker Heights - License revoked - 12/03/97.

Jerome Philip Davidson, D.P.M.; Youngstown - License suspended indefinitely, minimum six months - 01/03/97. Reinstated 07/09/97.

John M. Davis, M.D.; Hilliard - License reinstated; Ineligible to hold or apply for D.E.A. registration without prior Board approval; Shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess any controlled substances - 06/12/97.

Bruce Dawson, M.D.; Granville, OH and Big Rapids, MI - License revoked - 08/14/95.

Charles DeLeon Dunifer, M.D.; Cleveland - License revoked - 05/16/97.

Robert J. Eastway Jr., D.O.; West Jefferson/London/Dublin - License suspended indefinitely, minimum one year - 06/24/96. License reinstated; Shall not prescribe,

administer, dispense or order controlled substances except in a hospital setting - 06/24/97.

John Nicholas Figel, M.D.; Steubenville - License reinstated; Ineligible to hold or apply for D.E.A. registration without prior Board approval; Shall not prescribe, order, dispense, administer, or possess any controlled substances - 12/06/96.

Thomas L. Geraci, D.P.M.; Hilliard - License suspended indefinitely, minimum 90 days - 10/08/97.

Noel Araneta Guanzon, M.D.; Belpre - License revoked - 01/27/97.

Michael Lee Herman, M.D.; Canfield - License suspended indefinitely - 07/14/97.

Robert Richard Hershner, D.O.; Westerville - License revoked effective 10/12/95, but must surrender D.E.A. certificate immediately - 09/11/95.

Sam Hill, D.O.; Lynchburg - License suspended indefinitely, minimum six months - 06/07/96. License reinstated; Ineligible to hold or apply for D.E.A. registration without prior Board approval; Shall not purchase, prescribe, order, dispense, administer, or possess any controlled substances - 05/14/97.

Rosemary W. McLaughlin, M.D.; Columbus - Shall not administer, dispense, or possess any controlled substances - 01/09/97.

Joseph Mersol, M.D.; Struthers - License permanently surrendered - 07/23/97.

Rita Mae Nassif, M.D.; Cleveland - License revoked - 01/15/97.

Salvatore Lee Oliverio, D.P.M.; Akron - License revoked - 10/15/97.

Maryanne S. Olynyk, M.D.; Cleveland - License suspended 12/21/95 to 03/22/96 and 12/06/96 to 02/12/97.

Ronald Theodore Osborne, D.P.M.; Dayton - License suspended five years; permanently ineligible to apply for or hold D.E.A. registration - 10/01/97.

Matthew A. Polito, D.P.M.; Mayfield Village/Willowick - License revoked - 08/20/96.

Semur P. Rajan, M.D.; Mansfield - License suspended ninety days - 01/12/98.

Neil Evan Saunders, D.P.M.; Sylvania - Must immediately surrender his D.E.A. certificate, and shall be ineligible to hold, and shall not apply for, D.E.A. registration without prior Board approval; Shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess any controlled substances; Shall not be permitted to order, write orders for, give verbal orders for, dispense or administer controlled substances under the D.E.A. registration of the hospital or institution in which he is employed, is training, and/or has privileges - 08/13/97.

Rajinder Singh, M.D.; East Liverpool - License revoked - 02/04/97.

Mahendra K. Tandon, M.D.; Cleveland - License suspended indefinitely, minimum one year - 09/30/96.

Ronald Ross Turner, M.D.; Portsmouth - License revoked - 08/04/97.

Hermenegildo Tancinc Villavecer, M.D.; Westerville - License revoked - 08/12/97.

Richard Leonard Weitzel, M.D.; Youngstown - License suspended indefinitely, minimum one year, to be calculated from February 12, 1997 - 06/10/97.

Felix Anoman Wickremasingh, M.D.; West Union - License suspended indefinitely - 06/11/97.

Lance Paul Wright, M.D.; Lebanon - License suspended indefinitely - 09/10/97.

*Pre-Hearing Suspensions:*

John Christopher Cheek, M.D.; Shaker Heights - Effective 05/15/97.

Thomas L. Geraci, D.P.M.; Hilliard - Effective 07/30/97.

Salvatore Lee Oliverio, D.P.M.; Akron - Effective 01/10/97.

Ronald Theodore Osborne, D.P.M.; Dayton - Effective 05/15/97.

James N. Passias, D.O.; Columbus - Effective 12/03/97.

Matthew A. Polito, D.P.M.; Mayfield Village/Willowick - Effective 08/15/95.

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