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## **Minutes Of The Meeting**

Ohio State Board of Pharmacy  
Columbus, Ohio  
February 9, 10, 11, 1998

### **MONDAY, FEBRUARY 9, 1998**

8:05 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:

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.; Ruth Plant, R.Ph.; and Nicholas Repke, Public Member.

Joining the Board were Sally Ann Steuk, Assistant Attorney General; Tim Benedict, Compliance Administrator; David Rowland, Legal Affairs Administrator; and Robert Cole, Compliance Supervisor. Mrs. Plant 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 Vice President Maslak as follows: Adelman-Yes, Cavendish-Yes, Hanna-Yes, Lamping-Yes, Maslak-Yes, Neuber-Yes, Plant-Yes, and Repke-Yes.

8:20 a.m.

Board Member Amonte Littlejohn arrived and joined the meeting.

9:30 a.m.

The Board recessed for a break.

9:50 a.m.

The Board reconvened in Room 1914 and continued the Executive Session.

11:40 a.m.

**RES. 98-123**

The Executive Session was concluded and the meeting opened to the public. Mrs. Neuber moved that the Board authorize Assistant Attorney General Sally Ann Steuk to present the Board's terms set forth during the Executive Session for a settlement in the matter of Joann P. Waltz Golden, R.Ph. The motion was seconded by Mr. Cavendish and approved by the Board (Aye-7/Nay-1).

**RES. 98-124**

Mrs. Plant moved that the Board authorize Assistant Attorney General Sally Ann Steuk to present the Board's terms for settlements set forth during the Executive Session in the matters of Thomas W. Schultz, R.Ph. and Brent D. Salisbury, R.Ph. The motion was seconded by Mr. Maslak and approved by the Board (Aye-6/Nay-2).

**RES. 98-125** Mrs. Plant moved that the Board authorize Assistant Attorney General Sally Ann Steuk to present the Board's terms for a settlement as set forth during the Executive Session in the matter of Elizabeth A. Petit, R.Ph. The motion was seconded by Mr. Hanna and approved by the Board (Aye-6/Nay-2).

**RES. 98-126** Mr. Hanna moved that the Board authorize Assistant Attorney General Sally Ann Steuk to present the Board's terms for a settlement as set forth during the Executive Session in the matter of John Thomas Millward, R.Ph. The motion was seconded by Mrs. Neuber and approved by the Board (Aye-8/Nay-0).

**RES. 98-127** Mrs. Neuber moved that the Board authorize Assistant Attorney General Sally Ann Steuk to present the Board's terms for a settlement as set forth during the Executive Session in the matter of Mary P. Maloof, R.Ph. The motion was seconded by Mr. Hanna and approved by the Board (Aye-8/Nay-0).

**RES. 98-128** Mr. Hanna moved that the Board authorize Assistant Attorney General Sally Ann Steuk to present the Board's terms for a settlement as set forth during the Executive Session in the matter of Mary Elizabeth Starr, R.Ph. The motion was seconded by Mr. Lamping and approved by the Board (Aye-7/Nay-0/Abstain-1[Maslak]). Mr. Maslak did not vote since he recused himself from participating in any consideration of this matter.

**RES. 98-129** Mrs. Plant moved that the Board not accept the proposed terms for a settlement as set forth during the Executive Session in the matter of William John Hocevar, R.Ph. and that the adjudication hearing be held on Monday, March 9, 1998 as scheduled. The motion was seconded by Mr. Repke and approved by the Board (Aye-8/Nay-0).

**RES. 98-130** Mr. Maslak moved that the Notice of Opportunity for a Hearing issued in the matter of Wendy Erdos Padgett, R.Ph. be withdrawn by the Board. The reason for withdrawing the Notice of Opportunity is due to the fact that the insufficient funds check submitted for renewal of her license for the 1997-1998 licensure year has been replaced with a money order. The motion was seconded by Mr. Hanna and approved (Aye-8/Nay-0).

**RES. 98-131** Staff announced that the Notices of Opportunity issued in the matters of the Animal Hospital of Pataskala and J. Michael Sarnovsky, D.D.S. are no longer valid due to the fact that they have withdrawn their applications for terminal distributor of dangerous drugs licenses. Both of these entities are exempted from licensure as a terminal distributor of dangerous drugs and such licenses are not required for them to obtain dangerous drugs for use in their offices.

**RES. 98-132** Mrs. Neuber moved that the Board authorize Assistant Attorney General Sally Ann Steuk to present the Board's terms for a settlement as set forth during the Executive Session in the matter of Isaac Blair, R.Ph. The motion was seconded by Mr. Lamping and approved by the Board (Aye-8/Nay-0).

11:55 a.m.

The Board recessed for lunch.

1:14 p.m.

The Board returned from lunch and reconvened for the purpose of continuing their business meeting. Mr. Maslak 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, Hanna-Yes, Lamping-Yes, Maslak-Yes, Neuber-Yes, Plant-Yes, and Repke-Yes.

1:20 p.m.

**RES. 98-133** The Executive Session was concluded and the meeting opened to the public. Mr. Maslak moved that the Board summarily suspend the license of David Angelo Pishotti, R.Ph. (03-3-18491) for the reason that there is clear and convincing evidence that continuation of his

professional practice and method of distributing controlled substances presents a danger of immediate and serious harm to others. The motion was seconded by Mr. Cavendish and approved by the Board (Aye-8/Nay-0).

- RES. 98-134** The Board discussed information regarding Anthem Prescriptions new formulary compliance program for Anthem Blue Cross/Blue Shield members and the faxing of prescriptions. Following consideration of the information provided, Mr. Hanna moved that the Board issue a Cease and Desist. The motion was seconded by Mr. Lamping and approved (Aye-8/Nay-0).
- RES. 98-135** The Board then reviewed the response of Wyeth-Ayerst regarding the Cease and Desist issued concerning their "Shared Success" program. Following discussion, the Board informed staff that based on the information provided by Wyeth-Ayerst in their letter dated February 3, 1998 their only concern with the "Shared Success" program is the collection of the prescriber's DEA identifier. Staff was directed by the Board to discuss this issue with the State Medical Board.
- RES. 98-136** The Board then discussed the "CogniCare 2000" Patient Management Data Collection Program of the American Pharmacy Services Corporation. Mr. Lamping moved that a Cease and Desist be issued by the Board. Mr. Hanna seconded the motion and it was approved (Aye-8/Nay-0).
- RES. 98-137** The Board then considered a proposal from the Columbus Division of Fire to utilize expired drugs for training purposes. The request was mailed to Board members on February 2, 1998 for their review and consideration prior to the meeting. Following consideration and discussion of the request, Mrs. Neuber moved that the Board continue its policy that the Board not allow expired drugs to be used for training purposes due to the fact that there is no guarantee by the manufacturer that the drugs are still effective or safe. The Board also noted that there is a continuing concern that such drugs are finding their way back into the distribution chain and used unknowingly in treating patients. The motion was seconded by Mr. Cavendish and approved (Aye-8/Nay-0).
- RES. 98-138** The Board then discussed the Annual Meeting of the National Association of Boards of Pharmacy that will be held in Orlando, Florida May 16-20, 1998. Mr. Cavendish moved that the Board authorize the President of the Board to attend and serve as the official delegate and that he be reimbursed for all expenses pursuant to Ohio statutes and rules adopted by the Office of Budget and Management. The motion was seconded by Mr. Lamping and approved (Aye-8/Nay-0).
- RES. 98-139** Mr. Lamping moved that the Board approve the attendance of the public member, Nicholas Repke, at the NABP Annual Meeting and that he be reimbursed for all expenses pursuant to Ohio statutes and rules adopted by the Office of Budget and Management. Mr. Lamping stressed the importance of having public board members attend the meeting and noted that Ohio's public member represents citizens sixty years of age or older who are most likely not working full time and are dependent on social security and other retirement income. The motion was seconded by Mr. Cavendish and approved (Aye-8/Nay-0).
- RES. 98-140** Tim Benedict presented a request for Board approval to serve as the responsible pharmacist at the same time for two terminal distributor of dangerous drugs licenses. Following discussion, Mr. Lamping moved that the Board approve the request of Mark Unger, R.Ph. to serve as the responsible pharmacist for the Greenfield Area Medical Center (02-0041250) and the Adena Regional Medical Center (02-0041000) until the end of March 1998. The motion was seconded by Mr. Cavendish and approved (Aye-8/Nay-0).

The Board then discussed who should be represented on the Ad Hoc Advisory Committee on Continuing Pharmacy Education discussed in Resolution 98-111 (January 1998 Board

meeting). Following discussion, the Board decided that the committee will consist of two Board members, a representative of the Ohio Society of Health-System Pharmacists, two representatives of the Ohio Pharmacists Association, two pharmacists representing Board-approved continuing pharmacy education providers, and one pharmacy educator.

Suzanne Neuber, chair of the Recruitment Committee, reported that the committee will be opening the application packets this week and scheduling interviews with the most qualified candidates. Fourteen official application packets were returned by applicants for the position. Mr. Hanna reported that the Nursing Board Formulary Committee has not met since the last Board meeting. Mr. Benedict reported that the Prescribing Committee of the State Medical Board has not been meeting due to the absence of the chairman-Dr. Gretter.

The Board then considered the written field staff activity report for the second quarter of Fiscal Year 98 prepared by Tim Benedict, Compliance Administrator. Staff members Tim Benedict and William Winsley then reported on the Electronic Prescription meeting held by the federal Drug Enforcement Administration in Washington, D.C. on Wednesday, January 21, 1998.

The Board then discussed the next meeting with the Chain Drug Stores' Directors of Pharmacy Operations. Following discussion and consideration of suggested agenda items, the Board directed staff to schedule the meeting when the full Board meets. Agenda items to be discussed include "workload concerns"; top "pink sheet" violations; Continuing Pharmacy Education - Jurisprudence requirement; rules effective February 2, 1998; "Informed Consent" - signature logs; patient counseling, and drug utilization review; confidentiality/-privacy concerns; false labels - inability to dispense quantity prescribed; fraud; theft of drugs reports; and full name of prescriber's agent.

Mr. Lamping moved that the Minutes of the January 12, 13, 14, 1998 meeting be approved as amended. The motion was seconded by Mrs. Neuber and approved (Aye-7/Nay-0/-Abstain-1[Adelman]).

2:50 p.m.

The Board recessed for thirty minutes.

3:20 p.m.

The Board meeting was reconvened and the Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of considering the investigation of allegations and complaints against licensees and registrants. Mr. Cavendish moved that the Board go into Executive Session. 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, Plant-Yes, and Repke-Yes.

4:05 p.m. The Executive Session was concluded and the Board recessed the meeting until Tuesday, February 10, 1998 at 1:00 p.m.

## **TUESDAY, FEBRUARY 10, 1998**

1:00 p.m. ROLL CALL

The following 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:

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.

RES. 98-141 The Board met with the following candidates for licensure by reciprocity:

BELCASTRO, JAMIE P.	03-1-22843	PENNSYLVANIA
CALABRESE, SAMUEL V.	03-1-22779	VIRGINIA
DOWNARD, SUSAN L.	03-1-22764	COLORADO
DREES, MARK A.	03-1-22842	MICHIGAN
GROTZINGER, MERI L.	03-1-22690	OREGON
MANDURU, MADHAVI	03-1-22643	NEW JERSEY
PANAGOPOULOS, ANTREA A.	03-1-22848	ILLINOIS
SCHAAF, ERIC H.	03-1-22850	INDIANA

1:30 p.m.

Mrs. Neuber moved that the candidates be approved and their licenses to practice pharmacy in Ohio be issued. The motion was seconded by Mr. Lamping and approved (Aye-7/Nay-0).

1:35 p.m.

The Board reconvened in Room 1914 and was joined by Assistant Executive Director William Winsley. Administrative matters and correspondence not requiring official action by the Board were reviewed.

2:00 p.m. The meeting was recessed until Wednesday, February 11, 1998, at 9:00 a.m.

### **WEDNESDAY, FEBRUARY 11, 1998**

9:13 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.; Suzanne Neuber, R.Ph.; Ruth Plant, R.Ph.; and Nicholas Repke, Public Member.

Nancy Little, Information Systems Administrator, and William McMillen, Licensing Administrator, joined the Board for the purpose of discussing the written report of the Licensing Department that was distributed to Board members Monday morning.

Mr. Benedict joined the Board to report on the pharmacists who are on probation pursuant to Orders of the Board. Mr. Benedict also briefed the Board members on the progress of the State Medical Board in drafting new regulations regarding weight loss programs.

The Board then considered correspondence from the Ohio Pharmacists Association regarding Resolutions 6-97 and 7-97 adopted by their membership during the 1997 annual meeting. Board members agreed that they would not consider rescinding the requirement that all pharmacists obtain three hours of pharmacy education credit in current jurisprudence in order to renew their license. Staff was also directed to inform the Ohio Pharmacists Association that the Board continues to issue cease and desists in all instances brought to the Board's attention where prescriptions are not transferred electronically directly between the prescriber and dispensing pharmacy. The Board's position has not changed regarding the fact that no third party may intercept or change a prescription that is being transmitted electronically between the prescriber and dispensing pharmacy.

10:17 a.m.

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

11:18 a.m.

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

11:25 a.m.

The Board members reconvened the business meeting and Mr. Lamping moved that the Board go into Executive Session for the purpose of considering the evidence and testimony received in the hearing. 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, Plant-Yes, and Repke-Yes.

11:45 a.m.

**RES. 98-142**

The Executive Session was concluded and the meeting opened to the public. Mrs. Plant moved that the Board adopt the following Order:

ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-971210-026)

In The Matter Of:

**RANDY J. PATRICK, R.Ph.**

3883 Patriot Road  
Patriot, Ohio 45658  
(R.Ph. No. 03-2-17941)

INTRODUCTION

THE MATTER OF RANDY J. PATRICK CAME TO HEARING ON FEBRUARY 11, 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.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

RANDY J. PATRICK 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 H. Amiet, Jr., R.Ph., Ohio State Board of Pharmacy
- (2) Randy J. Patrick, Respondent

Respondent's Witnesses:

- (1) Tom Meadows, R.Ph., Fruth Pharmacy

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Summary Suspension Order/Notice of Opportunity for Hearing letter in the matter of Randy J. Patrick dated December 10, 1997.
- (2) Exhibit 1A--Copy of Hearing Request letter dated December 16, 1997.

- (3) Exhibit 1B--Copy of Hearing Schedule letter dated December 19, 1997.
- (4) Exhibit 1C--Copy of two-page Amendment Notice in the matter of Randy J. Patrick dated January 27, 1998.
- (5) Exhibit 1D--Two-page copy of Renewal Application for Pharmacist License, No. 03-2-17941, for a license to practice pharmacy in Ohio from September 15, 1997, to September 15, 1998, of Randy J. Patrick dated August 27, 1997; and copy of Pharmacist File Front Sheet of Randall J. Patrick showing original date of registration as July 27, 1989.
- (6) Exhibit 2--Ohio State Board of Pharmacy Drug Audit Accountability Statement of Fruth Pharmacy, Gallipolis, for the drug Codiclear DH Syrup (trade name & generic) dated December 9, 1997.
- (7) Exhibit 3--Copy of handwritten statement of Randy Patrick signed and notarized on December 9, 1997.

Respondent's Exhibits:

- (1) None

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 indicate that Randy J. Patrick was originally licensed to practice pharmacy in the state of Ohio on July 27, 1989. However, on or about December 10, 1997, the Board determined that there was clear and convincing evidence that the continuation of Randy J. Patrick's professional practice and/or his method of distributing controlled substances presented a danger of immediate and serious harm to others and his license was suspended in accordance with Section 3719.121(B) of the Ohio Revised Code.
- (2) Randy J. Patrick did, on or about December 5, 1997, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Fruth Pharmacy, Gallipolis, Ohio, beyond the express or implied consent of the owner, to wit: while practicing pharmacy on this date, Randy J. Patrick stole Codiclear DH Syrup and its generic equivalents, schedule III controlled substances, for his own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) Randy J. Patrick did, from July 3, 1997, through December 9, 1997, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Fruth Pharmacy, Gallipolis, Ohio, beyond the express or implied consent of the owner, to wit: Randy J. Patrick stole 16,630ml (554oz or 34.6 pints) of Codiclear DH Syrup and its generic equivalents, schedule III controlled substances, for his own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Randy J. Patrick is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as set forth in Section 4729.16 of the Ohio Revised Code, to wit: Randy J. Patrick admitted to an agent of the Board that he has stolen and personally abused controlled substances while practicing pharmacy in order to "loosen up and communicate with the customers better." Further, Randy J. Patrick admitted stealing and abusing the generic form of Vicodin, a schedule III controlled substance; Acetaminophen with Codeine, a schedule III controlled substance; and the generic form of Codiclear DH Syrup, a schedule III controlled substance, while engaging in the practice of pharmacy.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being

guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.

#### ACTION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued December 10, 1997.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Randy J. Patrick:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card, No. 03-2-17941, held by Randy J. Patrick indefinitely and such suspension is effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Randy J. Patrick may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) During February, 1999, or any time thereafter, the Board will consider any petition filed by Randy J. Patrick for a hearing, pursuant to Revised Code Chapter 119., upon the question of the reinstatement of his license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met:
  - (1) Randy J. Patrick must obtain a complete evaluation including a recommended treatment plan by a professional certified with the Ohio Department of Alcohol and Drug Addiction Services (ODADAS). Randy J. Patrick must abide by the treatment plan as designed by the professional.
  - (2) Randy J. Patrick must enter into a contract with a certified ODADAS treatment program acceptable to the Board, for a period of not less than five years, 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 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, at least three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meetings, and at meetings of a professional support group, is required during outpatient treatment and/or during aftercare; and
    - (c) the program shall immediately report to the Board of Pharmacy any positive urine screens and/or other violations of the contract.
  - (3) Randy J. Patrick must provide, at the time of petitioning the Board for reinstatement, evidence of his evaluation and recommendation for

treatment by the ODADAS professional, written documentation from his treatment provider regarding compliance with the program pursuant to the contract, and copies of all urine drug screen reports.

Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

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

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mr. Lamping and approved (Aye-8/Nay-0).

**RES. 98-143** Staff reported that the following settlements had been entered into by the Board in the following matters:

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY  
(Docket No. D-971201-024)

In The Matter Of:

**RICHARD FOSTER BRODERICK, R.Ph.**  
1360 Yellowglen Drive  
Cincinnati, Ohio 45222  
(R.Ph. No. 03-3-19920)

This Settlement Agreement is entered into by and between Richard Foster Broderick and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Richard Foster Broderick enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues contained herein.

Richard Foster Broderick is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges being filed by the Board against him and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Richard Foster Broderick's license to practice pharmacy in the state of Ohio, this Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

- (A) The Ohio State Board of Pharmacy is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card, or impose a monetary penalty on the license holder for violation of any of the enumerated grounds.
- (B) Richard Foster Broderick neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated December 1, 1997; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same:
  - (1) Records of the Board of Pharmacy indicate that Richard Foster Broderick was originally licensed in the state of Ohio on July 28, 1993, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.

- (2) Richard Foster Broderick did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: Richard Foster Broderick created and/or possessed on file at Kroger pharmacy the following prescriptions for his brother that he knew were forged:

<u>Date</u>	<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>
07/23/97	4420069	Xanax 0.5mg	50
07/29/97	4420069	Xanax 0.5mg	50
08/04/97	4420069	Xanax 0.5mg	50
08/09/97	4420069	Xanax 0.5mg	50
08/14/97	4420069	Xanax 0.5mg	50
08/18/97	4420658	Xanax 0.5mg	100

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (3) Richard Foster Broderick was, on or about October 16, 1997, convicted in the Clermont County Common Pleas Court of Attempted Illegal Processing of Drug Documents, a misdemeanor of the first degree.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Richard Foster Broderick knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Richard Foster Broderick's pharmacist identification card, No. 03-3-14453, will be placed on probation through March 21, 1999. The 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 Richard Foster Broderick's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
- (2) Richard Foster Broderick may not serve as a responsible pharmacist.
- (3) Richard Foster Broderick must take and successfully complete the jurisprudence examination offered by the Board prior to one year from the effective date of this Order. If Richard Foster Broderick has not successfully completed the examination prior that date, his license will be suspended until this condition has been achieved.
- (4) Richard Foster Broderick must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (5) Richard Foster Broderick must abide by the rules of the Ohio State Board of Pharmacy.
- (6) Richard Foster Broderick must comply with the terms of this Agreement.

For cause, the Board may at any time revoke probation, 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.

- (B) Richard Foster Broderick agrees to the imposition of a monetary penalty of two thousand dollars (\$2,000.00) to be paid in four installments, due on the 15th day of each month, from March, 1998, through June, 1998. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed forms to the

State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

Richard Foster Broderick 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 shall revoke probation for any violation of the terms of this Agreement occurring during the probation period.

If, in the judgment of the Board, Richard Foster Broderick appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, revoke probation, modify the conditions of probation, and reduce or extend the period of probation, and/or the Board may institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Richard Foster Broderick acknowledges that he has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner. Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

Richard Foster Broderick waives any and all claims or causes of action he may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Richard Foster Broderick waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

In the event the Board, in its discretion, does not adopt this Agreement as its Adjudication, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. Richard Foster Broderick agrees that should the Board reject this Agreement and if this case proceeds to hearing, he will assert no claim that the Board was prejudiced by its review and discussion of this Agreement or of any information relating thereto.

This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of Board President's signature below.

/s/ Richard Foster Broderick  
Pharmacist Name, Respondent

/d/ 2-8-98  
Date of Signature

/s/ James E. Applegate 0020406  
James E. Applegate, Attorney for Respondent

/d/ 2/8/98  
Date of Signature

/s/ Amonte B. Littlejohn  
Amonte B. Littlejohn, President, Ohio State Board of Pharmacy

/d/ 2/11/98  
Date of Signature

/s/ Sally Ann Steuk  
Sally Ann Steuk, Ohio Assistant Attorney General

/d/ 2-10-98  
Date of Signature

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY  
(Docket No. D-970529-042)

In The Matter Of:

**LISA J. FIELDER, R.Ph.**  
20675 Bolender Pontius Road  
Circleville, Ohio 43113  
(R.Ph. No. 03-2-15580)

This Settlement Agreement is entered into by and between Lisa J. Fielder and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Lisa J. Fielder enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues contained herein.

Lisa J. Fielder is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges being filed by the Board against her and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Lisa J. Fielder's license to practice pharmacy in the state of Ohio, this Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

- (A) The Ohio State Board of Pharmacy is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card, or impose a monetary penalty on the license holder for violation of any of the enumerated grounds.
- (B) Attached to and incorporated herein as State's Exhibit 1C1 is the Notice of Opportunity letter dated May 29, 1997. Lisa J. Fielder neither admits nor denies the allegations stated in the Notice; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Lisa J. Fielder knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) A 30-day suspension of her pharmacist identification card, No. 03-2-15580, and such suspension is effective as of the date of the Agreement. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Lisa J. Fielder may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, shall return her identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of the notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.
- (C) Upon reinstatement of Lisa J. Fielder's pharmacist identification card, No. 03-2-15580, will be placed on probation for three years. The 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 J. Fielder's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
  - (2) Lisa J. Fielder may not serve as a responsible pharmacist.
  - (3) Lisa J. Fielder must not violate the drug laws of the state of Ohio, any other state, or the federal government.
  - (4) Lisa J. Fielder must abide by the rules of the Ohio State Board of Pharmacy.
  - (5) Lisa J. Fielder must comply with the terms of this Order.

- (6) Lisa J. Fielder must take and successfully complete the jurisprudence examination offered by the Board on February 3, 1998, or June 30, 1998. If Lisa J. Fielder has not successfully completed the examination prior to July 15, 1998, her license will be suspended until this condition has been achieved.

For cause, the Board may at any time revoke probation, 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.

- (D) Lisa J. Fielder agrees to the imposition of a monetary penalty of three thousand dollars (\$3,000.00) to be paid in six equal installments, due on the 15<sup>th</sup> day of each month, from February, 1998, through July, 1998. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed forms to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

Lisa J. Fielder acknowledges that she has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner. Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

Lisa J. Fielder waives any and all claims or causes of action she may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement.

In the event the Board, in its discretion, does not adopt this Agreement as its Adjudication, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. Lisa J. Fielder agrees that should the Board reject this Agreement and if this case proceeds to hearing, she will assert no claim that the Board was prejudiced by its review and discussion of this Agreement or of any information relating thereto.

This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of Board President's signature below.

/s/ Lisa J. Fielder  
Lisa J. Fielder, Respondent

/d/ 1/21/98  
Date of Signature

/s/ R. Kevin Kerns  
R. Kevin Kerns, Attorney for Respondent

/d/ 1/21/98  
Date of Signature

/s/ Amonte B. Littlejohn  
Amonte B. Littlejohn, President, Ohio State Board of Pharmacy

/d/ 2/9/98  
Date of Signature

/s/ Sally Ann Steuk  
Sally Ann Steuk, Ohio Assistant Attorney General

/d/ 2/17/98  
Date of Signature

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A T T A C H M E N T

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NOTICE OF OPPORTUNITY FOR HEARING

May 29, 1997

<b>STATE'S EXHIBIT 1 C 1</b>
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Lisa J. Fielder, R.Ph.  
20675 Bolender Pontius Road  
Circleville, Ohio 43113

Re: Ohio Registered Pharmacist  
License No. 03-2-15580

Dear Pharmacist:

YOU ARE HEREBY NOTIFIED that, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, you are entitled to a hearing before the State Board of Pharmacy, if you request such a hearing within thirty (30) days of the time of the mailing of this notice, on the basis of the following allegations:

(1) Records of the Board of Pharmacy indicate that you were originally licensed in the state of Ohio on August 8, 1984, pursuant to examination, and are currently licensed to practice pharmacy in the state of Ohio. Records further reflect that you were the Responsible Pharmacist at Lincoln Professional Pharmacy, 421 S. Georgesville Road, Columbus, Ohio, from May 2, 1991, through January 17, 1993, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Section 4729-5-11 of the Ohio Administrative Code.

(2) You and/or a pharmacist under your control did, from January 3, 1992, through February 1, 1993, a 395 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 252 unit doses of Adipex-P to Patient #1 for purposes of weight control when the pharmacy sold a total of 280 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(3) You and/or a pharmacist under your control did, from January 24, 1992, through March 24, 1993, a 425 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 588 unit doses of Didrex 50mg to Patient #2 for purposes of weight control when the pharmacy sold 700 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(4) You and/or a pharmacist under your control did, from January 3, 1992, through March 22, 1993, a 444 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 350 unit doses of Adipex-P to Patient #3 for purposes of weight control when the pharmacy sold 406 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of

the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(5) You and/or a pharmacist under your control did, from January 14, 1992, through February 23, 1993, a 406 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 238 unit doses of Adipex-P to Patient #4 for purposes of weight control when the pharmacy sold 266 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(6) You and/or a pharmacist under your control did, from January 17, 1992, through March 18, 1993, a 426 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 238 unit doses of Adipex-P to Patient #5 for purposes of weight control when the pharmacy sold 294 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(7) You and/or a pharmacist under your control did, from January 13, 1992, through March 8, 1993, a 420 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 336 unit doses of Adipex-P to Patient #6 for purposes of weight control when the pharmacy sold 378 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(8) You and/or a pharmacist under your control did, from January 10, 1992, through March 13, 1993, a 428 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 700 unit doses of Didrex 50mg to Patient #7 for purposes of weight control when the pharmacy sold 812 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(9) You and/or a pharmacist under your control did, from January 8, 1992, through March 3, 1993, a 420 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 560 unit doses of Didrex 50mg to Patient #8 for purposes of weight control when the pharmacy sold 644 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(10) You and/or a pharmacist under your control did, from January 13, 1992, through March 5, 1993, a 417 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 322 unit doses of Adipex-P to Patient #9 for purposes of weight control when the pharmacy sold 364 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(11) You and/or a pharmacist under your control did, from January 7, 1992, through February 25, 1993, a 415 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 308 unit doses of Adipex-P to Patient #10 for purposes of weight control when the pharmacy sold 350 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(12) You and/or a pharmacist under your control did, from January 8, 1992, through March 24, 1993, a 441 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 644 unit doses of Didrex 50mg to Patient #11 for purposes of weight control when the pharmacy sold 756 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(13) You and/or a pharmacist under your control did, from January 2, 1992, through March 12, 1993, a 435 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of

the Ohio Revised Code, to wit: you sold 756 unit doses of Didrex 50mg to Patient #12 for purposes of weight control when the pharmacy sold 840 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(14) You and/or a pharmacist under your control did, from January 7, 1992, through March 13, 1993, a 431 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 532 unit doses of Didrex 50mg to Patient #13 for purposes of weight control when the pharmacy sold 616 unit doses to the same patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(15) You and/or a pharmacist under your control did, from January 6, 1992, through February 19, 1993, a 410 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 308 unit doses of Adipex-P to Patient #14 for purposes of weight control when the pharmacy sold 350 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(16) You and/or a pharmacist under your control did, from January 10, 1992, through March 19, 1993, a 434 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 350 unit doses of Adipex-P to Patient #15 for purposes of weight control when the pharmacy sold 364 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(17) You and/or a pharmacist under your control did, from January 22, 1992, through March 11, 1993, a 414 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 224 unit doses of Adipex-P to Patient #16 for purposes of weight control when the pharmacy sold 280 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section

2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(18) You and/or a pharmacist under your control did, from January 7, 1992, through March 18, 1993, a 436 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 616 unit doses of Didrex 50mg to Patient #17 for purposes of weight control when the pharmacy sold 700 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(19) You and/or a pharmacist under your control did, from January 8, 1992, through March 19, 1993, a 421 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 168 unit doses of Adipex-P to Patient #18 for purposes of weight control when the pharmacy sold 196 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(20) You and/or a pharmacist under your control did, from January 2, 1992, through March 4, 1993, a 427 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 350 unit doses of Adipex-P to Patient #19 for purposes of weight control when the pharmacy sold 392 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(21) You and/or a pharmacist under your control did, from January 9, 1992, through February 4, 1993, a 392 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 588 unit doses of Didrex 50mg to Patient #20 for purposes of weight control when the pharmacy sold 616 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of

the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(22) You and/or a pharmacist under your control did, from January 3, 1992, through March 23, 1993, a 445 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 392 unit doses of Didrex 50mg to Patient #21 for purposes of weight control when the pharmacy sold 476 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(23) You and/or a pharmacist under your control did, from January 7, 1992, through January 20, 1993, a 379 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 644 unit doses of Didrex 50mg to Patient #22 for purposes of weight control when the pharmacy sold 672 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(24) You and/or a pharmacist under your control did, from January 7, 1992, through March 19, 1993, a 437 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 644 unit doses of Didrex 50mg to Patient #23 for purposes of weight control when the pharmacy sold 756 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(25) You and/or a pharmacist under your control did, from February 19, 1992, through March 19, 1993, a 394 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 168 unit doses of Adipex-P to Patient #24 for purposes of weight control when the pharmacy sold 210 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(26) You and/or a pharmacist under your control did, from January 2, 1992, through February 8, 1993, a 403 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 476 unit doses of Didrex 50mg to Patient #25 for purposes of weight control when the pharmacy sold 532 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(27) You and/or a pharmacist under your control did, from January 9, 1992, through March 19, 1993, a 435 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 364 unit doses of Adipex-P to Patient #26 for purposes of weight control when the pharmacy sold 420 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(28) You and/or a pharmacist under your control did, from April 22, 1992, through March 23, 1993, a 335 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 392 unit doses of Didrex 50mg to Patient #27 for purposes of weight control when the pharmacy sold 420 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(29) You and/or a pharmacist under your control did, from January 6, 1992, through February 24, 1993, a 415 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 266 unit doses of Adipex-P to Patient #28 for purposes of weight control when the pharmacy sold 280 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(30) You or a pharmacist under your control did, from January 2, 1992, through January 6, 1993, a 370 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of

the Ohio Revised Code, to wit: you sold 672 unit doses of Didrex 50mg to Patient #29 for purposes of weight control when the pharmacy sold 672 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(31) You or a pharmacist under your control did, from January 3, 1992, through March 12, 1993, a 434 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 266 unit doses of Adipex-P to Patient #30 for purposes of weight control when the pharmacy sold 336 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(32) You and/or a pharmacist under your control did, from January 2, 1992, through March 22, 1993, a 445 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 784 unit doses of Didrex 50mg to Patient #31 for purposes of weight control when the pharmacy sold 924 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(33) You and/or a pharmacist under your control did, from January 24, 1992, through March 13, 1993, a 414 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 308 unit doses of Adipex-P to Patient #32 for purposes of weight control when the pharmacy sold 364 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(34) You and/or a pharmacist under your control did, from January 15, 1992, through March 23, 1993, a 433 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 560 unit doses of Didrex 50mg to Patient #33 for purposes of weight control when the pharmacy sold 672 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section

2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(35) You and/or a pharmacist under your control did, from January 6, 1992, through February 24, 1993, a 415 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 350 unit doses of Adipex-P to Patient #34 for purposes of weight control when the pharmacy sold 392 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(36) You and/or a pharmacist under your control did, from January 6, 1992, through February 23, 1993, a 414 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 308 unit doses of Adipex-P to Patient #35 when the pharmacy sold 322 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(37) You and/or a pharmacist under your control did, from January 6, 1992, through March 15, 1993, a 419 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 756 unit doses of Didrex 50 mg. to Patient #36 for purposes of weight control when the pharmacy sold 896 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(38) You and/or a pharmacist under your control did, from January 6, 1992, through March 19, 1993, a 438 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 28 unit doses of Didrex 50mg and 315 unit doses of Adipex-P to Patient #37 for purposes of weight control when the pharmacy sold 28 unit doses of Didrex 50mg and 357 unit doses of Adipex-P to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter

2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(39) You and/or a pharmacist under your control did, from January 3, 1992, through February 12, 1993, a 406 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 532 unit doses of Didrex 50mg to Patient #38 for purposes of weight control when the pharmacy sold 588 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(40) You and/or a pharmacist under your control did, from January 7, 1992, through March 15, 1993, a 433 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 364 unit doses of Adipex-P to Patient #39 for purposes of weight control when the pharmacy sold 420 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(41) You and/or a pharmacist under your control did, from January 20, 1992, through March 8, 1993, a 413 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 616 unit doses of Didrex 50mg to Patient #40 for purposes of weight control when the pharmacy sold 672 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(42) You and/or a pharmacist under your control did, from January 3, 1992, through March 15, 1993, a 437 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 308 unit doses of Adipex-P to Patient #41 for purposes of weight control when the pharmacy sold 322 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(43) You and/or a pharmacist under your control did, from January 6, 1992, through March 8, 1993, a 427 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 672 unit doses of Didrex 50mg to Patient #42 for purposes of weight control for purposes of weight control when the pharmacy sold 756 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(44) You and/or a pharmacist under your control did, from January 3, 1992, through March 19, 1993, a 441 day time period, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you sold 728 unit doses of Didrex 50mg to Patient #43 for purposes of weight control when the pharmacy sold 868 unit doses to the patient throughout this time period. The sales were not for a legitimate medical purpose and not for "short term use" as required by the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, or aiding and abetting the violation of the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

For these reasons, the State Board of Pharmacy will determine whether to take action pursuant to Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY ADVISED that Section 4729.16 of the Ohio Revised Code states in pertinent part:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;

(7) Guilty of knowingly lending his name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy; or

(8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, a practitioner or any owner, manager, or employee of a health care facility, residential care facility, or nursing home.

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320. You may appear at such hearing in person, by or with your attorney, 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 you do not request such a hearing within thirty (30) days of the mailing of this notice, the State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

BY ORDER OF THE STATE BOARD OF PHARMACY

/s/ Franklin Z. Wickham  
Franklin Z. Wickham, R.Ph., M.S.  
Executive Director

DLR:so (D-970529-042)

CERTIFIED MAIL  
Return Receipt

cc: Mary L. Hollern, Assistant Attorney General

The Executive Director reported that he and the Executive Director of the Ohio Pharmacists Association would be meeting with the new chancellor of the Board of Regents at 3:30 p.m. The purpose of the meeting is to discuss the problems facing the pharmacy profession in Ohio due to the Board of Regents requirements that the optional doctor of pharmacy degree granted by Ohio schools "would require a minimum of seven years post-high school."

Suzanne Neuber reported that the Recruitment Committee has reviewed the applications of the candidates for the Executive Director's position. Nine candidates will be interviewed by the Recruitment Committee over two days - March 30 and 31, 1998. Following discussion, it was the consensus of the Board that the three most qualified candidates should be interviewed by the full Board during their meeting in April.

**RES. 98-144** The Board members then reviewed, signed, and authorized the mailing of the following letter to the United States Pharmacopeia:

February 11, 1998

Jerome A. Halperin, Executive Vice-President  
The United States Pharmacopeial Convention, Inc.  
126011 Twinbrook Parkway  
Rockville, MD 20852

RE: USP Bulletin No. 119

Dear Vice-President Halperin:

The purpose of this letter is to voice the Ohio Board of Pharmacy's concerns regarding the "strategic new directions" being focused on by USP to carry it into the 21st century. In particular, the Board feels that the USP is doing a disservice to the citizens of the United States by phasing out its drug information products. These products are based on professional and patient databases that are created by impartial interdisciplinary committees of practicing health professionals and educators. They serve as an important information standard for the health professions and the public.

In this "information age" and with the growing importance of the Internet as an information conduit, it is important that a credible, non-biased drug information source is available not only for access by the public but also by other agencies and organizations. Health care plans, criminal justice agencies, and licensing and regulatory agencies such as pharmacy and medical boards have come to depend on these publications in carrying out their responsibilities and programs. The mechanisms used by USP to establish the drug information provided in the USP-DI ensures that it is a scientifically valid and acceptable standard for use by health care professionals when caring for patients. Most importantly, it is a reliable and non-biased source of information.

The drug information provided by USP is an important standard that is sorely needed today in view of sophisticated marketing techniques being used to sell drug products and dietary supplements. The public needs "good" drug information that is balanced and scientifically sound.

In addition to the importance of the USP-DI to administrative agencies licensing health professionals who prescribe, administer, and/or dispense drugs in the course of their professional practice, the USP-DI is important in setting standards of practice for the prescribing, dispensing, and administration of drugs.

It is the Board's belief that discontinuing these publications will have a significant negative impact on the public health. While the new endeavors being pursued by USP are important, their importance and impact on public health will be much less than that of USP's information products.

The only acceptable alternative to meeting the void created by USP's discontinuing these information products would be the assumption of these duties by government agencies such as the Food and Drug Administration or the state boards of pharmacy. The Ohio Board of Pharmacy strongly believes that this is not in the best interest of the public or health professionals and that drug information should continue to be provided by the USP.

THE OHIO STATE BOARD OF PHARMACY

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

/s/ Joseph J. Maslak  
Joseph J. Maslak, R.Ph., Vice-President

/s/ Diane C. Adelman  
Diane C. Adelman, R.Ph., Member

/s/ Robert B. Cavendish  
Robert B. Cavendish, R.Ph., Member

/s/ John L. Hanna  
John L. Hanna, R.Ph., Member

/s/ Paul F. Lamping  
Paul F. Lamping, R.Ph., Member

/s/ Suzanne L. Neuber  
Suzanne L. Neuber, R.Ph., Member

/s/ Ruth A. Plant  
Ruth A. Plant, R.Ph., Member

/s/ Nicholas R. Repke  
Nicholas R. Repke, Public Member

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

