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## **Minutes Of The Meeting**

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

### **TUESDAY, SEPTEMBER 8, 1998**

8:10 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. (President); Robert B. Cavendish, R.Ph. (Vice-President); Ann D. Abele, R.Ph.; Diane C. Adelman, R.Ph.; Paul F. Lamping, R.Ph.; Amonte B. Littlejohn, R.Ph.; Suzanne L. Neuber, R.Ph.; Ruth A. Plant, R.Ph.; and Nicholas R. Repke, Public Member.

8:18 a.m.

Assistant Attorney General Sally Ann Steuk joined the Board for the purpose of conducting an adjudication hearing in accordance with Ohio Revised Code Chapters 119. and 4729. in the matters of Woodrow Weinstein, R.Ph.; Cincinnati, Ohio and Danny F. Christen, R.Ph., Cincinnati, Ohio.

9:25 a.m.

The hearing was concluded. The Board recessed the meeting for 15 minutes.

9:53 a.m.

Assistant Attorney General Sally Ann Steuk and the following staff members joined the Board: William T. Winsley, Assistant Executive Director and Executive Director-designee; Timothy Benedict, Compliance Administrator; Robert Cole, Compliance Supervisor; and William McMillen, Licensing Administrator. Mrs. Plant moved that the Board go into Executive Session for the purpose of conferring with the Assistant Attorney General concerning pending or imminent court action and the investigation of charges or complaints against licensees and registrants. President Maslak conducted the following roll call vote: Abele-Yes, Adelman-Yes, Cavendish-Yes, Lamping-Yes, Littlejohn-Yes, Neuber-Yes, Plant-Yes, and Repke-Yes.

11:35 a.m.

**RES. 99-032**

The Executive Session was concluded and the meeting opened to the public. Mr. Cavendish moved that the Board summarily suspend the license of William Kinnaird, R.Ph. (03-2-13822) for the reason that there is clear and convincing evidence that the 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 Ms. Abele and approved by the Board (Aye-8/Nay-0).

**RES. 99-033**

Mrs. Neuber moved that the Board deny the settlement offer in the matter of Isaac Blair, R.Ph. The motion was seconded by Mr. Lamping and approved (Aye-7/Nay-0/Abstain-1[Abele]).

**RES. 99-034** Mr. Lamping moved that the Board deny the proposal submitted in the matter of Jerome Hauser and The Pharmacy's payment of the \$7,000 in monetary penalties imposed in the Board's Adjudication Orders of August 3, 1984. The motion was seconded by Mr. Cavendish and approved (Aye-7/Nay-1).

**RES. 99-035** Mrs. Plant moved that the proposed settlements submitted by the attorney of record for Seaway Food Town, Inc. in the matters of the Notices of Opportunity for Hearing issued June 10, 1998 to three of the pharmacies which they own and operate (The Pharm #912, The Pharm #918, and The Pharm #924) be approved. The motion was seconded by Mr. Littlejohn and approved (Aye-8/Nay-0).

11:45 a.m.

The meeting was recessed for lunch.

1:00 p.m.

The Board members reconvened the business meeting in Room 1914 and were joined by representatives of Baxter Healthcare, Inc. - Rita Hoke, M.S., R.Ph., Group Manager of the Baxter's I.V. Systems Division, and Irene Jakimcius, Regulatory Lawyer.

1:15 p.m.

The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of creating an official record in the matter of Baxter Healthcare's application to license their Michigan COMPASS facility as a pharmacy. The record was opened and Baxter's representatives requested that the application be withdrawn. The official record was then closed and the Baxter representatives discussed their application to license the COMPASS facility as a wholesale distributor of dangerous drugs.

2:40 p.m.

The meeting with the Baxter Healthcare representatives was concluded and the Board recessed for fifteen minutes.

3:05 p.m.

**RES. 99-036**

The Board reconvened and Mr. Winsley presented the statistical results of the licensure exams for February, June, July, and August, 1998 for review and discussion by the Board members. Ninety-seven applicants sat for the licensure exams during the month of February. Three hundred ten applicants sat for the exam during the months of June, July, and August. Mr. Cavendish moved that the names of the successful candidates from the June, July, and August examinations be published in these minutes. The motion was seconded by Mr. Repke and approved (Aye-8/Nay-0).

Gary D. Adams; Elida, OH  
Nichol Simone Adams; Chesterland, OH  
Jennifer L. Ahrens; Wooster, OH  
Maribeth Alexander; Columbus, OH  
Christopher D. Anders; North Royalton, OH  
Stacy Eileen Appleton; Spencerville, OH  
Jennifer Catherine Argabright; Jackson Center, OH  
Amy Michelle Armstrong; Columbus, OH  
Lisa Marie Ash; St. Paris, OH  
Natalie Ann Asher; Broadview Heights, OH  
Jennifer Lee Aulicino; Rayland, OH  
Michelle Lynn Baker; Canal Fulton, OH  
William A. Bakker; Mentor, OH  
Keri Sue Bard; Bucyrus, OH  
James Anthony Batey; Canal Winchester, OH  
Inga Becker; Columbus, OH  
Chad Jason Beere; Akron, PA  
Cori E. Bess; Manistique, MI  
Nicole Olivia Denise Bess; Cincinnati, OH  
Ajanta Bharmota; Zanesville, OH  
Troy David Blauser; Lancaster, OH  
Marlo A. Blazer; Grove City, OH  
Andrea Lynn Blevins; Springdale, OH  
Kristen Blood; Bowling Green, OH

Jason E. Bockis; Columbus, OH  
Janey Lee Bohnert; Urbana, OH  
Charles Michael Bontempo; Broadview Heights, OH  
Cheryl S. Boone; Cincinnati, OH  
Jayne A. Bouts; Cincinnati, OH  
John Michael Boyd; Cincinnati, OH  
Susan R. Braucher; Canton, OH  
Rebecca Jo Buerhaus; Lancaster, OH  
Matthew J. Burkhardt; Parma, OH  
Ryan Lee Burkhardt; Fairborn, OH  
Rebecca Louise Carroll; Lancaster, OH  
Michael D. Carter; West Chester, OH  
Jeffrey R. Chalmers; Akron, OH  
Kim Ann Chandler; Seven Hills, OH  
Randall William Charles; Valley City, OH  
Patrick K. Chau; Columbus, OH  
Joyce Cheung; Gahanna, OH  
Tak Yee Chiu; Columbus, OH  
Laura Churgovich; Cincinnati, OH  
Erin L. Clancy; Cincinnati, OH  
Bradley A. Collins; McConnelsville, OH  
Linda Palmetta Conforti; Weirton, WV  
Jennifer Eileen Cramblett; Carrollton, OH  
Holly Kae Creech; Bellevue, OH  
Angela Marie Creeden; Mason, OH  
Cari Ann Cristiani; Cincinnati, OH  
Ann M. Daniels; Lima, OH  
Sheila Dasappannair; Cincinnati, OH  
Vicki Lee DeAtley; Cincinnati, OH  
Erika Dierking; Cincinnati, OH  
Theresa Ann DiPadova; Columbus, OH  
Colleen M. Dixon; Upper Sandusky, OH  
Courtney Dobbs; Glen Dale, WV  
Jerrica LaNise Dodd; Columbus, OH  
Bethannie Marie Dolder; Cincinnati, OH  
Brian Dale Dolence; Wheeling, WV  
Francis E. Dono; Columbus, OH  
Kelly Nicole Dray; Reynoldsburg, OH  
Darcie-ann Drown; Newport, VT  
Jennifer Justina Dunham; Wheelersburg, OH  
Jennifer Leigh Easton; Chillicothe, OH  
Mallory F. Egler; Bedford, OH  
Johnathon Jason Emerine; Alvada, OH  
Corey Lee Enders; Lexington, OH  
Curtis James Engel; Springfield, OH  
Matthew Frederick Engle; Beavercreek, OH  
Bezabish Ephrem; Columbus, OH  
Barbara Jean Fagley; Westlake, OH  
Teresa A. Fazio; Twinsburg, OH  
Renee Fedyk; Columbus, OH  
Carey Marie Fetters; Mowrystown, OH  
Shannon K. Finfrock; Columbus, OH  
Lisa Marie Fisher; Elida, OH  
Todd Tama Wunderley Fisher; Bellefontaine, OH  
Brian L. Flamm; Springboro, OH  
Tara Rachele Fleming; Toledo, OH  
Jeanette Anne Flyak; Columbus, OH  
Michelle Lynn Foster; Sidney, OH  
Angela Irene Francis; Sidney, OH  
Jill Ann Fridenmaker; Hilliard, OH  
Pamela Burich Frischmuth; West Chester, OH  
Brian Robert Fuller; Streetsboro, OH

Jason Andrew Gailey; Cincinnati, OH  
Jessica Joyce Gamber; Columbus, OH  
Justin Matthew Gamble; Cincinnati, OH  
Heather Renee Gerlach; Columbus, OH  
Ahmed Kamal Ghani; Dublin, OH  
Melody Lyn Glaser; Milford, OH  
Michael William Goertemoeller; Cincinnati, OH  
Jill M. Goldsmith; Fairlawn, OH  
Jill Marie Graf; Cincinnati, OH  
Cathy Ann Greco; Middleburg Heights, OH  
Christopher George Green; Toledo, OH  
Cary Beth Gunning; Cincinnati, OH  
Pamela D. Gurba; Monclova, OH  
Janet Lynn Habedank; Cincinnati, OH  
Katina Renae Hairston; Westerville, OH  
Anthony Burl Hall; Bellevue, OH  
Stephen Andrew Hall; Van Wert, OH  
Melissa A. Hanratty; Mayfield Heights, OH  
Danielle Marie Hanuscin; Westlake, OH  
Christine A. Hare; Columbus, OH  
Angela D. Harrod; Dublin, OH  
Susan Marie Hartkemeyer; Cincinnati, OH  
James Richard Hartness Jr.; Amelia, OH  
Shannon Marie Hazelton; New Haven, IN  
Joel Elaine Heidrich; Cincinnati, OH  
Steven Lawrence Heitzman; Maineville, OH  
Joseph Edward Held Jr.; Columbus, OH  
Amy Marie Hess; Toledo, OH  
Mark A. Hester Jr.; Cincinnati, OH  
Jason Don Hiatt; Bellefontaine, OH  
Ryan Eugene Hogue; Adamsville, OH  
Kathryn Elizabeth Holman; Elida, OH  
Stacey S. Hong; Columbus, OH  
James Thomas Hood; Westerville, OH  
Sara Helen Howard; Troy, OH  
JoAnn M. Hurley; Westerville, OH  
Michelle Leanne Inman; Springboro, OH  
Andrew John Irons; St. Marys, OH  
Brian F. Jackson; Huntington, WV  
Jeremy Janney; Wheelersburg, OH  
Katherine Marie Jenner; Edgewood, KY  
Melinda Joa; Highland Hts., OH  
Kristine A. Joniak; Strongsville, OH  
Craig Allan Kimble; Morehead, KY  
Leslie Ann Klick; Lima, OH  
Ronald Regis Kline; Fairborn, OH  
Holly Marie Knechtges; Grafton, OH  
Jessica L. Knepper; Hamilton, OH  
Yashvanthi Santosh Kotian; Cincinnati, OH  
Julie Michelle Krauer; Centerville, OH  
Lisa D. Kriebel; Youngstown, OH  
Heather Marie Kropp; North Canton, OH  
Jamie Raymond Kuhn; Kingston, OH  
Debra Ann Langer; Twinsburg, OH  
Mary Lashley; Lyndhurst, OH  
Trinh Thu Le; Columbus, OH  
Jennifer Alicia Lecrone; Cincinnati, OH  
Robert Emmett LeFrancis; Chester, NJ  
Christine Lynn Lenke; Copley, OH  
Matthew Alan Lieske; North Royalton, OH  
Kelly Lynn Lininger; Hilliard, OH  
Chad Michael Luebke; Dayton, OH

Ginger Robin Luidhardt; Tiffin, OH  
Ronald S. Lukasik II; Maumee, OH  
Charles S. Lynsky; Columbus, OH  
Cristina M. Manos; Youngstown, OH  
Amy J. March; Aurora, IN  
Andrea Lynn Marcket; Columbus, OH  
Jodi L. Mason; Mason, OH  
Kelly Marie Matthews; Brilliant, OH  
Melinda Jane Mawer; Dayton, OH  
Kara Lynn McCann; Maineville, OH  
Tara S. McCarthy; Cincinnati, OH  
Eric J. McCaw; Massillon, OH  
Daniel J. McCoy; Akron, OH  
Juliet R. McDaniel; Middleburg Heights, OH  
Kenneth Jeromy McGowan; Fredericktown, OH  
Vicki Leigh Meade; Southgate, KY  
Julie E. Memke; Cincinnati, OH  
Michelle Angela Mertz; Cincinnati, OH  
Emily J. Meyer; Cincinnati, OH  
Geena M. Modi; Canal Fulton, OH  
Stephanie Huey-Sheam Mok; Columbus, OH  
Danielle M. Mordino; Cincinnati, OH  
Amy Lee Moreland; Cincinnati, OH  
Lucille S. Morgart; Columbus, OH  
Susan Lynn Morris; Westlake, OH  
Scott V. Morrison; Ada, OH  
Amy Lynn Muhlenkamp; Ft. Recovery, OH  
Genet Negash; Columbus, OH  
Matthew James Neighbor; Lancaster, OH  
Frances Neubacher; Edgewood, KY  
Lap-Kei Gary Ng; Toledo, OH  
Amanda Hong Nguyen; Akron, OH  
Lesley Rose Noll; Rocky River, OH  
Brian C. O'Neal; Kansas City, KS  
Jennifer Lynne Oliver; Strongsville, OH  
Michelle Lynn Ott; Ashland, OH  
Ajay Subhash Patel; Columbus, OH  
Bhakti V. Patel; South Euclid, OH  
Brian Elliot Patel; Troy, OH  
Nichole Lynn Pearson; Three Rivers, MI  
Lea M. Pedaci; Broadview Heights, OH  
Peter Pkelnicky; North East, PA  
Amy L. Pennetti; Cincinnati, OH  
Angela Jean Perez; Lorain, OH  
Angela Sue Perkins; Columbus, OH  
Oanh Thi Hoang Phan; Cincinnati, OH  
Craig M. Pleiman; Sidney, OH  
Amber Rochelle Polk; Columbus, OH  
Michael Jason Pollock; Walton Hills, OH  
Michelle Marie Power; Cincinnati, OH  
Kathy Ann Price; Mansfield, OH  
Susan Marie Prusak; Cincinnati, OH  
Rebecca Lynn Pruss; Maumee, OH  
Laura C. Pugh; Cincinnati, OH  
Richard Chikoo Pyun; Columbus, OH  
Sumati Satyanarayana Rao; Ada, OH  
Troy M. Rebert; Ada, OH  
Barbara Irene Recker; Ottawa, OH  
James E. Reissig, II; Oregon, OH  
Thomas Alexander Rhone; Columbus, OH  
Miguel Hernandez Rivera; Bedford, OH  
Millard C. Rosselott III; Middletown, OH

Kimberly M. Ruddy; Ada, OH  
Kevin J. Rybicki; Maumee, OH  
William Eugene Ryman; Barnesville, OH  
Kelly L. Sabato; Cincinnati, OH  
Monnie Kristen Sager; Pataskala, OH  
Tracy Lynn Saltzman; Maumee, OH  
Jaskaran S. Sandhu; Solon, OH  
Michelle Marie Santocildes; Seven Hills, OH  
Ariane K. Schieber; Galion, OH  
Eric J. Schlairet; Mt. Vernon, OH  
Stacey Rae Schneider; Cincinnati, OH  
Hallie A. Schowe; Cincinnati, OH  
Michelle Marie Schroeder; Continental, OH  
Brian Thomas Scott; Zanesville, OH  
Aaron J. Searls; Zanesville, OH  
Shelley Lynn Shaeffer; Amanda, OH  
Negar B. Sharifrazi; Cincinnati, OH  
Elizabeth L. Shega; Aurora, OH  
Kari Michelle Sherman; Massillon, OH  
Darwin John Shieh; Columbus, OH  
Troy A. Shirley; Columbus, OH  
Lara Kirsten Shoemaker; Portsmouth, OH  
Stephanie Lynn Shrider; Marietta, OH  
Jeri Jenee Sias; Columbus, OH  
Carey Ann Sisko; Warren, OH  
Penelope Sklavenitis; Canton, OH  
Wendy Elizabeth Smith; Tipp City, OH  
Charese Linn Snodgrass; Solon, OH  
Christopher A. Snyder; Bowling Green, OH  
Aida Softic; Cincinnati, OH  
Emily Ramsey Soller; Cincinnati, OH  
Kristin Alayne Sommer; Columbus, OH  
Sherri Lynn Southers; Euclid, OH  
Merrilyn Spalvieri; Cuyahoga Falls, OH  
Carol S. Sparks; Kettering, OH  
John Joseph Specht; Cincinnati, OH  
Ronda K. Spencer; Harrod, OH  
Renee Ellen Sprague; Shaker Heights, OH  
Christina H. Stack; Dublin, OH  
Marty John Stammen; Fort Recovery, OH  
Casey J. Staples; Columbus, OH  
Krystal Renee Steele; Goshen, OH  
George Matthew Stefut; Cincinnati, OH  
Heather Raychel Straker; Rushsylvania, OH  
Joyce L. Strong; North Royalton, OH  
John A. Svigelj; Kirtland, OH  
Jennifer Marie Svitek; Brackenridge, PA  
George M. Tackett; Cincinnati, OH  
Edward W. Tausel; Columbus, OH  
Paul Michael Thomas; Columbus, OH  
Heather Leigh Tinker; Columbus, OH  
Anh-Tho T. Tran; West Palm Beach, FL  
Ross Putman Turner; Navarre, OH  
Carrie Lyn Typpo; Garfield Heights, OH  
Misti Golene Vent; Forest, OH  
Robyn Marie Vogelgesang; Cincinnati, OH  
Neelam J. Vyas; Cleveland, OH  
Catherine L. Waggoner; Columbus, OH  
Ellicia Lyn Walker; Akron, OH  
Valerie Barbra Warnock; Youngstown, OH  
Chad J. Wiegand; Ada, OH  
Jay T. Williams; Cincinnati, OH

Rebecca J. Williams; Sagamore Hills, OH  
Brian Jeffrey Wilson; Fremont, OH  
Melissa Rae Wilson; Cincinnati, OH  
Anne Elizabeth Wiselogel; Toledo, OH  
Matthew David Wolf; Cincinnati, OH  
Amy Wong; Stow, OH  
Darren J. Wooley; Zanesville, OH  
Vi Uyen Wu; Delaware, OH  
Vincent L. Yahl; Euclid, OH  
Jennifer J. Yanni; East Liverpool, OH  
Matthew Glenn Young; LaRue, OH  
Michele Marie Young; Lancaster, OH  
Kaliopé Emmanuel Zagorianos; Cincinnati, OH  
Joseph Allen Zelek, Jr.; Dillonvale, OH

Mr. Winsley then reported on his presentation on the confidentiality of patient prescription information and the NACDS Managed Care Forum which he participated in August 30, 1998 through September 2, 1998 in San Diego, California.

3:15 p.m.

Mrs. Neuber left the meeting for personal business and the Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of conducting an adjudication hearing in accordance with Ohio Revised Code Chapters 119. and 4729. in the matter of Robert J. Dougherty, R.Ph.; Urbana, Ohio.

5:44 p.m.

The hearing was concluded and the meeting was recessed until 8:00 a.m., Wednesday, September 9, 1998.

### **WEDNESDAY, SEPTEMBER 9, 1998**

8:15 a.m. ROLL CALL

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:

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

Ms. Abele moved that the Minutes of the August 3, 4, 5, 1998 meeting be approved as amended. The motion was seconded by Mrs. Plant and approved (Aye-7/Nay-0/Abstain-1[Neuber]).

The Board then discussed the article written by the Executive Director of the Dietetics Board for publication in the November issue of the State Board Newsletter. Following discussion, the Board directed staff to arrange for a meeting between staff and members of both Boards to discuss professional practice issues. Board members Ann Abele and Robert Cavendish will represent the Board in these meetings. The Executive Director stated that publication of the article in November would be premature and cause significant problems. Accordingly, it will not be published as presented.

The Board then discussed the letter received from Pfizer's corporate counsel regarding the prescribing and dispensing of Viagra and proposed response by staff. The Executive Director reported that information is being gathered regarding the Internet sites offering Viagra for sale at both wholesale and retail. A Cease and Desist is being drafted by staff and will be presented for approval by the Board during this meeting.

**RES. 99-037** The Board then discussed a rule proposed by staff regarding Internet sites offering dangerous drugs for sale in Ohio. The Board approved proposing to adopt the following rule after a motion by Mrs. Plant and second by Mr. Lamping (Aye-8/Nay-0):

PROPOSED NEW RULE

4729-9-24 RETAIL AND WHOLESALE SALES OF DANGEROUS DRUGS ON-LINE.

- (A) ALL PERSONS SELLING OR OFFERING TO SELL DANGEROUS DRUGS AT RETAIL OR WHOLESALE IN OHIO MUST BE LICENSED OR REGISTERED WITH THE OHIO STATE BOARD OF PHARMACY AS A DANGEROUS DRUG DISTRIBUTOR.
- (B) ALL DANGEROUS DRUG DISTRIBUTORS REGISTERED OR LICENSED WITH THE OHIO STATE BOARD OF PHARMACY AND WHO SELL OR OFFER TO SELL DANGEROUS DRUGS AT RETAIL OR WHOLESALE ON THE "INTERNET" TO PERSONS LOCATED IN OHIO OR ANY OTHER STATE MUST MAKE SUCH SALES ONLY IN COMPLIANCE WITH ALL STATE AND FEDERAL LAWS GOVERNING THE LEGAL DISTRIBUTION OF DANGEROUS DRUGS.
- (C) "INTERNET" SITES OWNED AND/OR MAINTAINED BY OHIO REGISTERED OR LICENSED DANGEROUS DRUG DISTRIBUTORS MUST PROVIDE THE FOLLOWING INFORMATION TO THE PUBLIC ON THE "INTERNET" SITE AND NO DRUGS ARE TO BE SHIPPED AT WHOLESALE OR RETAIL EXCEPT IN ACCORDANCE WITH OHIO'S DRUG LAWS:
  - (1) NAME DANGEROUS DRUG DISTRIBUTOR IS LICENSED TO DO BUSINESS AS IN OHIO.
  - (2) FULL ADDRESS OF LICENSED OR REGISTERED SITE.
  - (3) NAME OF RESPONSIBLE PERSON AS IT APPEARS ON THE DANGEROUS DRUG DISTRIBUTOR LICENSE.
  - (4) TELEPHONE NUMBER WHERE RESPONSIBLE PERSON MAY BE CONTACTED.
  - (5) A LIST OF THE STATES IN WHICH THE DANGEROUS DRUG DISTRIBUTOR MAY LEGALLY SELL PRESCRIPTION DRUGS AT WHOLESALE OR RETAIL.
  - (6) THE NAME, ADDRESS, AND HOW THE DRUG LAW ENFORCEMENT AGENCY MAY BE CONTACTED IN EACH STATE IN WHICH THE PERSON IS AUTHORIZED TO DO BUSINESS. THIS MAY INCLUDE A LINK TO THE DRUG LAW ENFORCEMENT AGENCY'S "INTERNET" SITE AND/OR THEIR E-MAIL ADDRESS.
- (D) ANY OHIO LICENSED OR REGISTERED DANGEROUS DRUG DISTRIBUTOR REQUESTING PERSONAL INFORMATION FROM THE PUBLIC BY WAY OF THE "INTERNET" SITE (QUESTIONNAIRE FORMS OR E-MAIL) MUST PROVIDE FOR SECURITY AND CONFIDENTIALITY OF THE INFORMATION. THIS PORTION OF THE "INTERNET" SITE MUST ALSO PROVIDE INFORMATION REGARDING HOW THE PERSONAL INFORMATION WILL BE USED AND ENSURE THAT SUCH INFORMATION IS NOT USED FOR PURPOSES NOT DISCLOSED WITHOUT THE WRITTEN INFORMED CONSENT OF THE PATIENT OR PERSON SUBMITTING PERSONAL INFORMATION.

The Board was joined by Assistant Executive Director and Executive Director-designee William T. Winsley; Compliance Administrator Timothy Benedict; and Licensing Administrator William McMillen to review the proposed amendments and proposed new rules drafted by the Rules Committees.

**RES. 99-038** Mr. McMillen, Licensing Administrator, presented Resolutions 90-050 and 92-067 for the Board's review and clarification. Following consideration of the resolutions, Mr. Cavendish moved that Resolution 90-050 be rescinded and that Resolution 92-067 govern the refund of pharmacists' fees. The motion was seconded by Ms. Abele and approved (Aye-8/Nay-0).

12:00 p.m.

The Board recessed for lunch.

1:00 p.m.

The Board members, with the exception of Suzanne Neuber, reconvened in Room 1919 for the purpose of meeting with the following candidates for licensure by reciprocity:

AKERS, MICHAEL S.	KENTUCKY
ALDERMAN, JANICE M.	WEST VIRGINIA
ALMESTIC-RODRIGUEZ, VALERIE S.	TEXAS
BREWER, CYNTHIA T.	WEST VIRGINIA
CLINE, SUE B.	MICHIGAN
CRANE, STEPHEN C.	INDIANA
DOBBINS, KAREN E.	INDIANA
EGGERS, PAMELA K.	MICHIGAN
FARRELL, JOANN	NEW YORK
FLETCHER, MICHELLE M.	VIRGINIA
GILLIKIN, SHAWN G.	VIRGINIA
GUDGEL, DEBRA J.	TEXAS
HANCOVSKY, JAMES P.	PENNSYLVANIA
HENDERSON, JENNIFER L.	WEST VIRGINIA
HONETOR, EMILY M.	WISCONSIN
HORAN, JENNIFER L.	TEXAS
HUBBELL, SANDRA H.	CONNECTICUT
HULL, JOEY K.	SOUTH CAROLINA
HURN, DEANN M.	MICHIGAN
JENNINGS, JOHN P.	TENNESSEE
KOLAWOLE, OLADAPO A.	MARYLAND
MOORE, FREDERICK L.	WEST VIRGINIA
MURDOCK, JR., WILLIAM C.	WEST VIRGINIA
PHAM, TRAC M.	WISCONSIN
SCHRAM, DOUGLAS Z.	MICHIGAN
SHIM, JULIETTE Y.	NEVADA
SOBOWALE, FELICIA T.	IOWA
SOKOS, DENISE R.	WEST VIRGINIA
SPATH, ALLEN H.	WISCONSIN
STUART, JOHN R.	ILLINOIS
TURNER, JULIE A.	ILLINOIS

1:28 p.m.

**RES. 99-039**

Board member Suzanne Neuber returned and joined the Board. Following presentations by Board members and self-introductions by the candidates for licensure by reciprocity, Mrs. Plant moved that the Board approve the candidates for licensure. The motion was seconded by Mrs. Adelman and approved by the Board (Aye-7/Nay-0/Abstain-1[Neuber]).

1:30 p.m.

All the Board members reconvened in Room 1914 for the purpose of continuing their review of the proposed rules.

5:15 p.m.

The Board recessed until 8:30 a.m., Thursday, September 10, 1998.

### **THURSDAY, SEPTEMBER 10, 1998**

8:30 a.m.

ROLL CALL

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:

Joseph J. Maslak, R.Ph. (President); Robert B. Cavendish, R.Ph. (Vice-President); Ann D. Abele, R.Ph.; Diane C. Adelman, R.Ph.; Paul F. Lamping, R.Ph.; Suzanne L. Neuber, R.Ph.; Ruth A. Plant, R.Ph.; and Nicholas R. Repke, Public Member.

**RES. 99-040**

The Executive Director then discussed a request from the mother of one of the pharmacists who was licensed by reciprocity in July of this year. The candidate did not pay attention to the fact that all the licenses to practice expire on September 15 of each year and that they

would have to renew her license within three months. The mother requested that the Board renew her license for the 1998-1999 licensure year at no charge. Mrs. Plant moved that the request be denied. The motion was seconded by Mr. Lamping and approved (Aye-7/Nay-0).

**RES. 99-041** The Executive Director reported that discussions are continuing with the National Association of Boards of Pharmacy, the University of Cincinnati College of Pharmacy, and the Ohio Pharmacists Association regarding the administration of the PAKJTA Disease State Management examination in Cincinnati when it is next offered on Tuesday, October 28, 1998 at 1:00 p.m. The National Association of Boards of Pharmacy will work with the Ohio Pharmacists Association and the University of Cincinnati College of Pharmacy to administer the exam for those pharmacists wishing to take it on that date if the Board of Pharmacy approves. Mrs. Plant moved that the Board approve the arrangements being made to administer the examination on Diabetes in Cincinnati on Tuesday, October 28, 1998 at 1:00 p.m. The motion was seconded by Mr. Lamping and approved by the Board (Aye-7/Nay-0).

8:41 a.m.

The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of creating an official record pursuant to Ohio Revised Code Chapters 119. and 4729. in the matter of Claire A. Harter, R.Ph., Alger.

9:20 a.m.

All evidence and testimony having been entered into the record, the record was closed and the Board continued their consideration of business items on the agenda.

**RES. 99-042** Mr. Lamping moved that the Board approve Union Hospital as a continuing pharmacy education provider. The motion was seconded by Mrs. Adelman and approved (Aye-6/Nay-0/Not present at time of vote-1[Cavendish]).

William McMillen, Licensing Administrator, then reviewed his monthly activity report with the Board.

A draft of a proposal to amend Ohio Administrative Code Rule 4729-11-09 was distributed to the Board members for their consideration at next month's Board meeting.

9:30 a.m.

Board member Amonte Littlejohn arrived and joined the meeting.

Compliance Administrator Timothy Benedict presented a report on the activities of Continental Pharmacy in automating their dispensing facility. Additional information regarding their autofill and bar-coding procedures will have to be obtained prior to final approval of the system.

The Board then began their review of proposals regarding Ohio Administrative Code Chapter 17 rules (institutional facilities).

Mr. Repke and Mr. Benedict reported on the status of the pharmacists who are on probation pursuant to orders of the Board.

Ms. Abele reported that the meeting of the Nursing Board Formulary Committee scheduled for August was cancelled due to a lack of a quorum being able to attend.

Copies of two documents prepared for the Board's Home Page were distributed to the Board members for their review and comment - Consumers Guide and Frequently Asked Questions.

10:19 a.m.

Assistant Attorney General Sally Ann Steuk and the following staff members joined the Board: Timothy Benedict, Compliance Administrator; Robert Cole, Compliance Supervisor; and David Rowland, Legal Affairs Administrator. Mrs. Plant moved that the Board go into Executive Session for the purpose of considering the investigation of charges or complaints against licensees and registrants. President Maslak conducted the following roll call vote:

Abele-Yes, Adelman-Yes, Cavendish-Yes, Lamping-Yes, Littlejohn-Yes, Neuber-Yes, Plant-Yes, and Repke-Yes.

10:45 p.m.

**RES. 99-043**

The Executive Session was concluded and the meeting opened to the public. Mr. Cavendish moved that the Board summarily suspend the license of Patty Jane Baxter, R.Ph. (03-1-17642) for the reason that there is clear and convincing evidence that the continuation of her professional practice and method of distributing controlled substances presents a danger of immediate and serious harm to others. The motion was seconded by Mr. Repke and approved by the Board (Aye-8/Nay-0).

**RES. 99-044**

Mr. Lamping moved that the Board summarily suspend the license of Roderick Keith Crenshaw, R.Ph. (03-1-17559) for the reason that there is clear and convincing evidence that the 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. Littlejohn and approved by the Board (Aye-8/Nay-0).

**RES. 99-045**

The Board then reviewed a Cease and Desist Order drafted by staff as a prototype for Internet sites offering and selling dangerous drugs in Ohio in violation of the Dangerous Drug Distribution Act. The prototype was agreed to by the Board and will be issued when Internet sites are identified as offering dangerous drugs for sale in Ohio without being licensed as a dangerous drug distributor.

**RES. 99-046**

Mrs. Plant moved that the following Cease and Desist Order be issued to The Pill Box Pharmacy, 7718 Louis Pasteur Drive, San Antonio, Texas 78229; (<http://www.thepillbox.com>).

CEASE & DESIST

The Pill Box Pharmacy  
7718 Louis Pasteur Drive  
San Antonio, Texas 78229

Re: World Wide Web Sales

To Whom It May Concern:

The Ohio State Board of Pharmacy has evidence which indicates that The Pill Box Pharmacy has proposed to dispense via mail prescription medication to patients who reside in the state of Ohio. Be advised that Section 4729.551 of the Ohio Revised Code states as follows:

Each person, whether located within or outside this state, who sells dangerous drugs at retail for delivery or distribution to persons residing in this state, shall be licensed as a terminal distributor of dangerous drugs pursuant to sections 4729.54 and 4729.55 of the Revised Code.

The Board of Pharmacy may enter into agreements with other states, federal agencies, and other entities to exchange information concerning the licensing and inspection of terminal distributors of dangerous drugs who are located within or outside this state and to investigate any alleged violations of the laws and rules governing the legal distribution of drugs by such persons.

You are hereby advised that, pursuant to Section 4729.51(C) of the Ohio Revised Code, selling prescription drugs at retail in this state without being properly licensed to do so is a felony of the third degree, and a corporation could be fined up to \$15,000. per sale. An individual making such sale, either personally or on behalf of the corporation, could be fined up to \$10,000. and/or imprisoned for a period up to five years.

Additionally, your web site advertises certain drugs by name. You should be reminded that, pursuant to Section (b) of 21 U.S.C. 353, Viagra® and Propecia™ are drugs which cannot be sold unless prescribed by a physician. Further, Section 4729.01 (H) of the Ohio Revised Code provides as follows:

“Prescription” means a written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs.

Thus, The Pill Box may not sell either of these advertised drugs to consumers in Ohio unless there has been a valid prescription, issued by a licensed health professional authorized to prescribe drugs, which has been duly transmitted to the pharmacy.

You are further advised that paragraph (A) of 4729-5-30 of the Administrative Code states:

A prescription, to be effective, must be issued for a legitimate medical purpose by an individual prescriber acting in the usual course of his/her professional practice. The responsibility for the proper prescribing is upon the prescriber, but a corresponding responsibility rests with the pharmacist who dispenses the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription and the person knowingly dispensing such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law.

The Pill Box also advertises for sales of these drugs on a wholesale basis. Section 4729.51(A) of the Ohio Revised Code requires such sellers to be licensed with the Board as a Wholesale Distributor of Dangerous Drugs.

If your company intends to sell drugs into this state, either retail or wholesale, you must contact this Board for appropriate licensing information. Otherwise, you are hereby advised to cease making sales into this state, and desist from any further violations of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

cc: Sally Ann Steuk, Ohio Assistant Attorney General  
Texas State Board of Pharmacy  
George W. Evans, Pfizer, Inc.  
Texas State Board of Medical Examiners

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

Mr. Rowland, Legal Affairs Administrator, reviewed a memorandum on photographing respondents for reference purposes following an adjudication hearing.

**RES. 99-047** Mrs. Plant moved that the Board approve the withdrawal of Baxter Healthcare's application for a terminal distributor of dangerous drugs license. The motion was seconded by Mr. Cavendish and approved (Aye-8/Nay-0).

11:05 a.m.

Ms. Abele moved that the Board go into Executive Session for the purpose of deliberating on the evidence and testimony received during the hearings in the matters of Woodrow Weinstein, Danny F. Christen, Robert J. Dougherty, and Claire A. Harter. President Maslak conducted the following roll call vote: Abele-Yes, Adelman-Yes, Cavendish-Yes, Lamping-Yes, Littlejohn-Yes, Neuber-Yes, Plant-Yes, and Repke-Yes.

11:20 a.m.

**RES. 99-048** The Executive Session was concluded and the meeting opened to the public. Mrs. Neuber moved that the Board adopt the following Order:

ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-980312-047)

In The Matter Of:

WOODROW WEINSTEIN, R.Ph.

9491 Benchmark Lane  
Cincinnati, Ohio 45242  
(R.Ph. No. 03-1-08318)

## INTRODUCTION

THE MATTER OF WOODROW WEINSTEIN CAME TO HEARING ON SEPTEMBER 8, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); ANN D. ABELE, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

WOODROW WEINSTEIN WAS REPRESENTED BY GEOFFREY E. WEBSTER, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

## SUMMARY OF EVIDENCE

### (A) Testimony

State's Witnesses:

- (1) William McMillen, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Danny F. Christen, R.Ph., SuperX Pharmacy
- (2) Woodrow Weinstein, R.Ph., Sharonville Pharmacy, Respondent

### (B) Exhibits

State's Exhibits:

- (1) Exhibit Christen 1--Copy of three-page Notice of Opportunity for Hearing letter of Danny F. Christen dated March 12, 1998.
- (2) Exhibit Christen 1A--Hearing Request letter of Danny F. Christen dated April 7, 1998.
- (3) Exhibit Christen 1B--Copy of Hearing Schedule letter of Danny F. Christen dated April 8, 1998.
- (4) Exhibit Christen 1C--Copy of three-page letter from Anthony Delligatti, Jr. regarding Danny F. Christen dated April 30, 1998.
- (5) Exhibit Christen 1D--Copy of Hearing Schedule letter of Danny F. Christen dated May 4, 1998.
- (6) Exhibit Christen 1E--Copy of Hearing Schedule letter of Danny F. Christen dated May 6, 1998.
- (7) Exhibit Christen 1F--Copy of Pharmacist File Front Sheet of Danny Fred Christen showing original date of registration as March 4, 1968, and copy of Renewal Application for Pharmacist License, No. 03-3-08956, for a license to practice pharmacy in Ohio from September 15, 1997, to September 15, 1998 of Danny F. Christen dated August 5, 1997.
- (8) Exhibit Weinstein 1--Copy of three-page Notice of Opportunity for Hearing letter of Woodrow Weinstein dated March 12, 1998.
- (9) Exhibit Weinstein 1A--Hearing Request letter of Woodrow Weinstein dated March 30, 1998.
- (10) Exhibit Weinstein 1B--Copy of Hearing Schedule letter of Woodrow Weinstein dated March 31, 1998.
- (11) Exhibit Weinstein 1C--Copy of Hearing Schedule letter of Woodrow Weinstein dated June 1, 1998.
- (12) Exhibit Weinstein 1D--Letter from Geoffrey E. Webster dated June 4, 1998.
- (13) Exhibit Weinstein 1E--Copy of Pharmacist File Front Sheet of Woodrow Weinstein showing original date of registration as March 2, 1965; and copy of Renewal Application for Pharmacist License, No. 03-1-08318, for a license to practice pharmacy in Ohio from September 15, 1997, to September 15, 1998, of Woodrow Weinstein dated July 15, 1997.
- (14) Exhibit 2--Copy of Clin-Alert Volume 1996, No. 9 (110-111), dated May 15, 1996.

- (15) Exhibit 3--Certified copy of seven-page Complaint and Jury Demand in the Hamilton County Common Pleas Court, Lynn Jones and Daniel E. Jones vs. Woody Weinstein c/o Sharonville Pharmacy and Sharonville Pharmacy and Super X Pharmacy, Case No. A9400557, dated February 7, 1994.
- (16) Exhibit 4--Copy of three-page Abbreviated Pre-Trial Statement in the Hamilton County Common Pleas Court, Lynn Jones, et al. vs. Woody Weinstein, et al., Case No. A9400557, not dated; and copy of two-page letter from Sherif G. Awadalla, M.D. dated February 17, 1994.
- (17) Exhibit 5--Certified copy of twelve-page transcribed Deposition of Woodrow Weinstein in the Hamilton County Common Pleas Court, Lynn Jones, et al. vs. Woody Weinstein, c/o Sharonville Pharmacy, et al., Case No. A-9400557, dated March 13, 1995.
- (18) Exhibit 6--Copy of seventeen-page transcribed Deposition of Danny F. Christian (sic Christen) in the Hamilton County Common Pleas Court, Lynn Jones, et al. vs. Woody Weinstein, c/o Sharonville Pharmacy, et al., Case No. A-9400557, dated March 13, 1995.
- (19) Exhibit 7--Certified copy of two-page Stipulation of Dismissal with Prejudice in the Hamilton County Common Pleas Court, Lynn Jones, et al. vs. Woody Weinstein, c/o Sharonville Pharmacy, et al., Case No. A9400557, dated May 2, 1995.

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 of Pharmacy indicate that Woodrow Weinstein was originally licensed in the state of Ohio on March 2, 1965, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
- (2) Woodrow Weinstein did, on or about October 30, 1993, sell a drug that was misbranded, to wit: while practicing pharmacy at Sharonville Pharmacy, Woodrow Weinstein sold Testosterone Propionate 100mg/ml to Daniel Jones by placing the drug in an empty SuperRx vial which was labeled as Progesterone. The patient, Mrs. Lynn Jones, suffered serious physical and emotional harm, and her eight-week-old fetus died, due to Woodrow Weinstein's conduct. Such conduct is in violation of Section 3715.52(B) of the Ohio Revised Code.
- (3) Woodrow Weinstein did, on or about October 30, 1993, sell a dangerous drug without having a prescription, to wit: when a patient came into the Sharonville Pharmacy, Woodrow Weinstein sold a vial of Testosterone Propionate 100mg/ml to Daniel Jones without having been presented a prescription. Such conduct is in violation of Section 3715.52(L) (as in effect at the time of the sale) of the Ohio Revised Code.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) 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) and (3) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Woodrow Weinstein:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby places the pharmacist identification card, No. 03-1-08318, of Woodrow Weinstein on probation for one year, effective as of the date of the mailing of this Order. The terms of probation are as follows:
- (1) Woodrow Weinstein must not violate the drug laws of the state of Ohio, any other state, or the federal government.
  - (2) Woodrow Weinstein must abide by the rules of the Ohio State Board of Pharmacy.
  - (3) Woodrow Weinstein must comply with the terms of this Order.

The Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of one thousand dollars (\$1,000.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

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

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mr. Littlejohn and approved (Aye-6/Nay-0/Recused-2[Adelman, Lamping]).

**RES. 99-049** Mr. Littlejohn moved that the Board adopt the following Order:

ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-980312-048)

In The Matter Of:

**DANNY F. CHRISTEN, R.Ph.**  
4305 Fields Ertel Road  
Cincinnati, Ohio 45241  
(R.Ph. No. 03-3-08956)

INTRODUCTION

THE MATTER OF DANNY F. CHRISTEN CAME TO HEARING ON SEPTEMBER 8, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); ANN D. ABELE, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

DANNY F. CHRISTEN WAS REPRESENTED BY ANTHONY DELLIGATTI, JR., AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

## SUMMARY OF EVIDENCE

### (A) Testimony

State's Witnesses:

- (1) William McMillen, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Danny F. Christen, R.Ph., SuperX Pharmacy, Respondent
- (2) Woodrow Weinstein, R.Ph., Sharonville Pharmacy

### (B) Exhibits

State's Exhibits:

- (1) Exhibit Christen 1--Copy of three-page Notice of Opportunity for Hearing letter of Danny F. Christen dated March 12, 1998.
- (2) Exhibit Christen 1A--Hearing Request letter of Danny F. Christen dated April 7, 1998.
- (3) Exhibit Christen 1B--Copy of Hearing Schedule letter of Danny F. Christen dated April 8, 1998.
- (4) Exhibit Christen 1C--Copy of three-page letter from Anthony Delligatti, Jr. regarding Danny F. Christen dated April 30, 1998.
- (5) Exhibit Christen 1D--Copy of Hearing Schedule letter of Danny F. Christen dated May 4, 1998.
- (6) Exhibit Christen 1E--Copy of Hearing Schedule letter of Danny F. Christen dated May 6, 1998.
- (7) Exhibit Christen 1F--Copy of Pharmacist File Front Sheet of Danny Fred Christen showing original date of registration as March 4, 1968, and copy of Renewal Application for Pharmacist License, No. 03-3-08956, for a license to practice pharmacy in Ohio from September 15, 1997, to September 15, 1998 of Danny F. Christen dated August 5, 1997.
- (8) Exhibit Weinstein 1--Copy of three-page Notice of Opportunity for Hearing letter of Woodrow Weinstein dated March 12, 1998.
- (9) Exhibit Weinstein 1A--Hearing Request letter of Woodrow Weinstein dated March 30, 1998.
- (10) Exhibit Weinstein 1B--Copy of Hearing Schedule letter of Woodrow Weinstein dated March 31, 1998.
- (11) Exhibit Weinstein 1C--Copy of Hearing Schedule letter of Woodrow Weinstein dated June 1, 1998.
- (12) Exhibit Weinstein 1D--Letter from Geoffrey E. Webster dated June 4, 1998.
- (13) Exhibit Weinstein 1E--Copy of Pharmacist File Front Sheet of Woodrow Weinstein showing original date of registration as March 2, 1965; and copy of Renewal Application for Pharmacist License, No. 03-1-08318, for a license to practice pharmacy in Ohio from September 15, 1997, to September 15, 1998, of Woodrow Weinstein dated July 15, 1997.
- (14) Exhibit 2--Copy of Clin-Alert Volume 1996, No. 9 (110-111), dated May 15, 1996.
- (15) Exhibit 3--Certified copy of seven-page Complaint and Jury Demand in the Hamilton County Common Pleas Court, Lynn Jones and Daniel E. Jones vs. Woody Weinstein c/o Sharonville Pharmacy and Sharonville Pharmacy and Super X Pharmacy, Case No. A9400557, dated February 7, 1994.
- (16) Exhibit 4--Copy of three-page Abbreviated Pre-Trial Statement in the Hamilton County Common Pleas Court, Lynn Jones, et al. vs. Woody Weinstein, et al., Case No. A9400557, not dated; and copy of two-page letter from Sherif G. Awadalla, M.D. dated February 17, 1994.
- (17) Exhibit 5--Certified copy of twelve-page transcribed Deposition of Woodrow Weinstein in the Hamilton County Common Pleas Court, Lynn Jones, et al. vs. Woody Weinstein, c/o Sharonville Pharmacy, et al., Case No. A-9400557, dated March 13, 1995.
- (18) Exhibit 6--Copy of seventeen-page transcribed Deposition of Danny F. Christian (sic Christen) in the Hamilton County Common Pleas Court, Lynn Jones, et al. vs. Woody Weinstein, c/o Sharonville Pharmacy, et al., Case No. A-9400557, dated March 13, 1995.

- (19) Exhibit 7--Certified copy of two-page Stipulation of Dismissal with Prejudice in the Hamilton County Common Pleas Court, Lynn Jones, et al. vs. Woody Weinstein, c/o Sharonville Pharmacy, et al., Case No. A9400557, dated May 2, 1995.

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 of Pharmacy indicate that Danny F. Christen was originally licensed in the state of Ohio on March 4, 1968, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
- (2) Danny F. Christen did, on or about October 30, 1993, aid and abet the sale of a drug that was misbranded, to wit: when Woodrow Weinstein, R.Ph., of Sharonville Pharmacy in Cincinnati, Ohio, sold Testosterone Propionate 100mg/ml to Daniel Jones, he placed the drug in a vial which Danny F. Christen, while practicing pharmacy at SuperRx Pharmacy, had labeled as Progesterone. Danny F. Christen had sold the patient's husband an empty vial. The patient, Mrs. Lynn Jones, suffered serious physical and emotional harm, and her eight-week-old fetus died, due in part to Danny F. Christen's conduct. Such conduct, falsely labeling and selling the vial as if it contained a dangerous drug, and then aiding and abetting Woodrow Weinstein to misbrand the drug and sell the misbranded drug, is in violation of Section 3715.52(B) of the Ohio Revised Code.
- (3) Danny F. Christen did, on or about October 30, 1993, aid and abet the sale of a dangerous drug without a prescription, to wit: when a patient's husband came into SuperRx Pharmacy, Danny F. Christen sold an empty vial labeled as Progesterone, but directed the patient's husband to go to another pharmacy to have it filled. Sharonville Pharmacy, where Danny F. Christen directed the patient's husband, did not have a prescription, but filled the vial with Testosterone Propionate 100mg/ml. Such conduct, aiding and abetting Woodrow Weinstein in the sale of a dangerous drug without a prescription, is in violation of Section 3715.52(L) (as in effect at the time of the sale) of the Ohio Revised Code.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of 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) and (3) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Sections 3715.52 to 3715.72 of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

#### ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Danny F. Christen:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby places the pharmacist identification card, No. 03-3-08956, of Danny F. Christen on probation for one year, effective as of the date of the mailing of this Order. The terms of probation are as follows:

- (1) Danny F. Christen must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (2) Danny F. Christen must abide by the rules of the Ohio State Board of Pharmacy.
- (3) Danny F. Christen must comply with the terms of this Order.

The Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

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

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Ms. Abele and approved (Aye-5/Nay-1/Recused-2[Adelman, Lamping]).

**RES. 99-050** Mr. Littlejohn moved that the Board adopt the following Order:

ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-980818-007)

In The Matter Of:

**ROBERT J. DOUGHERTY, R.Ph.**  
5248 Jasmine Lane  
Hilliard, Ohio 43026  
(R.Ph. No. 03-3-15779)

INTRODUCTION

THE MATTER OF ROBERT J. DOUGHERTY CAME TO HEARING ON SEPTEMBER 8, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

ROBERT J. DOUGHERTY WAS REPRESENTED BY CHARLES SAXBE, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

- (A) Testimony

State's Witnesses:

- (1) None

Respondent's Witnesses:

- (1) Robert J. Dougherty, R.Ph., Respondent
- (2) Barron G. Farrier, Field Representative, Ohio Physicians Effectiveness Program
- (3) Jerome E. Driesen, M.D., Ohio Physicians Effectiveness Program
- (4) Nick Kallis, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (5) Rick Kryc, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (6) Wayne Miller, R.Ph., Pharmacist Rehabilitation Organization, Inc.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of six-page Settlement Agreement with the Ohio State Board of Pharmacy of Robert J. Dougherty, Docket No. D-960612-063, effective January 27, 1997.
- (2) Exhibit 1A--Hearing Request letter dated August 14, 1998.
- (3) Exhibit 1B--Copy of two-page Hearing Schedule letter dated August 18, 1998.

Respondent's Exhibits:

- (1) Five-page Request for Reinstatement of License To Practice Pharmacy In Ohio of Robert J. Dougherty, not dated.
- (2) Exhibit A--Copy of six-page Settlement Agreement with the Ohio State Board of Pharmacy of Robert J. Dougherty, Docket No. D-960612-063, effective January 27, 1997.
- (3) Exhibit B--Copy of two-page letter from Marsha K. Richards dated November 26, 1996; copies of six urine drug screen reports for Client No. 07578 dated as follows: November 16, 1996; June 16, 1996; July 31, 1996; September 1, 1996; September 25, 1996; and October 24, 1996; and copies of eleven pages of AA/NA meeting verification of Robert J. Dougherty dated from June 15, 1996, through November 26, 1996.
- (4) Exhibit C--Letter from Bill Stockler dated November 26, 1996; copy of L/C Consolidated Care, Inc. Authorization to Release Client Information of Robert J. Dougherty dated November 26, 1996; and copy of Comprehensive Treatment Plan and Outcome Evaluation of Robert Dougherty dated August 14, 1996, and November 26, 1996.
- (5) Exhibit D--Letter from Barron G. Farrier dated June 16, 1998; copy of two-page Ohio Physicians Effectiveness Program Advocacy Contract dated December 6, 1996; copies of six Ohio Physicians Effectiveness Program Status Reports dated as follows: June 5, 1998; March 10, 1998; November 25, 1997; September 29, 1997; June 18, 1997; and April 23, 1997; copies of eighteen urine drug screen reports of Patient No. F1179275 dated as follows: December 11, 1997; November 25, 1997; February 21, 1998; October 21, 1997; October 3, 1997; August 26, 1997; June 16, 1997; April 18, 1997; April 7, 1997; February 28, 1997; January 30, 1997; December 30, 1996; May 29, 1997; June 16, 1998; May 15, 1998; May 7, 1998; March 21, 1998; and January 15, 1998; and copy of urine drug screen report of Client No. 07578 dated June 16, 1996.
- (6) Exhibit E--Letter from Jerome E. Driesen dated July 1, 1998.
- (7) Exhibit F--Copies of thirty-five pages of meeting verification of Robert J. Dougherty dated from November 26, 1996, through July 9, 1998.
- (8) Exhibit G--Letter from Nick A. Kallis dated June 16, 1998.
- (9) Exhibit H--Letter from Richard A. Kryc dated June 28, 1998.
- (10) Exhibit I--Copy of two-page Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Robert Dougherty dated December 1, 1996.
- (11) Exhibit J--Letter from Larry Burns dated June 27, 1998.
- (12) Exhibit K--Copy of two-page Harding Addiction Recovery Center Counselor 1 Job Summary, Job Duties and Responsibilities, and Position Qualifications, not dated.
- (13) Exhibit L--Letter of Recommendation from Jeffrey R. Reinhard dated July 14, 1998.
- (14) Exhibit M--Copy of letter from Jonathan Lipsitz, not dated; and copy of two-page Ohio Premier Girls Soccer Club Coaching Contract for the Fall of 1997.
- (15) Exhibit N--Letter from Robert Cline dated August 17, 1998.
- (16) Exhibit O--Copy of two-page Harding Addiction Recovery Center Medication Administration Policy dated August, 1996.
- (17) Exhibit P--Copy of two-page notarized Affidavit of Jill Reece dated September 8, 1998.
- (18) Exhibit Q--Copy of two-page notarized Affidavit of Donna Browder dated September 8, 1998.

- (19) Exhibit R--Copy of Harding Main Campus map.
- (20) Exhibit S--Copy of two-page Ohio Premier Girls Soccer Club Coaching Contract of Robert J. Dougherty for the Fall of 1998; and copy of Dublin Soccer League Youth Soccer Employment/Volunteer Disclosure Statement of Robert J. Dougherty dated July 28, 1998.
- (21) Exhibit T--Copy of Ohio Physicians Effectiveness Program Status Report of Robert Dougherty dated September 2, 1998; and copy of urine drug screen report of Patient No. F1322924 dated August 20, 1998.
- (22) Exhibit U--Copies of three OPEP AA/NA Attendance Log sheets of Robert J. Dougherty dated July 11, 1998, through August 28, 1998.
- (23) Exhibit V--Copy of Certificate of Continuing Education Participation of Robert J. Dougherty dated May 26, 1998.
- (24) Exhibit W--Five pages of copies consisting of ten Continuing Education Participation verifications of Robert J. Dougherty dated from October 10, 1995, through July 24, 1998.

#### FINDING 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) Robert J. Dougherty has complied with the terms set forth in the Settlement Agreement with the State Board of Pharmacy, Docket No. D-960612-063, effective January 27, 1997.

#### ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-3-15779, of Robert J. Dougherty to practice pharmacy in the state of Ohio and places him on probation for five years from the date his identification card is issued, with the following conditions:

- (A) Robert J. Dougherty must enter into a new contract, after the effective date of this Order, with a treatment provider acceptable to the Board, for a period of not less than five years and submit a copy of the signed contract to the Board office with the renewal application. The contract must provide that:
  - (1) random, observed urine drug screens shall be conducted at least every three months. The urine sample must be given within twelve hours of notification. Alcohol, opiates, benzodiazepines, carisoprodol, and meprobamate must be added to the standard urine drug screen, and must include testing for creatinine or specific gravity of the sample as the dilutional standard;
  - (2) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required;
  - (3) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and
  - (4) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.

Results of urine screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.

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

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

(C) Other terms of probation are as follows:

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

Robert J. Dougherty is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

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

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mrs. Adelman and approved (Aye-7/Nay-0/Abstain-1[Neuber]).

**RES. 99-051** Mr. Lamping moved that the Board adopt the following Order:

ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-980602-063)

In The Matter Of:

**CLAIRE A. HARTER, R.Ph.**  
P.O. Box 7  
603 N. Main Street  
Alger, Ohio 45812  
(R.Ph. No. 03-3-12039)

INTRODUCTION

THE MATTER OF CLAIRE A. HARTER CAME ON FOR CONSIDERATION ON SEPTEMBER 10, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); ANN D.

ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

CLAIRE A. HARTER WAS NOT PRESENT, NOR WAS SHE 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) Timothy J. Benedict, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Notice of Opportunity for Hearing letter dated June 2, 1998.
- (2) Exhibit 1A--Personal Delivery Record of Claire A. Harter dated July 16, 1998.
- (3) Exhibit 1B--Letter from Claire A. Harter dated July 28, 1998.
- (4) Exhibit 1C--Copy of Pharmacist File Front Sheet of Claire Ann Engelhardt Harter showing original date of registration as March 29, 1977; and two-page copy of Renewal Application for Pharmacist License, No. 03-3-12039, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997, of Claire A. Harter dated August 15, 1996.
- (5) Exhibit 2--Three-page copy of Rite Aid Corporation Internal Theft Incident Report regarding Claire A. Harter.
- (6) Exhibit 3--Copy of Handwritten Statement of Claire Ann Harter dated September 19, 1994.
- (7) Exhibit 4--Copy of Rite Aid Corporation Installment Note of Claire A. Harter, not dated, and copy of note to Kris from Robin, not dated.
- (8) Exhibit 5--Copy of Putnam County Sheriff's Office Complaint Form, Report No. 96-2760, dated September 9, 1996.
- (9) Exhibit 6--Copy of seven-page Handwritten Statement of Miriam L. Miller dated September 23, 1996.
- (10) Exhibit 7--Copy of Miranda Rights form signed by Claire A. Harter on September 16, 1996.
- (11) Exhibit 8--Copy of three-page handwritten statement of Claire A. Harter dated September 16, 1996.
- (12) Exhibit 9--Copy of two-page handwritten statement of Claire A. Harter dated September 16, 1996.
- (13) Exhibit 10--Copy of Complaint in the Putnam County Court, State of Ohio vs. Claire E. Harter (sic Claire A. Harter), dated September, 1996.
- (14) Exhibit 11--Copy of letter from Donald L. Jerwers dated November 26, 1996.
- (15) Exhibit 12--Copy of Miller's Pharmacy Reconciliation Establishing Missing Funds dated from January 1, 1996, through September 14, 1996.
- (16) Exhibit 13--Copy of sixteen pages of Miller's Pharmacy Prescription records dated from January 1, 1996, through September 14, 1996.
- (17) Exhibit 14--Copy of letter to Miriam from Claire, not dated.
- (18) Exhibit 15--Certified copy of three-page Judgment Entry in the Putnam County Common Pleas Court, State of Ohio vs. Claire Harter, Case No. 96-CRI-00047, dated January 22, 1997; and certified copy of two-page Judgment Entry in the Putnam County Common Pleas Court, State of Ohio vs. Claire Harter, Case No. 96-CRI-00047, dated December 18, 1996.

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) On June 2, 1998, Claire A. Harter was notified by letter of her right to a hearing, her rights in such hearing, and her right to submit her contentions in writing.
- (2) As demonstrated by Personal Delivery Record dated July 16, 1998, Claire received the letter of June 2, 1998, informing her of the allegations against her, and her rights.
- (3) Claire A. Harter submitted her contentions in writing, marked as State's Exhibit 1B, and has not requested a hearing in this matter.
- (4) Records of the Board of Pharmacy indicate that Claire A. Harter was originally licensed in the State of Ohio on March 29, 1977, pursuant to examination; however, Ms. Harter allowed her license to lapse on September 15, 1997.
- (5) Claire A. Harter did, on or about dates preceding September 19, 1994, with purpose to deprive, knowingly obtain or exert control over property of Rite Aid without consent, to wit: while practicing pharmacy, Claire A. Harter admittedly stole approximately \$12,000.00 from Rite Aid. Claire A. Harter's employment was terminated and law enforcement and/or the Board was not notified. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) Claire A. Harter did, from January 1, 1996, through September 14, 1996, with purpose to deprive, knowingly obtain or exert control over property of Miller's Pharmacy without consent, to wit: while practicing pharmacy at Miller's Pharmacy, Claire A. Harter admittedly stole money from the store's cash register using three different modes of theft, the amount stolen being approximately \$37,701.01. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) Claire A. Harter was, on or about January 22, 1997, convicted of Grand Theft in violation of Section 2913.02 of the Ohio Revised Code, a felony of the third degree. State of Ohio v Claire Harter, Case No. 96-CRI-00047, Putnam County Common Pleas Court.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (7) of the Findings of Fact constitutes being guilty of a felony as provided in Division (A)(1) 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 (5) through (7) 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.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Claire A. Harter:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-3-12039, held by Claire A. Harter effective as of the date of the mailing of this Order.

(B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-3-12039, held by Claire A. Harter effective as of the date of the mailing of this Order.

Division (B) of Section 4729.16 of the Ohio Revised Code provides: "Any individual whose identification card is revoked, suspended, or refused, shall return the identification card and license to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The wall license and pocket 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. Repke and approved (Aye-5/Nay-2).

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

PER DIEM	<u>08/17</u>	<u>08/19</u>	<u>09/08</u>	<u>09/09</u>	<u>09/10</u>	<u>Total</u>
Abele	-	-	1	1	1	3
Adelman	-	-	1	1	1	3
Cavendish	-	1	1	1	1	4
Lamping	-	-	1	1	1	3
Littlejohn	-	-	1	1	1	3
Maslak	-	1	1	1	1	4
Neuber	-	-	1	1	1	3
Plant	-	-	1	1	1	3
Repke	1	-	1	1	1	4

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

11:25 a.m. Mr. Repke moved that the meeting be adjourned. The motion was seconded by Mr. Cavendish and approved (Aye-8/Nay-0).

/s/ Joseph J. Maslak  
Joseph J. Maslak, President

/d/ 10/7/98  
Date

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