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## Minutes of the April 3, 4, & 5, 2006 Meeting of the Ohio State Board of Pharmacy

### MONDAY, APRIL 3, 2006

10:03 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31<sup>st</sup> Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Suzanne R. Eastman, R.Ph., *President*; James E. Turner, R.Ph., *Vice-President*; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; and Dorothy S. Teater, Public Member.

Also present were Timothy Benedict, *Assistant Executive Director*; William McMillen, *Licensing Administrator*; Mark Keeley, *Legislative Affairs Administrator*; David Rowland, *Legal Affairs Administrator*; Danna Droz, *Prescription Monitoring Program Administrator*; and Sally Ann Steuk, *Assistant Attorney General*.

10:04 a.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code and to confer with an attorney for the Board regarding pending or imminent court action pursuant to Section 121.22(G)(3) of the Ohio Revised Code. The motion was seconded by Mr. Turner and a roll-call vote was conducted by President Eastman as follows: Giacalone – yes; Gregg – yes; Kost – yes; Lipsyc – yes; Mitchell – yes; Teater – yes; and Turner – yes.

10:33 a.m. The Executive Session ended and the meeting was opened to the public.

**R-2006-163** Mr. Turner moved that the Board deny the Settlement Offer presented in the matter of **John Tekulve**, R.Ph. The motion was seconded by Mr. Giacalone and approved by the Board: Aye – 7.

**R-2006-164** Mr. Giacalone moved that the Board accept the Settlement Offer presented in the matter of **Robert Carter**, R.Ph. The motion was seconded by Mrs. Gregg and approved by the Board: Aye – 7.

**R-2006-165** Mr. Turner moved that the Board deny the Settlement Offer presented in the matter of **Thomas Jirles**, R.Ph. The motion was seconded by Mrs. Gregg and approved by the Board: Aye – 7.

**R-2006-166** Mrs. Teater moved that the proposed Cease and Desist order drafted by Board staff be issued in the matter of **Island Pharmacy Service**, Woodruff, Wisconsin. Mr. Kost seconded the motion and it was approved by the Board: Aye – 7.

**R-2006-167** The Board considered a request for an exemption to OAC Rule 4729-5-10 (Prescription pick-up station) received from the following sites:

**Beachbrook Nursing Facility** (license application submitted)  
**NCS Healthcare** (02-0908000)

After discussion, Mr. Giacalone moved that the Board approve the request as long as the parties to the request comply with the requirements in the rule for such an exemption. The motion was seconded by Mrs. Gregg and approved by the Board: *Aye* – 7.

**R-2006-168** The Board then considered a request for an exemption to OAC Rule 4729-5-11 (Responsible person) to allow **David Ely**, R.Ph., to be the responsible pharmacist for the following sites:

**Rite Aid #794/Englewood (02-0124950)**

**Rite Aid #3134/Dayton (02-0355450)**

After discussion, Mr. Giacalone moved that the Board approve the request for 60 days. The motion was seconded by Mr. Kost and approved by the Board: *Aye* –7.

Mrs. Droz presented an update on the Prescription Drug Monitoring Program.

10:59 a.m. The Board recessed briefly.

11:08 a.m. The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of creating a record in accordance with Ohio Revised Code Chapters 119. and 4729. in the matter of **Juniper Transglobal, Inc.**, Toledo, Ohio.

11:26 a.m. The hearing ended and the record was closed.

11:29 a.m. The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of creating a record in accordance with Ohio Revised Code Chapters 119. and 4729. in the matter of **Craig James Bryant**, R.Ph.

11:50 a.m. The hearing ended and the record was closed.

11:51 a.m. Mr. Kost moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mrs. Gregg and a roll-call vote was conducted by President Eastman as follows: Giacalone – yes; Gregg – yes; Kost – yes; Lipsyc – yes; Mitchell – yes; Turner – yes; and Teater – yes.

11:55 a.m. The Executive Session ended and the meeting was opened to the public.

**R-2006-169** Mr. Kost moved that the Board adopt the following order in the matter of **Juniper Transglobal, Inc.**, Toledo, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-060110-052

*in the matter of:*

**JUNIPER TRANSGLOBAL, INC.**  
**C/O MUNIR AHMAD, PRESIDENT**  
2450 North Reynolds Road  
Toledo, Ohio 43615

**INTRODUCTION**

The matter of Juniper Transglobal, Inc. came for consideration on April 3, 2006, before the following members of the Board: Suzanne R. Eastman, R.Ph. (*presiding*); Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Dorothy S. Teater, Public Member; and James E. Turner, R.Ph.

Munir Ahmad was not present nor was Juniper Transglobal, Inc. represented by counsel. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

#### **SUMMARY OF EVIDENCE**

State's Witness: Dale R. Fritz, Jr., Ohio State Board of Pharmacy

Respondent's Witnesses: None

State's Exhibits:

1. Proposal to Deny/Notice of Opportunity For Hearing letter [01-10-06]
2. Application for Registration as a Wholesale Distributor of Dangerous Drugs [04-26-05]; Application for a Controlled Substance License with attachment [07-29-05]
3. Letter from Michael Majzoub [07-13-05]; Resume of Martin J. Dauer [not dated]
4. Ten Photographs of Proposed Business Location [not dated]

Respondent's Exhibits: None

#### **FINDINGS OF FACT**

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

- (1) On January 10, 2006, Juniper Transglobal, Inc. was notified by letter of its right to a hearing, its rights in such hearing, and its right to submit any contentions in writing.
- (2) As demonstrated by return receipt dated February 16, 2006, signed by Neila Smith, Munir Ahmad, President received the letter of January 10, 2006, informing him of the allegations and the proposal to deny Juniper Transglobal, Inc.'s application for registration as a Wholesale Distributor of Dangerous Drugs and licensure as a Wholesaler of Controlled Substances, and its rights.
- (3) Munir Ahmad has not responded in any manner to the letter of January 10, 2006, and has not requested a hearing in this matter, therefore the matter was referred to the Board for consideration.
- (4) Records of the Board of Pharmacy indicate that Munir Ahmad is the President of Juniper Transglobal, Inc., and that Munir Ahmad applied for registration as a Wholesale Distributor of Dangerous Drugs and licensure as a Wholesaler of Controlled Substances.
- (5) Juniper Transglobal, Inc. is not equipped as to land, buildings, equipment, and personnel to properly carry on the business of a wholesale distributor or dangerous drugs, including providing adequate security and proper storage conditions and handling for dangerous drugs, to wit: when a Board agent attempted to deliver the license and perform an inspection, the facility was found to be under construction without walls or a ceiling, without proper storage areas, and without proper security. Such conditions indicate the facility does not meet the requirements for a wholesale distributor as set forth in Section 4729.53 of the Ohio Revised Code and/or Rule 4729-9-16 of the Ohio Administrative Code.

- (6) Juniper Transglobal, Inc. does not have written policies and procedures for the receipt, security, storage, inventory, and distribution of dangerous drugs as required by Rule 4729-9-16(l) of the Ohio Administrative Code.
- (7) Juniper Transglobal, Inc.'s owners and personnel do not have appropriate education and/or experience to assume the responsibility for a wholesale distributor of dangerous drugs as required by Section 4729.53 of the Ohio Revised Code and/or Rule 4729-9-16(k) of the Ohio Administrative Code.
- (8) Juniper Transglobal, Inc. has not shown that granting a license as a wholesale distributor of dangerous drugs is in the public's interest as required by Sections 3719.03(E) and 4729.53(B) 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 (5) through (8) of the Findings of Fact constitute failure to meet the qualifications set forth in Section 4729.53(A) of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5) through (8) of the Findings of Fact constitute failure to furnish satisfactory proof to the Board that granting a registration certificate to Juniper Transglobal is in the public interest as provided in Section 4729.53(B) of the Ohio Revised Code.

#### **DECISION OF THE BOARD**

Pursuant to Sections 3719.03 and 4729.53 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby refuses to license or register Juniper Transglobal, Inc. and, therefore, denies the Application for a Wholesaler of Controlled Substances License and the Application for Registration as a Wholesale Distributor of Dangerous Drugs submitted by Munir Ahmad on April 26, 2005 and July 29, 2005.

Mr. Mitchell seconded the motion and it was approved by the Board: Aye – 7.

**R-2006-170** Mrs. Gregg moved that the Board adopt the following order in the matter of **Craig James Bryant**.

#### **ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-051017-039

*in the matter of:*

**CRAIG JAMES BRYANT, R.PH.**  
967 Home Circle  
Salem, Ohio 44460

R.Ph. Number 03-2-21372

#### **INTRODUCTION**

The matter of Craig James Bryant came for consideration on April 3, 2006, before the following members of the Board: Suzanne R. Eastman, R.Ph. (*presiding*); Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Dorothy S. Teater, Public Member; and James E. Turner, R.Ph.

Craig James Bryant was not present nor was he represented by counsel. The state of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

### **SUMMARY OF EVIDENCE**

State's Witness: Frank J. Bodi, Ohio State Board of Pharmacy

Respondent's Witnesses: None

#### State's Exhibits:

1. Notice of Opportunity For Hearing letter [10-17-05]  
1A. Procedural
2. State Board of Pharmacy Order in re Craig James Bryant, R.Ph. [06-09-05]
3. Judgment Entry, State of Ohio vs. Craig James Bryant, Case No. R 04TRC9528, Portage County Municipal Court [04-26-05]; Statement of Trp. R. J. Kuhn [07-08-04]
4. Rx #2247941 [08-24-05]; Rx #6664180 [06-21-05]; Three Drug Orders [06/21/05 and 07-06-05]
5. Medical Expenses for Rachel Bryant at Giant Eagle Pharmacy [08-01-05 to 08-24-05]; Medical Expenses for Craig J. Bryant [01-01-05 to 08-24-05]
6. Notarized Statement of Charles Durner, D.O. [08-31-05]
7. Notarized Statement of Lisa Maxwell, R.Ph. [08-31-05]
8. Notarized Statement of Jane Shenal [08-29-05]
9. Notarized Statement of Craig Bryant [09-07-05]
10. Indictment, State of Ohio vs. Craig J. Bryant, Case No. 2005 CR 0643, Portage County Common Pleas Court [12-02-05]; Order and Journal Entry [03-17-06]

Respondent's Exhibits: None

### **FINDINGS OF FACT**

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

- (1) On October 17, 2005, Craig James Bryant was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit any contentions in writing.
- (2) As demonstrated by return receipt received by the Board, on February 17, 2006, and signed by Nancy Holloway, Craig James Bryant received the letter of October 17, 2005, informing him of the allegations against him and his rights.
- (3) Craig James Bryant did not request a hearing in a timely manner pursuant to Chapter 119. of the Ohio Revised Code, therefore the matter was referred to the Board for consideration.
- (4) Records of the State Board of Pharmacy indicate that Craig James Bryant was originally licensed by the State of Ohio as a pharmacist on February 26, 1996, pursuant to examination and his license to practice pharmacy was indefinitely suspended by the Board on June 9, 2005.
- (5) Craig James Bryant did, on or about August 24, 2005, intentionally create and/or knowingly possess a false or forged prescription, to wit: Craig James Bryant took his wife's prescription, chemically obliterated the text, and created a forgery for 10 unit doses of OxyContin 40 mg, a schedule II

controlled substance. Craig James Bryant presented the altered document for filling and obtained the drugs for his own abuse. Such conduct is in violation of Sections 2925.23(B) and 2925.11 of the Ohio Revised Code

#### **CONCLUSIONS OF LAW**

- (1) The State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes 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.
- (3) The State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes 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.
- (4) The State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

#### **DECISION OF THE BOARD**

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Craig James Bryant as follows:

- (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 permanently the pharmacist identification card, No. 03-2-21372, held by Craig James Bryant 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 permanently the pharmacist identification card, No. 03-2-21372, held by Craig James Bryant effective as of the date of the mailing of this Order.
- (C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-2-21372, held by Craig James Bryant effective as of the date of the mailing of this Order.
- (D) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-2-21372, held by Craig James Bryant effective as of the date of the mailing of this Order.

Mr. Mitchell seconded the motion and it was approved by the Board: Aye – 7.

11:58 a.m. The Board recessed for lunch.

1:25 p.m. The Board reconvened with the following members present:

Suzanne R. Eastman, R.Ph., *President*; James E. Turner, R.Ph., *Vice-President*; Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; and Dorothy S. Teater, Public Member.

- 1:30 p.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Patrick Finnegan**, R.Ph., Springfield, Ohio.
- 3:13 p.m. The hearing ended and the record was closed.
- 3:23 p.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Elizabeth M. Hartranft**, R.Ph., Bay Village, Ohio.
- 4:50 p.m. The hearing ended and the record was closed.
- 4:54 p.m. Mr. Kost moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Mitchell and a roll-call vote was conducted by President Eastman as follows: Braylock – yes; Giacalone – yes; Gregg – yes; Kost – yes; Lipsyc – yes; Mitchell – yes; Turner – yes; and Teater – yes.
- 5:25 p.m. The Executive Session ended and the meeting was opened to the public.

**R-2006-171** Mrs. Gregg moved that the Board adopt the following order in the matter of **Elizabeth M. Hartranft**, R.Ph.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-051031-043

*in the matter of:*

**ELIZABETH M. HARTRANFT, R.PH.**

24529 Bruce Road  
Bay Village, Ohio 44140

R.Ph. Number 03-3-08439

**INTRODUCTION**

The matter of Elizabeth M. Hartranft came for hearing on April 3, 2006 before the following members of the Board: Suzanne R. Eastman, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Nathan S. Lipsyc, R.Ph.; Lawrence J. Kost, R.Ph.; Kevin J. Mitchell, R.Ph.; Dorothy S. Teater, Public Member; and James E. Turner, R.Ph.

Elizabeth M. Hartranft was represented by Michael E. Murman. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

State's Witnesses: None

Respondent's Witnesses: Elizabeth M. Hartranft, R.Ph., Respondent  
Kathleen Epp  
Robert Hartranft  
William Hartranft

State's Exhibits:

1. Reinstatement Hearing Request letter from Michael E. Murman [10-28-05] 1A-1B. Procedurals
2. State Board of Pharmacy Order In Re Elizabeth M. Hartranft, R.Ph. [11-21-02]
3. State Board of Pharmacy Order In Re Elizabeth M. Hartranft, R.Ph. [02-06-03]
4. Journal Entry, State of Ohio vs. Elizabeth Hartranft, Case No. CR 438041, Cuyahoga County Common Pleas Court [09-05-03]
5. Notarized Statement of Todd Jaros [11-18-02]
6. Notarized Statement of Elizabeth Hartranft [11-19-02]

Respondent's Exhibits:

- A. Certified Letter from Michael E. Murman to the Ohio State Board of Pharmacy [03-04-03]; Monetary Penalty Payment Transmittal Form [not dated]; Check #5865 payable to Treasure, State of Ohio [03-04-03]
- B. Letter from Ted Parran, M.D., FACP to Michael Murman, Esq. [09-29-05]
- C. The Cleveland Clinic Foundation Treatment Contract [12-18-02]
- D. Ohio Pharmacists Rehabilitation Organization Licensee Summary Report [01-30-02 to 08-20-05]; Drug Panel [not dated]; Drug Screen Reports [09-27-05 to 03-16-06]; Letter from Michael D. Quigley, R.Ph. to Maral Davis [03-29-06]
- E. C.P.E. Report Form for Elizabeth M. Hartranft [03-29-06]
- F. Support Group Attendance Records [08-25-02 to 03-23-06]
- G. Calendar pages for October 2002 to March 2006
- H. Letter from Linda Pennington to Michael E. Murman, Esq. [03-17-06]; Facsimile Cover letter from Mike Quigley to Tim Benedict [12-10-02]; Treatment Records for Elizabeth Hartranft [10-15-02 to 03-27-06]
- I. Compliance Affidavit of Elizabeth M. Hartranft [03-29-06]
- J. Letter of Support from Lois Hamblin [03-29-06]

**FINDINGS OF FACT**

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Elizabeth M. Hartranft has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-021127-040, effective February 6, 2003.

**DECISION OF THE BOARD**

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-3-08439, held by Elizabeth M. Hartranft to practice pharmacy in Ohio and places Elizabeth M. Hartranft on probation for five years beginning on the effective date of this Order, with the following conditions:

- (A) Elizabeth M. Hartranft must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or 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 once each month for the first year and then at least once every three months for the remaining four years.

- (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
  - (b) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.
  - (c) Results of all drug and alcohol screens must be negative. Refusal of a urine screen or a diluted urine screen is equivalent to a positive result. 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.
- (2) The intervener/sponsor shall submit to the Board reports, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
  - (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
  - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Elizabeth M. Hartranft 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 Elizabeth M. Hartranft's progress towards recovery and what she 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 Elizabeth M. Hartranft'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) Elizabeth M. Hartranft may not serve as a responsible pharmacist.
    - (3) Elizabeth M. Hartranft may not destroy, assist in, or witness the destruction of controlled substances.
    - (4) Elizabeth M. Hartranft must abide by the contract with her treatment provider and must immediately report any violation of the contract to the Board.
    - (5) Elizabeth M. Hartranft must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Elizabeth M. Hartranft must abide by the rules of the State Board of Pharmacy.

(7) Elizabeth M. Hartranft must comply with the terms of this Order.

(D) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Elizabeth M. Hartranft 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.

The motion was seconded by Mr. Braylock and approved by the Board: Aye – 8.

**R-2006-172** Mr. Braylock moved that the following order be adopted in the matter of **Patrick Finnegan**, R.Ph., Springfield, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-050803-011

*in the matter of:*

**PATRICK BRICE FINNEGAN**

495 Hornwood Drive  
Springfield, Ohio 45504

Pharmacy Intern Number 06-0-04837

**INTRODUCTION**

The matter of Patrick Brice Finnegan came for hearing on April 3, 2006, before the following members of the Board: Suzanne R. Eastman, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Dorothy S. Teater, Public Member; and James E. Turner, R.Ph.

Patrick Brice Finnegan was represented by David W. Grauer. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

State's Witness: Dale R. Fritz, Jr., Ohio State Board of Pharmacy

Respondent's Witnesses: Patrick B. Finnegan, Respondent  
Robert B. Kimmel, R.Ph.

State's Exhibits:

1. Proposal to Deny/Notice of Opportunity For Hearing letter [08-03-05]  
1A-1D. Procedurals
2. Ohio University Police Department Incident Report Case No. 020440 [03-10-02]
3. Application for Pharmacy Intern Registration with attachment submitted by Patrick Brice Finnegan [03-29-04]
4. Letter from Patrick B. Finnegan [03-28-05]
5. Citation, State of Ohio vs. Patrick B. Finnegan, Case No. 01-TRC-15640, Clark County Municipal Court [11-04-01]; Judgment Entry [12-13-01]

6. Summons, State of Ohio vs. Patrick B. Finnegan, Case No. CRB-0200206 A, Hardin County Municipal Court [05-06-02]; Receipt No. 85505 [03-18-04]
7. State of Ohio vs. Patrick B. Finnegan, Case No. 04-TRC-12377, Clark County Municipal Court [02-25-05]; Springfield-Clark County Law Enforcement Arrest Report [12-12-04]

Respondent's Exhibits:

- A. Letter from Mark Schweikert, MRC, PCC, LICDC [03-24-06]
- B. Letter from Cheryl Abston-Line, AAS, CCDC-1 [08-17-05]; McKinley Hall Brochure [not dated]
- C. Two Letters of Support [03-29-06]
- D. Name and Address of Character Witness, Robert D. Kimmel [not dated]

**FINDINGS OF FACT**

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

- (1) Records of the Board of Pharmacy indicate that Patrick Brice Finnegan applied to the Board for registration as an intern in the State of Ohio on March 29, 2004.
- (2) Patrick Brice Finnegan did, on or about March 10, 2002, engage in conduct whereby he was arrested for Underage Consumption of Alcohol and Public Intoxication. Though Patrick Brice Finnegan admitted to police officers that he had consumed "nine beers" and was under the legal age for consumption, he was belligerent and combative with the officers. Patrick Brice Finnegan's conduct, during the time of arrest, vacillated between being mildly cooperative to extremely aggressive. Though Patrick Brice Finnegan's conviction for his conduct was sealed, this inquiry into his conduct is permitted under Section 2953.33(B) of the Ohio Revised Code. Patrick Brice Finnegan's conduct constitutes not being of good moral character and habits and/or addicted or abusing liquor or drugs within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (3) Patrick Brice Finnegan did, on or about March 29, 2004 and March 28, 2005, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: when requested to explain Patrick Brice Finnegan's criminal convictions and activity causing them, Patrick Brice Finnegan omitted pertinent material facts so as to mislead the Board. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.
- (4) Patrick Brice Finnegan was, on or about December 13, 2001, convicted of Driving Under the Influence, in violation of Section 4511.19 of the Ohio Revised Code, a minor misdemeanor. State of Ohio vs. Patrick B. Finnegan, Case No. 01-TRC 15640, Clark County Municipal Court of Springfield, Ohio.
- (5) Patrick Brice Finnegan was, on or about May 6, 2002, convicted of Disorderly Conduct, in violation of Section 2917.11 of the Ohio Revised Code, a minor misdemeanor. State of Ohio vs. Patrick B. Finnegan, Case No. CRB 0200206A, Hardin County Municipal Court of Kenton, Ohio.
- (6) Patrick Brice Finnegan was, on or about February 25, 2005, convicted of Driving Under the Influence, in violation of Section 4511.19 of the Ohio Revised Code, a minor misdemeanor. State of Ohio vs. Patrick B. Finnegan, Case No. 04-TRC 12377, Clark County Municipal Court of Springfield, Ohio.

### **CONCLUSIONS OF LAW**

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (6) of the Findings of Fact constitute not being of good moral character and habits as set forth in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.
- (2) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs as provided in paragraph (D) of Rule 4729-5-04 of the Ohio Administrative Code.
- (3) The State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes 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.

### **DECISION OF THE BOARD**

Pursuant to Section 4729.11 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the Application for Pharmacy Intern Registration submitted by Patrick B. Finnegan on or about March 29, 2004.

Further, the Board places Patrick B. Finnegan on probation for the duration of his Internship. The terms of probation are as follows:

- (A) Patrick B. Finnegan must not violate the drug laws of the State of Ohio, any other state, or the federal government.
- (B) Patrick B. Finnegan must abide by the rules of the State Board of Pharmacy.
- (C) Patrick B. Finnegan must comply with the terms of this Order.
- (D) Patrick B. Finnegan's license is deemed not in good standing until successful completion of the probationary period.
- (E) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Patrick B. Finnegan 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.

Mr. Lipsyc seconded the motion and it was approved by the Board: Aye – 8.

5:30 p.m. The meeting was adjourned until Tuesday, April 4, 2006.

### **TUESDAY, APRIL 4, 2006**

8:20 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31<sup>st</sup> Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Suzanne R. Eastman, R.Ph., *President*; James E. Turner, R.Ph., *Vice-President*; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; and Kevin J. Mitchell, R.Ph.

8:22 a.m. Board member Dorothy Teater, R.Ph., arrived and joined the meeting in progress.  
Mr. McMillen and Mr. Keeley discussed potential changes to OAC 4729-3, Pharmacy Internship.  
A proposed Compliance Bulletin concerning pseudophedrine was distributed to the Board for later discussion.

8:30 a.m. Board member Gregory Braylock, R.Ph., arrived and joined the meeting in progress.  
The Board discussed an invitation from ACPE for a Board member to accompany the accreditation team during an upcoming ACPE Accreditation visit to Findlay School of Pharmacy. After discussion, President Eastman appointed Mr. Braylock as the Board representative.

**R-2006-173** The Board considered a request for an exemption to OAC Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

**Teregen Laboratories** (02-1235150)  
Various Offices as listed on the letter of request

After discussion, Mrs. Gregg moved that the Board approve the request as long as the parties to the request comply with the requirements in the rule for such an exemption. The motion was seconded by Mr. Braylock and approved by the Board: Aye – 8.

8:50 a.m. The Board recessed briefly.

9:06 a.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Gina M. Scandy**, R.Ph., Warren, Ohio.

10:15 a.m. The hearing ended and the record was closed.

10:36 a.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Todd R. Jaros**, R.Ph., Westlake, Ohio.

11:30 a.m. The hearing ended and the record was closed.

11:45 a.m. The Board then met with Pharmacist Rehabilitation Organization (PRO) President Mike Quigley, R.Ph., and members of PRO to discuss items of general interest.

12:40 p.m. The Board recessed for lunch.

1:30 p.m. The Board reconvened in Room South A, 31<sup>st</sup> Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Suzanne R. Eastman, R.Ph., *President*; James E. Turner, R.Ph., *Vice-President*; Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; and Dorothy S. Teater, Public Member.

**R-2006-174** The following candidates for licensure by reciprocity introduced themselves and participated in a discussion of pharmacy laws and rules with Mr. McMillen. They were then presented their pharmacist identification cards.

Donald Anthony Alexander	03-3-27121	West Virginia
David D. Allen	03-3-2144	Kentucky
Cynthia Hill Bamberg	03-3-27130	Mississippi
Angela Dawn Brewer	03-3-27112	Maryland

Robert Anthony Delaney	03-3-27122	New Jersey
Anuj P. Doshi	03-3-27104	New York
Nicole Allison Gee	03-3-27143	Connecticut
Gretchen Marie Heenan	03-3-27075	South Carolina
Rebecca Kay Hoover	03-3-27129	Pennsylvania
Thurmon Joseph Ickes, Jr.	03-3-27120	Texas
Matthew Russell McMullen	03-3-27135	Arizona
Hala Fadel Naanouh	03-3-27124	Indiana
Molly Jean Paden	03-3-27098	Pennsylvania
Mukesh B. Patel	03-3-27141	Illinois
Paula Pointer	03-3-27107	Pennsylvania
Shelley Steffen Rose	03-3-27131	Kentucky
Ritesh Tandon	03-3-27111	Maryland
Kristen Noelle Wolf	03-3-27092	Pennsylvania

- 1:53 p.m. Representatives from **WellPoint Pharmacy Management (Anthem Prescription Management)** discussed their proposed work-at-home concept with the Board.
- 2:20 p.m. The Board recessed briefly.
- 2:31 p.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **John Leasure**, R.Ph., Maumee, Ohio.
- 2:52 p.m. Mr. Giacalone moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Braylock and a roll-call vote was conducted by President Eastman as follows: Braylock – yes; Giacalone – yes; Gregg – yes; Kost – yes; Lipsyc – yes; Mitchell – yes; Turner – yes; and Teater – yes.
- 3:27 p.m. The Executive Session ended and the meeting was opened to the public and the hearing was resumed..
- R-2006-175** Mr. Turner moved that **John Leasure**, R.Ph. had not met the criteria for reinstatement pursuant to his April 9, 2003 Board order and that his request be denied. Mrs. Teater seconded the motion. After a tie vote of Aye-4/Nay-4 on the motion, President Eastman then cast the deciding vote and the motion to deny reinstatement was approved: Aye – 5/Nay – 4.
- 3:30 p.m. The hearing ended and the record was closed.
- 3:40 p.m. Mr. Braylock reported that the Nursing Board's Committee on Prescriptive Governance would meet later in the month.
- Mr. Benedict reported that there were no items regarding the Medical Board Prescribing Committee that needed to be discussed.
- Mr. Keeley discussed his Legislative Report with the Board.
- The Compliance Bulletin on pseudophedrine and other products was reviewed and approved for distribution.
- The Board discussed the Nursing Board's Committee on Prescriptive Governance need for a new person to serve as clinical pharmacist. Mr. Winsley will seek volunteers for the Board to review.
- 4:24 p.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Braylock and a roll-call vote was conducted by President Eastman as follows: Braylock – yes; Giacalone – yes; Gregg – yes; Kost – yes; Lipsyc – yes; Mitchell – yes; Turner – yes; and Teater – yes.

4:40 p.m. The Executive Session ended and the meeting was opened to the public.

**R-2006-176** Mrs. Gregg moved that the Board adopt the following order in the matter of **Todd Jaros**, R.Ph.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-050906-024

*in the matter of:*

**TODD R. JAROS, R.PH.**  
2011 Savannah Parkway  
Westlake, Ohio 44145

R.Ph. Number 03-1-18980

**INTRODUCTION**

The matter of Todd R. Jaros came for hearing on April 4, 2006 before the following members of the Board: Suzanne R. Eastman, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Nathan S. Lipsyc, R.Ph.; Lawrence J. Kost, R.Ph.; Kevin J. Mitchell, R.Ph.; Dorothy S. Teater, Public Member; and James E. Turner, R.Ph.

Todd R. Jaros was represented by John R. Irwin, M.D. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

State's Witnesses: None

Respondent's Witnesses: Todd R. Jaros, R.Ph., Respondent  
Lisa Jaros, R.Ph.

State's Exhibits:

1. Reinstatement Hearing Request letter from John R. Irwin, M.D. [08-30-05]  
1A-1B. Procedurals
2. State Board of Pharmacy Settlement Agreement In Re Todd R. Jaros [09-07-99]
3. Journal Entry, State of Ohio vs. Todd Jaros, Case No. CR 379295,  
Cuyahoga County Common Pleas Court [01-19-00]
4. State Board of Pharmacy Order In Re Todd R. Jaros, R.Ph. [09-11-00]
5. State Board of Pharmacy Order In Re Todd R. Jaros, R.Ph. [02-06-03]
6. Journal Entry, State of Ohio vs. Todd Jaros, Case No. CR 438041,  
Cuyahoga County Common Pleas Court [09-05-03]
7. Notarized Statement of Todd R. Jaros [11-18-02]
8. Notarized Statement of Elizabeth M. Hartranft [11-19-02]

Respondent's Exhibits:

- A. PRO Pharmacist's Recovery Contract for Todd Jaros [09-13-00]
- B. Compliance Affidavit of Todd Jaros [03-24-06]
- C. Copy of Monetary Penalty Payment Transmittal Form [not dated]; Copy of three Bank One checks payable to Treasurer, State of Ohio [04-25-03, 10-28-03 and 04-22-04]; Three letters from John R. Irwin, M.D. to David L. Rowland, Esq. [04-28-03 to 04-26-04]
- D. Calendar pages for January 2003 to April 2006
- E. Letter from James M. Platten [not dated]
- F. Support Group Attendance Records [01-01-03 to 03-22-06]

- G. Ohio Pharmacists Rehabilitation Organization Licensee Summary Report [01-29-02 to 08-17-05]; Drug Panel [not dated]
- H-K. Drug Screen Reports [09-15-05 to 03-15-06]
- L. Letter from Michael D. Quigley, R.Ph. [03-27-06]
- M. Continuing Pharmaceutical Education Certificate [09-09-05]
- N. Sixty-four pages of Continuing Pharmaceutical Education Credits and Certificates [01-14-99 to 05-01-05]

#### **FINDINGS OF FACT**

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Todd R. Jaros has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-021127-041, effective February 6, 2003.

#### **DECISION OF THE BOARD**

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-1-18980, held by Todd R. Jaros to practice pharmacy in Ohio and places Todd R. Jaros on probation for one year beginning on the effective date of this Order. The terms of probation are as follows:

- (1) The State Board of Pharmacy hereby declares that Todd R. Jaros' 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) Todd R. Jaros may not serve as a responsible pharmacist.
- (3) Todd R. Jaros may not destroy, assist in, or witness the destruction of controlled substances.
- (4) Todd R. Jaros must not violate the drug laws of Ohio, any other state, or the federal government.
- (5) Todd R. Jaros must abide by the rules of the State Board of Pharmacy.
- (6) Todd R. Jaros must comply with the terms of this Order.

Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Todd R. Jaros 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.

Mr. Giacalone seconded the motion and it was approved by the Board: Aye – 8.

**R-2006-177** Mr. Braylock moved that the following order be adopted in the case of **Gina M. Scandy**, R.Ph.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-050817-019

*in the matter of:*

**GINA M. SCANDY, R.PH.**  
2708 North River Road  
Warren, Ohio 44483

R.Ph. Number 03-2-15310

**INTRODUCTION**

The matter of Gina M. Scandy came for hearing on April 4, 2006, before the following members of the Board: Suzanne R. Eastman, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Dorothy S. Teater, Public Member; and James E. Turner, R.Ph.

Gina M. Scandy was represented by Peter T. Cahoon. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

State's Witness: George Pavlich, Ohio State Board of Pharmacy

Respondent's Witnesses: Gina M. Scandy, R.Ph., Respondent  
Curtis Wilson  
John Tomko, R.Ph.

State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [08-17-05]
  - 1A-1B. Procedurals
  - 1C. Addendum Notice [02-17-06]
  - 1D. Procedural
2. Two photocopies of a medicine vial and tablets [not dated]
3. Notarized Statement of Gina M. Scandy, R.Ph. [08-10-05]
4. Drug Audit Accountability Sheets for oxycodone 5/325 mg at Overholt's Pharmacy [03-12-06]; Endocet 5/325 mg [03-12-06]; Percocet 5/325 mg [03-12-06]
5. Indictment, State of Ohio vs. Gina M. Scandy, Case No. 05-CR-678, Trumbull County Common Pleas Court [09-13-05]; Finding of Guilty Plea to Indictment [01-24-06]; Judgment Entry [01-24-06]

Respondent's Exhibits:

- A. Finding On Guilty Plea to Indictment, State of Ohio vs. Gina M. Scandy, Case No. 05-CR-678, Trumbull County Common Please Court [01-24-06]
- B. Community Solutions Association Client Contract for Gina M. Scandy [03-13-06]
- C. Trumbull County Drug Court Compliance letter [03-23-06]
- D. Letter from Carla Becroft, MSSA, LISW, LICDC to Peter Cahoon, Esq. [09-22-05]; Edwin Shaw Rehab Authorization for Disclosure [09-06-05]
- E. Patient Progress Report from Patricia Slevey, LICDC [10-06-05]
- F. Progress Report from Cheryl Shuttleworth, M.Ed., LICDC [02-23-06]
- G. Certificate of Achievement from Akron General Edwin Shaw Rehab [10-18-05]

- H. Certificate of Achievement from Akron General Edwin Shaw Rehab [02-24-06]
- I. Support Group Attendance Records [08-15-05 to 03-24-06]
- J. Northwest Toxicology Drug Screen Reports [09-26-05 to 03-15-06]
- K. Lab One Drug Screen Reports [09-26-05 to 03-15-06]
- L. Calendar pages for August 2005 to March 2006
- M. PRO Pharmacist's Recovery Contract for Gina Scandy [08-15-05]
- N. Six Continuing Pharmaceutical Education Credit Statements [03-10-06 to 03-24-06]
- O. Letter from John R. Tomko [03-15-06]
- P. Letter from Todd S. Bolotin, M.D. [03-09-06]
- Q. Letter from John A. Brallier [not dated]
- R. Letter from John M. Kalish, R.Ph. [03-11-06]
- S. Letter from Kenneth M. Overholt, R.Ph. [03-30-06]

### **FINDINGS OF FACT**

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

- (1) Records of the Board of Pharmacy indicate that Gina M. Scandy was originally licensed by the State of Ohio as a pharmacist on March 27, 1984, pursuant to reciprocity, and that her license to practice pharmacy in Ohio was summarily suspended effective August 17, 2005.
- (2) Gina M. Scandy is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Gina M. Scandy has been observed stealing controlled substances for her own abuse; Gina M. Scandy has been observed in the pharmacy where she practiced appearing under the influence of drugs; and, Gina M. Scandy has admitted to Board agents that she is addicted to controlled substances. Such conduct indicates that Gina M. Scandy is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) Gina M. Scandy did, on or about August 5, 2005, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Overholt's Champion Pharmacy, beyond the express or implied consent of the owner, to wit: Gina M. Scandy has been observed, and has admitted to stealing oxycodone with APAP 5/325 mg from her employer for her own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Gina M. Scandy did, on or about August 10, 2005, knowingly possess a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a prescription and not for a legitimate medical purpose, Gina M. Scandy possessed 109 tablets of oxycodone with APAP 5/325 mg. Gina M. Scandy surrendered the drugs to an agent of the Board. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) On January 24, 2006, Gina M. Scandy pled guilty to one (1) count of Theft of Drugs, a felony of the fourth degree under Section 2913.02 of the Ohio Revised Code and (1) count of Aggravated Possession of Drugs, a felony of the third degree under section 2925.11. State of Ohio vs. Gina M. Scandy, Case No. 05-CR-678, Trumbull County Common Pleas Court. Gina M. Scandy's case was then transferred to the Trumbull County Drug Court.

### **CONCLUSIONS OF LAW**

- (1) The State Board of Pharmacy concludes that paragraphs (3) through (5) of the Findings of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (3) and (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.
- (3) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) The State Board of Pharmacy concludes that paragraphs (2), (4) and (5) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapters 2925. and 3719. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

### **DECISION 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 to Gina M. Scandy on August 17, 2005.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-2-15310, held by Gina M. Scandy and such suspension is effective as of the date of the mailing of this Order.

- (A) Gina M. Scandy, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Gina M. Scandy, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after one year from the effective date of this Order, the Board will consider any petition filed by Gina M. Scandy for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (A) Gina M. Scandy must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, mail a copy of the contract to the Board office. The contract must provide that:

- (1) Random, observed urine drug screens shall be conducted at least once each month.
    - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
    - (b) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. 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.
  - (2) The intervener/sponsor shall submit to the Board reports, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
  - (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
  - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Gina M. Scandy must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
- (C) Gina M. Scandy must provide, at the reinstatement petition hearing, documentation of the following:
- (1) Gina M. Scandy must provide proof that she has attempted to make restitution to Overholt's Champion Pharmacy, Inc.;
  - (2) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);
  - (3) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
  - (4) Compliance with the terms of this Order.
- (D) If reinstatement is not accomplished within three years of the effective date of this Order, Gina M. Scandy must also show successful completion of the NAPLEX and MPJE examinations or equivalent examinations approved by the Board.
- (E) Upon such time as the Board may consider reinstatement, Gina M. Scandy will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

Mr. Mitchell seconded the motion and it was approved by the Board: Aye – 8.

4:45 p.m. Mr. Kost left the meeting for personal reasons.

**R-2006-178** Mrs. Gregg moved that the minutes of March 6, 7, & 8, 2006 Board meeting be approved as amended. The motion was seconded by Mr. Braylock and approved by the Board: Aye – 7.

The Board discussed correspondence received from James Lindon about a Continuing Pharmacy Education (CPE) lesson he had submitted to the Board for approval as Board-approved jurisprudence CPE. After discussion, Mrs. Gregg moved that the program not be approved due to the inaccuracies within the program and also due to the manner of presentation of the program. Mr. Lipsyc seconded the motion and it was approved by the Board: Aye – 7.

**R-2006-179** After discussion, Mrs. Gregg moved that the work-at-home program presented to the Board by **WellPoint Pharmacy Management (Anthem Prescription Management)** be approved pending final inspection when the program is initiated. Mr. Giacalone seconded the motion and it was approved by the Board: Aye – 5/Nay – 2.

5:33 p.m. The Board recessed for the day to reconvene Wednesday, April 5, 2006.

### **WEDNESDAY, APRIL 5, 2006**

8:52 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31<sup>st</sup> Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Suzanne R. Eastman, R.Ph., *President*; James E. Turner, R.Ph., *Vice-President*; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; and Dorothy S. Teater, Public Member.

**R-2006-180** Mrs. Teater moved that the Conference Call minutes of March 15, 2006 be approved. Mr. Turner seconded the motion and it was approved by the Board: Aye – 7.

9:02 a.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Keith Jered Hochadel**, R.Ph., of Alliance, Ohio.

9:07 a.m. Board member Gregory Braylock, R.Ph., arrived and joined the hearing in progress with the agreement of the Respondent.

11:26 a.m. The hearing ended and the Board recessed for lunch.

12:04 p.m. The Board reconvened in Room East B, 31<sup>st</sup> Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Suzanne R. Eastman, R.Ph., *President*; James E. Turner, R.Ph., *Vice-President*; Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; and Dorothy S. Teater, Public Member.

12:10 p.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Gary Sass**, R.Ph., Hermitage, PA.

2:00 p.m. The hearing ended and the meeting was opened to the public.

2:01 p.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Kost and a roll-call vote was conducted by

President Eastman as follows: Braylock – yes; Giacalone – yes; Gregg – yes; Kost – yes; Lipsyc – yes; Mitchell – yes; Turner – yes; and Teater – yes.

3:07 p.m. The Executive Session ended.

**R-2006-181** Mr. Turner moved that the Board adopt the following order in the matter of **Keith Hochadel**, R.Ph., Alliance, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-050708-002

*in the matter of:*

**KEITH JERED HOCHADEL**  
16457 Meadowville Street, S.E.  
Minerva, Ohio 44657

**INTRODUCTION**

The matter of Keith Jered Hochadel came for hearing on April 5, 2006, before the following members of the Board: Suzanne R. Eastman, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Dorothy S. Teater, Public Member; and James E. Turner, R.Ph.

Keith Jered Hochadel was represented by Mark A. Whitaker. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

State's Witness: David Gallagher, Ohio State Board of Pharmacy

Respondent's Witness: Keith Hochadel, Respondent

State's Exhibits:

1. Proposal to Deny/Notice of Opportunity For Hearing letter [07-08-05]  
1A-1E. Procedurals
2. State Board of Pharmacy Order In Re Keith Jered Hochadel [09-11-97]
3. Application for Examination as a Pharmacist submitted by Keith Jered Hochadel [01-29-99]
4. Application for Examination as a Pharmacist submitted by Keith Jered Hochadel [06-06-05]
5. Interview of Keith Hochadel [09-08-96]
6. Statement of Keith J. Hochadel [09-13-96]
7. Indictment, State of Ohio vs. Keith Hochadel, Case No. 1997CR0283, Stark County Common Pleas Court [03-27-97]; Judgment Entry Sentence (Community Sanction), Nunc Pro Tunc [10-15-97]

Respondent's Exhibits:

- A. PRO Pharmacist's Recovery Contract for Keith J. Hochadel [02-21-05]; three letters from Keith Hochadel to Ray Strahley, R.Ph. [03-03-05 to 10-15-05]
- B. Letter from Craig Prysock and Fransai LoDico Dietrich [03-14-06]
- C. Support Group Attendance Records [01-12-05 to 03-31-06]; Calendar pages for January 2005 to March 2006

- D. Treatment Records for Keith Hochadel [12-30-03 to 03-11-05]; Ohio Pharmacists Rehabilitation Organization Licensee Summary Report [01-24-02 to 08-22-05]; Drug Panel [not dated]; Drug Screen Reports [03-16-05 to 02-02-06]
- E. Judgment Entry Sentence (Community Sanction), Nunc Pro Tunc, State of Ohio vs. Keith Hochadel, Case No. 1997CR0283, Stark County Common Pleas Court [10-15-97]; Journal Entry [03-29-01]; Department of Health & Human Services Medicare Reinstatement letter [04-20-04]
- F. Proposal to Deny/Notice of Opportunity for Hearing letter [07-08-05]
- G. Twenty-one Letters of Support [03-01-06 to 04-02-06]
- H. Master of Arts in Education Degree from Malone College [12-24-04]; Resume of Keith Hochadel [not dated]

### **FINDINGS OF FACT**

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

- (1) Records of the Board of Pharmacy indicate that Keith Jered Hochadel submitted an application for examination as a pharmacist on or about June 6, 2005.
- (2) Records of the Board indicate that Keith Jered Hochadel was originally licensed to practice pharmacy by the State of Ohio as a pharmacist on March 1, 1985; and, on September 11, 1997, his license was revoked in accordance with Section 4729.16 of the Ohio Revised Code.
- (3) On September 11, 1997, Keith Jered Hochadel's license to practice pharmacy in the State of Ohio was revoked due to the following:
  - (A) Keith Jered Hochadel did, from August of 1995 through September 13, 1996, knowingly obtain or use a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Keith Jered Hochadel admitted to an agent of the Ohio Board of Pharmacy that he continually ingested hydrocodone with APAP 7.5 mg and Hydromet cough syrup without a prescription. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
  - (B) Keith Jered Hochadel is abusing controlled substances to such a degree as to render him unfit to practice pharmacy, to wit: while practicing pharmacy Keith Jered Hochadel stole controlled substances; Keith Jered Hochadel admitted to an agent of the Ohio Board of Pharmacy that on occasion, while practicing pharmacy, he consumed hydrocodone with APAP 7.5 mg, a schedule III controlled substance, without a prescription; and, Keith Jered Hochadel failed to keep accountability records such as dispensing reports, wholesale purchase records, and Drug Enforcement Administration (D.E.A.) controlled substances inventories. Such conduct falls within the ambit of Section 4729.16(A)(3) of the Ohio Revised Code.
  - (C) Keith Jered Hochadel did, from August 17, 1996 through September 13, 1996, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Revco #2393, beyond the express or implied consent of the owner, to wit: Keith Jered Hochadel admitted to an agent of the Ohio Board of Pharmacy that he stole hydrocodone with APAP 7.5 mg; subsequently, an audit revealed a shortage of 237 unit doses of hydrocodone with APAP 7.5 mg, a schedule III controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (D) Keith Jered Hochadel as the Responsible Pharmacist did, on or about January or February, 1995, fail to notify the Board of Pharmacy and the D.E.A. upon discovery of the theft of controlled substances, to wit: after a breaking and entering and theft had occurred at Mt. Union Square Pharmacy, Keith Jered Hochadel admittedly decided not to report the matter so as to protect the suspected thief. Such conduct is in violation of Rule 4729-9-15 of the Ohio Administrative Code.
- (E) Keith Jered Hochadel as the Responsible Pharmacist did, on or about September 6, 1996, fail to file a discontinuing business form with the Board when Mt. Union Square Pharmacy sold its business to Revco and discontinued, to wit: on August 7, 1996, Revco formally purchased Mt. Union Square Pharmacy, and Keith Jered Hochadel, as the Responsible Pharmacist, did not file the proper forms. Such conduct is in violation of Rule 4729-9-07 of the Ohio Administrative Code.
- (F) Keith Jered Hochadel as the Responsible Pharmacist did, on or about September 13, 1996, and dates immediately preceding, fail to keep all records of drug accountability belonging to Mt. Union Square Pharmacy on site at the location of the licensed facility where the dangerous drugs were located, to wit: records of dispensing and inventory were maintained at Keith Jered Hochadel's home and in a rental storage area adjacent to the pharmacy. Such conduct is in violation of Rule 4729-9-22 of the Ohio Administrative Code.
- (G) Keith Jered Hochadel as the Responsible Pharmacist did, on or about September 13, 1996, fail to maintain a "three part filing system" wherein prescriptions for schedule II controlled substances are filed separate from prescriptions for schedule III, IV, and V controlled substances, which are filed separate from prescriptions for dangerous drugs. Such conduct is in violation of Rule 4729-5-09 of the Ohio Administrative Code.
- (H) Keith Jered Hochadel as the Responsible Pharmacist did, on or about September 13, 1996, and on dates immediately preceding, fail to take and maintain on file a D.E.A. biennial inventory, to wit: Keith Jered Hochadel started but did not complete controlled substance inventories dated 8-25-94, 5-1-95, 1-31-96, and 5-1-96. Such conduct is in violation of Section 1304.16 of the Code of Federal Regulations.
- (I) Keith Jered Hochadel did, from May 1, 1995, through August 6, 1996, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Mt. Union Square Pharmacy, beyond the express or implied consent of the pharmacy, to wit: Keith Jered Hochadel stole the following controlled substances:

<u>Drug</u>	<u>Quantity</u>
Vicodin 5/500	496
hydrocodone with APAP 5/500	131
Vicodin ES 7.5/750	1,045
hydrocodone with APAP 7.5/750	7,086

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (J) Keith Jered Hochadel did, from August 6, 1996, through September 14, 1996, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Revco #2393, beyond the express or implied consent of the pharmacy, to wit: Keith Jered Hochadel stole the following controlled substances:

<u>Drug</u>	<u>Quantity</u>
Vicodin 5/500	75
hydrocodone with APAP 5/500	552
Vicodin ES 7.5/750	35
hydrocodone with APAP 7.5/750	337

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (K) Keith Jered Hochadel as the Responsible Pharmacist did, on or about the following dates, intentionally make and/or knowingly possess the following false or forged prescriptions, to wit: Keith Jered Hochadel and/or a pharmacist under his control created and maintained on file the following prescriptions not authorized by a practitioner:

<u>Rx #</u>	<u>Rx Type</u>	<u>Dispensed</u>	<u>Drug</u>	<u>Qty.</u>	<u>Pt.#</u>	<u>Dr.</u>
337742	new	05/13/93	lophen-C	120cc	1	Lunne
369737	new	06/03/94	Phenergan VC/ Codeine	120cc	1	Lunne
370211	new	06/08/94	Benylin/Hydrocodone Cmpd	120cc	1	Lunne
832712	new	06/21/94	Benylin/Hycodan	90cc	1	Lunne
426954	new	06/18/96	oxycodone 5mg/APAP	20	2	Barrett
415602	new	12/28/95	clorazepate 7.5mg tabs	50	3	Szmyd
415602	refill	05/23/96	clorazepate 7.5mg tabs	50	3	Szmyd
415602	refill	07/16/96	clorazepate 7.5mg tabs	50	3	Szmyd
406169	new	08/26/95	Propacet-N 100 mg	100	4	Kuentz
406169	refill	10/14/95	Propacet-N 100 mg	100	4	Kuentz
406169	refill	11/09/95	Propacet-N 100 mg	100	4	Kuentz
414255	refill	03/28/96	Propacet-N 100 mg	100	4	Kuentz
426350	new	04/22/96	Propacet-N 100 mg	100	4	Kuentz
426350	refill	06/06/96	Propacet-N 100 mg	100	4	Kuentz
428329	new	07/26/96	Propacet-N 100 mg	100	4	Kuentz
413390	new	12/01/95	diethylpropion SR 75 mg	14	5	Poseria
414206	new	12/09/95	diethylpropion SR 75 mg	14	5	Poseria
414206	refill	01/04/96	diethylpropion SR 75 mg	14	5	Poseria
417232	new	01/18/96	diazepam 5 mg	50	5	Poseria
417232	refill	02/12/96	diazepam 5 mg	50	5	Poseria
417232	refill	03/16/96	diazepam 5 mg	50	5	Poseria
417232	refill	04/10/96	diazepam 5 mg	50	5	Poseria
417232	refill	04/27/96	diazepam 5 mg	50	5	Poseria
417232	refill	05/11/96	diazepam 5 mg	50	5	Poseria
418402	new	02/02/96	diethylpropion SR 75 mg	14	5	Poseria
419073	new	02/12/96	diethylpropion SR 75 mg	14	5	Poseria
419073	refill	03/16/96	diethylpropion SR 75 mg	14	5	Poseria
421324	new	03/11/96	propox/Comp 65 mg	30	5	Poseria
421324	refill	03/16/96	propox/Comp 65 mg	30	5	Poseria
421324	refill	04/10/96	propox/Comp 65 mg	30	5	Poseria
421324	refill	04/24/96	propox/Comp 65 mg	30	5	Poseria
421324	refill	05/11/96	propox/Comp 65 mg	30	5	Poseria
421325	new	03/11/96	Propacet-N 100 mg	30	5	Poseria
421325	refill	03/16/96	Propacet-N 100 mg	30	5	Poseria
421325	refill	04/01/96	Propacet-N 100 mg	30	5	Poseria
421325	refill	04/10/96	Propacet-N 100 mg	30	5	Poseria
421325	refill	04/24/96	Propacet-N 100 mg	30	5	Poseria
421325	refill	05/11/96	Propacet-N 100 mg	30	5	Poseria
423088	new	04/04/96	diethylpropion SR 75 mg	14	5	Poseria
423480	new	04/10/96	diethylpropion SR 75 mg	14	5	Poseria
423480	refill	04/24/96	diethylpropion SR 75 mg	14	5	Poseria
423480	refill	05/06/96	diethylpropion SR 75 mg	14	5	Poseria
423480	refill	05/11/96	diethylpropion SR 75 mg	14	5	Poseria
423480	refill	06/01/96	diethylpropion SR 75 mg	14	5	Poseria
426479	new	06/08/96	Propacet-N 100 mg	30	5	Poseria
426479	refill	06/18/96	Propacet-N 100 mg	30	5	Poseria
426481	new	06/08/96	diazepam 5 mg	50	5	Poseria
426481	refill	07/08/96	diazepam 5 mg	50	5	Poseria
426481	refill	07/11/96	diazepam 5 mg	50	5	Poseria
426481	refill	08/02/96	diazepam 5 mg	50	5	Poseria

426481	refill	07/11/96	diazepam 5 mg	50	5	Poseria
426481	refill	08/02/96	diazepam 5 mg	50	5	Poseria
427210	new	06/24/96	Propacet-N 100 mg	100	5	Poseria
427210	refill	06/28/96	Propacet-N 100 mg	100	5	Poseria
427210	refill	07/11/96	Propacet-N 100 mg	30	5	Poseria
427210	refill	07/22/96	Propacet-N 100 mg	30	5	Poseria
427235	new	06/25/96	diethylpropion SR 75 mg	14	5	Poseria
427235	refill	07/22/96	diethylpropion SR 75 mg	14	5	Poseria
427235	refill	09/02/96	diethylpropion SR 75 mg	14	5	Poseria
428343	new	07/27/96	propox/Comp 65 mg	30	5	Poseria
428343	refill	08/01/96	propox/Comp 65 mg	30	5	Poseria
414209	new	12/09/95	Darvocet-N 100	100	6	Poseria
414209	refill	01/11/96	Darvocet-N 100	100	6	Poseria
414209	refill	01/17/96	Darvocet-N 100	100	6	Poseria
421767	new	03/16/96	Darvocet-N 100	100	6	Poseria
421767	refill	03/27/96	Darvocet-N 100	100	6	Poseria
421767	refill	04/10/96	Darvocet-N 100	100	6	Poseria
421767	refill	04/24/96	Darvocet-N 100	100	6	Poseria
427209	new	06/24/96	Talwin NX 50 mg	15	6	Poseria
427679	new	07/06/96	Darvocet-N 100	100	6	Poseria
427679	refill	07/11/96	Darvocet-N 100	100	6	Poseria
427679	refill	07/22/96	Darvocet-N 100	30	6	Poseria
427679	refill	08/20/96	Darvocet-N 100	100	6	Poseria
398698	new	05/12/95	Duragesic patch 100 mcg	10	8	Lago
402344	new	07/03/95	Roxicet 5 mg	100	8	Lago
402712	new	07/08/95	Duragesic patch 25 mcg	10	8	Lago
376814	new	09/02/94	alprazolam .5 mg	50	9	Hostettler
376814	refill	09/27/94	alprazolam .5 mg	50	9	Hostettler
376814	refill	10/21/94	alprazolam .5 mg	50	9	Hostettler
425360	new	05/13/96	Ambien 5 mg	20	9	Hostettler
425360	refill	07/03/96	Ambien 5 mg	20	9	Hostettler
365411	new	04/13/94	Vicodin ES 7.5 mg	50	10	Hostettler
365411	refill	05/06/94	Vicodin ES 7.5 mg	50	10	Hostettler
381404	new	10/26/94	Vicodin ES 7.5 mg	20	10	Hostettler
416503	new	01/10/96	APAP/Codeine 30 mg	30	11	A. C. H.
416503	refill	02/01/96	APAP/Codeine 30 mg	30	11	A. C. H.
414829	new	12/18/95	lorazepam 1 mg	30	12	Hostettler
414829	refill	02/29/96	lorazepam 1 mg	30	12	Hostettler
370347	new	06/10/94	Ativan 1 mg	30	13	Lao
370347	refill	11/04/94	Ativan 1 mg	30	13	Lao
371300	new	06/21/94	Darvocet-N-100	30	13	Lao
386012	new	12/17/94	Ativan 1 mg	30	13	Lao
386012	refill	01/14/95	Ativan 1 mg	30	13	Lao
386012	refill	02/28/95	Ativan 1 mg	30	13	Lao
386012	refill	03/28/95	Ativan 1 mg	30	13	Lao
386012	refill	04/28/95	Ativan 1 mg	30	13	Lao
386012	refill	06/09/95	Ativan 1 mg	30	13	Lao
401926	new	06/28/95	Ativan 1 mg	100	13	Lao
401926	refill	10/21/95	Ativan 1 mg	30	13	Lao
401926	refill	11/28/95	Ativan 1 mg	30	13	Lao
415805	new	12/30/95	Ativan 1 mg	30	13	Lao
415805	refill	01/22/96	Ativan 1 mg	30	13	Lao
415805	refill	03/15/96	Ativan 1 mg	30	13	Lao
426128	new	05/31/96	lorazepam 1 mg	100	13	Lao
326479	new	01/05/93	Ativan .5 mg	30	14	Lao
326479	refill	02/10/93	Ativan .5 mg	30	14	Lao
326479	refill	03/16/93	Ativan .5 mg	30	14	Lao
326479	refill	04/24/93	Ativan .5 mg	30	14	Lao
326479	refill	05/28/93	Ativan .5 mg	30	14	Lao
326479	refill	06/25/93	Ativan .5 mg	30	14	Lao
341752	new	07/07/93	Ativan .5 mg	30	14	Lao
341752	refill	07/30/93	Ativan .5 mg	30	14	Lao
341752	refill	08/13/93	Ativan .5 mg	30	14	Lao
341752	refill	09/08/93	Ativan .5 mg	30	14	Lao
341752	refill	09/24/93	Ativan .5 mg	30	14	Lao
341752	refill	10/24/93	Ativan .5 mg	30	14	Lao

353404	new	11/29/93	Ativan .5 mg	30	14	Lao
353404	refill	01/28/94	Ativan .5 mg	30	14	Lao
353404	refill	02/23/94	Ativan .5 mg	30	14	Lao
353404	refill	03/27/94	Ativan .5 mg	30	14	Lao
353404	refill	04/10/94	Ativan .5 mg	30	14	Lao
353404	refill	05/12/94	Ativan .5 mg	30	14	Lao
353404	refill	12/24/94	Ativan .5 mg	30	14	Lao
370348	new	06/10/94	Ativan .5 mg	30	14	Lao
370348	refill	07/10/94	Ativan .5 mg	30	14	Lao
370348	refill	08/09/94	Ativan .5 mg	30	14	Lao
370348	refill	09/06/94	Ativan .5 mg	30	14	Lao
370348	refill	10/07/94	Ativan .5 mg	30	14	Lao
370348	refill	11/06/94	Ativan .5 mg	30	14	Lao
370348	refill	12/04/94	Ativan .5 mg	30	14	Lao
387373	new	01/04/95	Ativan .5 mg	30	14	Lao
387373	refill	02/01/95	Ativan .5 mg	30	14	Lao
387373	refill	02/28/95	Ativan .5 mg	30	14	Lao
387373	refill	03/31/95	Ativan .5 mg	30	14	Lao
387373	refill	05/09/95	Ativan .5 mg	30	14	Lao
387373	refill	06/03/95	Ativan .5 mg	30	14	Lao
387373	refill	06/27/95	Ativan .5 mg	100	14	Lao
408186	new	09/22/95	Ativan .5 mg	30	14	Lao
408186	refill	10/22/95	Ativan .5 mg	30	14	Lao
408186	refill	11/18/95	Ativan .5 mg	30	14	Lao
408186	refill	12/16/95	Ativan .5 mg	30	14	Lao
408186	refill	12/30/95	Ativan .5 mg	30	14	Lao
408186	refill	01/26/96	Ativan .5 mg	30	14	Lao
408186	refill	02/24/96	Ativan .5 mg	30	14	Lao

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

- (L) Keith Jered Hochadel did, on or about the following dates, make false or forged prescriptions for dangerous drugs, to wit: Keith Jered Hochadel created the following prescriptions not authorized by a practitioner:

<u>Rx #</u>	<u>Rx Type</u>	<u>Dispensed</u>	<u>Drug</u>	<u>Qty.</u>	<u>Pt.#</u>	<u>Dr.</u>
345222	new	08/23/93	furosemide 40 mg	30	1	Lunne
354654	new	12/12/93	Biaxin 500 mg	20	1	Lunne
354655	new	12/12/93	Biaxin 500 mg	20	1	Lunne
354656	new	12/12/93	Biaxin 500 mg	20	1	Lunne
354657	new	12/12/93	Biaxin 500 mg	20	1	Lunne
370209	new	06/08/94	Chlordrine S.R.	20	1	Lunne
381454	new	10/26/94	Tagamet 400 mg	60	1	Lunne
381454	refill	11/25/94	Tagamet 400 mg	20	1	Lunne
392809	new	03/07/95	CardizemCD 180 mg	30	1	Lunne
392810	new	03/07/95	metoprolol 100 mg	100	1	Lunne
401957	new	06/28/95	amoxicillin 250 mg	30	1	Lunne
420034	refill	02/29/96	Stadol NS 10mg/2.5 ml	1	2	Miller
420034	refill	03/02/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421060	new	03/07/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421060	refill	03/11/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421060	refill	03/13/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	03/21/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	03/25/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	03/27/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	03/29/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	03/30/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	04/11/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	04/13/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	04/15/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	04/16/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	04/18/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	04/24/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	04/26/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	04/26/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	05/01/96	Stadol NS 10mg/2.5 ml	1	2	Miller

421991	refill	05/03/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	05/04/96	Stadol NS 10mg/2.5 ml	1	2	Miller
422041	refill	04/26/96	Imitrex	1 box	2	Miller
422041	refill	05/06/96	Imitrex	1 box	2	Miller
422041	refill	05/08/96	Imitrex	1 box	2	Miller
422041	refill	05/11/96	Imitrex	1 box	2	Miller
422041	refill	05/15/96	Imitrex	1 box	2	Miller
422041	refill	05/20/96	Imitrex	1 box	2	Miller
422041	refill	05/29/96	Imitrex	1 box	2	Miller
422041	refill	07/22/96	Imitrex	1 box	2	Miller
422041	refill	08/20/96	Imitrex	1 box	2	Miller
424871	new	05/06/96	Stadol NS 10mg/2.5 ml	1	2	Miller
424871	refill	05/11/96	Stadol NS 10mg/2.5 ml	2	2	Miller
424871	refill	05/13/96	Stadol NS 10mg/2.5 ml	2	2	Miller
424871	refill	05/15/96	Stadol NS 10mg/2.5 ml	1	2	Miller
424871	refill	05/17/96	Stadol NS 10mg/2.5 ml	3	2	Miller
424871	refill	05/20/96	Stadol NS 10mg/2.5 ml	1	2	Miller
424871	refill	05/21/96	Stadol NS 10mg/2.5 ml	1	2	Miller
424871	refill	05/22/96	Stadol NS 10mg/2.5 ml	1	2	Miller
424871	refill	05/29/96	Stadol NS 10mg/2.5 ml	1	2	Miller
424871	refill	05/30/96	Stadol NS 10mg/2.5 ml	1	2	Miller
424871	refill	06/03/96	Stadol NS 10mg/2.5 ml	2	2	Miller
424871	refill	06/04/96	Stadol NS 10mg/2.5 ml	2	2	Miller
424871	refill	06/07/96	Stadol NS 10mg/2.5 ml	4	2	Miller
424871	refill	06/10/96	Stadol NS 10mg/2.5 ml	2	2	Miller
424871	refill	06/13/96	Stadol NS 10mg/2.5 ml	2	2	Miller
424871	refill	06/14/96	Stadol NS 10mg/2.5 ml	1	2	Miller
424871	refill	06/16/96	Stadol NS 10mg/2.5 ml	1	2	Miller
424871	refill	06/18/96	Stadol NS 10mg/2.5 ml	1	2	Miller
424871	refill	06/19/96	Stadol NS 10mg/2.5 ml	1	2	Miller
424871	refill	06/20/96	Stadol NS 10mg/2.5 ml	1	2	Miller
424871	refill	06/22/96	Stadol NS 10mg/2.5 ml	1	2	Miller
424871	refill	06/24/96	Stadol NS 10mg/2.5 ml	1	2	Miller
424871	refill	06/28/96	Stadol NS 10mg/2.5 ml	1	2	Miller
426561	new	06/10/96	Toradol 10 mg	20	2	Barrett
427087	new	06/20/96	Isocet	20	2	Miller
427087	refill	07/26/96	Isocet	20	2	Miller
427164	new	06/22/96	Ultram 50 mg	30	2	Miller
427164	refill	06/25/96	Ultram 50 mg	30	2	Barrett
427164	refill	06/29/96	Ultram 50 mg	6	2	Barrett
427164	refill	07/01/96	Ultram 50 mg	20	2	Barrett
427164	refill	07/03/96	Ultram 50 mg	20	2	Barrett
427164	refill	07/16/96	Ultram 50 mg	50	2	Barrett
427164	refill	07/23/96	Ultram 50 mg	30	2	Barrett
427506	new	07/01/96	Stadol NS 10mg/2.5 ml	1	2	Miller
427506	refill	07/03/96	Stadol NS 10mg/2.5 ml	1	2	Miller
427506	refill	07/03/96	Stadol NS 10mg/2.5 ml	2	2	Miller
427506	refill	07/09/96	Stadol NS 10mg/2.5 ml	1	2	Miller
427506	refill	07/10/96	Stadol NS 10mg/2.5 ml	1	2	Miller
427506	refill	07/12/96	Stadol NS 10mg/2.5 ml	1	2	Miller
427506	refill	07/16/96	Stadol NS 10mg/2.5 ml	2	2	Miller
427506	refill	07/22/96	Stadol NS 10mg/2.5 ml	1	2	Miller
427506	refill	07/26/96	Stadol NS 10mg/2.5 ml	1	2	Miller
427506	refill	07/27/96	Stadol NS 10mg/2.5 ml	1	2	Miller
427506	refill	07/30/96	Stadol NS 10mg/2.5 ml	1	2	Miller
427506	refill	07/31/96	Stadol NS 10mg/2.5 ml	1	2	Miller
427506	refill	08/03/96	Stadol NS 10mg/2.5 ml	1	2	Miller
427506	refill	08/04/96	Stadol NS 10mg/2.5 ml	1	2	Miller
427506	refill	08/04/96	Stadol NS 10mg/2.5 ml	1	2	Miller
427506	refill	08/19/96	Stadol NS 10mg/2.5 ml	1	2	Miller
335777	new	04/19/93	Lopressor 50 mg	100	3	Szmyd
335777	refill	08/01/93	Lopressor 50 mg	100	3	Szmyd
335777	refill	11/14/93	Lopressor 50 mg	100	3	Szmyd
335777	refill	12/30/93	Lopressor 50 mg	100	3	Szmyd
335777	refill	04/16/94	Lopressor 50 mg	100	3	Szmyd
351212	new	11/04/93	Klorvess Gran Pack	30	3	Lao

351212	refill	12/30/93	Klorvess Gran Pack	30	3	Lao
351212	refill	03/05/94	Klorvess Gran Pack	30	3	Lao
351212	refill	04/05/94	Klorvess Gran Pack	30	3	Lao
351212	refill	05/06/94	Klorvess Gran Pack	30	3	Lao
351212	refill	07/07/94	Klorvess Gran Pack	30	3	Lao
351212	refill	08/08/94	Klorvess Gran Pack	30	3	Lao
351212	refill	09/09/94	Klorvess Gran Pack	30	3	Lao
351212	refill	02/07/95	Klorvess Gran Pack	30	3	Lao
351212	refill	03/09/95	Klorvess Gran Pack	30	3	Lao
370690	refill	09/26/94	Lopressor 50 mg	50	3	Szmyd
383142	new	11/14/94	metoprolol 50 mg	100	3	Szmyd
383142	refill	09/25/95	metoprolol 50 mg	100	3	Szmyd
383142	refill	11/13/95	metoprolol 50 mg	100	3	Szmyd
383142	refill	12/28/95	metoprolol 50 mg	100	3	Szmyd
396004	new	04/10/95	potassium chlo. 20 meq	30	3	Lao
396004	refill	05/13/95	potassium chlo. 20 meq	30	3	Lao
396004	refill	06/08/95	potassium chlo. 20 meq	30	3	Lao
396004	refill	07/13/95	potassium chlo. 20 meq	30	3	Lao
396004	refill	08/14/95	potassium chlo. 20 meq	30	3	Lao
396004	refill	09/16/95	potassium chlo. 20 meq	30	3	Lao
396004	refill	10/09/95	potassium chlo. 20 meq	30	3	Lao
396004	refill	11/09/95	potassium chlo. 20 meq	30	3	Lao
396004	refill	12/14/95	potassium chlo. 20 meq	30	3	Lao
396004	refill	01/17/96	potassium chlo. 20 meq	30	3	Lao
396004	refill	03/18/96	potassium chlo. 20 meq	30	3	Lao
396004	refill	04/10/96	potassium chlo. 20 meq	30	3	Lao
426672	new	06/13/96	Reglan/ metoclopramide 10 mg	100	7	Lago
426672	refill	07/17/96	Reglan/ metoclopramide 10 mg	100	7	Lago
416504	new	01/10/96	ibuprofen 800 mg	50	11	A. C. H.
413292	refill	12/28/95	amoxicillin 500 mg	100	12	Hostettler
413292	refill	02/29/96	amoxicillin 500 mg	100	12	Hostettler

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.

- (M) Keith Jered Hochadel did, on or about the following dates, sell at retail a dangerous drug when the conduct was not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: Keith Jered Hochadel sold the following dangerous drugs when not authorized by a practitioner or were authorized under false pretenses and not for a legitimate medical purpose:

<u>Rx #</u>	<u>Rx Type</u>	<u>Dispensed</u>	<u>Drug</u>	<u>Qty.</u>	<u>Pt. #</u>	<u>Dr.</u>
421991	refill	03/23/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	04/02/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	04/03/96	Stadol NS 10mg/2.5 ml	2	2	Miller
421991	refill	04/06/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	04/08/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	04/09/96	Stadol NS 10mg/2.5 ml	1	2	Miller
421991	refill	04/29/96	Stadol NS 10mg/2.5 ml	1	2	Miller
351212	refill	10/09/94	Klorvess Gran Pack	30	3	Lao
351212	refill	11/06/94	Klorvess Gran Pack	30	3	Lao
351212	refill	12/04/94	Klorvess Gran Pack	30	3	Lao
351212	refill	01/03/95	Klorvess Gran Pack	30	3	Lao
370690	refill	08/02/94	Lopressor 50 mg	50	3	Szmyd
370690	refill	08/30/94	Lopressor 50 mg	50	3	Szmyd
370690	refill	10/23/94	Lopressor 50 mg	50	3	Szmyd
383142	refill	01/15/95	metoprolol 50 mg	100	3	Szmyd
383142	refill	03/05/95	metoprolol 50 mg	100	3	Szmyd
383142	refill	04/25/95	metoprolol 50 mg	100	3	Szmyd
383142	refill	06/17/95	metoprolol 50 mg	100	3	Szmyd
383142	refill	08/05/95	metoprolol 50 mg	100	3	Szmyd
383142	refill	02/23/96	metoprolol 50 mg	100	3	Szmyd
383142	refill	05/01/96	metoprolol 50 mg	100	3	Szmyd
396004	refill	02/14/96	potassium chlo.20 meq	30	3	Lao

Such conduct is in violation of Section 4729.51(C) of the Ohio Revised Code.

- (N) Keith Jered Hochadel as the Responsible Pharmacist did, on or about the following dates, sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Keith Jered Hochadel and/or a pharmacist under his control sold the following drugs without a valid prescription and not for a legitimate medical purpose:

<u>Rx #</u>	<u>Rx Type</u>	<u>Dispensed</u>	<u>Drug</u>	<u>Qty.</u>	<u>Pt. #</u>	<u>Dr.</u>
426954	new	06/18/96	oxycodone/APAP 5 mg	20	2	Barrett
368691	refill	08/27/94	clorazepate 7.5 mg tabs	50	3	Szmyd
389519	new	01/28/95	clorazepate 7.5 mg tabs	50	3	Szmyd
389519	refill	09/05/95	clorazepate 7.5 mg tabs	50	3	Szmyd
415602	new	12/28/95	clorazepate 7.5 mg tabs	50	3	Szmyd
415602	refill	02/23/96	clorazepate 7.5 mg tabs	50	3	Szmyd
415602	refill	04/09/96	clorazepate 7.5 mg tabs	50	3	Szmyd
415602	refill	05/23/96	clorazepate 7.5 mg tabs	50	3	Szmyd
415602	refill	07/16/96	clorazepate 7.5 mg tabs	50	3	Szmyd
390289	refill	03/19/95	Propacet-N 100 mg	100	4	Kuentz
394949	refill	05/22/95	Propacet-N 100 mg	100	4	Kuentz
402286	refill	08/02/95	Propacet-N 100 mg	100	4	Kuentz
406169	new	08/26/95	Propacet-N 100 mg	100	4	Kuentz
406169	refill	09/12/95	Propacet-N 100 mg	100	4	Kuentz
406169	refill	09/25/95	Propacet-N 100 mg	100	4	Kuentz
406169	refill	10/14/95	Propacet-N 100 mg	100	4	Kuentz
406169	refill	11/09/95	Propacet-N 100 mg	100	4	Kuentz
406169	refill	11/27/95	Propacet-N 100 mg	100	4	Kuentz
414255	refill	02/27/96	Propacet-N 100 mg	100	4	Kuentz
414255	refill	03/28/96	Propacet-N 100 mg	100	4	Kuentz
426350	refill	06/06/96	Propacet-N 100 mg	100	4	Kuentz
428329	new	07/26/96	Propacet-N 100 mg	100	4	Kuentz
413390	new	12/01/95	diethylpropion SR 75 mg	14	5	Poseria
414206	new	12/09/95	diethylpropion SR 75 mg	14	5	Poseria
414206	refill	01/04/96	diethylpropion SR 75 mg	14	5	Poseria
417232	new	01/18/96	diazepam 5 mg	50	5	Poseria
417232	refill	02/12/96	diazepam 5 mg	50	5	Poseria
417232	refill	03/16/96	diazepam 5 mg	50	5	Poseria
417232	refill	04/10/96	diazepam 5 mg	50	5	Poseria
417232	refill	04/27/96	diazepam 5 mg	50	5	Poseria
417232	refill	05/11/96	diazepam 5 mg	50	5	Poseria
418402	new	02/02/96	diethylpropion SR 75mg	14	5	Poseria
419073	new	02/12/96	diethylpropion SR 75mg	14	5	Poseria
419073	refill	03/16/96	diethylpropion SR 75mg	14	5	Poseria
421324	new	03/11/96	propox/Comp 65 mg	30	5	Poseria
421324	refill	03/16/96	propox/Comp 65 mg	30	5	Poseria
421324	refill	04/10/96	propox/Comp 65 mg	30	5	Poseria
421324	refill	04/24/96	propox/Comp 65 mg	30	5	Poseria
421324	refill	05/11/96	propox/Comp 65 mg	30	5	Poseria
421325	new	03/11/96	Propacet-N 100 mg	30	5	Poseria
421325	refill	03/16/96	Propacet-N 100 mg	30	5	Poseria
421325	refill	04/01/96	Propacet-N 100 mg	30	5	Poseria
421325	refill	04/10/96	Propacet-N 100 mg	30	5	Poseria
421325	refill	04/24/96	Propacet-N 100 mg	30	5	Poseria
421325	refill	05/11/96	Propacet-N 100 mg	30	5	Poseria
423088	new	04/04/96	diethylpropion SR 75 mg	14	5	Poseria
423480	new	04/10/96	diethylpropion SR 75 mg	14	5	Poseria
423480	refill	04/24/96	diethylpropion SR 75 mg	14	5	Poseria
423480	refill	05/06/96	diethylpropion SR 75 mg	14	5	Poseria
423480	refill	05/11/96	diethylpropion SR 75 mg	14	5	Poseria
423480	refill	06/01/96	diethylpropion SR 75 mg	14	5	Poseria
426479	new	06/08/96	Propacet-N 100 mg	30	5	Poseria
426479	refill	06/18/96	Propacet-N 100mg	30	5	Poseria

426481	new	06/08/96	diazepam 5 mg	50	5	Poseria
426481	refill	07/08/96	diazepam 5 mg	50	5	Poseria
426481	refill	07/11/96	diazepam 5 mg	50	5	Poseria
426481	refill	08/02/96	diazepam 5mg	50	5	Poseria
427210	new	06/24/96	Propacet-N 100 mg	100	5	Poseria
427210	refill	06/28/96	Propacet-N 100 mg	100	5	Poseria
427210	refill	07/11/96	Propacet-N 100 mg	30	5	Poseria
427210	refill	07/22/96	Propacet-N 100 mg	30	5	Poseria
427235	new	06/25/96	diethylpropion SR 75 mg	14	5	Poseria
427235	refill	07/22/96	diethylpropion SR 75 mg	14	5	Poseria
427235	refill	09/02/96	diethylpropion SR 75 mg	14	5	Poseria
428343	new	07/27/96	propox/Comp 65 mg	30	5	Poseria
428343	refill	08/01/96	propox/Comp 65 mg	30	5	Poseria
414209	refill	01/11/96	Darvocet-N-100	100	6	Poseria
414209	refill	01/17/96	Darvocet-N-100	100	6	Poseria
421767	new	03/16/96	Darvocet-N-100	100	6	Poseria
421767	refill	03/27/96	Darvocet-N-100	100	6	Poseria
421767	refill	04/10/96	Darvocet-N-100	100	6	Poseria
421767	refill	04/24/96	Darvocet-N-100	100	6	Poseria
427209	new	06/24/96	Talwin NX 50 mg	15	6	Poseria
427679	new	07/06/96	Darvocet-N-100	100	6	Poseria
427679	refill	07/11/96	Darvocet-N-100	100	6	Poseria
427679	refill	07/22/96	Darvocet-N-100	30	6	Poseria
427679	refill	08/20/96	Darvocet-N-100	100	6	Poseria
376814	new	09/02/94	alprazolam .5 mg	50	9	Hostettler
376814	refill	09/13/94	alprazolam .5 mg	50	9	Hostettler
376814	refill	09/27/94	alprazolam .5 mg	50	9	Hostettler
376814	refill	09/29/94	alprazolam .5 mg	50	9	Hostettler
376814	refill	10/08/94	alprazolam .5 mg	50	9	Hostettler
376814	refill	10/21/94	alprazolam .5 mg	50	9	Hostettler
387964	refill	01/27/95	Vicodin ES 7.5 mg	50	9	Hostettler
425360	refill	07/03/96	Ambien 5 mg	20	9	Hostettler
365411	refill	05/06/94	Vicodin ES 7.5 mg	50	10	Hostettler
381404	new	10/26/94	Vicodin ES 7.5 mg	20	10	Hostettler
416503	new	01/10/96	APAP/Codeine 30 mg	30	11	A. C. H.
416503	refill	02/01/96	APAP/Codeine 30 mg	30	11	A. C. H.
414829	refill	02/29/96	lorazepam 1 mg	30	12	Hostettler
370347	refill	11/04/94	Ativan 1 mg	30	13	Lao
386012	new	12/17/94	Ativan 1 mg	30	13	Lao
386012	refill	01/14/95	Ativan 1 mg	30	13	Lao
386012	refill	02/28/95	Ativan 1 mg	30	13	Lao
386012	refill	03/28/95	Ativan 1 mg	30	13	Lao
386012	refill	04/28/95	Ativan 1 mg	30	13	Lao
386012	refill	06/09/95	Ativan 1 mg	30	13	Lao
401926	new	06/28/95	Ativan 1 mg	100	13	Lao
401926	refill	10/21/95	Ativan 1 mg	30	13	Lao
401926	refill	11/28/95	Ativan 1 mg	30	13	Lao
415805	new	12/30/95	Ativan 1 mg	30	13	Lao
415805	refill	01/22/96	Ativan 1 mg	30	13	Lao
415805	refill	03/15/96	Ativan 1 mg	30	13	Lao
426128	new	05/31/96	lorazepam 1 mg	100	13	Lao
370348	refill	08/09/94	Ativan .5 mg	30	14	Lao
370348	refill	09/06/94	Ativan .5 mg	30	14	Lao
370348	refill	10/07/94	Ativan .5 mg	30	14	Lao
370348	refill	11/06/94	Ativan .5 mg	30	14	Lao
370348	refill	12/04/94	Ativan .5 mg	30	14	Lao
387373	new	01/04/95	Ativan .5 mg	30	14	Lao
387373	refill	02/01/95	Ativan .5 mg	30	14	Lao
387373	refill	02/28/95	Ativan .5 mg	30	14	Lao
387373	refill	03/31/95	Ativan .5 mg	30	14	Lao
387373	refill	05/09/95	Ativan .5 mg	30	14	Lao
387373	refill	06/03/95	Ativan .5 mg	30	14	Lao
387373	refill	06/27/95	Ativan .5 mg	100	14	Lao
408186	new	09/22/95	Ativan .5 mg	30	14	Lao
408186	refill	10/22/95	Ativan .5 mg	30	14	Lao
408186	refill	11/18/95	Ativan .5 mg	30	14	Lao

408186	refill	12/16/95	Ativan .5 mg	30	14	Lao
408186	refill	12/30/95	Ativan .5 mg	30	14	Lao
408186	refill	01/26/96	Ativan .5 mg	30	14	Lao
408186	refill	02/24/96	Ativan .5 mg	30	14	Lao

Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (O) Keith Jered Hochadel did, on or about the following dates, sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Keith Jered Hochadel sold the following drugs without a valid prescription and not for a legitimate medical purpose:

<u>Rx No.</u>	<u>Rx Type</u>	<u>Dispensed</u>	<u>Drug</u>	<u>Qty.</u>	<u>Pt.#</u>	<u>Dr.</u>
426560	new	06/10/96	Roxicet 5 mg	40	2	Barrett
426794	new	06/14/96	Roxicet 5 mg	30	2	Barrett

Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

The Board concluded that Keith Jered Hochadel was guilty of a felony, gross immorality, dishonesty and unprofessional conduct, addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy and willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

#### **CONCLUSIONS OF LAW**

- (1) The State Board of Pharmacy concludes that paragraphs 3(A), 3(C), and 3(I) through 3(O) of the Findings of Fact constitute being guilty of a felony as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs 3(A) through 3(C), and 3(I) through 3(O) of the Findings of Fact are acts that would constitute gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraphs 3(A) through 3(K) 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.
- (4) The State Board of Pharmacy concludes that paragraphs 3(A) and 3(B) 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.
- (5) The State Board of Pharmacy concludes that paragraphs 3(A) and 3(K) through 3(O) 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 Chapter 2925. or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

#### **DECISION OF THE BOARD**

Pursuant to Section 4729.08 of the Ohio Revised Code and Rule 4729-5-04 of the Ohio Administrative Code, and after consideration of the record as a whole,

the State Board of Pharmacy hereby denies the issuance of a certificate of registration or an identification card and, therefore, denies the Application for Examination as a Pharmacist submitted by Keith Jered Hochadel on or about June 6, 2005.

Mrs. Teater seconded the motion and it was approved by the Board: Aye – 5/Nay – 3.

**R-2006-182** Mr. Braylock moved that the following order be adopted in the matter of **Gary Sass**, R.Ph., Hermitage, PA.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-040914-022

*in the matter of:*

**GARY SASS, R.PH.**  
2048 Buckeye Drive  
Sharpsville, Pennsylvania 16150

R.Ph. Number 03-1-18015

**INTRODUCTION**

The matter of Gary Sass came for hearing on April 5, 2006, before the following members of the Board: Suzanne R. Eastman, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Dorothy S. Teater, Public Member; and James E. Turner, R.Ph.

Gary Sass was not represented by counsel. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

State's Witness: George Pavlich, Ohio State Board of Pharmacy

Respondent's Witnesses: None

State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [09-14-04]
  - 1A-1B. Procedurals
  - 1C. Addendum Notice [12-14-04]
  - 1D-1G. Procedurals
  - 1H. Addendum Notice [10-03-05]
  - 1I-1O. Procedurals
2. Two Blank Prescription Forms from Shawn M. Donatelli, D.O., Doctors Pain Clinic [not dated]
3. Voided Prescription for Percocet 5/325 [08-11-04]
4. Dangerous Drug Distributor Inspection Report [08-11-04]
5. Copy of Prescription for Percocet 5/325 [08-11-04]
6. Rx #N209732 [08-13-04]
7. CVS Pharmacy Receipt for Rx #209734 and Rx #209732 [08-13-04]; Rx #209732 Customer Receipt [08-13-04]; Photocopy of Medicine Vial for Rx #209732 [08-13-04]
8. Bureau of Criminal Identification and Investigation Laboratory Report [09-01-04]
9. Notarized Statement of Kimberly A. Carney [07-11-05]

10. Dobson Communications Corporation Certification of Records [03-11-05]; U.S. Department of Justice Subpoena for Dobson Cellular Systems, Inc. [08-18-04]; copy of letter from Lisa Morris to TFA Eric Dattilo [08-18-04]; Cell Phone records of Gary N. Sass [07-26-04 to 09-01-04]
11. Report of Text Messages [08-11-04 to 08-30-04]
12. Fourteen Photographs of Text Messages [not dated]
13. Telephonic Interview of Gary Sass, R.Ph. [not dated]
14. Notarized Statement of Gary Sass, R.Ph. [09-01-04]
15. Voided Rx for Lorcet 10/650 [08-11-04]
16. Copy of Prescription for Lorcet 10/650 [08-11-04]
17. Rx #C209734 [08-13-04]
18. Rx #C209734 Customer Receipt [08-13-04]; Photocopy of Medicine Vial for Rx C209734 [08-13-04]
19. Rx #C192495 [01-12-04]
20. Statement of John F. Steele, M.D. and Sue Connick [09-20-04]
21. Rx #C154863 [10-19-02]
22. Statement of Dr. David A. Vermeire and Dawn Roper [09-20-04]
23. Copy of Rx #588066 [04-05-04]; Customer Receipt and Duplicate Label for Rx #588066 [08-30-04]
24. Notarized Statement of Jennifer Lackner [09-08-04]; Interview of Jennifer Lackner [09-08-04]
25. Letter from Tony Depietro, R.Ph. to George Pavlich [10-06-04]
26. Indictment, State of Ohio vs. Gary Nicholas Sass, Case No. 04-CR-585, Trumbull County Common Pleas Court [09-30-04]; Finding on Guilty Plea to the Amended Indictment [09-23-05]

Respondent's Exhibits:

- A. Resume of Gary Nicholas Sass [not dated]; Copy 401K Statement for Gary Sass and copy of Check No. 220601921 payable to Trumbull County Clerk of Courts [11-14-05]; Letter from CVS/Pharmacy to Gary Sass [10-16-04]; Two Letters of Support [09-26-05]; Power-Pak C.E. Exam History for Gary Sass [07-31-00 to 02-26-06]

**FINDINGS OF FACT**

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

- (1) Records of the Board of Pharmacy indicate that Gary Sass was originally licensed by the State of Ohio as a pharmacist on June 27, 1989, pursuant to reciprocity, and that his license to practice pharmacy in Ohio was Summarily Suspended effective September 14, 2004.
- (2) Gary Sass did, on or about August 11, 2004, knowingly sell a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Gary Sass sold 30 tablets of Percocet 5/325, a Schedule II Controlled Substance, when not authorized by a prescriber for a legitimate medical purpose. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
- (3) Gary Sass did, on or about August 11, 2004, knowingly possess a false prescription, to wit: when selling Percocet 5/325, a Schedule II Controlled Substance, Gary Sass filed the document purporting to be a prescription, number 209732, in the pharmacy to cover for the sale of the drugs. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (4) Gary Sass did, on or about August 11, 2004, knowingly sell a controlled substance when the conduct was not in accordance with Chapters 3719.,

4729., and 4731. of the Ohio Revised Code, to wit: Gary Sass sold 30 tablets of Lorcet 10/650, a Schedule III Controlled Substance, when not authorized by a prescriber for a legitimate medical purpose. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (5) Gary Sass did, on or about August 11, 2004, knowingly possess a false prescription, to wit: when selling Lorcet 10/650, a Schedule III Controlled Substance, Gary Sass filed the document purporting to be a prescription, number 209734, in the pharmacy to cover for the sale of the drugs. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (6) Gary Sass did, on or about January 12, 2004, knowingly sell a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Gary Sass sold 60 tablets of hydrocodone/APAP 10/500, a Schedule III Controlled Substance, when not authorized by a prescriber for a legitimate medical purpose. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
- (7) Gary Sass did, on or about January 12, 2004, knowingly possess a false prescription, to wit: when selling Lorcet 10/500, a Schedule III Controlled Substance, Gary Sass filed the document purporting to be a prescription, number 192495, in the pharmacy to cover for the sale of the drugs. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (8) Gary Sass did, on or about October 19, 2002, knowingly sell a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Gary Sass sold 100 tablets of hydrocodone/APAP 10/650, having 2 refills, a Schedule III Controlled Substance, when not authorized by a prescriber for a legitimate medical purpose. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
- (9) Gary Sass did, on or about October 19, 2002, knowingly possess a false prescription, to wit: when selling Lorcet 10/650, a Schedule III Controlled Substance, Gary Sass filed the document purporting to be a prescription, number 154863, in the pharmacy to cover for the sale of the drugs. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (10) Gary Sass did, on or about August 30, 2004, misbrand a drug, to wit: when Gary Sass received a refill request for Rx #588066, written for 30 Macrodantin 50 mg capsules (Nitrofurantoin MCR 50 mg), Gary Sass dispensed 30 fluvoxamine maleate 50 mg tablets, which had not been prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (11) Gary Sass did, on or about September 22, 2005, plead guilty in State of Ohio vs. Gary Nicholas Sass, Case No. 04-CR-585, Trumbull County Common Pleas Court, to one (1) count of Aggravated Trafficking in Drugs, a felony of the fourth degree under Section 2925.03(A)(1)&(C)(1)(a) of the Ohio Revised Code, and one (1) count of Trafficking in Drugs, a felony of the fourth degree under Section 2925.03(A)(1)&(C)(2)(c) of the Ohio Revised Code.

#### **CONCLUSIONS OF LAW**

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (9) and (11) of the Findings of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

- (2) The State Board of Pharmacy concludes that paragraphs (3), (5), (7), and (9) 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.
- (3) The State Board of Pharmacy concludes that paragraphs (2) through (11) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapters 2925. and 3715. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

#### **DECISION 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 to Gary Sass on September 14, 2004.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Gary Sass as follows:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends for two years the pharmacist identification card, No. 03-1-18015, held by Gary Sass and such suspension is effective as of the date of the mailing of this Order.
  - (1) Gary Sass, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
  - (2) Gary Sass, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.
- (B) Beginning two years from the effective date of this Order, the State Board of Pharmacy places Gary Sass on probation for five years. The terms of probation are as follows:
  - (1) The State Board of Pharmacy hereby declares that Gary Sass'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) Gary Sass may not serve as a responsible pharmacist.
  - (3) Gary Sass must not violate the drug laws of Ohio, any other state, or the federal government.
  - (4) Gary Sass must abide by the rules of the State Board of Pharmacy.
  - (5) Gary Sass must comply with the terms of this Order.
  - (6) Gary Sass's license is deemed not in good standing until successful completion of the probationary period.

- (7) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Gary Sass 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.

Mr. Kost seconded the motion and it was approved by the Board: *Aye – 7/Nay – 1.*

Mr. Winsley presented the final version of the Compliance Bulletin and it was the consensus of the Board that it should be distributed as written.

The Board discussed the upcoming NABP Annual Meeting and the Executive Committee Elections.

3:27 p.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Braylock and a roll-call vote was conducted by President Eastman as follows: Braylock – yes; Giacalone – yes; Gregg – yes; Kost – yes; Lipsyc – yes; Mitchell – yes; Turner – yes; and Teater – yes.

3:37 p.m. The Executive Session ended and the meeting was opened to the public.

3:38 p.m. Mrs. Gregg moved that the Board receive Per Diem as follows:

<u>PER DIEM</u>	<u>4/03</u>	<u>4/04</u>	<u>4/05</u>	<u>Total</u>
Braylock	1	1	1	3
Eastman	1	1	1	3
Giacalone	1	1	1	3
Gregg	1	1	1	3
Kost	1	1	1	3
Lipsyc	1	1	1	3
Mitchell	1	1	1	3
Teater	1	1	1	3
Turner	1	1	1	3

The motion was seconded by Mrs. Teater and approved by the Board: *Aye – 8.*

3:38 p.m. Mr. Lipsyc moved that the meeting be adjourned. The motion was seconded by Mr. Braylock and approved by the Board: *Aye – 8.*

The Ohio State Board of Pharmacy  
approved these Minutes May 9, 2006