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Minutes Of The Meeting

Ohio State Board of Pharmacy
Columbus, Ohio
August 2, 3, 4, 1999

MONDAY, AUGUST 2, 1999

8:15 a.m. ROLL CALL

The State Board of Pharmacy convened in Room 1952, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio with the following members present:

Robert B. Cavendish, R.Ph. (President); Diane C. Adelman, R.Ph. (Vice-President); Ann D. Abele, R.Ph.; Suzanne R. Eastman, R.Ph.; Robert P. Giacalone, R.Ph.; Lawrence J. Kost, R.Ph.; Suzanne L. Neuber, R.Ph.; and Nicholas R. Repke, Public Member.

Also present were William T. Winsley, Executive Director; Timothy Benedict, Assistant Executive Director; David Rowland, Legal Affairs Administrator; Sally Ann Steuk, Assistant Attorney General; and William McMillen, Licensing Administrator.

8:19 a.m.

Ms. Abele moved that the Board go into Executive Session for the purpose of conferring with the Assistant Attorney General regarding pending and imminent court matters pursuant to Section 121.22(G)(3) of the Revised Code, and for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Revised Code. The motion was seconded by Mr. Repke and a roll call vote was conducted by President Cavendish as follows: Abele-Yes, Adelman-Yes, Eastman-Yes, Giacalone-Yes, Kost-Yes, Neuber-Yes, and Repke-Yes.

10:06 a.m.

Board member Amonte Littlejohn, R.Ph. arrived and joined the Executive Session in progress.

10:16 a.m.

The Executive Session ended and the Board meeting resumed in Public Session.

RES. 2000-012 President Cavendish announced the following Board member appointments for FY 2000:

Abele — Exams/Internship/Reciprocity
Adelman — Continuing Pharmacy Education
Cavendish — Compliance/Enforcement
Eastman — Legislation/Rules
Giacalone — Licensure/Registration
Kost — Consumer Affairs/Public Relations
Littlejohn — Budget/Finance
Neuber — Personnel
Repke — Administration/Probationary Reports

RES. 2000-013 Ms. Abele moved that the Board issue the following Cease and Desist to Concord Laboratories:

CEASE AND DESIST

Concord Laboratories
c/o Mr. Rao
140 Dutch Lane
Fairfield, New Jersey 07004

Dear Mr. Rao:

Ohio State Board of Pharmacy records indicate that you are the president of Concord Laboratories, Inc., which distributes controlled substances at wholesale into the State of Ohio.

Please be reminded that Section 4729.51(A) of the Ohio Revised Code states in pertinent part: "No person other than a registered wholesale distributor of dangerous drugs shall . . . sell, distribute, or deliver, at wholesale, dangerous drugs . . ." Violation of this provision is a misdemeanor of the first degree, and is punishable by a fine of One Thousand Dollars (\$1,000.00) and incarceration up to six months for an individual, and is punishable by a fine of Five Thousand Dollars (\$5,000.00) for an organization.

In addition, Section 2925.03 of the Ohio Revised Code prohibits the sale of controlled substances unless the seller is acting in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, each of which requires licensure. A violation of this section is a felony depending upon the amount of the substance, and is punishable by a mandatory fine of up to Twenty Thousand Dollars (\$20,000.00) and incarceration up to the lifetime of the offender for an individual, and is punishable by a fine of Twenty-Five Thousand Dollars (\$25,000.00) for an organization. Concord Laboratories, Inc., is not so licensed and therefore cannot legally distribute dangerous drugs into Ohio. To do so is in violation of Ohio law.

Additionally, it has come to the attention of the Board that your company has sold dangerous drugs to persons and/or facilities which are not licensed by the Board nor otherwise authorized to possess dangerous drugs.

Please be reminded that Section 4729.60(A) of the Ohio Revised Code states in pertinent part:

- (A) Before a registered wholesale distributor of dangerous drugs may sell dangerous drugs at wholesale to any person other than a licensed health professional authorized to prescribe drugs, a registered wholesale distributor of dangerous drugs, a manufacturer of dangerous drugs, a carrier or a warehouse but only for the purpose of carriage or storage, or a terminal distributor of dangerous drugs who is not engaged in the sale of dangerous drugs within this state, such wholesale distributor shall obtain from the purchaser and the purchaser shall furnish to the wholesale distributor a certificate indicating that the purchaser is a licensed terminal distributor of dangerous drugs.

Violation of this provision constitutes a violation of Section 4729.51(B) of the Ohio Revised Code, a misdemeanor of the first degree, and is punishable by a fine of One Thousand Dollars (\$1,000.00) and incarceration up to six months for an individual, and is punishable by a fine of Five Thousand Dollars (\$5,000.00) for an organization. The purchaser of your drugs is not so licensed and therefore cannot legally receive in commerce dangerous drugs. To so distribute is in violation of Ohio law.

YOU ARE HEREBY ADVISED that pursuant to Section 4729.25(B) of the Ohio Revised Code the Ohio State Board of Pharmacy may issue notice or warning to an alleged offender of any of the provisions of Chapter 4729. of the Ohio Revised Code; thus, you are hereby notified to immediately CEASE distribution, sale or delivery of dangerous drugs into the State of Ohio unless you are properly licensed to do so, and DESIST from any further violations of Chapter 4729. of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

The motion was seconded by Ms. Eastman and approved by the Board (Aye-7/Nay-0/-Abstain-1[Littlejohn]).

10:20 a.m.

RES. 2000-014 The Board then considered the request from Joseph E. Geiser through his attorney to postpone the consideration of his case scheduled for this meeting and to schedule a hearing at a later time when Mr. Geiser could be present. Mr. Geiser had not requested a hearing in a timely manner pursuant to the requirements of Chapter 119. of the Ohio Revised Code when he received the Notice of Opportunity for a Hearing. For that reason, Mrs. Neuber moved that the Board deny the request and consider the matter during this meeting as planned. The motion was seconded by Mr. Repke and approved by the Board (Aye-7/Nay-0/Abstain-1[Littlejohn]).

10:23 a.m.

RES. 2000-015 Mrs. Neuber moved that the Board issue a Summary Suspension in the matter of Robert Paul Blasko, R.Ph. (03-1-17307) pursuant to Divisions (A) and (B) of Section 3719.121 of the Ohio Revised Code. The motion was seconded by Ms. Abele and approved by the Board (Aye-7/Nay-0/Abstain-1[Littlejohn]).

RES. 2000-016 Mrs. Neuber moved that the Board accept a settlement offer in the matter of David Sunshein, R.Ph. subject to additional terms specified by the Board. Ms. Abele seconded the motion and it was approved by the Board (Aye-7/Nay-0/Abstain-1[Littlejohn]). The text of the settlement agreement will be posted in the Minutes of the Board for the meeting after all signatures have been obtained.

10:35 a.m.

Several items not requiring Board action were distributed to the members and discussed. Timothy Benedict, Assistant Executive Director, reported on his activities with the National Association of Boards of Pharmacy (NABP) and their Verified Internet Pharmacy Practice Sites (VIPPS) program.

10:53 a.m.

RES. 2000-017 Mr. Benedict then presented a request for a waiver pursuant to Ohio Administrative Code Rule 4729-5-11. Following discussion, Mrs. Neuber moved that the request of Albert Croft, R.Ph. for approval to serve as the responsible pharmacist at the following sites be approved until October 4, 1999:

Eastern Medical Equipment (02-0967300)
Select Specialty Hospital (02-1134800)

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

10:56 a.m.

Ms. Abele moved that the Minutes of the July 12 and 13, 1999 meeting be approved as amended. The motion was seconded by Ms. Eastman and approved (Aye-7/Nay-0/-Abstain-1[Neuber]).

11:01 a.m.

Ms. Abele reported to the Board that the Nursing Board Formulary Committee had not met since the last report, but that they had a meeting scheduled in two weeks.

11:10 a.m.

The Board recessed for lunch.

12:55 p.m.

The Board reconvened in Room 1952, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio with all nine members present.

1:01 p.m.

The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of conducting an adjudication hearing in accordance with Ohio Revised Code Chapters 119. and 4729. in the matter of Steven A. Goldblatt, R.Ph., Reynoldsburg, Ohio.

1:25 p.m.

The hearing was recessed to allow the Board members to review the documentation provided.

1:39 p.m.

The hearing resumed.

2:50 p.m.

The hearing concluded and the record was closed. The Board members took a brief recess.

3:14 p.m.

The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of conducting an adjudication hearing in accordance with Ohio Revised Code Chapters 119. and 4729. in the matter of James F. Liebetrau, R.Ph., Cincinnati, Ohio.

3:20 p.m.

The hearing was recessed to allow the Board members to review the documentation provided.

3:40 p.m.

The hearing resumed.

4:25 p.m.

The hearing concluded and the record was closed. The Board members took a brief recess.

4:35 p.m.

Mrs. Neuber 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 Revised Code. The motion was seconded by Mr. Repke and a roll call vote was conducted by President Cavendish as follows: Abele-Yes, Adelman-Yes, Eastman-Yes, Giacalone-Yes, Kost-Yes, Littlejohn-Yes, Neuber-Yes, and Repke-Yes.

4:45 p.m.

RES. 2000-018 The Executive Session ended and the meeting was opened to the public. Mr. Giacalone moved that the Board issue the following Order in the matter of Steven A. Goldblatt, R.Ph., Reynoldsburg, Ohio:

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-990126-027)

In The Matter Of:

STEVEN A. GOLDBLATT, R.Ph.
6388 Rugosa Avenue
Reynoldsburg, Ohio 43068
(R.Ph. No. 03-2-13785)

INTRODUCTION

THE MATTER OF STEVEN A. GOLDBLATT, R.Ph. CAME TO HEARING ON AUGUST 2, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

STEVEN A. GOLDBLATT, R.Ph. WAS REPRESENTED BY DANIEL D. CONNOR, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) None

Respondent's Witnesses:

- (1) Steven A. Goldblatt, Respondent
- (2) Jacqueline Goldblatt, Respondent's Spouse
- (3) Arch J. Weber, R.Ph., Sponsor, Pharmacists Rehabilitation Organization, Inc.
- (4) Jerome Edward Driesen, M.D., Assistant Medical Director, Ohio Physicians Effectiveness Program
- (5) David W. Baker, President, Pharmacists Rehabilitation Organization, Inc.
- (6) Wayne C. Miller, R.Ph.-Retired

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Seven-page Settlement Agreement, Docket No. D-980928-018, effective November 19, 1998.
- (2) Exhibit 1A--Hearing Request letter dated January 13, 1999.
- (3) Exhibit 1B--Hearing Confirmation letter dated June 18, 1999.
- (4) Exhibit 1C--Copy of Hearing Schedule letter dated January 26, 1999
- (5) Exhibit 1D--Copy of Pharmacist File Front Sheet of Steven A. Goldblatt showing original date of registration as August 1, 1980.

Respondent's Exhibits:

- (1) Exhibit 1--Letter from Richard E. Overton, Sr. dated April 30, 1998.
- (2) Exhibit 2--Copy of letter from Gloria J. Bryan dated July 13, 1999, and Release of Information Concerning Alcohol/Drug Treatment for Steve Goldblatt signed and dated July 13, 1999.
- (3) Exhibit 3--Copy of two-page Pharmacist's Recovery Contract for Steve Goldblatt dated April 5, 1998.
- (4) Exhibit 4--Copy of two-page Pharmacist's Recovery Contract for Steve Goldblatt dated December 1, 1998.
- (5) Exhibit 5--Copies of fifteen urine drug screen reports of Steve Goldblatt, dated as follows: April 23, 1998; June 3, 1998; June 10, 1998; August 6, 1998; August 27, 1998; October 10, 1998; November 6, 1998; December 4, 1998; December 30, 1998; February 5, 1999; June 8, 1999; March 31, 1999; May 4, 1999; June 14, 1999; and July 6, 1999.
- (6) Exhibit 6--Copy of four pages from a spiral-bound notebook of meeting attendance verifications dated March 23, 1998, through July 20, 1999.
- (7) Exhibit 7--Copy of seventeen pages from a spiral-bound notebook of meeting attendance verifications dated March 25, 1998, through July 15, 1999.
- (8) Exhibit 8--Copies of letters as follows: Nick A. Kallis dated July 8, 1999; Dennis M. Cox, Sr. dated July 3, 1999; Arch J. Weber dated July 12, 1999; Wayne C. Miller dated July 11, 1999; David W. Baker dated July 11, 1999; and Jerome E. Driesen dated July 8, 1999.
- (9) Exhibit 9--Table titled "C.E. Credits 9/96 through 8/99"; copies of the following Certificates of Attendance of Steven A. Goldblatt: 718-000-96-003-L04 dated September 4, 1996; 702-000-95-030-H03 dated December 8, 1996; 048-000-97-041-L03 dated June 14, 1997; 356-000-94-016-H01 dated August 14, 1997; 424-999-96-009-H04 dated October 12, 1998; 202-000-98-086-H01 dated December 11, 1998; 430-000-97-042-H04 dated January 15, 1999; 424-000-96-002-H04 dated January 25, 1999; 430-999-98-042-H01 dated January 29, 1999; 342-000-98-026-H01 dated February 23, 1999; 401-000-99-002-H01 dated February 25, 1999; 401-000-99-001-H01 dated March 4, 1999; 057-999-97-077-H01 dated March 9, 1999; 401-000-99-003-H01 dated March 25, 1999; 430-000-98-012-H01 dated May 3, 1999; 342-000-99-001-H04 dated May 12, 1999; 401-000-99-018-H01 dated May 14, 1999; 036-300-99-01-H03 dated May 15, 1999; 036-106-99-004-L01 and 036-106-99-005-L03-J dated May 16, 1999; and 811-000-97-001-H01 dated June 7, 1999.

FINDING 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) Steven A. Goldblatt has complied with the terms set forth in the Settlement Agreement with the State Board of Pharmacy, Docket No. D-980928-018, effective November 19, 1998.

ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card of Steven A. Goldblatt to practice pharmacy in the state of Ohio and places him on probation for five years from the date his identification card is issued, with the following conditions:

- (A) Steven A. Goldblatt must enter into a contract, after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office with the renewal application. The contract must provide that:
- (1) Random, **observed** urine drug screens shall be conducted at least every three months.
 - (a) The urine sample must be given within twelve hours of notification and the **collection time must be documented**. The urine screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Stadol (butorphanol) must be added to the standard urine drug screen. **Documentation must be provided to prove testing of the sample was conducted within forty-eight hours of the collection time.**
 - (c) Results of all urine screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.
 - (2) The intervener/sponsor shall provide copies of all urine screen reports and documentation to the Ohio Board of Pharmacy in a timely fashion.
 - (3) Regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required.
 - (4) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Steven A. Goldblatt must submit quarterly progress reports to the Board; due January 10; April 10; July 10; and October 10; of each year of probation, that include:
- (1) the written report and documentation provided by the treatment program pursuant to the contract, and
 - (2) a written description of his progress towards recovery and what he has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Steven A. Goldblatt'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) Steven A. Goldblatt may not serve as a responsible pharmacist.
 - (3) Steven A. Goldblatt may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) Steven A. Goldblatt must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (5) Steven A. Goldblatt must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (6) Steven A. Goldblatt must abide by the rules of the Ohio State Board of Pharmacy.

(7) Steven A. Goldblatt must comply with the terms of this Order.

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

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

MOTION CARRIED.

SO ORDERED.

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

4:50 p.m.

RES. 2000-019 Mr. Giacalone then moved that the Board issue the following Order in the matter of James F. Liebetrau, R.Ph., Cincinnati, Ohio:

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-990225-033)

In The Matter Of:

JAMES F. LIEBETRAU, R.Ph.
3529 Locust Lane
Cincinnati, Ohio 45238
(R.Ph. No. 03-3-12943)

INTRODUCTION

THE MATTER OF JAMES F. LIEBETRAU CAME TO HEARING ON AUGUST 2, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JAMES F. LIEBETRAU WAS REPRESENTED BY HARRY B. PLOTNICK, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) None

Respondent's Witnesses:

- (1) James F. Liebetrau, Respondent
- (2) David W. Baker, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (3) Charles Broussard, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (4) Christopher Good, R.Ph., Pharmacists Rehabilitation Organization, Inc.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of six-page Order of the State Board of Pharmacy, Docket No. D-980714-003, dated February 11, 1999.
- (2) Exhibit 1A--Copy of the six-page Order of the State Board of Pharmacy, Docket No. D-931216-031, dated June 30, 1994.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated February 25, 1999.
- (4) Exhibit 1C--Hearing Request letter dated February 22, 1999.
- (5) Exhibit 1D--Copy of Pharmacist File Front Sheet of James Frederick Liebetrau showing original date of registration as August 8, 1979.

Respondent's Exhibits:

- (1) Exhibit A--Copies of six urine drug screen reports of James F. Liebetrau dated February 9, 1999; March 2, 1999; April 2, 1999; May 4, 1999; May 18, 1999; and July 1, 1999.
- (2) Exhibit B--Copy of letter from James F. Liebetrau dated May 24, 1999.
- (3) Exhibit C--Copy of Record of AA Meeting Attendance sheet dated from December 22, 1998, through December 27, 1998; and copies of six pages of Record of Meeting Attendance sheets dated from December 30, 1998, through July 11, 1999.
- (4) Exhibit D--Copies of the following: Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet dated April 12, 1999; PRO Inc. Client Monitoring Sheet dated from December 28, 1998, through March 29, 1999; Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet dated July 11, 1999; and PRO Inc. Client Monitoring Sheet dated from April 5, 1999, through July 5, 1999.
- (5) Exhibit E--Twenty-nine pages of copies of certificates of continuing education of James Liebetrau numbered and dated as follows: 342-000-98-026-H01 dated February 19, 1999; 424-000-98-012-H01 dated February 24, 1999; 424-000-99-003-H01 dated February 24, 1999; 424-000-99-001-H04 dated February 25, 1999; 424-000-98-015-H02 dated March 1, 1999; 342-000-96-010-H03 dated March 8, 1999; 084-000-98-007-L04 dated March 8, 1999; 084-000-98-012-L04 dated March 10, 1999; 342-000-98-033-H01 dated March 11, 1999; 084-000-98-009-L01 dated March 17, 1999; 084-000-98-008-L04 dated March 19, 1999; 084-000-98-006-L01 dated March 22, 1999; 084-000-98-002-L01 dated March 24, 1999; 084-000-98-010-L04 dated March 25, 1999; 084-000-98-001-L01 dated March 26, 1999; 356-000-98-002-H-01 dated April 1, 1999; 022-000-98-185-H04 dated April 29, 1999; 356-000-97-012-H-01 dated April 1, 1999; 356-000-98-018-H-01 dated April 1, 1999; 356-000-98-006-H-01 dated April 1, 1999; 356-000-98-021-H-01 dated April 1, 1999; 356-000-97-021-H-01 dated April 1, 1999; 356-000-98-008-H-01 dated April 1, 1999; 342-429-96-095-H04 dated April 8, 1999; 022-000-98-180-H04 dated April 29, 1999; 022-000-98-202-H04 dated April 29, 1999; 036-300-99-01-H03 dated May 15, 1999; 036-106-99-004-L01 and 036-106-99-005-L03-J dated May 16, 1999; 342-000-99-002-H04 dated May 25, 1999; 342-000-99-001-H04 dated May 27, 1999; 202-000-99-074-H04 dated June 10, 1999; 057-999-96-088-H01 dated June 11, 1999; 022-000-98-201-H04 dated June 2, 1999; 781-000-98-012-H01 dated June 14, 1999; and 430-000-98-012-H01 dated June 15, 1999.
- (6) Exhibit F--Copy of Position Description for File Clerk dated January 10, 1994, and three-page detailed description of the duties for File Clerk, GS-305-3, PD# 07175.
- (7) Exhibit G--Copy of three-page Pharmacist's Recovery Contract of James F. Liebetrau dated May 1, 1998.
- (8) Exhibit H--Copy of U.S. Postal Service Express Mail Customer Copy Receipt No. EJ359286496US, addressed to Bender and Schlesinger, Inc.
- (9) Exhibit I--Copy of two Record of Meeting Attendance sheets dated from June 13, 1999, through August 1, 1999, of James F. Liebetrau.
- (10) Exhibit J--Copy of urine drug screen report of James F. Liebetrau dated July 15, 1999.
- (11) Exhibit K--Copy of letter from Francis W. Hartigan dated July 26, 1999.
- (12) Exhibit L--Copy of letter from Alan Beye dated July 30, 1999.

FINDING 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) James F. Liebetrau has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-980714-003, dated February 11, 1999.

ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card of James F. Liebetrau to practice pharmacy in the state of Ohio and places him on probation for five years from the date his identification card is issued, with the following conditions:

- (A) James F. Liebetrau must enter into a contract, after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider acceptable to the Board for a period of not less than five years

and submit a copy of the signed contract to the Board office with the renewal application. The contract must provide that:

- (1) Random, **observed** urine drug screens shall be conducted at least every three months.
 - (a) The urine sample must be given within twelve hours of notification. The urine 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. Testing for alcohol must be conducted within forty-eight hours from the time the sample is given. A breathalyzer may be used to test for alcohol, but the test must be conducted by an appropriately certified individual within twelve hours of notification.
 - (c) Results of all urine screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.
 - (2) The intervener/sponsor shall provide copies of all urine screen reports to the Ohio Board of Pharmacy in a timely fashion.
 - (3) Regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required.
 - (4) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) James F. Liebetrau must submit quarterly progress reports to the Board; due January 10; April 10; July 10; and October 10; of each year of probation, that include:
- (1) the written report and documentation provided by the treatment program pursuant to the contract, and
 - (2) a written description of his progress towards recovery and what he has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that James F. Liebetrau'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) James F. Liebetrau may not serve as a responsible pharmacist.
 - (3) James F. Liebetrau may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) James F. Liebetrau must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (5) James F. Liebetrau must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (6) James F. Liebetrau must abide by the rules of the Ohio State Board of Pharmacy.
 - (7) James F. Liebetrau must comply with the terms of this Order.

James F. Liebetrau is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At

any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

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

MOTION CARRIED.

SO ORDERED.

4:54 p.m. The motion was seconded by Mrs. Adelman and approved by the Board (Aye-7/Nay-1).
The meeting was recessed until Tuesday, August 3, 1999.

TUESDAY, AUGUST 3, 1999

8:02 a.m. ROLL CALL

The State Board of Pharmacy convened in Room 1952, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio with the following members present:

Robert B. Cavendish, R.Ph. (President); Diane C. Adelman, R.Ph. (Vice-President); Ann D. Abele, R.Ph.; Suzanne R. Eastman, R.Ph.; Robert P. Giacalone, R.Ph.; Lawrence J. Kost, R.Ph.; Amonte B. Littlejohn, R.Ph.; Suzanne L. Neuber, R.Ph.; and Nicholas R. Repke, Public Member.

8:07 a.m.

Mrs. Adelman 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 Revised Code. The motion was seconded by Ms. Eastman and a roll call vote was conducted by President Cavendish as follows: Abele-Yes, Adelman-Yes, Eastman-Yes, Giacalone-Yes, Kost-Yes, Littlejohn-Yes, Neuber-Yes, and Repke-Yes.

8:11 a.m.

RES. 2000-020 The Executive Session ended and the meeting was opened to the public. Mrs. Neuber moved that the Board accept the settlement offer in the matter of Todd Jaros. The motion was seconded by Ms. Eastman and approved by the Board (Aye-7/Nay-0/Abstain-1[Kost]). Mr. Kost recused himself from the discussion and the vote on this issue.

8:15 a.m.

RES. 2000-021 The Board was joined by William McMillen, R.Ph., Licensing Administrator for the Board. After a brief discussion, Ms. Eastman moved that the Board appoint the following individuals to an Ad Hoc Committee to consider the need for separate rules for Emergency Medical Squads:

James Horton	EMS Board	Columbus
Sharon Purdy	Ohio Ambulance Licensing Board	Columbus
Brian Kuntz	G.M.V.E.M.S. Council, Inc.	Dayton
Tim Shepherd	New Lexington F.D.	New Lexington
Thomas Couture, Sr.	Lucas County EMS	Toledo
Jim Cress	Stark County Paramedic Program	Canton
Calvin Price	Hocking Technical College	Nelsonville
Jim Davis	Columbus Fire Department	Westerville
Lanny Bailey	Elida Community Fire Department	Elida
Ann Abele, Chairperson	OSBP Member & Samaritan Regional Health System	Ashland
Suzanne Neuber	OSBP Member & Westhaven Services	Perrysburg
William Padgett	OSBP Compliance Agent	Columbus
David Gallagher	OSBP Compliance Agent	Columbus
Kevin Kinneer	OSBP Compliance Agent	Columbus
William McMillen	OSBP Licensing Administrator	Columbus

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

The Board then discussed Senate Bills 162 and 172. Board staff was instructed to convey the Board's concerns about the need for some changes in language in both bills that might be needed.

9:26 a.m.

Mr. Repke and Mr. Benedict presented the Probation Report. There were no issues at this time that required official Board action.

RES. 2000-022 The Board then considered a request from Dominic Bartone, R.Ph. that he be allowed to discontinue the counseling that had been required by the Board pursuant to the Board's order of August 9, 1996. Ms. Eastman moved that Mr. Bartone be allowed to discontinue the counseling previously required by the Board. The motion was seconded by Mrs. Neuber and approved by the Board (Aye-8/Nay-0).

9:38 a.m.

The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of considering the matter of Joseph E. Geiser, R.Ph., Milan, Indiana.

9:59 a.m.

The record was closed in the matter of Joseph E. Geiser and the Board took a 30-minute recess to allow the three new Board members enough time to have their pictures taken for their building identification badges.

10:30 a.m.

The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of considering the matter of Twins Wholesale, Cincinnati, Ohio.

10:52 a.m.

The record was closed in the matter of Twins Wholesale.

10:55 a.m.

Mr. Winsley distributed copies of Rules 4729-2-01 and 4729-2-02 to the Board members. After discussion, the Board members suggested several changes to these rules. The rules will be revised according to the suggestions made and then will be brought back to the Board for final approval.

11:26 a.m.

The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of considering the matter of Andrew James Ripley, R.Ph., Triadelphia, West Virginia.

11:50 a.m.

The record was closed in the matter of Andrew James Ripley, R.Ph. The Board recessed for lunch.

1:00 p.m.

RES. 2000-023 All of the Board members reconvened in Room 1914 for the purpose of meeting with the candidates for licensure by reciprocity. Following presentations by Board members and self-introductions by the candidates for licensure by reciprocity, Mrs. Adelman moved that the Board approve the following candidates for licensure. The motion was seconded by Mr. Repke and approved by the Board (Aye-8/Nay-0).

BALLESTER, ANDREW SCOTT	WASHINGTON
BICKETT, JOSEPH ALLAN	KENTUCKY
BRYANT, BOBBY GRANT	INDIANA
CHAU, VAN THUY	PENNSYLVANIA
CODY, LORI ALDERSON	INDIANA
CRANE, DOUGLAS ROSS	MINNESOTA
CRIDER, JAMES SCOTT	PENNSYLVANIA
HOLLAND, JOANMARIE VALERA	VIRGINIA
KOCHERT, EUGENE LOUIS	INDIANA
MALAK, SUZY SHOHDY	NEW JERSEY
MCCLELLAND, HOWARD AUSTIN	LOUISIANA
MORSE, JULIE RENEE	WEST VIRGINIA
PETRIE, JODI LYN	PENNSYLVANIA
SWANSON, MARCIA LYNN	PENNSYLVANIA

1:42 p.m.

The Board reconvened in Room 1952 to continue with the business of the Board. The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of conducting an adjudication hearing in accordance with Ohio Revised Code Chapters 119. and 4729. in the matter of Gilbert Ernest Art, Jr., R.Ph., Newcomerstown, Ohio.

1:49 p.m.

The hearing was recessed to allow the Board members to review the documentation provided.

2:01 p.m.

The hearing resumed.

2:51 p.m.

The hearing concluded and the record was closed. The Board members took a brief recess.

3:14 p.m.

Mr. Repke 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 Revised Code. The motion was seconded by Mr. Littlejohn and a roll call vote was conducted by President Cavendish as follows: Abele-Yes, Adelman-Yes, Eastman-Yes, Giacalone-Yes, Kost-Yes, Littlejohn-Yes, Neuber-Yes, and Repke-Yes.

3:55 p.m.

RES. 2000-024 The Executive Session ended and the Board meeting resumed in Public Session. Ms. Abele moved that the Board adopt the following Order in the matter of Gilbert Ernest Art, R.Ph.:

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-980831-009)

In The Matter Of:

GILBERT ERNEST ART, JR., R.Ph.

22052 Sunset Drive

Newcomerstown, Ohio 43832

(R.Ph. No. 03-1-17643)

INTRODUCTION

THE MATTER OF GILBERT ERNEST ART, JR. CAME TO HEARING ON AUGUST 3, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

GILBERT ERNEST ART, JR. WAS REPRESENTED BY SAMUEL B. WEINER, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) None

Respondent's Witnesses:

(1) Gilbert Ernest Art, Jr., Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Hearing Request letter not dated and attached letter from Jean M. Martin not dated, received by the Board office on August 28, 1998.
- (2) Exhibit 1A--Copy of Hearing Schedule letter dated August 31, 1998.
- (3) Exhibit 1B--Continuance Request letter dated November 4, 1998.
- (4) Exhibit 1C--Copy of Hearing Schedule letter dated November 5, 1998.
- (5) Exhibit 1D--Continuance Request letter dated April 1, 1999.
- (6) Exhibit 1E--Copy of Hearing Schedule letter dated April 8, 1999.
- (7) Exhibit 1F--Copy of Pharmacist File Front sheet of Gilbert Ernest Art, Jr. showing original date of registration as February 24, 1989.
- (8) Exhibit 2--Copy of ten-page Order of the State Board of Pharmacy, Docket No. D-921015-015, dated August 13, 1993.
- (9) Exhibit 3--Three-page handwritten statement of Gilbert E. Art, Jr., R.Ph. dated July 17, 1991.

- (10) Exhibit 4--Copy of four-page handwritten statement of Gilbert Ernest Art, Jr. R.Ph. dated July 25, 1991.

Respondent's Exhibits:

Spiral binder with two-page cover statement from Sam B. Weiner titled, "Summary of the Application for Reinstatement of Gilbert Art" and Respondent's Exhibits 1 through 9 as follows:

- (1) Exhibit 1--Copies of the following: Letter from Tamara L. Brenneman dated July 7, 1999; two-page contact sheet dated from June 16, 1992, through October 1994; four pages of Self-Help, Inc. documents dated September 13, 1993; September 8, 1992; August 6, 1992 and June 16, 1992; Treatment Plan Review of Gilbert Art with final date of July 1, 1994; Treatment Plan of Gilbert Art dated June 24, 1992; Treatment Plan of Gilbert Art dated June 14, 1993; urine drug screen reports of Gilbert Art dated July 9, 1992, August 31, 1992, and April 23, 1993; six two-page Self-Help, Inc. Client Treatment Reports dated August 24, 1992, October 12, 1992, March 25, 1993, May 27, 1993, August 3, 1993, and August 4, 1994; letter from Tamara L. Dessecker dated June 1, 1993; letter from Jean M. Martin not dated.
- (2) Exhibit 2--Copies of the following: Letter from Greg L. Didonato dated April 30, 1999; Certificate to Operate an Alcohol and Drug Addiction Outpatient Treatment Facility, No. 92-018T, issued to Self-Help, Inc.; Certificate to Operate an Alcohol and Drug Addiction Outpatient Treatment Program, No. 94-112T, issued to Self-Help, Inc.; two-page information pamphlet about Self-Help, Inc.; two-page document titled "It's time to wake up...and face your drug abuse problem".
- (3) Exhibit 3--Copies of the following: Letter from Starlene Lewis and Lisa M. Incarnato dated July 23, 1999; Certificate to Operate an Alcohol and Drug Addiction Outpatient Treatment Program, No. 97-420T, issued to Tuscarawas County General Health District; twelve drug urine screen reports of Gilbert Art dated April 21, 1999; April 28, 1999; May 6, 1999; May 11, 1999; May 18, 1999; May 25, 1999; June 3, 1999; June 15, 1999; June 23, 1999; June 29, 1999; July 8, 1999; and July 21, 1999; Tuscarawas County Health Department Alcohol and Addiction Program Care Synopsis of Gilbert E. Art, Jr. dated from April 20, 1999 through July 26, 1999 and six pages of client notes on Gilbert Art; Multi-axial Evaluation Report of Gilbert E. Art, Jr. dated July 26, 1999; three-page Substance Abuse Subtle Screening Inventory of Gilbert Art dated June 8, 1999; five-page Drug Screening Test of Gilbert Art dated June 8, 1999.
- (4) Exhibit 4--Copy of two-page Judgment Entry in the matter of State of Ohio vs. Gilbert Art, Jr., Case No. 1992 CR 04 0085, Tuscarawas County Court of Common Pleas, dated March 4, 1999.
- (5) Exhibit 5--Copies of the following: Letter from Loan Servicing Center of Southwest Student Services Corporation dated September 29, 1998; Repayment Addendum and Disclosure Statement from Arizona Educational Loan Corporation dated March 11, 1998; two Sallie Mae Servicing Corporation Repayment Obligation dated December 15, 1996 and June 1, 1999; Interest Statement from Sallie Mae Servicing Corporation dated June 1, 1999.
- (6) Exhibit 6--Copies of the following for Gilbert E. Art: 1994 W-2 Wage and Tax Statement from Shannon Staffing, Inc.; 1994 W-2 Wage and Tax Statement from Artwood Products, Inc.; 1994 W-2 Wage and Tax Statement from Herco, Inc.; 1996 W-2 Wage and Tax Statement from Herco, Inc.; 1995 W-2 Wage and Tax Statement from Herco, Inc.; 1997 W-2 Wage and Tax Statement from Herco, Inc.; 1998 W-2 Wage and Tax Statement from Herco, Inc.; Herco Inc. Payroll Account pay stub for pay period dated July 18, 1999.
- (7) Exhibit 7--Copy of Coshocton County Child Support Enforcement Agency Administrative Adjustment Recommendation dated October 27, 1997. Copy of three-page Separation Agreement of Leslie A. Art and Gilbert E. Art, Jr. dated February 17, 1995.
- (8) Exhibit 8--Copy of Marriage License of Gilbert Ernest Art, Jr. and Tammy Lynn Moore dated July 7, 1997.
- (9) Exhibit 9--Copies of letters as follows: from Chris Dyer dated April 2, 1999 and Tammy L. Art dated July 25, 1999.

FINDING 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) Gilbert Ernest Art., Jr. has not complied with the Order of the Board, Docket No. D-921015-015, dated August 13, 1993.

ACTION OF THE BOARD

- (A) The State Board of Pharmacy hereby denies the reinstatement petition of Gilbert Ernest Art, Jr. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Gilbert Ernest Art, Jr. may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs while suspended.
- (B) The Board will consider any petition filed by Gilbert Ernest Art, Jr. for a hearing, pursuant to Revised Code Chapter 119., upon the question of reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:
 - (1) Gilbert Ernest Art, Jr. must enter into a contract, after the effective date of this Order, with a certified Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:
 - (a) Random, observed urine drug screens shall be conducted at least every three months.
 - (i) 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.
 - (ii) Results of urine screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
 - (b) The intervener/sponsor shall provide copies of all urine screen reports to the Ohio Board of Pharmacy in a timely fashion.
 - (c) Regular attendance at an Alcoholics Anonymous, Narcotics Anonymous, or a similar support group meeting is required during outpatient treatment and/or during aftercare, as determined by the treatment provider.
 - (d) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
 - (2) Gilbert Ernest Art, Jr. must provide at the time of petitioning the Board for reinstatement, as was required in the Board's August 13, 1993 Order, written documentation from his treatment provider regarding a minimum of five years compliance with the program pursuant to the new contract.

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

MOTION CARRIED.

SO ORDERED.

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

3:58 p.m.

RES. 2000-025 Mrs. Neuber then moved that the Board adopt the following Order in the matter of Joseph E. Geiser, R.Ph.:

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-990615-051)

In The Matter Of:

JOSEPH E. GEISER, R.Ph.
12082 White Plains Road
Milan, Indiana 47031
(R.Ph. No. 03-1-10865)

INTRODUCTION

THE MATTER OF JOSEPH E. GEISER CAME FOR CONSIDERATION ON AUGUST 3, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JOSEPH E. GEISER WAS NOT PRESENT, NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Elaine Jones, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of four-page Summary Suspension Order/Notice of Opportunity for Hearing letter dated June 15, 1999.
- (2) Exhibit 1A--Copy of Pharmacist File Front Sheet of Joseph E. Geiser showing original date of registration as July 30, 1974; and two-page copy of Renewal Application for Pharmacist License, No. 03-1-10865, for a license to practice pharmacy in Ohio from September 15, 1998, to September 15, 1999, of Joseph E. Geiser dated August 31, 1998.
- (3) [This item contains information considered by the Board that is not a matter of public record.]
- (4) [This item contains information considered by the Board that is not a matter of public record.]
- (5) [This item contains information considered by the Board that is not a matter of public record.]
- (6) [This item contains information considered by the Board that is not a matter of public record.]
- (7) [This item contains information considered by the Board that is not a matter of public record.]
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- (9) [This item contains information considered by the Board that is not a matter of public record.]
- (10) [This item contains information considered by the Board that is not a matter of public record.]
- (11) [This item contains information considered by the Board that is not a matter of public record.]

- (12) [This item contains information considered by the Board that is not a matter of public record.]
- (13) [This item contains information considered by the Board that is not a matter of public record.]
- (14) [This item contains information considered by the Board that is not a matter of public record.]
- (15) [This item contains information considered by the Board that is not a matter of public record.]
- (16) [This item contains information considered by the Board that is not a matter of public record.]
- (17) [This item contains information considered by the Board that is not a matter of public record.]

Respondent's Exhibits:

- (1) 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 June 15, 1999, Joseph E. Geiser was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) As demonstrated by return receipt of June 17, 1999, Joseph E. Geiser received the letter of June 15, 1999, informing him of the allegations against him, and his rights.
- (3) Joseph E. Geiser did not request a hearing within thirty days as required by Section 119.07 of the Ohio Revised Code in response to the Summary Suspension Order/Notice of Opportunity for Hearing letter dated June 15, 1999.
- (4) Records of the Board of Pharmacy indicate that Joseph E. Geiser was originally licensed in the state of Ohio on July 30, 1974, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
- (5) [This item contains information considered by the Board that is not a matter of public record.]
- (6) [This item contains information considered by the Board that is not a matter of public record.]
- (7) [This item contains information considered by the Board that is not a matter of public record.]
- (8) [This item contains information considered by the Board that is not a matter of public record.]
- (9) [This item contains information considered by the Board that is not a matter of public record.]
- (10) [This item contains information considered by the Board that is not a matter of public record.]
- (11) [This item contains information considered by the Board that is not a matter of public record.]
- (12) [This item contains information considered by the Board that is not a matter of public record.]
- (13) Joseph E. Geiser did, on or about June 6, 1999, knowingly obtain, possess, and/or use a controlled substance when not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: Joseph E. Geiser had on his person 6 unit doses of acetaminophen with codeine 30mg and 4 empty tablet containers for acetamino-

phen with codeine 30mg. Further, Joseph E. Geiser admitted that he had taken 4 unit doses of acetaminophen with codeine 30mg while engaged in the practice of pharmacy. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

- (14) Joseph E. Geiser did, on or about June 6, 1999, knowingly possess a dangerous drug when not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: Joseph E. Geiser had on his person 5 unit doses of Prinivil 20mg, 3 unit doses of Pravachol 20mg, and 10 unit doses of Atenolol 10mg. Such conduct is in violation of Section 4729.51(C)(4) 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 (14) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that 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.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5), (13), and (14) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued June 15, 1999.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Joseph E. Geiser:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card, No. 03-1-10865, held by Joseph E. Geiser indefinitely and such suspension is effective as of the date of the mailing of this Order.
- (1) Joseph E. Geiser, 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 Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (2) Joseph E. Geiser, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return the identification card and license to the offices of the State Board of Pharmacy within ten days after receipt of this Order. The wall certificate and identification card should be forwarded by certified mail, return receipt requested.
- (B) January 2001, or thereafter, the Board will consider any petition filed by Joseph E. Geiser for a hearing, pursuant to Ohio Revised Code Chapter 119., upon the question of reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:
- (1) Joseph E. Geiser must enter into a contract with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider acceptable to the Board for a period of not less than five years from the effective date of this Order and, upon signing, submit a copy of the contract to the Board office. The contract must provide:

- (a) Random, **observed** urine drug screens shall be conducted at least every three months.
 - (i) The urine sample must be given within twelve hours of notification. The urine screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (ii) Results of all urine screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.
 - (b) The intervener/sponsor shall provide copies of all urine screen reports to the Ohio Board of Pharmacy in a timely fashion.
 - (c) Regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required.
 - (d) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (2) Joseph E. Geiser must comply with the continuing pharmacy education requirements as set forth in Chapter 4729-7 of the Ohio Administrative Code.
 - (3) If reinstatement is not accomplished within three years of the effective date of this Order, Joseph E. Geiser must successfully complete the NAPLEX examination or an equivalent examination approved by the Board.

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

MOTION CARRIED.

SO ORDERED.

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

4:02 p.m.

RES. 2000-026 Ms. Abele then moved that the Board adopt the following Order in the matter of Twins Wholesale:

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-990512-047)

In The Matter Of:

TWINS WHOLESALE, INC.
c/o Ali A. Aladimi
4610 Interstate Drive
Cincinnati, Ohio 45246
INTRODUCTION

THE MATTER OF TWINS WHOLESALE, INC. CAME FOR CONSIDERATION ON AUGUST 3, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

TWINS WHOLESALE, INC. WAS NOT PRESENT, NOR WERE THEY REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Mike Cluxton, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of five-page Proposal to Deny/Notice of Opportunity for Hearing dated May 12, 1999, with attached copy of signed U.S.P.S. Domestic Return Receipt.
- (2) Exhibit 2--Copy of Application for Registration as a Distributor of Dangerous Drugs, copy of Application for Registration as a Wholesale Distributor, and copy of Application for a Controlled Substance License, each signed by Ali Aladimi and dated February 18, 1999; with attachments: Copies of Domestic Chemical Diversion Control Registration Certificate with DEA Registration Number 00333CTHY, Domestic Chemical Diversion Control Registration Certificate with DEA Registration Number 003329THZ; Notice of Incomplete Application for Registration dated February 22, 1999; State of Ohio Certificate Number CP4607 dated January 5, 1998; and two-page Articles of Incorporation of Twins Wholesale, Inc. dated December 23, 1997, and Original Appointment of Statutory Agent dated December 23, 1997.
- (3) Exhibit 3--Copy of Twins Wholesale Invoice No. 10801 for Rafati Liquor dated January 12, 1999.
- (4) Exhibit 4--Copy of Twins Wholesale Invoice No. 11195 for Saed Foods/Charlie dated February 23, 1999.
- (5) Exhibit 5--Copy of shipping order from Concord Laboratories to Twins Wholesale dated February 9, 1999.
- (6) Exhibit 6--Copy of two-page customer sales report with Sequence Numbers 1 through 73.
- (7) Exhibit 7--Copy of Township Police, Chester, Ohio, Offense Report dated February 16, 1999.

Respondent's Exhibits:

- (1) 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 May 12, 1999, Ali Aladimi, Vice President of Twins Wholesale, Inc. was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) As demonstrated by return receipt of May 15, 1999, Ali Aladimi received the Proposal to Deny/Notice of Opportunity for Hearing, informing him of the allegations against him, and his rights.
- (3) Ali Aladimi has not responded in any manner to the letter of May 12, 1999, and has not requested a hearing in this matter.
- (4) Records of the Board of Pharmacy indicate that on or about February 18, 1999, Ali Aladimi was the Vice President for Twins Wholesale, Inc., 4610 Interstate Drive, Cincinnati, Ohio and that on February 18, 1999, Twins Wholesale, Inc. applied for registration as a Wholesale Distributor of Dangerous Drugs and licensure as a Wholesaler of Controlled Substances.

- (5) Twins Wholesale, Inc. did, while not being licensed to do so, ship hundreds of cases of ephedrine and pseudoephedrine products, sold only in case lots, for no apparent legitimate medical purpose. Such conduct is in violation of Section 3719.03 of the Ohio Revised Code.
- (6) Twins Wholesale, Inc., did, while engaged in business as an unlicensed wholesale distributor, suffer a theft of Viagra and pseudoephedrine, valued at an excess of \$100,000.00, from the Twins Wholesale, Inc. facility in February of 1999; soon thereafter, there was an attempted armed robbery at the facility. Such conduct is in violation of Section 4729.53(A)(6) of the Revised Code.
- (7) Twins Wholesale, Inc. has not satisfactorily shown that the granting of such license is in the public interest, pursuant to Division (B) of Section 4729.53 and Division (E) of Section 3719.03 of the Revised Code, to wit: the applicant has failed to prove the applicant's trade connections are such that there is a reasonable probability he will apply all controlled substances grown, cultivated, processed, produced, or processed by him to scientific, experimental, medicinal, or instructive purposes. Such conduct is in violation of Section 3719.03(C) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes the applicant's past experience in the manufacture or distribution of dangerous drugs, including controlled substances, is not acceptable to the Board as provided in Division (A)(2) of Section 4729.53 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (6) of the Findings of Fact constitutes failure to assure adequate safeguards to prevent the sale of dangerous drugs to any person other than those named in Division (B) of Section 4729.51 of the Ohio Revised Code as provided in Division (A)(6) of Section 4729.53 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (7) of the Findings of Fact constitutes that the granting of the registration certificate or its renewal is not in the public interest as provided in Division (B) of Section 4729.53 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Sections 4729.53 and 3719.03 of the Ohio Revised Code, the State Board of Pharmacy hereby refuses to register Twins Wholesale, Inc. as a Wholesale Distributor of Dangerous Drugs and refuses to issue a license to Twins Wholesale, Inc. as a Wholesaler of Controlled Substances; and, therefore, denies the applications submitted by Ali Aladimi for Twins Wholesale, Inc. dated February 18, 1999.

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

MOTION CARRIED.

SO ORDERED.

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

4:05 p.m.

RES. 2000-027 Mr. Repke then moved that the Board adopt the following Order in the matter of Andrew James Ripley, R.Ph.:

ORDER OF THE STATE BOARD OF PHARMACY (Docket No. D-990305-035)

In The Matter Of:

ANDREW JAMES RIPLEY, R.Ph.
33 West Lane, P. O. Box 131
Triadelphia, West Virginia 26059
(R.Ph. No. 03-3-18724)

INTRODUCTION

THE MATTER OF ANDREW JAMES RIPLEY, R.Ph. CAME FOR CONSIDERATION ON AUGUST 3, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

ANDREW JAMES RIPLEY WAS NOT PRESENT, NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) George Pavlich, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of eight-page Notice of Opportunity for Hearing letter dated March 5, 1999 with attached domestic return receipt signed and dated March 9, 1999.
- (2) Exhibit 1A--Copy of Pharmacist File Front Sheet of Andrew J. Ripley showing original date of registration as February 15, 1991 and date of lapse of license as September 15, 1997.
- (3) Exhibit 2--Copy of two-page Information, United States of America vs. Andrew James Ripley, United States District Court for the Northern District of West Virginia, Violation: 21 U.S.C. §843(a)(3), dated September 5, 1997.
- (4) Exhibit 3--Copy of seven-page Plea Agreement, United States of America vs. Andrew James Ripley, United States District Court for the Northern District of West Virginia, Criminal No. 5:97-CR-52, dated September 24, 1997.
- (5) Exhibit 4--Copy of six-page Judgment in a Federal Criminal Case, United States of America vs. Andrew James Ripley, United States District Court for the Northern District of West Virginia, Case No. 5:97CR00052-001, dated January 2, 1998.
- (6) Exhibit 5--Copy of six pages numbered 2 through 6 and 8, not dated.
- (7) Exhibit 6--Copy of two-page letter from Andrew J. Ripley dated October 1, 1998.

Respondent's Exhibits:

- (1) 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 March 5, 1999, Andrew James Ripley was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) As demonstrated by return receipt of March 9, 1999, Andrew James Ripley received the letter of March 5, 1999, informing him of the allegations against him, and his rights.
- (3) Andrew James Ripley has not responded in any manner to the letter of March 5, 1999, and has not requested a hearing in this matter.

- (4) Records of the Ohio State Board of Pharmacy indicate that Andrew James Ripley was originally licensed in the State of Ohio on February 15, 1991, pursuant to examination, and his license to practice pharmacy in the State of Ohio lapsed on September 15, 1997. On October 6, 1998, the Board received a communication from Andrew James Ripley to "re-activate" his license.
- (5) Andrew James Ripley did, on or about August 22, 1997, plead guilty to one count of conspiring to obtain Possession of Controlled Substances by Fraud and Forgery, in violation of 21 U.S.C. 843(a)(3) and 21 U.S.C. 846, a felony. United States v. Andrew James Ripley, Case No. 97CR00052-001, U.S. District Court, Northern District of West Virginia (Wheeling). From January 1995, to December 1996, Andrew James Ripley conspired with others to obtain possession of Oxycodone HCL, a Schedule II controlled substance; and Hydrocodone with APAP, a Schedule III controlled substance; Phentermine HCL, Pentazocine HCL, Lorazepam, Clonazepam and, Alprazolam, all Schedule IV controlled substances. For almost two years, while at the Medicine Shoppe in Wheeling, West Virginia, Andrew James Ripley forged or created false prescriptions for thousands of doses of controlled substances using the names of several patients. Such conviction constitutes having been convicted of a felony; having been convicted of violating any state or federal pharmacy or drug law; and/or not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (6) Andrew James Ripley did, from on or about June 1995, to July 1996, intentionally make and/or knowingly possess a false or forged prescription, to wit: Andrew James Ripley admitted that he altered legitimate prescriptions and/or created false doctor telephoned prescriptions for approximately 2,000ml of Pentazocine HCL, a Schedule IV controlled substance, in the name of Sally Mazur in order to conceal his trafficking of the drugs. If committed in Ohio, such conduct is in violation of Section 2925.23 of the Ohio Revised Code, and constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (7) Andrew James Ripley did, from on or about June 1995, to July 1996, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Andrew James Ripley admitted that he sold approximately 2,000ml of Pentazocine HCL, a Schedule IV controlled substance, to Bob and/or Sally Mazur without a prescription and not for a legitimate medical purpose. If committed in Ohio, such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (8) Andrew James Ripley did, on or about December 1996, knowing that he had no privilege to do so and with purpose to defraud, falsify, destroy, remove, and/or alter data or a record, to wit: Andrew James Ripley admitted that he deleted some of the computer prescription records and changed others pertaining to Sally Mazur. If committed in Ohio, such conduct is in violation of Section 2913.42 of the Ohio Revised Code, and constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (9) Andrew James Ripley did, on or about December 1996, knowing that an official proceeding or investigation was in progress or was likely to be instituted, alter, destroy, conceal, and/or remove records with purpose to impair their value or availability as evidence in such proceeding or investigation, to wit: Andrew James Ripley admitted that he altered some of Mrs. Mazur's prescriptions in his files in order to conceal the fact that he was selling drugs with no legitimate prescription. If committed in Ohio, such conduct is in violation of Section 2921.12 of the Ohio Revised Code, and constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (10) Andrew James Ripley did, from on or about January 1994, to July 1996, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: James McCormick admitted that he purchased approximately 5,000 unit doses of Oxyco-

done HCL, a Schedule II controlled substance, from Andrew James Ripley without a prescription, not for a legitimate medical purpose. If committed in Ohio, such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code. In exchange for the sale of the Oxycodone HCL, James McCormick paid Andrew James Ripley retail price for the drugs and other times, to guarantee the continued supply of drugs, Andrew James Ripley accepted golf clubs, golf accessories, tickets to Pittsburgh Steelers football games and tickets to Pittsburgh Pirates baseball games. Such conduct constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.

- (11) Andrew James Ripley did, from on or about January 1994, to July 1996, knowingly sell or offer to 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 such conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Andrew James Ripley admitted that he sold approximately 500 doses of Clonazepam, a Schedule IV controlled substance to James McCormick without a prescription and not for a legitimate medical purpose. If committed in Ohio, such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code. In exchange for the sale of the Clonazepam, on occasion, James McCormick paid Andrew James Ripley retail price for the drugs, and other times to guarantee the continued supply of drugs, Andrew James Ripley accepted golf clubs, golf accessories, tickets to Pittsburgh Steelers football games and tickets to Pittsburgh Pirates baseball games. Such conduct constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (12) Andrew James Ripley did, on or about December 1996, knowing that he had no privilege to do so and with purpose to defraud, falsify, destroy, remove, and/or alter data or a record, to wit: Andrew James Ripley admitted that he deleted some of the computer prescription records and changed others pertaining to James McCormick. If committed in Ohio, such conduct is in violation of Section 2913.42 of the Ohio Revised Code, and constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (13) Andrew James Ripley did, on or about December 1996, knowing that an official proceeding or investigation was in progress or was likely to be instituted, alter, destroy, conceal, and/or remove records with purpose to impair their value or availability as evidence in such proceeding or investigation, to wit: Andrew James Ripley admitted that he deleted several of Mr. McCormick's prescription records from the computer and threw away some of the hard copies of the prescriptions in order to conceal the fact that he was selling drugs with no legitimate prescription. If committed in Ohio, such conduct is in violation of Section 2921.12 of the Ohio Revised Code, and constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (14) Andrew James Ripley did, from on or about June 1995, to July 1996, on numerous occasions knowingly sell or offer to sell a controlled substance in an amount less than the bulk amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Andrew James Ripley admitted to selling controlled substances to six individuals with no legitimate prescriptions. If committed in Ohio, such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code, and constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (15) Andrew James Ripley did, from on or about June 1995, to July 1996, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Andrew James Ripley admitted that he sold 1,000 unit doses or more of Hydrocodone with APAP, a Schedule III controlled substance, to Mike Estep without a prescription and not for a legitimate medical purpose. If committed in Ohio, such conduct is in violation of Section 2925.03(A)(6) of the Ohio Revised Code, and constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.

- (16) Andrew James Ripley did, from on or about June 1995, to June 1996, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Andrew James Ripley admitted that he sold approximately 1,000 unit doses or more of Hydrocodone with APAP, a Schedule III controlled substance, to Robert Smith without a prescription and not for a legitimate medical purpose. If committed in Ohio, such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (17) Andrew James Ripley did, from on or about June 1995, to June 1996, knowingly sell or offer to sell a controlled substance in an amount less than the bulk amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Andrew James Ripley admitted that once or twice he sold Diazepam, a Schedule IV controlled substance, to Robert Smith without a prescription and not for a legitimate medical purpose. If committed in Ohio, such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code, and constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (18) Andrew James Ripley did, from on or about June 1995, to July 1996, intentionally make and/or knowingly possess a false or forged prescription, to wit: Andrew James Ripley admitted that he altered legitimate prescriptions and/or created false prescriptions for Hydrocodone with APAP, a Schedule III controlled substance, for Robert Smith in order to conceal his trafficking of the drugs. If committed in Ohio, such conduct is in violation of Section 2925.23 of the Ohio Revised Code, and constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (19) Andrew James Ripley did, from on or about June 1995, to July 1996, intentionally make and/or knowingly possess a false or forged prescription, to wit: Andrew James Ripley admitted that he altered legitimate prescriptions and/or created false prescriptions for Diazepam, a Schedule IV controlled substance, for Robert Smith in order to conceal his trafficking of the drugs. If committed in Ohio, such conduct is in violation of Section 2925.23 of the Ohio Revised Code, and constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (20) Andrew James Ripley did, from on or about June 1995, to July 1996, knowingly obtain, possess, or use a controlled substance without a prescription, to wit: Andrew James Ripley admitted that he removed and consumed for personal use 20 Phentermine HCL or a generic equivalent, a Schedule IV controlled substance, without a prescription. If committed in Ohio, such conduct is in violation of Section 2925.11(A) of the Ohio Revised Code, and constitutes not being of good moral character and/or addicted to or abusing liquor or drugs within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (21) Andrew James Ripley did, from on or about June 1995, to June 1996, knowingly sell or offer to sell a controlled substance in an amount less than the bulk amount, when such conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Andrew James Ripley admitted that he gave his wife, Cheryl Ripley, Phentermine HCL or a generic equivalent, a Schedule IV controlled substance, without a prescription and not for a legitimate medical purpose. If committed in Ohio, such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code, and constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
- (22) Andrew James Ripley did, in the spring of 1996, knowingly sell or offer to sell a controlled substance in an amount less than the bulk amount, when such conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Andrew James Ripley admitted that he sold Judy Luzader Phentermine HCL or a generic equivalent, a Schedule IV controlled substance, without a prescription and not for a legitimate medical purpose. If committed in Ohio, such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code, and constitutes not being

of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.

- (23) Andrew James Ripley did, from on or about June 1995, to June 1996, sell at retail, dangerous drugs, to wit: Andrew James Ripley admitted that on 10 occasions, he refilled Diane Evans' prescriptions for Butalbital with APAP, a dangerous drug, prior to the date authorized for the prescription refill. If committed in Ohio, such conduct is in violation of Section 4729.51(C)(1) of the Ohio Revised Code, and constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5) through (23) 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5) through (23) 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5) through (7), (9) through (11), and (14) through (23) 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 Chapters 2925. and 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Andrew James Ripley:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-3-18724, held by Andrew James Ripley effective as of the date of the mailing of this Order.
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-3-18724, held by Andrew James Ripley 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 the pharmacist identification card, No. 03-3-18724, held by Andrew James Ripley effective as of the date of the mailing of this Order.

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

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

MOTION CARRIED.

SO ORDERED.

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

4:10 p.m.

The meeting was recessed until Wednesday, August 4, 1999.

WEDNESDAY, AUGUST 4, 1999

8:20 a.m. ROLL CALL

The State Board of Pharmacy convened in Room 1952, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio with the following members present:

Robert B. Cavendish, R.Ph. (President); Diane C. Adelman, R.Ph. (Vice-President); Ann D. Abele, R.Ph.; Suzanne R. Eastman, R.Ph.; Robert P. Giacalone, R.Ph.; Lawrence J. Kost, R.Ph.; Amonte B. Littlejohn, R.Ph.; Suzanne L. Neuber, R.Ph.; and Nicholas R. Repke, Public Member.

8:34 a.m.

The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of considering the matter of Chesterfield Pharmacy, Cleveland, Ohio.

10:09 a.m.

The record was closed in the matter of Chesterfield Pharmacy.

10:10 a.m.

The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of conducting an adjudication hearing in accordance with Ohio Revised Code Chapters 119. and 4729. in the matter of Roderick Keith Crenshaw, R.Ph., Columbus, Ohio.

RES. 2000-028 Since neither Mr. Crenshaw nor his attorney were present, the hearing was cancelled and Mr. Crenshaw's Board Order from his previous hearing remains in effect until such time as Mr. Crenshaw requests a hearing and appears before the Board.

10:11 a.m.

Ms. Abele 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 Revised Code. The motion was seconded by Mr. Littlejohn and a roll call vote was conducted by President Cavendish as follows: Abele-Yes, Adelman-Yes, Eastman-Yes, Giacalone-Yes, Kost-Yes, Littlejohn-Yes, Neuber-Yes, and Repke-Yes.

10:28 a.m.

RES. 2000-029 The Executive Session ended and the Board meeting resumed in Public Session. Ms. Abele moved that the Board adopt the following Order in the matter of Chesterfield Pharmacy:

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-990225-032)

In The Matter Of:

CHESTERFIELD PHARMACY

1799 E. 12th Street
Cleveland, Ohio 44114
(Terminal Distributor No. 02-0674900)

INTRODUCTION

THE MATTER OF CHESTERFIELD PHARMACY CAME FOR CONSIDERATION ON AUGUST 4, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

CHESTERFIELD PHARMACY WAS NOT REPRESENTED BY COUNSEL OR OTHER REPRESENTATIVE, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Paul Kover, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of thirty-one-page Notice of Opportunity for Hearing letter dated February 25, 1999.
- (2) Exhibit 1A--Copy of Renewal Application for DDD License, No. 02-0674900, for a Terminal Distributor of Dangerous Drugs License from January 1, 1999, to December 31, 1999, of Chesterfield Pharmacy signed by Responsible Pharmacist Suellen Ogden on January 11, 1999.
- (3) Exhibit 1B--Letter from Suellen Ogden dated February 11, 1999.
- (4) Exhibit 1C--Written Notice of Discontinuing Business form of Chesterfield Pharmacy, Inc. signed by Suellen Ogden and dated February 11, 1999.
- (5) Exhibit 1D--Letter from Suellen Ogden dated February 27, 1999, and attached copy of four Department of Justice/Drug Enforcement Administration Registrants Inventory of Drugs Surrendered forms of Chesterfield Pharmacy, Inc., two not date and two dated February 27, 1999.
- (6) Exhibit 2--Copy of nine-page Dangerous Drug Distributor Inspection Report of Chesterfield Pharmacy, Terminal Distributor License No. 02-0674900, dated July 21, 1997, and copy of letter from Christopher Roth dated July 23, 1997.
- (7) Exhibit 2A--Copy of thirty-nine-page transcribed Interview of Suellen Ogden, R.Ph., of Chesterfield Pharmacy, Cleveland, Ohio by Compliance Supervisor Robert Cole and Agent Jim Reye of the Ohio State Board of Pharmacy on July 23, 1997.
- (8) Exhibit 2A-1--Copy of seven-page transcribed telephone conversation between Compliance Specialist Paul Kover of the Ohio State Board of Pharmacy and Suellen Ogden of Chesterfield Pharmacy on February 3, 1998.
- (9) Exhibit 2B--Copy of Dangerous Drug Distributor Inspection Report of Chesterfield Pharmacy, Terminal Distributor License No. 02-0674900, dated September 2, 1997, and copy of first page of Prescription Room Barricade Inspection Report of Chesterfield Pharmacy dated September 2, 1997.
- (10) Exhibit 3--Copy of six-page Dangerous Drug Distributor Inspection Report of Chesterfield Pharmacy, Terminal Distributor License No. 02-0674900, dated July 22, 1997, and copy of letter from Christopher Roth dated July 23, 1997.
- (11) Exhibit 4--Copies of seven U.S. Official Order Forms - Schedule I & II, Drug Enforcement Administration, of Chesterfield Pharmacy numbered and dated as follows: 961201879 dated June 12, 1996; 961201880 dated June 24, 1996; 961201906 dated June 10, 1996; 962251283 dated July 20, 1996; 962251305 dated September 12, 1996; 970778598 dated April 8, 1997; and 970778599 dated April 2, 1997.
- (12) Exhibit 5--Three-ring binder containing copies as follows: Page 1-1--Index; pages 1-1A and 1-1B--two-page table identified as "ptAsophy.xls"; page 1-1C--table identified as "ptasohy2.xls"; page 1-1D--table identified as "ptasoper.xls"; pages 1-2 through 1-171--section cover pages and prescription records regarding Patient #A-1 obtained from Chesterfield Pharmacy including, but not limited to, the time period from on or about September 19, 1995, through October 10, 1996 (pages 1-2 through 1-108 begin at divider labeled "Suellen Ogden", pages 1-109 through 1-134 begin at divider labeled "Imogene C. Maynard", pages 1-135 through 1-158 begin at divider labeled "John (Jack) Lafferty", pages 1-159 through 1-161 begin at divider labeled "Miscellaneous R.Ph.", and pages 1-162 through 1-171 begin at divider labeled "Patient #1 Computer Print-Outs"); pages 1-172 through 1-176--section cover page and four-page prescription profile of Patient #1 (begin at divider labeled "Patient #1-Patient Profile").
- (13) Exhibit 6--Three-ring binder containing copies as follows: Page 2-1--Index; pages 2-1A and 2-1B--two-page table identified as "ptbsophy.xls"; page 2-1C--table identified as "ptbsoppe.xls"; page 2-1D--table identified as "ptbsohy2.xls"; page 2-1E--table identified as "ptbsope2.xls"; pages 2-2 through 2-151--section cover pages and prescription

records regarding Patient #B-2 obtained from Chesterfield Pharmacy including, but not limited to, the time period from on or about October 14, 1995, through October 10, 1996 (pages 2-2 through 2-98 begin at divider labeled "Suellen Ogden", pages 2-99 through 2-121 begin at divider labeled "Imogene C. Maynard", pages 2-123 through 2-140 begin at divider labeled "John (Jack) Lafferty", and pages 2-141 through 2-151 begin at divider labeled "Patient #2 Computer Print-Outs"); pages 2-152 through 2-157--section cover page and five-page prescription profile of Patient #2 (begin at divider labeled "Patient #2-Patient Profile").

- (14) Exhibit 7--Three-ring binder containing copies as follows: Page 3-1--Index; page 3-1A--table identified as "ptcsopxa.xls"; page 3-1B--table identified as "ptcsopva.xls"; page 3-1C--table identified as "ptcsoxa2.xls"; page 3-1D table identified as "ptcsova2.xls"; pages 3-2 through 3-82--section cover pages and prescription records regarding Patient #C-3 obtained from Chesterfield Pharmacy including, but not limited to, the time period from on or about February 2, 1996, through June 25, 1997 (pages 3-2 through 3-50 begin at divider labeled "Suellen Ogden", pages 3-51 through 3-58 begin at divider labeled "Imogene C. Maynard", pages 3-59 through 3-71 begin at divider labeled "John (Jack) Lafferty", and pages 3-72 through 3-82 begin at divider labeled "Patient #3 Computer Print-Outs"); pages 3-83 through 3-87--section cover page and four-page prescription profile of Patient #3 (begin at divider labeled "Patient #3-Patient Profile").
- (15) Exhibit 8--Three-ring binder containing copies as follows: Page 4-1--Index; page 4-1A--table identified as "ptdsopph.xls"; page 4-1B--table identified as "ptdsohy2.xls"; page 4-1C--table with handwritten numbers on side identified as "ptdsoph2.xls"; page 4-1D--table identified as "ptdsoph2.xls"; pages 4-2 through 4-150--section cover pages and prescription records regarding Patient #D-4 obtained from Chesterfield Pharmacy including, but not limited to, the time period from on or about July 12, 1995, through July 27, 1997 (pages 4-2 through 4-63--begin at divider labeled "Suellen Ogden", pages 4-64 through 4-87 begin at divider labeled "Imogene C. Maynard", pages 4-88 through 4-108 begin at divider labeled "John (Jack) Lafferty", pages 4-109 through 4-119 begin at divider labeled "Miscellaneous R.Ph.s", and pages 4-120 through 4-150 begin at divider labeled "Patient #4 Computer Print-Outs"); pages 4-151 through 4-157--section cover page and six-page prescription profile of Patient #4 (begin at divider labeled "Patient #4-Patient Profile").
- (16) Exhibit 9--Three-ring binder containing copies as follows: Page 5-1--Index; page 5-1A--table identified as "ptesopkl.xls"; page 5-1B--table identified as "ptesopva.xls"; page 5-1C--table identified as "ptesopda.xls"; page 5-1D--table identified as "ptesokl2.xls"; page 5-1E--table identified as "ptesova2.xls"; pages 5-2 through 5-150--section cover pages and prescription records regarding Patient #E-5 obtained from Chesterfield Pharmacy including, but not limited to, the time period from on or about December 14, 1995, through June 20, 1996 (pages 5-2 through 5-63 begin at divider labeled "Suellen Ogden", pages 5-64 through 5-87 begin at divider labeled "Imogene C. Maynard", pages 5-88 through 5-108 begin at divider labeled "John (Jack) Lafferty", pages 5-109 through 5-119 begin at divider labeled "Miscellaneous R.Ph.s", and pages 5-120 through 5-150 begin at divider labeled "Patient #5 Computer Print-Outs"); pages 5-151 through 5-157--section cover page and six-page prescription profile of Patient #5 (begin at divider labeled "Patient #5-Patient Profile").
- (17) Exhibit 10--Three-ring binder containing copies as follows: Page 6-1--Index; page 6-1A--table identified as "ptfsophy.xls"; pages 6-1B and 6-1C--two-page table identified as "ptfsohy2.xls"; pages 6-2 through 6-231--section cover pages and prescription records regarding Patient #F-6 obtained from Chesterfield Pharmacy including, but not limited to, the time period from on or about November 25, 1995, through July 22, 1997 (pages 6-2 through 6-154 begin at divider labeled "Suellen Ogden", pages 6-155 through 6-178 begin at divider labeled "Imogene C. Maynard", pages 6-179 through 6-192 begin at divider labeled "John (Jack) Lafferty", pages 6-193 through 6-200 begin at divider labeled "Miscellaneous R.Ph.s", and pages 6-201 through 6-231 begin at divider labeled "Patient #6 Computer Print-Outs"); pages 6-232 through 6-239--section cover page and seven-page prescription profile of Patient #6 (begin at divider labeled "Patient #6-Patient Profile").
- (18) Exhibit 11--Three-ring binder containing copies as follows: Page 7-1--Index; page 7-1A--table identified as "ptgsohy2.xls"; pages 7-2 through 7-62--section cover pages and prescription records regarding Patient #G-7 obtained from Chesterfield Pharmacy including, but not limited to, the time period from on or about December 31, 1996, through July 21, 1997 (pages 7-2 through 7-40 begin with divider labeled "Suellen Ogden", pages 7-41 through 7-43 begin with divider labeled "Imogene C. Maynard", pages 7-44 through 7-51 begin with divider labeled "Miscellaneous R.Ph.s", and pages 7-52 through 7-62 begin with divider labeled "Patient #7 Computer Print-Outs"); pages 7-63 through 7-67--

section cover page and four-page prescription profile of Patient #7 (begin with divider labeled "Patient #7-Patient Profile").

- (19) Exhibit 12--Three-ring binder containing copies as follows: Page 8-1--Index; page 8-1A--table identified as "pthsoxa2.xls"; page 8-1B--table identified as "pthsova2.xls"; page 8-1C--table identified as "pthsose2.xls"; pages 8-2 through 8-50--section cover pages and prescription records regarding Patient #H-8 obtained from Chesterfield Pharmacy including, but not limited to, the time period from on or about March 4, 1997, through July 23, 1997 (pages 8-2 through 8-22 begin with divider labeled "Suellen Ogden", pages 8-23 through 8-35 begin with divider labeled "Imogene C. Maynard", pages 8-36 through 8-42 begin with divider labeled "John (Jack) Lafferty", and pages 8-43 through 8-50 begin with divider labeled "Patient #8 Computer Print-Outs"); pages 8-51 through 8-53--section cover page and two-page prescription profile of Patient #8 (begin with divider labeled "Patient #8-Patient Profile").
- (20) Exhibit 13--Three-ring binder containing copies as follows: Page 9-1--Index; page 9-1A--table identified as "ptisoppo.xls"; page 9-1B--table identified as "ptisoppt.xls"; page 9-1C--table identified as "ptisopo2.xls"; page 9-1D--table identified as "ptisopt2.xls"; pages 9-2 through 9-67--section cover pages and prescription records regarding Patient #I-9 obtained from Chesterfield Pharmacy including, but not limited to, the time period from on or about May 3, 1995, through September 4, 1996 (pages 9-2 through 9-30 begin at divider labeled "Suellen Ogden", pages 9-31 through 9-34 begin at divider labeled "Imogene C. Maynard", pages 9-35 through 9-42 begin at divider labeled "John (Jack) Lafferty", pages 9-43 through 9-48 begin at divider labeled "Miscellaneous R.Ph.s", and pages 9-49 through 9-67 begin at divider labeled "Patient #9 Computer Print-Outs"); pages 9-68 through 9-74--section cover page and six-page prescription profile of Patient #9 (begin at divider labeled "Patient #9-Patient Profile").
- (21) Exhibit 14--Three-ring binder containing copies as follows: Page 10-1--Index; page 10-1A--table identified as "ptjsophy.xls"; page 10-1B--table identified as "ptjsoppe.xls"; page 10-1C--table identified as "ptjsohy2.xls"; page 10-1D--table identified as "ptjsope2.xls"; pages 10-2 through 10-96--section cover pages and prescription records regarding Patient #J-10 obtained from Chesterfield Pharmacy including, but not limited to, the time period from on or about October 14, 1995, through July 12, 1997 (pages 10-2 through 10-59 begin at divider labeled "Suellen Ogden", pages 10-60 through 10-74 begin at divider labeled "Imogene C. Maynard", pages 10-75 through 10-78 begin at divider labeled "John (Jack) Lafferty", and pages 10-79 through 10-97 begin at divider labeled "Patient #10 Computer Print-Outs"); pages 10-97 through 10-102--section cover page and five-page prescription profile of Patient #10 (begin at divider labeled "Patient #10-Patient Profile").
- (22) Exhibit 15--Three-ring binder containing copies as follows: Page 11-1--Index; page 11-1A--table identified as "ptksopxy.xls"; page 11-1B--table identified as "ptksophy.xls"; page 11-1C--table identified as "ptksoty2.xls"; page 11-1D--table identified as "ptksohy2.xls"; pages 11-2 through 11-103--section cover pages and prescription records regarding Patient #K-11 obtained from Chesterfield Pharmacy including, but not limited to, the time period from on or about December 14, 1995, through October 17, 1996 (pages 11-2 through 11-46 begin at divider labeled "Suellen Ogden", pages 11-47 through 11-73 begin at divider labeled "Imogene C. Maynard", pages 11-74 through 11-92 begin at divider labeled "John (Jack) Lafferty", and pages 11-93 through 11-103 begin at divider labeled "Patient #10 Computer Print-Outs"); pages 11-104 through 11-107--section cover page and three-page prescription profile of Patient #11 (begin at divider labeled "Patient #11-Patient Profile").
- (23) Exhibit 16--Three-ring binder containing copies as follows: Page 12-1--Index; page 12-1A--table identified as "ptLsophy.xls"; page 12-1B--table identified as "ptLsoppe.xls"; page 12-1C--table identified as "ptLsohy2.xls"; page 12-1D--table identified as "ptLsope2.xls"; pages 12-2 through 12-116--section cover pages and prescription records regarding Patient #L-12 obtained from Chesterfield Pharmacy including, but not limited to, the time period from on or about January 2, 1996, through December 17, 1996 (pages 12-2 through 12-76 begin at divider labeled "Suellen Ogden", pages 12-77 through 12-88 begin at divider labeled "Imogene C. Maynard", pages 12-89 through 12-102 begin at divider labeled "John (Jack) Lafferty", pages 12-103 through 12-106 begin at divider labeled "Miscellaneous R.Ph.s", and pages 12-107 through 12-116 begin at divider labeled "Patient #12 Computer Print-Outs"); pages 12-117 through 12-121--section cover page and four-page prescription profile of Patient #12 (begin at divider labeled "Patient #12-Patient Profile").
- (24) Exhibit 17--Three-ring binder containing copies as follows: Page 13-1--Index; page 13-1A--table identified as "ptmsopac.xls"; page 13-1B--table identified as "ptmsophy.xls"; page 13-1C--table identified as "ptmsaac2.xls"; page 13-1D--table identified as "ptmsohy2.xls"; pages 13-2 through 13-126--section cover pages and prescription

records regarding Patient #M-13 obtained from Chesterfield Pharmacy including, but not limited to, the time period from on or about July 2, 1996, through July 2, 1997 (pages 13-2 through 13-77 begin at divider labeled "Suellen Ogden", pages 13-78 through 13-89 begin at divider labeled "Imogene C. Maynard", pages 13-90 through 13-96 begin at divider labeled "John (Jack) Lafferty", pages 13-97 through 13-107 begin at divider labeled "Miscellaneous R.Ph.s", and pages 13-108 through 13-126 begin at divider labeled "Patient #13 Computer Print-Outs"); pages 13-127 through 13-133--section cover page and six-page prescription profile of Patient #13 (begin at divider labeled "Patient #13-Patient Profile").

- (25) Exhibit 18--Three-ring binder containing copies as follows: Page 14-1--Index; page 14-1A--table identified as "ptnsophy.xls"; page 14-1B--table identified as "ptnsophy2.xls"; pages 14-2 through 14-97--section cover pages and prescription records regarding Patient #N-14 obtained from Chesterfield Pharmacy including, but not limited to, the time period from on or about January 3, 1996, through January 17, 1997 (pages 14-2 through 14-66 begin at divider labeled "Suellen Ogden", pages 14-67 through 14-77 begin at divider labeled "Imogene C. Maynard", pages 14-78 through 14-80 begin at divider labeled "John (Jack) Lafferty", pages 14-81 through 14-88 begin at divider labeled "Miscellaneous R.Ph.s", and pages 14-89 through 14-97 begin at divider labeled "Patient #14 Computer Print-Outs"); pages 14-98 through 14-101--section cover page and three-page prescription profile of Patient #14 (begin at divider labeled "Patient #14-Patient Profile").
- (26) Exhibit 20--Copy of list of registered pharmacists who have worked at Chesterfield Pharmacy and their computer initials.

Respondent's Exhibits:

- (1) 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 February 25, 1999, Chesterfield Pharmacy was notified by letter of its right to a hearing, its rights in such hearing, and its right to submit its contentions in writing.
- (2) As demonstrated by personal delivery receipt of March 18, 1999, Chesterfield Pharmacy received the letter of February 25, 1999, informing it of the allegations against it, and its rights.
- (3) Chesterfield Pharmacy has not responded in any manner to the letter of February 25, 1999, and has not requested a hearing in this matter.
- (4) Records of the Board of Pharmacy indicate that during the relevant time periods stated herein, Suellen Ogden was the Responsible Pharmacist at Chesterfield Pharmacy pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (5) Chesterfield Pharmacy did, on or about January 1, 1996, and dates previous, fail to keep a record of drugs purchased, possessed, and dispensed, to wit: a Compliance Agent for the Board was advised on July 21 and July 22, 1997, that all records of drugs dated before January 1, 1996, were purged from the computer and not kept at Chesterfield Pharmacy; the Compliance Agent's inspection confirmed this fact. Such conduct is in violation of Section 3719.07 of the Ohio Revised Code and Rule 4729-5-28(F) of the Ohio Administrative Code.
- (6) Chesterfield Pharmacy did, on or about July 21 and July 22, 1997, fail to provide effective and approved controls and procedures to guard against theft and diversion of dangerous drugs, to wit: a computer terminal which allowed access to the records of dangerous drugs and an after-hours drop box containing dangerous drugs were located outside the confines of the physical barricade, allowing access by unlicensed persons other than health professionals. Such conduct is in violation of Rules 4729-9-05 and 4729-9-11(A)(2)(f) of the Ohio Administrative Code.

- (7) Chesterfield Pharmacy did, on or about July 21 and July 22, 1997, fail to properly execute controlled substance order forms, i.e. D.E.A. 222 forms, to wit: when drugs were received pursuant to the following D.E.A. 222 forms, the forms were not completed as to the amount of controlled substances received nor the date received:

961201879, 961201880, 961201906, 962251283, 962251305,
970778598, 970778599

Such conduct is in violation of Section 3719.07 of the Ohio Revised Code and Section 1305.09 of the Code of Federal Regulations.

- (8) Chesterfield Pharmacy did, on or about July 21 and July 22, 1997, and dates preceding, continuously fail to perform prospective drug utilization review and patient counseling, to wit: when dispensing medications to a patient pursuant to prescriptions, Chesterfield Pharmacy's pharmacists failed to review the original prescription and/or refill information for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse; and Chesterfield Pharmacy's pharmacists failed to offer patient counseling. Such conduct is in violation of Rules 4729-5-20 and 4729-5-22 of the Ohio Administrative Code.
- (9) Chesterfield Pharmacy did, from January 12, 1996, through June 29, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient A" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23115644	Hydromet Syrup	240ml	1/12/96
23115648	Hydrocodone 5mg/APAP 500mg	60	1/12/96
23115644	Hydromet Syrup	240ml	1/17/96
23115648	Hydrocodone 5mg/APAP 500mg	60	1/18/96
23115644	Hydromet Syrup	240ml	1/22/96
23115648	Hydrocodone 5mg/APAP 500mg	60	1/24/96
23115648	Hydrocodone 5mg/APAP 500mg	60	1/30/96
23117003	Hydrocodone 5mg/APAP 500mg	60	2/6/96
23117006	Hydromet Syrup	240ml	2/6/96
23117006	Hydromet Syrup	240ml	2/10/96
23117003	Hydrocodone 5mg/APAP 500mg	60	2/13/96
23117006	Hydromet Syrup	240ml	2/15/96
23117003	Hydrocodone 5mg/APAP 500mg	60	2/19/96
23117003	Hydrocodone 5mg/APAP 500mg	60	2/24/96
23118328	Hydrocodone 5mg/APAP 500mg	60	2/28/96
23118330	Hydromet Syrup	240ml	2/28/96
23118330	Hydromet Syrup	240ml	3/4/96
23118328	Hydrocodone 5mg/APAP 500mg	60	3/5/96
23118330	Hydromet Syrup	240ml	3/9/96
23118328	Hydrocodone 5mg/APAP 500mg	60	3/11/96
23118330	Hydromet Syrup	240ml	3/14/96
23118328	Hydrocodone 5mg/APAP 500mg	60	3/18/96
23119990	Hydrocodone 5mg/APAP 500mg	60	3/27/96
23119991	Hydromet Syrup	240ml	3/27/96
23119991	Hydromet Syrup	240ml	3/30/96
23119990	Hydrocodone 5mg/APAP 500mg	60	4/2/96
23119991	Hydromet Syrup	240ml	4/3/96
23119990	Hydrocodone 5mg/APAP 500mg	60	4/8/96
23119990	Hydrocodone 5mg/APAP 500mg	60	4/15/96
23121655	Hydromet Syrup	240ml	4/25/96
23121655	Hydromet Syrup	240ml	4/29/96
23121655	Hydromet Syrup	240ml	5/4/96
23123584	Hydromet Syrup	240ml	5/30/96
23123585	Hydrocodone 5mg/APAP 500mg	60	5/30/96
23123584	Hydromet Syrup	240ml	6/4/96
23123585	Hydrocodone 5mg/APAP 500mg	60	6/7/96
23123584	Hydromet Syrup	240ml	6/10/96
23123585	Hydrocodone 5mg/APAP 500mg	60	6/13/96

23123585	Hydrocodone 5mg/APAP 500mg	60	6/24/96
23125375	Hydrocodone 5mg/APAP 500mg	60	6/29/96
23125376	Hydromet Syrup	240ml	6/29/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (10) Chesterfield Pharmacy did, from July 3, 1996, through September 28, 1996, knowingly sell or offer to sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient A" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23125376	Hydromet Syrup	240ml	7/3/96
23125375	Hydrocodone 5mg/APAP 500mg	60	7/5/96
23125376	Hydromet Syrup	240ml	7/9/96
23125375	Hydrocodone 5mg/APAP 500mg	60	7/18/96
23125375	Hydrocodone 5mg/APAP 500mg	60	7/25/96
23127024	Hydromet Syrup	240ml	7/31/96
23127026	Hydrocodone 5mg/APAP 500mg	60	7/31/96
23127024	Hydromet Syrup	240ml	8/5/96
23127024	Hydromet Syrup	240ml	8/9/96
23127026	Hydrocodone 5mg/APAP 500mg	60	8/13/96
23127999	Hydrocodone 5mg/APAP 500mg	60	8/21/96
23128001	Hydromet Syrup	240ml	8/21/96
23128001	Hydromet Syrup	240ml	8/26/96
23128001	Hydromet Syrup	240ml	8/30/96
23127999	Hydrocodone 5mg/APAP 500mg	60	9/3/96
23129363	Hydromet Syrup	240ml	9/18/96
23129363	Hydromet Syrup	240ml	9/23/96
23129363	Hydromet Syrup	240ml	9/28/96

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised.

- (11) Chesterfield Pharmacy did, from July 31, 1996, through September 18, 1996, knowingly sell or offer to sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient A" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23127023	Roxicet	120	7/31/96
23127998	Roxicet	120	8/21/96
23129364	Roxicet	120	9/18/96

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised.

- (12) Chesterfield Pharmacy did, from October 14, 1995, through June 26, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient B" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23110600	Hydromet Syrup	240ml	10/14/95
23110601	Hydrocodone 5mg/APAP 500mg	100	10/14/95
23110601	Hydrocodone 5mg/APAP 500mg	100	11/6/95
23112203	Hydromet Syrup	240ml	11/13/95
23110601	Hydrocodone 5mg/APAP 500mg	100	11/15/95
23112203	Hydromet Syrup	240ml	11/16/95
23110601	Hydrocodone 5mg/APAP 500mg	100	11/25/95
23110601	Hydrocodone 5mg/APAP 500mg	100	12/5/95

23113937	Hydromet Syrup	240ml	12/13/95
23113939	Hydrocodone 5mg/APAP 500mg	84	12/13/95
23113937	Hydromet Syrup	240ml	12/16/95
23113939	Hydrocodone 5mg/APAP 500mg	84	12/21/95
23115287	Hydromet Syrup	240ml	1/8/96
23115289	Hydrocodone 5mg/APAP 500mg	84	1/8/96
23115287	Hydromet Syrup	240ml	1/11/96
23115289	Hydrocodone 5mg/APAP 500mg	84	1/20/96
23116699	Hydromet Syrup	240ml	2/1/96
23116713	Hydrocodone 5mg/APAP 500mg	84	2/1/96
23116699	Hydromet Syrup	240ml	2/5/96
23116713	Hydrocodone 5mg/APAP 500mg	84	2/12/96
23118339	Hydrocodone 5mg/APAP 500mg	84	2/28/96
23118340	Hydromet Syrup	240ml	2/28/96
23118340	Hydromet Syrup	240ml	3/4/96
23118339	Hydrocodone 5mg/APAP 500mg	84	3/11/96
23119248	Hydromet Syrup	240ml	3/14/96
23119258	Hydrocodone 5mg/APAP 500mg	125	3/14/96
23119248	Hydromet Syrup	240ml	3/18/96
23119258	Hydrocodone 5mg/APAP 500mg	125	4/3/96
23119258	Hydrocodone 5mg/APAP 500mg	125	4/22/96
23121647	Hydromet Syrup	240ml	4/25/96
23121647	Hydromet Syrup	240ml	4/29/96
23119258	Hydrocodone 5mg/APAP 500mg	125	5/8/96
23119258	Hydrocodone 5mg/APAP 500mg	40	5/25/96
23123589	Hydromet Syrup	240ml	5/30/96
23123749	Hydromet Syrup	240ml	6/3/96
23123749	Hydromet Syrup	240ml	6/7/96
23125144	Hydrocodone 5mg/APAP 500mg	84	6/26/96
23125145	Hydromet Syrup	240ml	6/26/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (13) Chesterfield Pharmacy did, from December 13, 1995, through June 26, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient B" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23113938	Roxicet	90	12/13/95
23115288	Roxicet	90	1/8/96
23116714	Roxicet	90	2/1/96
23118338	Roxicet	90	2/28/96
23119259	Roxicet	125	3/14/96
23121675	Roxicet	125	4/25/96
23123590	Roxicet	90	5/30/96
23123750	Roxicet	90	6/3/96
23125146	Roxicet	90	6/26/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (14) Chesterfield Pharmacy did, from July 1, 1996, through October 10, 1996, knowingly sell or offer to sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient B" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23125145	Hydromet Syrup	240ml	7/1/96
23125144	Hydrocodone 5mg/APAP 500mg	84	7/9/96
23125144	Hydrocodone 5mg/APAP 500mg	84	7/22/96

23126525	Hydromet Syrup	240ml	7/23/96
23126525	Hydromet Syrup	240ml	7/29/96
23125144	Hydrocodone 5mg/APAP 500mg	84	8/3/96
23127713	Hydrocodone 5mg/APAP 500mg	60	8/14/96
23127713	Hydrocodone 5mg/APAP 500mg	60	8/20/96
23128348	Hydromet Syrup	240ml	8/28/96
23128349	Hydrocodone 5mg/APAP 500mg	84	8/28/96
23128348	Hydromet Syrup	240ml	9/3/96
23128349	Hydrocodone 5mg/APAP 500mg	84	9/9/96
23128349	Hydrocodone 5mg/APAP 500mg	84	9/21/96
23128349	Hydrocodone 5mg/APAP 500mg	84	10/10/96

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

- (15) Chesterfield Pharmacy did, from July 23, 1996, through August 21, 1996, knowingly sell or offer to sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient B" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23126526	Roxicet	90	7/23/96
23127712	Roxicet	60	8/14/96
23128003	Roxicet	60	8/21/96

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

- (16) Chesterfield Pharmacy did, from February 2, 1996, through June 28, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient C" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23116765	Alprazolam 1mg	112	2/2/96
23116765	Alprazolam 1mg	112	2/28/96
23119729	Alprazolam 1mg	112	3/22/96
23119729	Alprazolam 1mg	112	4/17/96
23122555	Alprazolam 1mg	112	5/10/96
23122555	Alprazolam 1mg	112	6/4/96
23125306	Alprazolam 1mg	112	6/28/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (17) Chesterfield Pharmacy did, from March 22, 1996, through June 28, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient C" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23119726	Diazepam 10mg	168	3/22/96
23119726	Diazepam 10mg	168	4/17/96
23119726	Diazepam 10mg	168	5/10/96
23119726	Diazepam 10mg	168	6/4/96
23119726	Diazepam 10mg	168	6/28/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (18) Chesterfield Pharmacy did, from July 24, 1996, through June 5, 1997, knowingly sell or offer to sell a controlled substance in an amount exceeding five times the

bulk amount, but in an amount less than fifty times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient C" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23125306	Alprazolam 1mg	112	7/24/96
23127783	Alprazolam 1mg	112	8/16/96
23127783	Alprazolam 1mg	112	9/12/96
23130509	Alprazolam 1mg	112	10/8/96
23130509	Alprazolam 1mg	112	11/8/96
23133144	Alprazolam 1mg	112	11/29/96
23133144	Alprazolam 1mg	112	12/23/96
23133144	Alprazolam 1mg	112	1/31/97
305243	Alprazolam 1mg	120	5/9/97
305243	Alprazolam 1mg	120	6/5/97

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

- (19) Chesterfield Pharmacy did, from July 24, 1996, through June 5, 1997, knowingly sell or offer to sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient C" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23119726	Diazepam 10mg	168	7/24/96
23127786	Diazepam 10mg	168	8/16/96
23127786	Diazepam 10mg	168	9/12/96
23127786	Diazepam 10mg	168	10/8/96
23127786	Diazepam 10mg	168	11/4/96
23127786	Diazepam 10mg	168	11/29/96
23127786	Diazepam 10mg	168	12/23/96
300841	Diazepam 10mg	168	1/31/97
301671	Diazepam 10mg	168	2/19/97
301671	Diazepam 10mg	168	3/16/97
301671	Diazepam 10mg	168	4/16/97
301671	Diazepam 10mg	168	5/9/97
301671	Diazepam 10mg	168	6/5/97

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

- (20) Chesterfield Pharmacy did, from July 12, 1995, through June 12, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient D" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23105227	Phentermine 37.5mg	14	7/12/95
23106097	Phentermine 37.5mg	14	7/26/95
23106858	Phentermine 37.5mg	14	8/9/95
23107624	Phentermine 37.5mg	14	8/23/95
23108336	Phentermine 37.5mg	14	9/6/95
23115472	Phentermine 37.5mg	14	1/10/96
23116293	Adipex-P	14	1/24/96
23117099	Phentermine 37.5mg	14	2/7/96
23117853	Phentermine 37.5mg	14	2/21/96
23118700	Phentermine 37.5mg	14	3/6/96
23119585	Phentermine 37.5mg	14	3/20/96
23120463	Phentermine 37.5mg	14	4/3/96
23122821	Phentermine 37.5mg	14	5/15/96
23124332	Phentermine 37.5mg	14	6/12/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Code.

- (21) Chesterfield Pharmacy did, from November 14, 1996, through July 8, 1997, knowingly sell or offer to sell a controlled substance in an amount exceeding fifty times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient D" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23131680	Hydrocodone 5mg/APAP 500mg	60	11/14/96
23132417	Hydromet Syrup	240ml	11/14/96
23132417	Hydromet Syrup	240ml	11/20/96
23132417	Hydromet Syrup	240ml	11/25/96
23133099	Hydrocodone 5mg/APAP 500mg	60	11/27/96
23133101	Hydrocodone/Homatropine Syrup	240ml	11/30/96
23133099	Hydrocodone 5mg/APAP 500mg	60	12/7/96
23133101	Hydrocodone/Homatropine Syrup	240ml	12/7/96
23133704	Hydrocodone/Homatropine Syrup	240ml	12/11/96
23133099	Hydrocodone 5mg/APAP 500mg	60	12/16/96
23133704	Hydromet Syrup	240ml	12/24/96
23133099	Hydrocodone 5mg/APAP 500mg	60	12/26/96
23133099	Hydrocodone 5mg/APAP 500mg	60	1/4/97
23133099	Hydrocodone 5mg/APAP 500mg	60	1/14/97
300282	Hydrocodone 5mg/APAP 500mg	60	1/22/97
300282	Hydrocodone 5mg/APAP 500mg	60	1/31/97
300283	Hydromet Syrup	240ml	2/5/97
300282	Hydrocodone 5mg/APAP 500mg	60	2/10/97
300283	Hydromet Syrup	240ml	2/10/97
300282	Hydrocodone 5mg/APAP 500mg	60	2/20/97
300282	Hydrocodone 5mg/APAP 500mg	60	3/3/97
302301	Hydromet Syrup	240ml	3/5/97
300282	Hydrocodone 5mg/APAP 500mg	60	3/12/97
302301	Hydromet Syrup	240ml	3/12/97
303143	Hydrocodone 5mg/APAP 500mg	60	3/24/97
303143	Hydrocodone 5mg/APAP 500mg	60	4/5/97
303143	Hydrocodone 5mg/APAP 500mg	60	4/16/97
304060	Hydrocodone Compound	240ml	4/16/97
303143	Hydrocodone 5mg/APAP 500mg	60	4/26/97
304060	Hydrocodone Compound	240ml	4/26/97
303143	Hydrocodone 5mg/APAP 500mg	60	5/5/97
303143	Hydrocodone 5mg/APAP 500mg	60	5/14/97
305948	Hydrocodone 5mg/APAP 500mg	60	5/24/97
305948	Hydrocodone 5mg/APAP 500mg	60	6/3/97
305948	Hydrocodone 5mg/APAP 500mg	60	6/13/97
305948	Hydrocodone 5mg/APAP 500mg	60	6/21/97
305948	Hydrocodone 5mg/APAP 500mg	60	6/30/97
305948	Hydrocodone 5mg/APAP 500mg	60	7/8/97

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

- (22) Chesterfield Pharmacy did, from July 10, 1996, through July 22, 1997, knowingly sell or offer to sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient D" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23125861	Phentermine 37.5mg	14	7/10/96
23127256	Phentermine 37.5mg	14	8/7/96
23131678	Phentermine 37.5mg	14	10/30/96
23132414	Phentermine 37.5mg	14	11/14/96
23133100	Phentermine 37.5mg	14	11/27/96
23133703	Phentermine 37.5mg	14	12/11/96
23134402	Phentermine 37.5mg	14	12/24/96

303468	Phentermine 37.5mg	14	4/2/97
304055	Phentermine 37.5mg	14	4/16/97
305478	Phentermine 37.5mg	14	5/14/97
306191	Phentermine 37.5mg	14	5/30/97
306722	Phentermine 37.5mg	14	6/10/97
307299	Phentermine 37.5mg	14	6/24/97
307855	Phentermine 37.5mg	14	7/8/97
308392	Phentermine 37.5mg	14	7/22/97

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

- (23) Chesterfield Pharmacy did, from December 18, 1995, through June 3, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient E" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23113453	Diazepam 10mg	56	12/18/95
23113453	Diazepam 10mg	56	12/27/95
23113453	Diazepam 10mg	56	1/23/96
23113453	Diazepam 10mg	56	2/8/96
23117970	Diazepam 10mg	56	2/23/96
23117970	Diazepam 10mg	56	3/5/96
23113453	Diazepam 10mg	56	3/16/96
23117970	Diazepam 10mg	56	3/25/96
23117970	Diazepam 10mg	56	4/8/96
23121468	Diazepam 10mg	84	4/23/96
23121468	Diazepam 10mg	84	5/23/96
23123730	Diazepam 10mg	84	6/3/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (24) Chesterfield Pharmacy did, from December 14, 1995, through June 20, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient E" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23112912	Klonopin 2mg	35	12/14/95
23112912	Klonopin 2mg	35	12/23/95
23114819	Klonopin 2mg	42	1/13/96
23114819	Klonopin 2mg	42	1/23/96
23114819	Klonopin 2mg	42	2/1/96
23114819	Klonopin 2mg	42	2/8/96
23117335	Klonopin 2mg	42	2/12/96
23117969	Klonopin 2mg	112	2/23/96
23117969	Klonopin 2mg	112	3/5/96
23118704	Klonopin 2mg	100	3/6/96
23117969	Klonopin 2mg	112	3/16/96
23118704	Klonopin 2mg	100	3/25/96
23122341	Klonopin 2mg	100	5/7/96
23118704	Klonopin 2mg	100	5/23/96
23118704	Klonopin 2mg	100	6/6/96
23118704	Klonopin 2mg	100	6/20/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (25) Chesterfield Pharmacy did, from December 27, 1995, through June 3, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount

when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient E" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23113454	Flurazepam 30mg	14	12/27/95
23116233	Flurazepam 30mg	14	1/23/96
23117334	Flurazepam 30mg	14	2/12/96
23116233	Flurazepam 30mg	14	2/23/96
23117334	Flurazepam 30mg	14	3/5/96
23118702	Flurazepam 30mg	14	3/6/96
23118702	Flurazepam 30mg	14	3/16/96
23120777	Flurazepam 30mg	14	4/9/96
23122344	Flurazepam 30mg	14	5/7/96
23123733	Flurazepam 30mg	14	6/3/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (26) Chesterfield Pharmacy did, on or about July 1, 1996, knowingly sell or offer to sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold 84 unit doses of Diazepam 10mg, pursuant to prescription number 23123730, to "Patient E" without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (27) Chesterfield Pharmacy did, on or about July 1, 1996, knowingly sell or offer to sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold 100 unit doses of Klonopin 2mg, pursuant to prescription number 23118704, to "Patient E" without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (28) Chesterfield Pharmacy did, from November 25, 1995, through June 24, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient F" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23109697	Hydrocodone 5mg/APAP 500mg	84	11/25/95
23112889	Hydromet Syrup	240ml	11/25/95
23112889	Hydromet Syrup	240ml	12/4/95
23112890	Hydrocodone 5mg/APAP 500mg	84	12/4/95
23112890	Hydrocodone 5mg/APAP 500mg	84	12/15/95
23112890	Hydrocodone 5mg/APAP 500mg	84	12/26/95
23112890	Hydrocodone 5mg/APAP 500mg	84	1/5/96
23115188	Hydrocodone 5mg/APAP 500mg	84	1/19/96
23115188	Hydrocodone 5mg/APAP 500mg	84	1/31/96
23116668	Hydromet Syrup	240ml	1/31/96
23115188	Hydrocodone 5mg/APAP 500mg	84	2/13/96
23116668	Hydromet Syrup	240ml	2/13/96
23115188	Hydrocodone 5mg/APAP 500mg	84	2/27/96
23118360	Hydromet Syrup	240ml	2/28/96
23118360	Hydromet Syrup	240ml	3/12/96
23119069	Hydrocodone 5mg/APAP 500mg	84	3/12/96
23119069	Hydrocodone 5mg/APAP 500mg	84	3/25/96
23119069	Hydrocodone 5mg/APAP 500mg	84	4/8/96
23120803	Hydromet Syrup	240ml	4/9/96
23119069	Hydrocodone 5mg/APAP 500mg	84	4/20/96
23120803	Hydromet Syrup	240ml	4/20/96
23121838	Hydrocodone 5mg/APAP 500mg	90	4/27/96
23121838	Hydrocodone 5mg/APAP 500mg	90	5/8/96
23121838	Hydrocodone 5mg/APAP 500mg	90	5/18/96
23121838	Hydrocodone 5mg/APAP 500mg	90	5/31/96

23124162	Hydromet Syrup	240ml	6/8/96
23124163	Hydrocodone 5mg/APAP 500mg	84	6/11/96
23124162	Hydromet Syrup	240ml	6/17/96
23124163	Hydrocodone 5mg/APAP 500mg	84	6/24/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Code.

- (29) Chesterfield Pharmacy did, from July 8, 1996, through July 22, 1997, knowingly sell or offer to sell a controlled substance in an amount exceeding fifty times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient F" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23124163	Hydrocodone 5mg/APAP 500mg	84	7/8/96
23124163	Hydrocodone 5mg/APAP 500mg	84	7/20/96
23124162	Hydromet Syrup	240ml	7/26/96
23126552	Hydrocodone 5mg/APAP 500mg	84	8/1/96
23124162	Hydromet Syrup	240ml	8/8/96
23126552	Hydrocodone 5mg/APAP 500mg	84	8/12/96
23127583	Hydromet Syrup	240ml	8/12/96
23126552	Hydrocodone 5mg/APAP 500mg	84	8/22/96
23127583	Hydromet Syrup	240ml	8/22/96
23126552	Hydrocodone 5mg/APAP 500mg	84	8/31/96
23127946	Hydrocodone 5mg/APAP 500mg	125	9/5/96
23127946	Hydrocodone 5mg/APAP 500mg	43	9/5/96
23127583	Hydromet Syrup	240ml	9/7/96
23129956	Hydrocodone 5mg/APAP 500mg	84	9/27/96
23127583	Hydromet Syrup	240ml	10/11/96
23129956	Hydrocodone 5mg/APAP 500mg	84	10/11/96
23129956	Hydrocodone 5mg/APAP 500mg	84	10/19/96
23131415	Hydromet Syrup	240ml	10/24/96
23129956	Hydrocodone 5mg/APAP 500mg	84	10/28/96
23131421	Hydrocodone 5mg/APAP 500mg	84	11/6/96
23131415	Hydromet Syrup	240ml	11/9/96
23131421	Hydrocodone 5mg/APAP 500mg	84	11/15/96
23131415	Hydromet Syrup	240ml	11/26/96
23131421	Hydrocodone 5mg/APAP 500mg	84	11/26/96
23131421	Hydrocodone 5mg/APAP 500mg	84	12/6/96
23131415	Hydromet Syrup	240ml	12/17/96
23134024	Hydrocodone 5mg/APAP 500mg	84	12/17/96
23134025	Hydromet Syrup	240ml	12/24/96
23134024	Hydrocodone 5mg/APAP 500mg	84	12/28/96
23134024	Hydrocodone 5mg/APAP 500mg	84	1/7/97
23134025	Hydromet Syrup	240ml	1/7/97
23134024	Hydrocodone 5mg/APAP 500mg	84	1/17/97
300736	Hydrocodone 5mg/APAP 500mg	84	1/29/97
23134025	Hydromet Syrup	240ml	1/31/97
300736	Hydrocodone 5mg/APAP 500mg 0	84	2/11/97
23134025	Hydromet Syrup	240ml	2/12/97
301605	Hydromet Syrup	240ml	2/18/97
300736	Hydrocodone 5mg/APAP 500mg	84	2/20/97
300736	Hydrocodone 5mg/APAP 500mg	84	3/1/97
301605	Hydromet Syrup	240ml	3/5/97
302605	Hydrocodone 5mg/APAP 500mg	90	3/10/97
301605	Hydromet Syrup	240ml	3/18/97
302605	Hydrocodone 5mg/APAP 500mg	90	3/19/97
301605	Hydromet Syrup	240ml	3/27/97
302605	Hydrocodone 5mg/APAP 500mg	90	3/28/97
302605	Hydrocodone 5mg/APAP 500mg	90	4/7/97
303974	Hydrocodone 5mg/APAP 500mg	90	4/15/97
303975	Hydrocodone Compound	240ml	4/15/97
303975	Hydrocodone Compound	240ml	4/22/97
303974	Hydrocodone 5mg/APAP 500mg	90	4/25/97
303974	Hydrocodone 5mg/APAP 500mg	90	5/3/97

303975	Hydrocodone Compound	240ml	5/3/97
303975	Hydrocodone Compound	240ml	5/12/97
305346	Hydrocodone 5mg/APAP 500mg	90	5/12/97
305346	Hydrocodone 5mg/APAP 500mg	90	5/21/97
305784	Hydrocodone Compound	240ml	5/21/97
305346	Hydrocodone 5mg/APAP 500mg	90	5/31/97
305784	Hydrocodone Compound	240ml	5/31/97
305784	Hydrocodone Compound	240ml	6/5/97
306511	Hydrocodone 5mg/APAP 500mg	90	6/10/97
305784	Hydrocodone Compound	240ml	6/19/97
307320	Hydrocodone Compound	240ml	6/24/97
307321	Hydrocodone 5mg/APAP 500mg	90	6/24/97
307320	Hydrocodone Compound	240ml	7/15/97
307320	Hydrocodone Compound	240ml	7/22/97
308402	Hydrocodone 5mg/APAP 500mg	90	7/22/97

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

- (30) Chesterfield Pharmacy did, from December 31, 1996, through July 21, 1997, knowingly sell or offer to sell a controlled substance in an amount exceeding fifty times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient G" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23133915	Vicodin	90	12/31/96
23133467	Hydromet Syrup	240ml	1/2/97
23133915	Vicodin	90	1/15/97
23133467	Hydromet Syrup	240ml	1/30/97
23133915	Vicodin	90	1/30/97
23133915	Vicodin	90	2/15/97
302075	Hycodan Syrup	240ml	2/27/97
302074	Vicodin	90	3/3/97
302074	Vicodin	90	3/17/97
302075	Hycodan Syrup	240ml	3/17/97
302074	Vicodin	90	3/31/97
302075	Hycodan Syrup	240ml	3/31/97
302074	Vicodin	90	4/14/97
303958	Hycodan Syrup	240ml	4/14/97
302074	Vicodin	90	4/28/97
303958	Hycodan Syrup	240ml	4/28/97
303958	Hycodan Syrup	240ml	5/12/97
305319	Vicodin	90	5/12/97
305319	Vicodin	90	5/27/97
306034	Hycodan Syrup	240ml	5/27/97
305319	Vicodin	90	6/9/97
306034	Hycodan Syrup	240ml	6/9/97
305319	Vicodin	90	6/23/97
306034	Hycodan Syrup	240ml	6/23/97
305319	Vicodin	90	7/7/97
308377	Vicodin	90	7/21/97
308379	Hycodan Syrup	240ml	7/21/97

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

- (31) Chesterfield Pharmacy did, from April 9, 1997, through July 23, 1997, knowingly sell or offer to sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient H" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
303827	Alprazolam 2mg	100	04/09/97
303827	Alprazolam 2mg	100	04/29/97
303827	Alprazolam 2mg	100	05/19/97

303827	Alprazolam 2mg	100	06/11/97
303827	Alprazolam 2mg	100	07/02/97
303827	Alprazolam 2mg	100	07/23/97

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

- (32) Chesterfield Pharmacy did, from March 4, 1997, through May 19, 1997, knowingly sell or offer to sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient H" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
302195	Diazepam 10mg	90	03/04/97
302195	Diazepam 10mg	90	03/19/97
302195	Diazepam 10mg	90	04/03/97
302195	Diazepam 10mg	90	04/19/97
302195	Diazepam 10mg	90	05/05/97
302195	Diazepam 10mg	90	05/19/97

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

- (33) Chesterfield Pharmacy did, from March 4, 1997, through May 19, 1997, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than five times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient H" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
302199	Oxazepam 30mg	30	03/04/97
302199	Oxazepam 30mg	30	03/19/97
303825	Oxazepam 30mg	30	04/09/97
303825	Oxazepam 30mg	30	05/19/97

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

- (34) Chesterfield Pharmacy did, from May 3, 1995, through May 16, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient I" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23101144	lonamin 30mg	14	5/3/95
23101782	lonamin 30mg	14	5/12/95
23102693	lonamin 30mg	14	5/30/95
23103667	lonamin 30mg	14	6/14/95
23103971	lonamin 30mg	14	6/20/95
23105136	lonamin 30mg	14	7/11/95
23105984	lonamin 30mg	14	7/25/95
23106780	lonamin 30mg	14	8/8/95
23112253	lonamin 30mg	14	11/14/95
23113121	lonamin 30mg	14	11/29/95
23113717	lonamin 30mg	14	12/9/95
23114997	lonamin 30mg	14	1/3/96
23115947	lonamin 30mg	14	1/17/96
23116522	lonamin 30mg	14	1/30/96
23117508	lonamin 30mg	14	2/14/96
23118194	lonamin 30mg	14	2/27/96
23119154	lonamin 30mg	14	3/13/96
23119887	lonamin 30mg	14	3/26/96
23120892	lonamin 30mg	14	4/10/96
23122897	lonamin 30mg	14	5/16/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (35) Chesterfield Pharmacy did, from August 9, 1995, through April 29, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient I" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23106898	Pondimin 20mg	42	8/9/95
23108181	Pondimin 20mg	42	9/2/95
23109101	Pondimin 20mg	42	9/19/95
23110245	Pondimin 20mg	42	10/6/95
23110788	Pondimin 20mg	42	10/17/95
23111811	Pondimin 20mg	42	11/4/95
23114575	Pondimin 20mg	42	12/23/95
23115700	Pondimin 20mg	42	1/15/96
23116677	Pondimin 20mg	42	1/31/96
23118091	Pondimin 20mg	42	2/24/96
23119753	Pondimin 20mg	42	3/22/96
23120671	Pondimin 20mg	42	4/5/96
23121932	Pondimin 20mg	42	4/29/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (36) Chesterfield Pharmacy did, on or about July 5, 1996, knowingly sell or offer to sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold 14 unit doses of Adipex-P, pursuant to prescription number 23125634, to "Patient I" without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (37) Chesterfield Pharmacy did, from August 16, 1996, through September 4, 1996, knowingly sell or offer to sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient I" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23127831	Pondimin 20mg	42	8/16/96
23128189	Pondimin 20mg	42	8/24/96
23128552	Pondimin 20mg	42	9/4/96

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

- (38) Chesterfield Pharmacy did, from October 17, 1995, through March 12, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient J" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23110826	Roxiprin	125	10/17/95
23111579	Roxiprin	125	10/31/95
23112140	Roxiprin	125	11/13/95
23112948	Endodan	125	11/27/95
23114484	Endodan	125	12/22/95
23115116	Endodan	125	1/5/96
23115116	Endodan	15	1/5/96
23115739	Endodan	125	1/15/96
23116531	Roxiprin	125	1/30/96

23117365	Roxiprin	125	2/12/96
23118146	Endodan	125	2/26/96
23119000	Roxiprin	125	3/12/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (39) Chesterfield Pharmacy did, from October 14, 1995, through March 16, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient J" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23110589	Hydrocodone 5mg/APAP 500mg	40	10/14/95
23112141	Hydromet Syrup	240ml	11/13/95
23113837	Hydromet Syrup	240ml	12/12/95
23115115	Hydromet Syrup	240ml	1/5/96
23115115	Hydromet Syrup	240ml	1/11/96
23115743	Hydromet Syrup	240ml	1/15/96
23115743	Hydromet Syrup	240ml	1/20/96
23118999	Hydromet Syrup	240ml	3/12/96
23118999	Hydromet Syrup	240ml	3/16/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (40) Chesterfield Pharmacy did, from February 25, 1997, through July 12, 1997, knowingly sell or offer to sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient J" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
301925	Oxycodone 4.88mg/ASA 325mg	120	2/25/97
303185	Oxycodone 4.88mg/ASA 325mg	125	3/25/97
304065	Oxycodone 4.88mg/ASA 325mg	125	4/16/97
305426	Roxicet	125	5/13/97
306539	Oxycodone 4.88mg/ASA 325mg	125	6/6/97
308010	Oxycodone 4.88mg/ASA 325mg	125	7/12/97

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

- (41) Chesterfield Pharmacy did, from February 25, 1997, through June 17, 1997, knowingly sell or offer to sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient J" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
301921	Hydromet Syrup	240ml	2/25/97
301921	Hydromet Syrup	240ml	3/6/97
301921	Hydromet Syrup	240ml	3/14/97
301921	Hydromet Syrup	240ml	3/20/97
303184	Hydrocodone Compound	240ml	3/25/97
303184	Hydrocodone Compound	240ml	4/2/97
303184	Hydrocodone Compound	240ml	4/7/97
303184	Hydrocodone Compound	240ml	4/11/97
304064	Hydrocodone Compound	240ml	4/16/97
304064	Hydrocodone Compound	240ml	4/21/97
304064	Hydrocodone Compound	240ml	4/28/97
306538	Hydrocodone Compound	240ml	6/6/97
306538	Hydrocodone Compound	240ml	6/12/97

306538

Hydrocodone Compound

240ml

6/17/97

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

- (42) Chesterfield Pharmacy did, from December 14, 1995, through June 27, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient K" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23113982	APAP 325mg/Codeine 15mg	90	12/14/95
23113982	APAP 325mg/Codeine 15mg	90	12/28/95
23113982	APAP 325mg/Codeine 15mg	90	1/11/96
23113982	APAP 325mg/Codeine 15mg	90	1/23/96
23113982	APAP 325mg/Codeine 15mg	90	2/8/96
23113982	APAP 325mg/Codeine 15mg	90	2/22/96
23118772	APAP 325mg/Codeine 15mg	90	3/7/96
23118772	APAP 325mg/Codeine 15mg	90	3/20/96
23118772	APAP 325mg/Codeine 15mg	90	4/4/96
23118772	APAP 325mg/Codeine 15mg	90	4/17/96
23118772	APAP 325mg/Codeine 15mg	90	5/2/96
23118772	APAP 325mg/Codeine 15mg	90	5/15/96
23123558	APAP 325mg/Codeine 15mg	90	5/30/96
23123558	APAP 325mg/Codeine 15mg	90	6/15/96
23123558	APAP 325mg/Codeine 15mg	90	6/27/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (43) Chesterfield Pharmacy did, from December 14, 1995, through June 27, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient K" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23113981	Hydrocodone 5mg/APAP 500mg	90	12/14/95
23113981	Hydrocodone 5mg/APAP 500mg	90	12/28/95
23115565	Hydrocodone 5mg/APAP 500mg	90	1/11/96
23115565	Hydrocodone 5mg/APAP 500mg	90	1/25/96
23117156	Hydrocodone 5mg/APAP 500mg	90	2/8/96
23117156	Hydrocodone 5mg/APAP 500mg	90	2/22/96
23118771	Hydrocodone 5mg/APAP 500mg	90	3/7/96
23118771	Hydrocodone 5mg/APAP 500mg	90	3/20/96
23120564	Hydrocodone 5mg/APAP 500mg	90	4/4/96
23120564	Hydrocodone 5mg/APAP 500mg	90	4/17/96
23122105	Hydrocodone 5mg/APAP 500mg	90	5/2/96
23122105	Hydrocodone 5mg/APAP 500mg	90	5/15/96
23123560	Hydrocodone 5mg/APAP 500mg	90	5/30/96
23123560	Hydrocodone 5mg/APAP 500mg	90	6/11/96
23125201	Hydrocodone 5mg/APAP 500mg	90	6/27/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (44) Chesterfield Pharmacy did, from July 9, 1996, through October 17, 1996, knowingly sell or offer to sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient K" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23123558	APAP 325mg/Codeine 15mg	90	7/9/96
23123558	APAP 325mg/Codeine 15mg	90	7/24/96
23123558	APAP 325mg/Codeine 15mg	90	8/6/96
23129371	APAP 325mg/Codeine 15mg	90	9/18/96
23129371	APAP 325mg/Codeine 15mg	90	10/2/96
23129371	APAP 325mg/Codeine 15mg	90	10/17/96

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

- (45) Chesterfield Pharmacy did, from July 9, 1996, through October 2, 1996, knowingly sell or offer to sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient K" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23125201	Hydrocodone 5mg/APAP 500mg	90	7/9/96
23126691	Hydrocodone 5mg/APAP 500mg	90	7/25/96
23126691	Hydrocodone 5mg/APAP 500mg	90	8/8/96
23128045	Hydrocodone 5mg/APAP 500mg	90	8/22/96
23128045	Hydrocodone 5mg/APAP 500mg	90	9/4/96
23129372	Hydrocodone 5mg/APAP 500mg	90	9/18/96
23129372	Hydrocodone 5mg/APAP 500mg	90	10/2/96

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

- (46) Chesterfield Pharmacy did, from January 5, 1996, through June 24, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient L" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23115157	Hydrocodone 5mg/APAP 500mg	60	01/05/96
23115157	Hydrocodone 5mg/APAP 500mg	60	01/19/96
23115157	Hydrocodone 5mg/APAP 500mg	60	02/06/96
23115157	Hydrocodone 5mg/APAP 500mg	60	02/16/96
23115157	Hydrocodone 5mg/APAP 500mg	60	02/27/96
23115157	Hydrocodone 5mg/APAP 500mg	60	03/11/96
23119830	Hydrocodone 5mg/APAP 500mg	60	03/25/96
23119830	Hydrocodone 5mg/APAP 500mg	60	04/06/96
23119830	Hydrocodone 5mg/APAP 500mg	60	04/17/96
23119830	Hydrocodone 5mg/APAP 500mg	60	04/29/96
23119830	Hydrocodone 5mg/APAP 500mg	60	05/13/96
23119830	Hydrocodone 5mg/APAP 500mg	60	05/24/96
23124092	Hydrocodone 5mg/APAP 500mg	60	06/07/96
23124092	Hydrocodone 5mg/APAP 500mg	60	06/17/96
23124092	Hydrocodone 5mg/APAP 500mg	60	06/24/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (47) Chesterfield Pharmacy did, from January 2, 1996, through June 28, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient L" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23114917	Roxiprin	125	01/02/96
23116520	Roxiprin	125	01/30/96
23117986	Roxiprin	125	02/23/96

23119473	Roxiprin	125	03/19/96
23121008	Roxiprin	125	04/12/96
23122499	Roxiprin	125	05/10/96
23123807	Roxiprin	125	06/04/96
23125266	Roxiprin	125	06/28/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (48) Chesterfield Pharmacy did, from July 6, 1996, through December 13, 1996, knowingly sell or offer to sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient L" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23124092	Hydrocodone 5mg/APAP 500mg	60	07/06/96
23124092	Hydrocodone 5mg/APAP 500mg	60	07/15/96
23124092	Hydrocodone 5mg/APAP 500mg	60	08/01/96
23127790	Hydrocodone 5mg/APAP 500mg	60	08/17/96
23127790	Hydrocodone 5mg/APAP 500mg	60	08/28/96
23127790	Hydrocodone 5mg/APAP 500mg	60	09/05/96
23127790	Hydrocodone 5mg/APAP 500mg	60	09/12/96
23127790	Hydrocodone 5mg/APAP 500mg	60	09/21/96
23127790	Hydrocodone 5mg/APAP 500mg	60	09/30/96
23131570	Hydrocodone 5mg/APAP 500mg	60	11/02/96
23131570	Hydrocodone 5mg/APAP 500mg	60	11/09/96
23131570	Hydrocodone 5mg/APAP 500mg	60	11/16/96
23131570	Hydrocodone 5mg/APAP 500mg	60	11/25/96
23131570	Hydrocodone 5mg/APAP 500mg	60	12/03/96
23131570	Hydrocodone 5mg/APAP 500mg	60	12/13/96

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

- (49) Chesterfield Pharmacy did, from July 23, 1996, through December 17, 1996, knowingly sell or offer to sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient L" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23126486	Roxiprin	125	07/23/96
23127789	Roxiprin	125	08/16/96
23128933	Roxiprin	125	09/10/96
23130204	Roxiprin	125	10/03/96
23131569	Roxiprin	125	10/29/96
23132829	Roxiprin	125	11/22/96
23133921	Oxycodone 4.88mg/ASA 325mg	125	12/17/96

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

- (50) Chesterfield Pharmacy did, from January 15, 1996, through June 21, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient M" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23112927	Hydrocodone 5mg/APAP 500mg	60	1/15/96
23112927	Hydrocodone 5mg/APAP 500mg	60	1/27/96
23112927	Hydrocodone 5mg/APAP 500mg	60	2/13/96
23116440	Hydrocodone 7.5mg/APAP 650mg	60	2/26/96
23116440	Hydrocodone 7.5mg/APAP 650mg	60	3/15/96

23116440	Hydrocodone 7.5mg/APAP 650mg	60	3/28/96
23116440	Hydrocodone 7.5mg/APAP 650mg	60	4/9/96
23121075	Hydrocodone 7.5mg/APAP 650mg	60	4/19/96
23121075	Hydrocodone 7.5mg/APAP 650mg	60	4/29/96
23121075	Hydrocodone 7.5mg/APAP 650mg	60	5/13/96
23121075	Hydrocodone 7.5mg/APAP 650mg	60	5/24/96
23121075	Hydrocodone 7.5mg/APAP 650mg	60	6/8/96
23121075	Hydrocodone 7.5mg/APAP 650mg	60	6/21/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (51) Chesterfield Pharmacy did, from January 15, 1996, through June 21, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient M" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23112924	APAP 325mg/Codeine 30mg	60	1/15/96
23112924	APAP 325mg/Codeine 30mg	60	1/27/96
23112924	APAP 325mg/Codeine 30mg	60	2/13/96
23116442	APAP 325mg/Codeine 30mg	60	2/26/96
23116442	APAP 325mg/Codeine 30mg	60	3/15/96
23116442	APAP 325mg/Codeine 30mg	60	3/28/96
23116442	APAP 325mg/Codeine 30mg	60	4/9/96
23121076	APAP 325mg/Codeine 30mg	60	4/19/96
23121076	APAP 325mg/Codeine 30mg	60	4/29/96
23121076	APAP 325mg/Codeine 30mg	60	5/13/96
23121076	APAP 325mg/Codeine 30mg	60	5/24/96
23121076	APAP 325mg/Codeine 30mg	60	6/8/96
23121076	APAP 325mg/Codeine 30mg	60	6/21/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (52) Chesterfield Pharmacy did, from July 2, 1996, through July 2, 1997, knowingly sell or offer to sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient M" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23125512	Hydrocodone 5mg/APAP 500mg	112	7/2/96
23126563	Hydrocodone 5mg/APAP 500mg	49	7/24/96
23127205	Hydrocodone 5mg/APAP 500mg	42	8/7/96
23127960	Hydrocodone 5mg/APAP 500mg	38	8/21/96
23128633	Hydrocodone 5mg/APAP 500mg	34	9/5/96
23129321	Hydrocodone 5mg/APAP 500mg	38	9/18/96
23130075	Hydrocodone 5mg/APAP 500mg	35	10/1/96
23130818	Hydrocodone 5mg/APAP 500mg	35	10/15/96
23131562	Hydrocodone 5mg/APAP 500mg	32	10/29/96
23132297	Hydrocodone 5mg/APAP 500mg	29	11/12/96
23132992	Hydrocodone 5mg/APAP 500mg	26	11/26/96
23133556	Hydrocodone 5mg/APAP 500mg	25	12/9/96
23134375	Hydrocodone 5mg/APAP 500mg	23	12/24/96
23134945	Hydrocodone 5mg/APAP 500mg	23	1/7/97
300171	Hydrocodone 5mg/APAP 500mg	23	1/21/97
300171	Hydrocodone 5mg/APAP 500mg	23	2/4/97
301424	Hydrocodone 5mg/APAP 500mg	23	2/14/97
301424	Hydrocodone 5mg/APAP 500mg	23	3/3/97
302872	Hydrocodone 5mg/APAP 500mg	23	3/18/97
302872	Hydrocodone 5mg/APAP 500mg	23	3/31/97
303979	Hydrocodone 5mg/APAP 500mg	46	4/15/97

303979	Hydrocodone 5mg/APAP 500mg	46	5/12/97
306701	Hydrocodone 5mg/APAP 500mg	46	6/10/97
306701	Hydrocodone 5mg/APAP 500mg	46	7/2/97

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

- (53) Chesterfield Pharmacy did, from July 2, 1996, through July 2, 1997, knowingly sell or offer to sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient M" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23125514	APAP 325mg/Codeine 30mg	112	7/2/96
23126565	APAP 325mg/Codeine 30mg	42	7/24/96
23127207	APAP 325mg/Codeine 30mg	42	8/7/96
23127959	APAP 325mg/Codeine 30mg	42	8/21/96
23128632	APAP 325mg/Codeine 30mg	42	9/5/96
23129320	APAP 325mg/Codeine 60mg	38	9/18/96
23130077	APAP 325mg/Codeine 60mg	35	10/1/96
23130815	APAP 325mg/Codeine 30mg	42	10/15/96
23131560	APAP 325mg/Codeine 60mg	32	10/29/96
23132295	APAP 325mg/Codeine 60mg	29	11/12/96
23132990	APAP 325mg/Codeine 60mg	26	11/26/96
23133555	APAP 325mg/Codeine 60mg	25	12/9/96
23134374	APAP 325mg/Codeine 60mg	23	12/24/96
23134944	APAP 325mg/Codeine 60mg	23	1/7/97
300170	APAP 325mg/Codeine 60mg	23	1/21/97
300170	APAP 325mg/Codeine 60mg	23	2/4/97
301423	APAP 325mg/Codeine 60mg	23	2/14/97
301423	APAP 325mg/Codeine 60mg	23	3/3/97
302874	APAP 325mg/Codeine 60mg	23	3/18/97
302874	APAP 325mg/Codeine 60mg	23	3/31/97
303980	APAP 325mg/Codeine 60mg	46	4/15/97
303980	APAP 325mg/Codeine 60mg	46	5/12/97
306703	APAP 325mg/Codeine 60mg	46	6/10/97
306703	APAP 325mg/Codeine 60mg	46	7/2/97

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

- (54) Chesterfield Pharmacy did, from January 3, 1996, through June 25, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient N" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23110472	Hydrocodone 5mg/APAP 500mg	120	1/3/96
23116146	Hydrocodone 5mg/APAP 500mg	120	1/20/96
23116146	Hydrocodone 5mg/APAP 500mg	120	1/29/96
23116146	Hydrocodone 5mg/APAP 500mg	120	2/7/96
23116146	Hydrocodone 5mg/APAP 500mg	120	2/16/96
23116146	Hydrocodone 5mg/APAP 500mg	120	2/26/96
23116146	Hydrocodone 5mg/APAP 500mg	120	3/6/96
23119399	Hydrocodone 5mg/APAP 500mg	120	3/16/96
23119399	Hydrocodone 5mg/APAP 500mg	120	3/26/96
23119399	Hydrocodone 5mg/APAP 500mg	120	4/9/96
23119399	Hydrocodone 5mg/APAP 500mg	120	4/19/96
23119399	Hydrocodone 5mg/APAP 500mg	120	4/30/96
23119399	Hydrocodone 5mg/APAP 500mg	120	5/10/96
23123282	Hydrocodone 5mg/APAP 500mg	120	5/24/96
23123282	Hydrocodone 5mg/APAP 500mg	120	6/3/96
23123282	Hydrocodone 5mg/APAP 500mg	120	6/12/96
23123282	Hydrocodone 5mg/APAP 500mg	120	6/25/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (55) Chesterfield Pharmacy did, from July 10, 1996, through January 17, 1997, knowingly sell or offer to sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Chesterfield Pharmacy sold the following controlled substances to "Patient N" without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23123282	Hydrocodone 5mg/APAP 500mg	120	7/10/96
23123282	Hydrocodone 5mg/APAP 500mg	120	7/20/96
23127578	Hydrocodone 5mg/APAP 500mg	120	8/12/96
23127578	Hydrocodone 5mg/APAP 500mg	120	8/21/96
23127578	Hydrocodone 5mg/APAP 500mg	120	8/30/96
23127578	Hydrocodone 5mg/APAP 500mg	120	9/9/96
23127578	Hydrocodone 5mg/APAP 500mg	120	9/18/96
23127578	Hydrocodone 5mg/APAP 500mg	120	9/28/96
23132338	Hydrocodone 5mg/APAP 500mg	120	11/12/96
23132338	Hydrocodone 5mg/APAP 500mg	120	11/23/96
23132338	Hydrocodone 5mg/APAP 500mg	120	12/5/96
23132338	Hydrocodone 5mg/APAP 500mg	120	12/20/96
23132338	Hydrocodone 5mg/APAP 500mg	120	1/2/97
23132338	Hydrocodone 5mg/APAP 500mg	120	1/17/97

Such conduct is in violation of Section 2925.03(A) 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), (6), and (8) of the Findings of Fact constitute violating a rule of the Board as provided in Division (A)(2) of Section 4729.57 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5), (7), and (9) through (55) of the Findings of Fact constitute violating provisions of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code as provided in Division (A)(5) of Section 4729.57 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 4729.57 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Chesterfield Pharmacy:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the terminal distributor license, No. 02-0674900, held by Chesterfield Pharmacy effective as of the date of the mailing of this Order.
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the terminal distributor license, No. 02-0674900, held by Chesterfield Pharmacy effective as of the date of the mailing of this Order.

Division (B)(1) of Section 4729.57 of the Ohio Revised Code provides: "Upon the suspension or revocation of a license issued to a terminal distributor of dangerous drugs or the refusal by the Board to renew such a license, the distributor shall immediately surrender his license to the Board." The license should be forwarded by certified mail, return receipt requested.

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

MOTION CARRIED.

SO ORDERED.

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

Mr. Winsley then presented an article written by the Dietary Board regarding the practice of dietetics by unlicensed persons. The Dietary Board asked that the Pharmacy Board consider this article for inclusion in the next issue of the State Board News that would be distributed to all pharmacists licensed by the Pharmacy Board. After discussion, Mr. Winsley was asked by the Board to prepare a revision of the article for the Board to consider at the September meeting.

11:10 a.m.

The Board recessed for lunch. Mr. Repke left the meeting at this time for personal business.

1:01 p.m.

The Board reconvened in Room 1952, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio with all members present except Mr. Repke. The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of conducting an adjudication hearing in accordance with Ohio Revised Code Chapters 119. and 4729. in the matter of James W. Smetana, R.Ph., West Milton, Ohio.

1:31 p.m.

Mrs. Neuber 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 Revised Code. The motion was seconded by Ms. Eastman and a roll call vote was conducted by President Cavendish as follows: Abele-Yes, Adelman-Yes, Eastman-Yes, Giacalone-Yes, Kost-Yes, Littlejohn-Yes, and Neuber-Yes.

1:40 p.m.

RES. 2000-030

The Executive Session ended, the meeting was opened to the public, and the hearing resumed on the record. Mrs. Neuber moved that the hearing be stopped at that point, that the Board deny the reinstatement petition of Mr. Smetana, and that the Board adopt the following Order:

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-990422-044)

In The Matter Of:

JAMES W. SMETANA, R.Ph.
244 Lowry Drive
West Milton, Ohio 45383
(R.Ph. No. 03-3-11602)

INTRODUCTION

THE MATTER OF JAMES W. SMETANA CAME TO HEARING ON AUGUST 4, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; AND SUZANNE L. NEUBER, R.Ph.

JAMES W. SMETANA WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) None

Respondent's Witnesses:

- (1) James W. Smetana, Respondent
- (B) Exhibits

State's Exhibits:

- (1) None

Respondent's Exhibits:

- (1) None

FINDING 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) James W. Smetana has not complied with the Order of the Board, Docket No. D-950802-009, dated October 30, 1995.

ACTION OF THE BOARD

- (A) The State Board of Pharmacy hereby denies the reinstatement petition of James W. Smetana. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, James W. Smetana may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs while suspended.

- (B) The Board will consider any petition filed by James W. Smetana for a hearing, pursuant to Revised Code Chapter 119., upon the question of reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (1) James W. Smetana must enter into a contract, after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide:

- (a) Random, **observed** urine drug screens shall be conducted at least every three months.

- (i) The urine sample must be given within twelve hours of notification. The urine screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

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

- (b) The intervener/sponsor shall provide copies of all urine screen reports to the Ohio Board of Pharmacy in a timely fashion.

- (c) Regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required.

- (d) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (2) James W. Smetana must provide at the time of petitioning the Board for reinstatement, as was required in the Board's October 30, 1995 Order, written documentation from his treatment provider regarding a minimum of two years compliance with the program pursuant to the new contract.

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

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Ms. Abele and approved by the Board (Aye-7/Nay-0).

1:57 p.m.

The hearing ended and the record was closed. The Board took a brief recess.

2:20 p.m.

The meeting resumed. Ms. Abele 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 Revised Code. The motion was seconded by Mrs. Adelman and a roll call vote was conducted by President Cavendish as follows: Abele-Yes, Adelman-Yes, Eastman-Yes, Giacalone-Yes, Kost-Yes, Littlejohn-Yes, and Neuber-Yes.

2:43 p.m.

The Executive Session ended and the meeting was opened to the public. Mr. Littlejohn moved that the Board deny the settlement offer in the matters of Dean Keith Gross, R.Ph., Goldie B. Ohde, R.Ph., and Penny E. Mattern, R.Ph., and that the hearings be held as scheduled. The motion was seconded by Ms. Eastman and approved by the Board (Aye-7/Nay-0).

2:57 p.m.

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

3:02 p.m.

The hearing was recessed to allow the Board members to review the documentation provided.

3:15 p.m.

The hearing resumed.

3:38 p.m.

The hearing concluded and the record was closed. Ms. Abele 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 Revised Code. The motion was seconded by Mr. Littlejohn and a roll call vote was conducted by President Cavendish as follows: Abele-Yes, Adelman-Yes, Eastman-Yes, Giacalone-Yes, Kost-Yes, Littlejohn-Yes, and Neuber-Yes.

3:40 p.m.

RES. 2000-031 The Executive Session ended and the meeting was opened to the public. Ms. Abele moved that the Board adopt the following Order in the matter of Randy J. Patrick, R.Ph.:

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-990807-012)

In The Matter Of:

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

INTRODUCTION

THE MATTER OF RANDY J. PATRICK CAME TO HEARING ON AUGUST 4, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; AND SUZANNE L. NEUBER, R.Ph.

RANDY J. PATRICK WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) None

Respondent's Witnesses:

- (1) Randy J. Patrick, R.Ph., Respondent
- (2) David Baker, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (3) Christopher Hart, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (4) Kelly J. Patrick, Wife of Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of five-page Order of the State Board of Pharmacy, Docket No. D-971210-026, in the matter of Randy J. Patrick dated March 19, 1998.
- (2) Exhibit 1A--Copy of Hearing Request letter dated June 1, 1999.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated June 3, 1999.
- (4) Exhibit 1C--Copy of Pharmacist File Front Sheet of Randall J. Patrick showing original date of registration as July 27, 1989.

Respondent's Exhibits:

- (1) Exhibit A--Copies of documents bound and sectioned as follows: NA/AA Meetings--Twenty-five pages of NA/AA attendance verifications of Randy J. Patrick dated from May 2, 1998, through July 25, 1999. Monthly Drops--Ten urine drug screen reports of Randy Patrick dated as follows: October 8, 1998; October 30, 1998; November 18, 1998; December 22, 1998; February 6, 1999; March 9, 1999; March 29, 1999; May 4, 1999; May 12, 1999; and June 14, 1999. Letters--Two-page letter from Charlotte Patrick, not dated; letter from Marilyn Browning dated July 27, 1999; two-page letter from Kelly J. Patrick, not dated; letter from Norm Gilmore dated June 29, 1999; letter from Denny Coburn dated June 29, 1999; letter from Wayne C. Miller dated July 11, 1999; letter from Ronald M. Miller dated July 10, 1999; letter from D. Christopher Hart dated July 6, 1999; letter from Michael Francis, not dated; and letter from Michael R. Litafik, not dated. CEU's--Sixteen pages consisting of twenty-seven continuing pharmacy education certificates of Randy J. Patrick dated from February 13, 1999, through July 20, 1999. PRO Inc.--P.R.O. Intervenor Information Update of Chris Hart for Randy Patrick, not dated; two-page letter from Christopher Hart dated October 28, 1998; Client Reporting Sheet/Client Monitoring Sheet regarding Client #130 for period from August 23, 1998, to September 30, 1998; Client Reporting Sheet/Client Monitoring Sheet regarding Client #130 for period from October 1, 1998, to December 31, 1998; Client Reporting Sheet/Client Monitoring Sheet regarding Client #130 for period from January 1, 1999, to March 31, 1999; Client Reporting Sheet/Client Monitoring Sheet regarding Client #130 for period from April 1, 1999, to June 30, 1999; and Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Randall Patrick dated August 23, 1998. F.A.C.T.S.--Letter from Norman L. Gilmore dated September 28, 1998; three-page Family Addiction Community Treatment Service, Clients Rights: Policy and Procedure (blank form); Appointment Policy, Recovery Program Policy, and Non-Compliance Policy contract (blank form); and Treatment Agreement, Terms and Conditions Agreed Upon by Prospective Client contract (blank form). Gallia County Court--Warrant to Arrest on

Indictment in the Gallia County Common Pleas Court, State of Ohio vs. Randy J. Patrick, Case No. 98CR000081 dated September 14, 1998; three-page Indictment of Randy J. Patrick in the Gallia County Common Pleas Court dated September 14, 1998; Entry in the Gallia County Common Pleas Court, State of Ohio vs. Randy J. Patrick, Case No. 98-CR-81 dated January 22, 1999; and three-page Diversion Program Agreement in the Gallia County Common Pleas Court, State of Ohio vs. Randy J. Patrick, Case No. 98-CR-81 dated January 22, 1999.

FINDING OF FACT

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

- (1) Randy J. Patrick has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-971210-026, dated March 19, 1998.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card of Randy J. Patrick to practice pharmacy in the state of Ohio and places him on probation for five years from the date his identification card is issued, with the following conditions:

- (A) Randy J. Patrick must enter into a new contract, after the effective date of this Order, with a treatment provider acceptable to the Board, for a period of not less than five years and submit a copy of the signed contract to the Board office with the renewal application. The contract must provide that:
 - (1) Random, observed urine drug screens shall be conducted at least every three months.
 - (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 urine screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.
 - (2) The intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion.
 - (3) Regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required.
 - (4) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Randy J. Patrick must submit quarterly progress reports to the Board; due January 10; April 10; July 10; and October 10; of each year of probation, that include:
 - (1) The written report and documentation provided by the treatment program pursuant to the contract, and
 - (2) A written description of his progress towards recovery and what he has been doing during the previous three months.
- (C) Other terms of probation are as follows:
 - (1) The State Board of Pharmacy hereby declares that Randy J. Patrick'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) Randy J. Patrick may not serve as a responsible pharmacist.
- (3) Randy J. Patrick may not destroy, assist in, or witness the destruction of controlled substances.
- (4) Randy J. Patrick must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
- (5) Randy J. Patrick must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (6) Randy J. Patrick must abide by the rules of the Ohio State Board of Pharmacy.
- (7) Randy J. Patrick must comply with the terms of this Order.

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

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

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mr. Giacalone and approved by the Board (Aye-7/Nay-0).

Mr. Winsley announced the appointments made by the National Association of Boards of Pharmacy to the following NABP task forces:

Ann Abele -- Task Force on Manpower Shortage
Suzanne Neuber -- Task Force on Standardization of Technicians' Role & Competencies
William Winsley -- Chair, Task Force on Licensing of Pharmacy Benefit Managers

3:43 p.m.

Mrs. Adelman moved that the Board receive Per Diem as follows:

PER DIEM	<u>7/15</u>	<u>8/2</u>	<u>8/3</u>	<u>8/4</u>	<u>Total</u>
Abele	-	1	1	1	3
Adelman	-	1	1	1	3
Cavendish	1	1	1	1	4
Eastman	-	1	1	1	3
Giacalone	-	1	1	1	3
Littlejohn	-	1	1	1	3
Kost	-	1	1	1	3
Neuber	-	1	1	1	3
Repke	-	1	1	1	3

The motion was seconded by Mr. Littlejohn and approved by the Board (Aye-7/Nay-0).

3:45 p.m.

Mrs. Adelman moved that the meeting be adjourned. The motion was seconded by Mr. Littlejohn and approved (Aye-7/Nay-0).

/s/ Robert B. Cavendish
Robert B. Cavendish, President

/d/ 9/9/99
Date

/s/ W T Winsley
William T. Winsley, Executive Director