



OHIO STATE BOARD OF PHARMACY

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THE STATE BOARD OF PHARMACY

VS

HENRY E. AGIN, R.Ph.

THE MATTER OF HENRY E. AGIN, DOCKET NO. 6-88-1, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON WEDNESDAY, DECEMBER 5, 1984. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that Henry E. Agin, on one or more occasions between October 1, 1982 at May Medical Pharmacy, Inc., 14100 Cedar Road, University Heights, Ohio 44121, did dispense, without a valid prescription, a controlled substance in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code, to wit: approximately 1,508 tablets of Dilaudid-4mg, a Schedule II controlled substance. The above conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Henry E. Agin, on one or more occasions between March 23, 1981 and February 25, 1983 at May Medical Pharmacy, Inc., 14100 Cedar Road, University Heights, Ohio 44121, did distribute by dispensing controlled substances when he knew, or had reasonable cause to believe, such drugs were intended for sale or resale by another person and were not prescribed for legitimate medical purposes by a practitioner in the course of his professional practice, to wit: approximately 360 tablets of Percodan and approximately 300 capsules of Biphedamine 20mg, both of which are Schedule II controlled substances, and approximately 200 tablets of Parabenamine 43(*sic*), a prescription drug. The above conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code and is prohibited by Section 2925.03(A)(2) of the Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Henry E. Agin, on one or more occasions between March 23, 1981 and February 25, 1983 at May Medical Pharmacy, Inc., 14100 Cedar Road, University Heights, Ohio 44121, did dispense, without a valid prescription, controlled substances in amounts equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code, to wit: approximately 360 tablets of Percodan and approximately 300 capsules of Biphedamine-20mg, both of which are Schedule II controlled substances. The above

conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code and is prohibited by Section 2925.03(A)(7) of the Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Henry E. Agin violated Section 2925.23(B) of the Revised Code; in that, he knowingly possessed false prescriptions, to wit: Prescription numbers 29254 and 29693.
- (5) From the evidence presented, the State Board of Pharmacy finds that Henry E. Agin, on or about March 24, 1983 at May Medical Pharmacy, Inc., 14100 Cedar Road, University Heights, Ohio 44121, did distribute by dispensing controlled substances when he knew, or had reasonable cause to believe, such drugs were intended for sale or resale by another person and were not prescribed for legitimate medical purposes by a practitioner in the course of his professional practice, to wit: approximately 100 tablets of Dexedrine-15mg and approximately 100 tablets of Dexedrine 5mg, both of which are Schedule II controlled substances. The above conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code and is prohibited by Section 2925.03(A)(2) of the Revised Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that Henry E. Agin, on or about March 24, 1983 at May Medical Pharmacy, Inc., 14100 Cedar Road, University Heights, Ohio 44121, did dispense, without a valid prescription, controlled substances in amounts less than the minimum bulk amount as defined in Section 2925.01 of the Revised Code, to wit: approximately 100 tablets of Dexedrine-15mg and approximately 100 tablets of Dexedrine-5mg, both of which are Schedule II controlled substances. The above conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code and is prohibited by Section 2925.03(A)(1) of the Revised Code.
- (7) From the evidence presented, the State Board of Pharmacy finds that Henry E. Agin, as the responsible pharmacist and president of the corporation which owns May Medical Pharmacy, Inc., did not keep a record of all controlled substances received or dispensed; in violation of the provisions of Section 3719.07 of the Revised Code.
- (8) From the evidence presented, the State Board of Pharmacy finds that Henry E. Agin did hold for sale or delivery drugs that were adulterated, to wit: Various drug samples and other outdated drugs. Such conduct is prohibited by Section 3715.52 of the Revised Code.
- (9) From the evidence presented, the State Board of Pharmacy finds that Henry E. Agin did knowingly obtain controlled substances in violation of Section 3719.81 and Division (D) of Section 4729.51 of the Revised Code, to wit: various controlled substance drug samples.
- (10) From the evidence presented, the State Board of Pharmacy finds that Henry E. Agin did cause the misbranding of drugs and held for sale of delivery such drugs, to wit: various packages containing drugs which were not labeled as required by Section 3715.64 of the Revised Code. Such conduct is prohibited by Section 3715.52 of the Revised Code.

Conclusions of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (10) of the Findings of Fact constitutes gross immorality within the meaning of Section 4729.16 (A) of the Revised Code.

- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (10) of the Findings of Fact constitutes willful violation of more than one time of the provisions of Sections 3715.52 to 3712.72, and Chapters 2925., 3719., and 4729 of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy takes the following actions concerning the pharmacist license of Henry E. Agin, R.Ph., No. 03-10-3613:

- (A) ON the basis of paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the registered pharmacist identification card of Henry E. Agin for 24 months.
- (C) Further, the two 24-month suspension shall run concurrently and the Board will suspend 18 months of each 24-month suspension on condition that Henry E. Agin:
 - (1) takes and successfully completes a Jurisprudence examination offered by the Board during its January, 1985 meeting;
 - (2) does not violate any drug laws of the State of Ohio, any other state, or the federal government; and
 - (3) abides by the rules of the Board of Pharmacy.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.
MOTION CARRIED.
SO ORDERED.