

THE STATE BOARD OF PHARMACY

VS

CARL PETERSON

03-1-05085

THE MATTER OF THE STATE BOARD OF PHARMACY VERSUS CARL PETERSON, DOCKET 6-27-2, WAS HEARD PURSUANT TO CHAPTERS 4729. AND 119., REVISED CODE. AFTER CONSIDERATION OF EVIDENCE ADDUCED, MOTION WAS MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

1. THE STATE BOARD OF PHARMACY FINDS CARL PETERSON DID VIOLATE SECTION 2925.22(A) REVISED CODE IN THAT BY DECEPTION , AS DEFINED IN SECTION 2913.01 OF THE REVISED CODE, HE DID PROCURE THE DISPENSING OF A DANGEROUS DRUG, TO WIT: TALWIN, ON THE FOLLOWING DATES:

6/20/77; 7/5/77; 7/11/77; 7/14/77; 7/18/77; 7/22/77; 7/27/77; 8/8/77; 8/12/77; 8/22/77; 9/22/77; 10/10/77.
2. FURTHER THAT CARL PETERSON DID VIOLATE SECTION 2925.21(A) REVISED CODE IN THAT HE COMMITTED A THEFT OFFENSE AS DEFINED IN SECTION 2913.01 REVISED CODE: BY OBTAINING A DANGEROUS DRUG BY THEFT AS DEFINED IN SECTION 2913.02, TO WIT: TALWIN, ON THE FOLLOWING DATES:

6/20/77; 7/5/77; 7/11/77; 7/14/77; 7/18/77; 7/22/77; 7/27/77; 8/8/77; 8/12/77; 8/22/77; 9/22/77; 10/10/77.
3. FURTHER THAT CARL PETERSON DID VIOLATE SECTION 2913.42(A)(1) REVISED CODE IN THAT HE WITH PURPOSE TO DEFRAUD, DID DESTROY RECORDS TO WIT: INVOICES FROM WALDING, KINNAN, AND MARVIN, WHOLESAL DRUG DISTRIBUTORS TO WIT:

INVOICE # 54398 dated 6/20/77
INVOICE # 83645 dated 9/12/77
INVOICE # 87637 dated 9/22/77
INVOICE # 94163 dated 10/10/77
INVOICE # 76055 dated 8/22/77
INVOICE # 69471 dated 8/2/77
4. BOTH SECTIONS CITED IN (2) AND (3) OF THE AFOREMENTIONED ARE FELONIES OF THE FOURTH DEGREE.
5. THE STATE BOARD OF PHARMACY FINDS UNDER SECTION 4729.16, REVISED CODE:

"THE STATE BOARD OF PHARMACY, AFTER NOTICE AND HEARING IN ACCORDANCE WITH SECTIONS 119.01 TO 119.13 OF THE REVISED CODE, MAY REVOKE, SUSPEND OR REFUSE TO GRANT AN IDENTIFICATION CARD OR RENEWAL IDENTIFICATION CARD UNDER THIS CHAPTER, OR MAY IMPOSE A MONETARY PENALTY OR FORFEITURE NOT TO EXCEED IN SEVERITY ANY FINE DESIGNATED UNDER THE REVISED CODE FOR A SIMILAR OFFENSE IF A MAJORITY OF THE MEMBERS OF THE BOARD FINDS A PHARMACIST:

(A) GUILTY OF A FELONY

(C) GUILTY OF WILLFULLY VIOLATING MORE THAN ONE TIME ANY OF THE PROVISIONS OF CHAPTER 2925., OF THE REVISED CODE."
6. THE STATE BOARD OF PHARMACY FINDS CARL PETERSON GUILTY OF TWO (2) FELONY VIOLATIONS
7. THE STATE BOARD OF PHARMACY FINDS CARL PETERSON GUILTY OF WILLFULLY VIOLATING MORE THAN ONE TIME THE PROVISIONS OF CHAPTER 2925., OF THE REVISED CODE.

8. THE STATE BOARD OF PHARMACY HEREBY SUSPENDS THE IDENTIFICATION CARD OF CARL PETERSON FOR TWO YEARS EFFECTIVE OCTOBER 1, 1978 AND SUSPENDS THE TWO YEAR SUSPENSION ON CONDITION THAT MR. PETERSON ABIDE BY THE TERMS OF PROBATION SET BY THE BOARD FOR THE TWO YEAR PERIOD. THESE TERMS PROVIDE THAT:
- (A) MR. PETERSON SHALL NOT VIOLATE ANY DRUG LAWS OF THE STATE OF OHIO AND ABIDES BY THE RULES OF THE OHIO STATE BOARD OF PHARMACY.
 - (B) MR. PETERSON DOES NOT ACCEPT A POSITION AS RESPONSIBLE PHARMACIST DURING THE TWO YEAR PROBATION WHERE HE HAS UNSUPERVISED ACCESS TO DRUGS OF ABUSE.
 - (C) MR. PETERSON SUBMITS A MONTHLY URINALYSIS REPORT AND PSYCHIATRIC REPORT TO THE STATE BOARD OF PHARMACY. THAT "ON THE SPOT" URINALYSIS ORDERED BY DR. MARVIN E. GOTTLIEB, M.D. VERIFY THAT CARL PETERSON IS NOT ILLEGALLY USING DRUGS OF ABUSE. THE PSYCHIATRIC REPORT MUST INDICATE THAT MR. PETERSON IS CAPABLE OF PRACTICING PHARMACY WITHOUT DANGER TO HIMSELF OR OTHERS.

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

MOTION CARRIED.

SO ORDERED.

THE STATE BOARD OF PHARMACY

VS

CARL S. PETERSEN, R.Ph.

03-1-05085

THE MATTER OF CARL S. PETERSEN, DOCKET NO. 6-56-1, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE OHIO REVISED CODE ON MARCH 22, 1983. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTION WAS 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 on June 4, 1982, the Lucas County Court of Common Pleas found that you were a drug dependent person and that your "drug dependence was a factor leading to the criminal activity" with which you were charged, to wit: three counts of Illegal Processing of Drug Documents, all third-degree felonies; in violation of Section 2925.23 of the Revised Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Carl S. Petersen did, on one or more occasions between October 1, 1981 and November 30, 1981, intentionally make false or forged prescriptions, to wit: Prescription No. 81592, dated 10/02/81; Prescription No. N-116117, dated 10/14/81; and, Prescription No. N-117335, dated 11/17/81.
- (3) The Board takes official notice of the previous adjudication hearing of Carl S. Petersen and the Order issued on October 3, 1978 where his identification card was placed on probation for two years.

Conclusions of Law

- (1) The State Board of Pharmacy, on the basis of paragraph (1) of the Findings of Fact, concludes that Carl S. Petersen is guilty of a felony 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), (2), and (3) of the Findings of Fact, constitutes willful violations of more than one time any of the provisions of Chapters 2925., 3715., 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 action concerning the registered pharmacist license of Carl S. Petersen, No. 03-10-5085:

(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 held by Carl S. Petersen for 24 months. Further, the Board suspends 18 months of the 24-month suspension on condition that Carl S. Petersen abides by the terms of probation set by the Board.

(B) On the basis of paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the registered pharmacist identification card held by Carl S. Petersen for 24 months. Further, the Board suspends 24 months of the 24-month suspension on condition that Carl S. Petersen abides by the terms of probation set by the Board.

(C) Further, the two 24-month suspensions shall run consecutively. The terms of probation provide that Carl S. Petersen shall not violate any drug laws of the State of Ohio, any other state, the federal government, and that he abides by the rules of the State Board of Pharmacy.

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

MOTION CARRIED.

SO ORDERED.