

OHIO STATE BOARD OF PHARMACY

THE STATE BOARD OF PHARMACY  
(Docket No. D-880826-003)

In The Matter Of:

WILLIAM ARTHUR HALL, R.Ph.  
22086 Lorain Road  
Fairview Park, Ohio 44126

INTRODUCTION

THE MATTER OF WILLIAM ARTHUR HALL CAME TO HEARING ON OCTOBER 19, 1988 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JEROME WIESENHAHN, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

WILLIAM ARTHUR HALL WAS REPRESENTED BY GEORGE R. CADDICK, JR., AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Robert Cole - Ohio Board of Pharmacy

Respondent's Witnesses:

- (1) William Arthur Hall, Respondent
- (2) Ervin W. Pierstorf

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice Of Opportunity Letter dated August 26, 1988 for William Arthur Hall, R.Ph.
- (2) Exhibit B - Notice Of Opportunity Letter dated August 26, 1988 for Pierstorf's Pharmacy.
- (3) Exhibit C - Request For Hearing Letters for William Hall & Pierstorf's Pharmacy dated September 22, 1988.
- (4) Exhibit D - Schedule Letter dated September 26, 1988.
- (5) Exhibit 1 - Applications for Annual Renewal of Pharmacist License for William Hall and Applications for Annual Renewal of Terminal Distributor License and Application for Licensure as a Terminal Distributor of Dangerous Drugs for Pierstorf's Pharmacy.
- (6) Exhibit 2 - Theft Report filed showing theft of Ritalin 5mg, 10mg, & 20mg from Pierstorf's Pharmacy.

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- (7) Exhibit 3 - Audit Recap Sheet showing shortages of Ritalin 5mg, 10mg, & 20mg; Ritalin SR-20mg; Percodan; Dexedrine 5mg, 10mg, & 15mg; and Tylox.
- (8) Exhibit 4 - Transcript of Scott Hall's statement to Robert Cole.

Respondent's Exhibits:

- (1) Exhibit A1 - Photo of sign posted in pharmacy.
- (2) Exhibit A2 - Photo of narcotics cabinet.
- (3) Exhibit A3 - Photo of sign posted in pharmacy.
- (4) Exhibit A4 - Photo of sign posted in pharmacy.
- (5) Exhibit B - Narcotics Inventory Book for Pierstorf's Pharmacy.
- (6) Exhibit C1 - Prescription #406644 for Paul Buchland for Diorum 5%.
- (7) Exhibit C2 - Prescription #406478 for David Large for Percodan.
- (8) Exhibit C3 - Prescription #408567 for Dorothy Vormel for Dexedrine Spansules 15mg.
- (9) Exhibit C4 - Prescription #406657 for Marshall Jackson for Percodan.
- (10) Exhibit C5 - Prescription #409621 & #409622 for Mary Jo Hegarty for Seconal 50mg and Phenobarbital 30mg.
- (11) Exhibit C6 - Prescription #407398 for Dorothy Parker for Percodan.
- (12) Exhibit C7 - Prescription #407076 for H. L. Unges for Dexedrine Spansule 15mg.
- (13) Exhibit C8 - Prescription #409335, #409336, and #409337 for Gloria Sievers for Keflex 250mg, Entex LA, and Tylox.
- (14) Exhibit C9 - Prescription #406154 for Alan Smith for B-O Suppositories #5.
- (15) Exhibit C10 - Prescription #406380 for Dorothy Parker for Tylox.
- (16) Exhibit D - Letter from William Arthur Hall to doctors.
- (17) Exhibit E - Letter dated October 19, 1988 from Ervin Pierstorf.
- (18) Exhibit F - Letter dated October 18, 1988 from Detective Patrick Kilbane, Fairview Park Police Department.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that William Arthur Hall was a practicing pharmacist at, the responsible pharmacist required by Division (D) of Ohio Revised Code Section 4729.55 for, and president of, Pierstorf's Pharmacy, Inc., 22086 Lorain Road, Fairview Park, Ohio 44126, Terminal Distributor of Dangerous Drugs License No. 02-134050.
- (2) From the evidence presented, the State Board of Pharmacy finds that William Arthur Hall reported to the State Board of Pharmacy that Scott Hall, a pharmacist under his supervision and control, stole from Pierstorf's Pharmacy, Inc., 22086 Lorain Road, Fairview Park, Ohio the following dangerous drugs and controlled substances during 1986 in violation of Section 2925.21 of the Ohio Revised Code:

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[ 1 ]	Ritalin 5mg	831 tablets
[ 2 ]	Ritalin 10mg	27 tablets
[ 3 ]	Ritalin 20mg	650 tablets

Investigation by the Board of Pharmacy determined that RPh Scott Hall, while employed by William Arthur Hall and under his supervision and control, stole from Pierstorf's Pharmacy, 22086 Lorain Road, Fairview Park, Ohio, the following dangerous drugs and controlled substances between October, 1983 and April 14, 1987:

[ 1 ]	Ritalin 5mg	1,232 tablets
[ 2 ]	Ritalin 10mg	971 tablets
[ 3 ]	Ritalin 20mg	1,097 tablets
[ 4 ]	Ritalin SR-20mg	40 tablets
[ 5 ]	Percodan	150 tablets
[ 6 ]	Dexedrine 15mg	10 spansules

William Arthur Hall did not keep accurate records of all controlled substances handled by Pierstorf's Pharmacy, Inc. as required by Rule 4729-5-17 of the Ohio Administrative Code. Such conduct is in violation of Divisions (C) and (G) of Section 3719.07 of the Ohio Revised Code.

- (3) From the evidence presented, the State Board of Pharmacy finds that William Arthur Hall orally reported to Investigator Robert Cole of the Board of Pharmacy on April 15, 1987 that he knew the following dangerous drugs and controlled substances had been stolen in unknown quantities, in violation of Section 2925.21 of the Ohio Revised Code, from Pierstorf's Pharmacy, 22086 Lorain Road, Fairview Park, Ohio by a person other than RPh Scott Hall:

[ 1 ]	Percodan
[ 2 ]	Dexedrine 5mg
[ 3 ]	Dexedrine 10mg
[ 4 ]	Dexedrine 15mg

William Arthur Hall did not report those crimes to a law enforcement authority, in violation of Section 2921.22 of the Ohio Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that an investigation by the Board of Pharmacy determined that unknown person(s) stole from Pierstorf's Pharmacy, Inc., 22086 Lorain Road, Fairview Park, Ohio, the following dangerous drugs and controlled substances during the time period of May 1, 1981 through April 14, 1987:

[ 1 ]	Percodan	8,088 tablets
[ 2 ]	Dexedrine 5mg	554 dosage units
[ 3 ]	Dexedrine 10mg	158 spansules
[ 4 ]	Dexedrine 15mg	1,616 spansules
[ 5 ]	Tylox	264 tablets

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William Arthur Hall did not keep accurate records of all controlled substances handled by Pierstorf's Pharmacy, Inc., 22086 Lorain Road, Fairview Park, Ohio as required by Rule 4729-5-17 of the Ohio Administrative Code. Such conduct is in violation of Divisions (C) and (G) of Section 3719.07 of the Ohio Revised Code.

- (5) From the evidence presented, the State Board of Pharmacy finds that William Arthur Hall did not maintain supervision and control over the possession and custody of dangerous drugs acquired by or on behalf of Pierstorf's Pharmacy, Inc., 22086 Lorain Road, Fairview Park, Ohio as required by Rules 4729-9-11 and 4729-9-05 of the Ohio Administrative Code. Such conduct is in violation of Section 4729.55(B) of the Ohio Revised Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that William Arthur Hall did not provide adequate safeguards to prevent the sale or other distribution of dangerous drugs by any person other than a pharmacist or practitioner as required by Rules 4729-9-05 and 4729-9-11 of the Ohio Administrative Code. Such conduct is in violation of Section 4729.55(C) of the Ohio Revised Code.
- (7) From the evidence presented, the State Board of Pharmacy finds that William Arthur Hall permitted the sale and distribution of dangerous drugs and controlled substances in a manner other than that provided by Chapters 3715., 3719., and 4729. of the Ohio Revised Code. Such conduct is prohibited by Section 2925.03(A)(7) of the Ohio Revised Code since the conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Ohio 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 (2), (4), and (7) of the Findings Of Fact constitutes unprofessional conduct in the practice of pharmacy.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (7) of the Findings Of Fact constitutes willfully violating and aiding and abetting the violations of the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-1-05733, held by William Arthur Hall:

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(A) On the basis of paragraphs (1) and (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of two thousand dollars (\$2,000.00).

(B) Further, the Board will suspend one thousand five hundred dollars of the monetary penalty imposed in paragraph (A) above on condition that William Arthur Hall:

- (1) successfully completes a Jurisprudence examination offered by the Board;
- (2) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and
- (3) abides by the rules of the State Board of Pharmacy.

The five hundred dollar (\$500.00) monetary penalty that was not suspended in paragraph (B) above is due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

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

MOTION CARRIED.

SO ORDERED.