



OHIO STATE BOARD OF PHARMACY

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Columbus, Ohio 43266-0320  
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03-1-06176

THE STATE BOARD OF PHARMACY  
(Docket No. D-880120-138)

In The Matter Of:

CARL C. LONGOCIU, R.Ph.  
830 South Street  
Greenfield, Ohio 45123

INTRODUCTION

THE MATTER OF CARL C. LONGOCIU CAME TO HEARING ON APRIL 19, 1988 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: NORMAN LEIBOW, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; JEROME WIESENHAHN, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

CARL C. LONGOCIU WAS NOT PRESENT NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Joseph Holliday, Ohio Board of Pharmacy

Respondent's Witnesses:

(None)

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Renewal applications.  
(2) Exhibit 1 - Applications for registration as a terminal distributor of dangerous drugs showing Carl Longociu as responsible pharmacist (08/04/83-04/12/87).  
(3) Exhibit 2 - Accountability statement-7,622 shortage of Dilaudid 4mg.  
(4) Exhibit 3 - Accountability statement-11,484 shortage of Preludin 75mg.

- (5) Exhibit 4 - Accountability statement-3,041 shortage of Demerol 100mg.
- (6) Exhibit 5 - Accountability statement-1,584 shortage of Dilaudid 2mg.
- (7) Exhibit 6 - Accountability statement-1,600 shortage of Tylox.
- (8) Exhibit 7 - Accountability statement-1,750 shortage of Demerol 50mg.
- (9) Exhibit 8 - Accountability statement-14,887 shortage of Didrex.
- (10) Exhibit 9 - Accountability statement-209,232 shortage of Phentermine 37.5mg.
- (11) Exhibit 10 - Accountability statement-18,668 shortage of Adipex-P.
- (12) Exhibit 11 - Accountability statement-80,720 shortage of Phentermine 30mg.
- (13) Exhibit 12 - Accountability statement-2,245 shortage of Valium 5mg.
- (14) Exhibit 13 - Accountability statement-1,051 shortage of Valium 10mg.
- (15) Exhibit 14 - Accountability statement-1,246 shortage of Valium 2mg.
- (16) Exhibit 15 - Statement of Carl Longociu, R.Ph.
- (17) Exhibit 17 - One unlabeled amber plastic vial containing approximately 232 tablets of Phentermine Hydrochloride-37.5mg.
- (18) Exhibit 18 - One unlabeled amber plastic vial containing approximately 227 tablets of Phentermine Hydrochloride-37.5mg
- (19) Exhibit 19 - One amber plastic vial containing 50 tablets with the imprint "Z 2193".
- (20) Exhibit 20 - One unlabeled amber vial containing 30 tablets imprinted "Tenoretic 10 and "Stuart 117".
- (21) Exhibit 21 - One amber plastic vial containing approximately 111 tablets of Acetaminophen and bearing a label that does not contain in clearly legible form the name and place of business of the manufacturer, packer, or distributor, an accurate statement of the quantity of the contents in terms of numerical count nor adequate directions for use.
- (22) Exhibit 22 - One white plastic bottle containing approximately 63 tablets of Disacide [sic] and bearing a label that does not contain in clearly legible form the name and place of business of the manufacturer of the finished dosage form.
- (23) Exhibit 23 - Two amber plastic vials containing respectively 21 and 65 tablets of an unknown drug and each bearing a label that does not contain in clearly legible form the name and place of business of the manufacturer of the finished dosage form, an accurate statement of the quantity of the contents in terms of numerical count.
- (24) Exhibit 24 - One amber plastic vial bearing a Town Pharmacy prescription label indicating that Trisicon [sic] is in the container and which contains 27 capsules bearing the imprint "DISTA F01", and one tablet and one capsule that do not bear an imprint identifying the drug.

- (25) Exhibit 25 - One amber plastic vial containing 54 capsules Tolectin DS and bearing a label that does not contain in clearly legible form the name and place of business of the manufacturer of the finished dosage form, and an accurate statement of the quantity of the contents in terms of numerical count.
- (26) Exhibit 26 - One plastic amber vial containing 20 tablets of Trilafon-4mg and bearing a label that does not contain in clearly legible form the name and place of business of the manufacturer of the finished dosage form, and an accurate statement of the quantity of the contents in terms of numerical count.
- (27) Exhibit 27 - One amber plastic vial, containing 50 tablets marked "Quantum 10" identified as Diazepam-10mg, not bearing a label to identify its contents.
- (28) Exhibit 28 - Eight boxes of Hygroton-50mg, each containing 7 tablets (56 total). Boxes are marked "Professional Sample".
- (29) Exhibit 29 - 12 boxes of Meclomen-50mg, each containing 6 tablets. Boxes are marked "Sample - not to be sold".
- (30) Exhibit 30 - 30 boxes of Tolectin DS, each containing 3 capsules. Boxes are marked "Physicians sample - not to be sold".
- (31) Exhibit 31 - Two cards of Enduronyl Forte, each containing 7 tablets (14 total). Cards are marked "Professional sample".
- (32) Exhibit 32 - Five cards of Norpace CR-100mg, each containing 4 capsules (20 total). Cards are marked "Physicians professional sample".
- (33) Exhibit 33 - Three boxes of Catapres-TTS 1, each containing 1 system (3 total). Boxes are marked "Professional sample".
- (34) Exhibit 34 - 12 boxes of Nalfon-600mg, each containing 3 tablets (36 total). Boxes are marked "Professional package - not to be sold".
- (35) Exhibit 35 - Six bottles of Ru-Tuss Expectorant, each containing 1 ounce (6 ounces total). Bottles are marked "Physicians sample".
- (36) Exhibit 36 - Six bottles of Ru-Tuss Liquid, each containing 1 ounce (6 ounces total). Bottles are marked "Physicians sample".
- (37) Exhibit 37 - Three boxes of Doryx-100mg, each containing 2 capsules (6 total). Boxes are marked "Sample - not to be sold".
- (38) Exhibit 38 - Four packages of Chronulac Syrup, each containing 30ml (120ml total). Packages are marked "Sample - not to be sold".
- (39) Exhibit 39 - 12 boxes of Constant-T 300mg, each containing 6 tablets (72 total). Boxes are marked "Professional sample".
- (40) Exhibit 40 - One box of Demi-Regroton containing 6 tablets (6 total). Box is marked "Professional sample".
- (41) Exhibit 41 - Three cards of Zaroxolyn 2-1/2mg, each containing 6 tablets (18 total). Cards are marked "Sample".
- (42) Exhibit 42 - One white plastic bottle containing 149 tablets Parafon Forte imprinted with the word "sample" and one tablet Pargen Fortified, bearing a label that does not contain in clearly legible form the place of business of the manufacturer of the finished dosage form, and an accurate statement of the quantity of the contents in terms of numerical count.

- (43) Exhibit 43 - One white plastic bottle containing 99 tablets of Parafon Forte imprinted with the word "sample" and bearing a label that does not contain in clearly legible form the place of business of the manufacturer of the finished dosage form, and an accurate statement of the quantity of the contents in terms of numerical count.
- (44) Exhibit 44 - 75ml of Ceclor-250mg for Oral Suspension in a container other than that in which the drug was placed by the manufacturer and which was plainly marked as a sample by such manufacturer.
- (45) Exhibit 45A- Six bottles containing Trilisate 750.
- (46) Exhibit 45B- Four bottles containing Trilisate 750.
- (47) Exhibit 46 - Journal Entry of conviction that indicates Carl Longociu was found guilty, on or about September 18, 1987, of 2 fourth-degree felony counts by the Highland County Court of Common Pleas, to wit: one count of failure to maintain prescription records and one (1) count of drug trafficking.

Respondent's Exhibits:

(None)

#### FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that the records of the Board reflect the fact that Carl C. Longociu was the responsible pharmacist required by Ohio Revised Code Section 4729.55 for Town Drug, 414 Jefferson Street, Greenfield, Ohio 45123, Terminal Distributor of Dangerous Drugs License No. 02-367400 between the dates of August 4, 1983 and April 12, 1987 and that the pharmacy was owned by a Drexel Penn. The records of the Board further reflect the fact that Town Drug Store, also located at 414 Jefferson Street, Greenfield, Ohio 45123, was licensed as Terminal Distributor of Dangerous Drugs No. 02-05-7663 on or about July 14, 1980; that the business was discontinued on August 8, 1983 and ownership transferred from a partnership consisting of Carl C. Longociu and Jean Poole to Drexel Penn as sole proprietor; and that Carl C. Longociu was also the responsible pharmacist required by Ohio Revised Code Section 4729.55 between July 14, 1980 and August 8, 1983.
- (2) From the evidence presented, the State Board of Pharmacy finds that Carl C. Longociu did, between the dates of April 13, 1984 and April 13, 1987, while practicing pharmacy at Town Drug, 414 Jefferson Street, Greenfield, Ohio 45123, knowingly sell without a prescription approximately 7,622 tablets of Dilaudid-4mg, approximately 11,484 tablets of Preludin-75mg, approximately 3,041 tablets of Demerol-100mg, approximately 1,584 tablets of

Dilaudid-2mg, approximately 1,600 capsules of Tylox, and approximately 1,750 tablets of Demerol-50mg. Each of these drug products are prescription drugs and Schedule II controlled substances in amounts equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Ohio Revised Code. Such conduct is in violation of Ohio Revised Code Section 2925.03(A)(7).

- (3) From the evidence presented, the State Board of Pharmacy finds that Carl C. Longociu did, between the dates of April 13, 1984 and April 13, 1987, while practicing pharmacy at Town Drug, 414 Jefferson Street, Greenfield, Ohio 45123, knowingly sell without a prescription approximately 14,887 tablets of Didrex. This drug product is a prescription drug and Schedule III controlled substance in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Ohio Revised Code. Such conduct is in violation of Ohio Revised Code Section 2925.03(A)(7).
- (4) From the evidence presented, the State Board of Pharmacy finds that Carl C. Longociu did, between the dates of April 13, 1984 and April 13, 1987, while practicing pharmacy at Town Drug, 414 Jefferson Street, Greenfield, Ohio 45123, knowingly sell without a prescription approximately 208,232 doses of Phentermine-37.5mg, approximately 18,668 capsules of Adipex-P, approximately 80,720 doses of Phentermine-30mg, approximately 2,245 tablets of Valium-5mg, approximately 1,051 tablets of Valium-10mg, and approximately 1,246 tablets of Valium-2mg. All of these drug products are prescription drugs and Schedule IV controlled substances in amounts equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Ohio Revised Code. Such conduct is in violation of Ohio Revised Code Section 2925.03(A)(7).
- (5) From the evidence presented, the State Board of Pharmacy finds that Carl C. Longociu, as the responsible pharmacist required by Section 4729.55 of the Revised Code, and pharmacist in charge of the pharmacy known as Town Drug, 414 Jefferson Street, Greenfield, Ohio 45123, pursuant to Ohio Revised Code Section 4729.27 did not keep a record of all controlled substances received or dispensed; in violation of the provisions of Sections 3719.07 and 4729.37 of the Ohio Revised Code and Rules 4729-5-16 and 4729-9-14 of the Ohio Administrative Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that Carl C. Longociu did knowingly lend his name to an illegal practitioner of pharmacy and have a professional connection with an illegal practitioner of pharmacy and did permit a person other than a pharmacist or pharmacy intern to practice pharmacy, to wit: Drexel Penn who allegedly received oral prescriptions for controlled substances and dispensed controlled substances pursuant to such prescriptions.

(7) From the evidence presented, the State Board of Pharmacy finds that Carl C. Longociu did hold for sale the following misbranded drugs: one (1) unlabeled amber plastic vial containing approximately 232 tablets of Phentermine Hydrochloride-37.5mg; one (1) unlabeled amber plastic vial containing approximately 227 tablets of Phentermine Hydrochloride-37.5mg; one (1) amber plastic vial containing 50 tablets with the imprint "Z 2193"; one (1) unlabeled amber vial containing 30 tablets imprinted "Tenoretic 100" and "Stuart 117"; one (1) amber plastic vial containing approximately 111 tablets of Acetaminophen and bearing a label that does not contain in clearly legible form the name and place of business of the manufacturer, packer, or distributor, an accurate statement of the quantity of the contents in terms of numerical count nor adequate directions for use; one (1) white plastic bottle containing approximately 63 tablets of Disacide [sic] and bearing a label that does not contain in clearly legible form the name and place of business of the manufacturer of the finished dosage form; two (2) amber plastic vials containing respectively 21 and 65 tablets of an unknown drug and bearing a label that does not contain in clearly legible form the name and place of business of the manufacturer of the finished dosage form, an accurate statement of the quantity of the contents in terms of numerical count; one (1) amber plastic vial bearing a Town Pharmacy prescription label indicating that Trisicon [sic] is in the container and which contains 27 capsules bearing the imprint "DISTA F01", and one tablet and one capsule that do not bear an imprint identifying the drugs; one (1) amber plastic vial containing 54 capsules Tolectin DS and bearing a label that does not contain in clearly legible form the name and place of business of the manufacturer of the finished dosage form, and an accurate statement of the quantity of the contents in terms of numerical count; and, one (1) plastic amber vial containing 20 tablets of Trilafon-4mg and bearing a label that does not contain in clearly legible form the name and place of business of the manufacturer of the finished dosage form, and an accurate statement of the quantity of the contents in terms of numerical count. One (1) amber plastic vial, containing 50 tablets marked "Quantum 10" identified as Diazepam-10mg, not bearing a label to identify its contents. Such conduct is in violation of Ohio Revised Code Section 3715.64 and is prohibited by Division (D) of Section 3715.52 of the Ohio Revised Code.

(8) From the evidence presented, the State Board of Pharmacy finds that Carl C. Longociu did willfully violate, conspire to violate, attempt to violate, and aided and abetted the violation of Division (A)(1) of Ohio Revised Code Section 3719.81 and also violated Division (C) of Ohio Revised Code Section 4729.51, to wit: the following sample drugs were obtained by Town Pharmacy for purpose of resale:

- 8 boxes of Hygroton-50mg, each containing 7 tablets (56 total)  
Boxes are marked "Professional Sample"
- 12 boxes of Meclomen-50mg, each containing 6 tablets (72 total)  
Boxes are marked "Sample - not to be sold"
- 30 boxes of Tolectin DS, each containing 3 capsules (90 total)  
Boxes are marked "Physicians sample - not to be sold"
- 2 cards of Enduronyl Forte, each containing 7 tablets (14 total)  
Cards are marked "Professional sample"
- 5 cards of Norpace CR-100mg, each containing 4 capsules (20 total)  
Cards are marked "Physicians professional sample"
- 3 boxes of Catapres-TTS 1, each containing 1 system (3 total)  
Boxes are marked "Professional sample"
- 12 boxes of Nalfon-600mg, each containing 3 tablets (36 total)  
Boxes are marked "Professional package - not to be sold"
- 6 bottles of Ru-Tuss Expectorant, each containing 1 ounce (6 ounces total)  
Bottles are marked "Physicians sample"
- 6 bottles of Ru-Tuss Liquid, each containing 1 ounce (6 ounces total)  
Bottles are marked "Physicians sample"
- 3 boxes of Doryx-100mg, each containing 2 capsules (6 total)  
Boxes are marked "Sample - not to be sold"
- 4 packages of Chronulac Syrup, each containing 30ml (120ml total)  
Packages are marked "Sample - not to be sold"
- 12 boxes of Constant-T 300mg, each containing 6 tablets (72 total)  
Boxes are marked "Professional sample"
- 1 box of Demi-Regroton containing 6 tablets (6 total)  
Box is marked "Professional sample"
- 3 cards of Zaroxolyn 2-1/2mg, each containing 6 tablets (18 total)  
Cards are marked "Sample"

Such conduct is not in accordance with Ohio Revised Code Section 3719.81, and the possession of these dangerous drugs in containers plainly marked as a sample by the manufacturer is not specifically provided for by Ohio Revised Code Section 3719.81 and is prohibited by Section 2925.36 of the Ohio Revised Code.

(9) From the evidence presented, the State Board of Pharmacy finds that Carl C. Longociu did willfully violate, conspire to violate, attempt to violate, and aided and abetted the violation of Ohio Revised Code Section 3715.64, Division (A)(1) of Ohio Revised Code Section 3719.81, Division (C) of Ohio Revised Code Section 4729.51, and Ohio Revised Code Section 2925.36, to wit: the following sample drugs were obtained by Town Pharmacy for purpose of resale and are misbranded:

1 white plastic bottle containing 149 tablets Parafon Forte imprinted with the word "sample" plus one tablet Pargen Fortified (150 total) and bearing a label that does not contain in clearly legible form the place of business of the manufacturer of the finished dosage form, and an accurate statement of the quantity of the contents in terms of numerical count.

1 white plastic bottle containing 99 tablets of Parafon Forte imprinted with the word "sample" and bearing a label that does not contain in clearly legible form the place of business of the manufacturer of the finished dosage form, and an accurate statement of the quantity of the contents in terms of numerical count.

Such conduct is not in accordance with Ohio Revised Code Section 3719.81, and the possession of these dangerous drugs that had at one time been placed in a container plainly marked as a sample by the manufacturer is not specifically provided for by Ohio Revised Code Section 3719.81 and is prohibited by Section 2925.36 of the Ohio Revised Code. Such conduct is also in violation of Ohio Revised Code Section 3715.64, and is prohibited by Division (D) of Section 3715.52 of the Ohio Revised Code.

(10) From the evidence presented, the State Board of Pharmacy finds that Carl C. Longociu did willfully violate Division (A)(2) of Ohio Revised Code Section 3719.81, to wit: Carl C. Longociu did dispense 75ml of Ceclor-250mg for Oral Suspension in a container other than that in which the drug was placed by the manufacturer and which was plainly marked as a sample by such manufacturer. Such conduct is prohibited by Section 2925.36 of the Ohio Revised Code.

(11) From the evidence presented, the State Board of Pharmacy finds that Carl C. Longociu did willfully mutilate part of the labeling on ten bottles containing Trilisate 750. Such conduct is prohibited by Division (I) of Section 3715.52 of the Ohio Revised Code.

(12) From the evidence presented, the State Board of Pharmacy finds that Carl C. Longociu was found guilty, on or about September 18, 1987, of 2 fourth-degree felony counts by the Highland County Court of Common Pleas, to wit: one count of failure to maintain prescription records, in violation of Section 4729.37 of the Ohio Revised Code, and one count of drug trafficking, in violation of Section 2925.03(A)(1) 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 paragraph (12) of the Findings Of Fact constitutes being guilty of a felony.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (11) of the Findings Of Fact constitutes gross immorality.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (11) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (5) and (7) through (11) of the Findings Of Fact constitutes willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.
- (5) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (6) of the Findings Of Fact constitutes permitting someone other than a pharmacist or pharmacy intern to practice pharmacy, and lending his name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby revokes the pharmacist identification card, R.Ph. No. 03-1-06176, held by Carl C. Longociu.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, ..., shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and 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.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

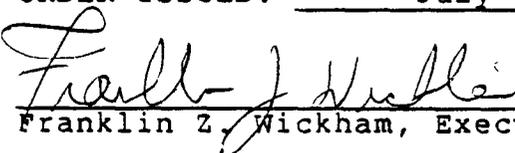
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL  
Return Receipt

ORDER ISSUED: July 26, 1988

FZW/sb

By   
Franklin Z. Wickham, Executive Director

cc: Christopher Costantini, Assistant Attorney General