THE STATE BOARD OF PHARMACY
(Docket No. D-890524-122)

In The Matter Of:

DAROLD J. BASISTA, R.Ph.
14100 Indian Creek
Middleburg Heights, Ohio 44130
(R.Ph. I.D. Number 03-1-06205)

INTRODUCTION

THE MATTER OF DAROLD J. BASISTA CAME TO HEARING ON DECEMBER 15, 1989 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY MOORE, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

DAROLD J. BASISTA WAS REPRESENTED BY FRANK LEONETTI JR., AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) Christopher K. Reed - Board of Pharmacy

Respondent's Witnesses:

(1) Paul Swiz
(2) Darold Basista - Respondent
(3) James Schaffer

(B) Exhibits

State's Exhibits:

(1) Exhibit A - Notice of Opportunity letter for Discount Drug Mart, Inc. dated May 24, 1989.
(2) Exhibit B - Notice of Opportunity letter for Darold J. Basista, R.Ph. dated May 24, 1989.
(3) Exhibit C - Request for Hearing letter for Discount Drug Mart dated June 9, 1989.
(4) Exhibit D - Request for Hearing letter for Darold J. Basista, R.Ph. dated June 11, 1989.
(5) Exhibit E - Hearing Schedule letter for Discount Drug Mart, Inc. and Darold J. Basista, R.Ph. dated June 12, 1989.

(6) Exhibit F - Hearing Schedule letter for Discount Drug Mart, Inc. and Darold J. Basista, R.Ph. dated October 4, 1989.
(7) Exhibit G - Request for Continuance for Discount Drug Mart dated October 17, 1989.
(8) Exhibit H - Continuance Approval & Schedule Letter for Discount Drug Mart dated October 25, 1989.
(9) Exhibit I - Request for Continuance for Discount Drug Mart, Inc. and Darold J. Basista, R.Ph. dated November 1, 1989.
(10) Exhibit J - Continuance Approval and Schedule letter for Darold J. Basista, R.Ph. dated November 13, 1989.
(11) Exhibit 1 - Application for Registration as a Distributor of Dangerous Drugs for Discount Drug Mart dated November 18, 1989.
(12) Exhibit 2 - Renewal Application for Darold Basista, R.Ph. for 1986.
(13) Exhibit 3 - Statement from Darold Basista dated February 9, 1988.
(14) Exhibit 4 - Statement from Eleanor Cremeans dated February 24, 1988.
(15) Exhibit 5 - Statement from Thomas O. Nameth dated February 9, 1988.
(16) Exhibit 6 - Statement from Karen L. Osterberg dated February 9, 1988.
(17) Exhibit 7 - Accountability Statement for Ritalin 10mg from Drug Mart #7, 135 Harding Street, Medina, Ohio.
(18) Exhibit 8 - Accountability Statement for Tylox from Drug Mart #7, 135 Harding Street, Medina, Ohio.
(19) Exhibit 9 - Accountability Statement for Ritalin 20mg from Drug Mart #7, 135 Harding Street, Medina, Ohio.
(20) Exhibit 10 - Accountability Statement for Dilaudid 4mg from Drug Mart #7, 135 Harding Street, Medina, Ohio.
(21) Exhibit 11 - Accountability Statement for Dilaudid 2mg from Drug Mart #7, 135 Harding Street, Medina, Ohio.
(22) Exhibit 12 - Accountability Statement for Morphine Sulphate 15mg from Drug Mart #7, 135 Harding Street, Medina, Ohio.
(23) Exhibit 13 - Accountability Statement for Percocet from Drug Mart #7, 135 Harding Street, Medina, Ohio.
(24) Exhibit 14 - Accountability Statement for Percodan from Drug Mart #7, 135 Harding Street, Medina, Ohio.

Respondent's Exhibits:

(1) None

FINDINGS OF FACT

(1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that, on or about February or March, 1987, Darold J. Basista was the Responsible Pharmacist at Discount Drug Mart, 135 Harding Street, Medina, Ohio 44256, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-23 of the Ohio Administrative Code.

(2) From the evidence presented, the State Board of Pharmacy finds that, on or about February or March, 1987, Darold J. Basista as the Responsible Pharmacist permitted non-licensed personnel to possess keys to a pharmacy which is not secured by a physical barricade when personal supervision of the dangerous drug stock was not provided. Such conduct is prohibited by Sections 4729.27 and 4729.55 of the Ohio Revised Code.

(3) From the evidence presented, the State Board of Pharmacy finds that Darold J. Basista as the Responsible Pharmacist failed to keep records of all controlled substances received or dispensed by Discount Drug Mart, Inc., 135 Harding Street, Medina, Ohio 44256 in accordance with Section 3719.07(G) of the Ohio Revised Code and as set forth in Rule 4729-5-17 of the Ohio Administrative Code.

CONCLUSION 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) and (3) of the Findings Of Fact constitutes minor violations of the provisions of Chapters 3719. and 4729. of the Revised Code, and that the public interest is adequately served by a notice and warning as provided in Sections 3719.18(B) and 4729.25(B) of the Ohio Revised Code.

ORDER

Pursuant to Sections 3719.18 and 4729.25 of the Ohio Revised Code, the State Board of Pharmacy hereby REPRIMANDS Darold J. Basista, R.Ph. and advises compliance with the rules of the Board, and the state and federal laws governing the practice of pharmacy and the legal distribution of drugs.

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

MOTION CARRIED.

SO ORDERED.