OHIO STATE BOARD OF PHARMACY

65 S. FRONT STREET, ROOM 504
COLUMBUS, OHIO 43215
TELEPHONE: 614/466-4143

THE STATE BOARD OF PHARMACY

vs

ROBERT R. ROTH, R.Ph.

THE MATTER OF ROBERT R. ROTH, DOCKET NO. 6-98-2, CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON WEDNESDAY, JUNE 26, 1985. 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 Robert R. Roth did, on or about November 7, 1984, knowingly possess a Schedule II controlled substance and prescription drug, in violation of Chapters 3715., 3719., and 4729. of the Revised Code, to wit: Mr. Roth was found to be in possession of approximately 800 tablets of Dilaudid-4mg in unmarked containers following his arrest by the Ravenna Police Department. Such conduct is prohibited by Section 2925.11 of the Revised Code.

(2) From the evidence presented, the State Board of Pharmacy finds that Robert R. Roth did, on or about November 7, 1984, knowingly possess a Schedule IV controlled substance and prescription drug, in violation of Chapters 3715., 3719., and 4729. of the Revised Code, to wit: Mr. Roth was found to be in possession of approximately 500 tablets of Darvocet-N100 following his arrest by the Ravenna Police Department. Such conduct is prohibited by Section 2925.11 of the Revised Code.

(3) From the evidence presented, the State Board of Pharmacy finds that Robert R. Roth did, on or about November 7, 1984, knowingly possess dangerous drugs, in violation of Chapters 3715. and 4729. of the Revised Code, to wit: Mr. Roth was found to be in possession of approximately 1,000 tablets of Conjugated Estrogens-1.25mg, approximately 1,000 tablets of Furosemide-40mg, approximately 12 pieces of Nicorette-2mg, and two vials of Cyancobalmin-1000mcg following his arrest by the Ravenna Police Department. Such conduct is prohibited by Division (E) of Section 4729.51 of the Revised Code.

(4) From the evidence presented, the State Board of Pharmacy finds that, on one or more occasions, between the dates of January 1, 1982 and October 31, 1984, sales of Schedule II controlled substances were made at NCMA Pharmacy, Inc., 6693 N. Chestnut Street, Ravenna, Ohio 44266, in amounts equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code; in that, approximately 21,765 tablets of Dilaudid-4mg and approximately 14,118 tablets of Percodan were sold without a prescription and that Mr. Roth's conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. The above conduct being prohibited by Section 2925.03(A)(7) of the Revised Code.

(5) From the evidence presented, the State Board of Pharmacy finds that Robert R. Roth, as the responsible pharmacist and president of the corporation which owns "NCMA Pharmacy, Inc.," 6693 N. Chestnut Street, Ravenna, Ohio 44266, 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.

(6) From the evidence presented, the State Board of Pharmacy finds that Robert R. Roth was indicted by the Portage County Grand Jury on two counts of aggravated trafficking in Schedule II controlled substances in amounts exceeding three times the bulk amount, to wit:

(a) 21,765 Dilaudid tablets and 14,118 tablets of Percodan on or about January 1, 1982 through October 31, 1984.

(b) 800 Dilaudid tablets on or about November 7, 1984.

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 (5) of the Findings Of Fact constitutes gross immorality, within the meaning of Section 4729.16(A)(1) 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 paragraph (4) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.

(3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (5) of the Findings Of Fact constitutes willfully violating 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 actions concerning the pharmacist identification card of Robert R. Roth, 03-1-06308:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Robert R. Roth.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Robert R. Roth.

(C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of five thousand dollars ($5,000), due and owing within thirty (30) days of the issuance of this Order. Said monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 65 S. Front Street, Room 504, Columbus, Ohio 43266-0320, with the enclosed form.

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: August 5, 1985

By Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

FZW/sb

cc/John E. Breen, Assistant Attorney General
Avetis G. Darvanan, Atty.; 802-804 Mahoning Bank Bldg.; Box 6018; Youngstown, Ohio 44501