



# OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor  
Columbus, Ohio 43266-0320  
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY  
(Docket No. D-880826-002)

In The Matter Of:

CLAUDE LEWIS, R.Ph.  
Inmate Number 192283  
Hocking Correctional Institute  
Nelsonville, Ohio 45764

## INTRODUCTION

THE MATTER OF CLAUDE LEWIS CAME TO HEARING ON JANUARY 24, 1989 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JEROME WIESENHAHN, R.Ph. (pre-siding); GERALD CLOUSE, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

CLAUDE LEWIS WAS NOT PRESENT NOR 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) Detective Mark Kabat - Cleveland Police Department
- (2) Robert Cole - Board of Pharmacy

Respondent's Witnesses:

(None)

### (B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated August 26, 1988.
- (2) Exhibit B - Hearing Schedule letter dated December 1, 1988.
- (3) Exhibit C - Hearing Schedule letter dated December 7, 1988.
- (4) Exhibit 1 - Pharmacist Renewal applications for Claude H. Lewis Jr. from 1968 through 1981 and 1983 and 1984.
- (5) Exhibit 2 - Two page Journal Entry of Indictment for Claude Lewis from the Cuyahoga County Court of Common Plea.

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Order of the Board

- (6) Exhibit 3 - Search Warrant and Search Warrant Return from the Cuyahoga County Court of Common Pleas for Lewis Pharmacy.
- (7) Exhibit 4 - Video Tape.
- (8) Exhibit 4A - Video Tape.
- (9) Exhibit 5 - Accountability Statement for Ritalin 20mg from Lewis Pharmacy.
- (10) Exhibit 6 - Accountability Statement for Preludin 75mg from Lewis Pharmacy.
- (11) Exhibit 7 - Accountability Statement for Percodan from Lewis Pharmacy.
- (12) Exhibit 8 - Accountability Statement for Percocet 5 from Lewis Pharmacy.
- (13) Exhibit 9 - Accountability Statement for Preludin 50mg from Lewis Pharmacy.
- (14) Exhibit 10 - Accountability Statement for Codeine 60mg from Lewis Pharmacy.
- (15) Exhibit 11 - Accountability Statement for Methadone 10mg from Lewis Pharmacy.
- (16) Exhibit 12 - Accountability Statement for Demerol 50mg from Lewis Pharmacy.
- (17) Exhibit 13 - Accountability Statement for Demerol 100mg from Lewis Pharmacy.
- (18) Exhibit 14 - Accountability Statement for Desoxyn 15mg from Lewis Pharmacy.
- (19) Exhibit 15 - Accountability Statement for Biphedamine 20mg from Lewis Pharmacy.
- (20) Exhibit 16 - Accountability Statement for Tylox from Lewis Pharmacy.
- (21) Exhibit 17 - Accountability Statement for Seconal 100mg from Lewis Pharmacy.
- (22) Exhibit 18 - Accountability Statement for Biphedamine 12-1/2mg from Lewis Pharmacy.
- (23) Exhibit 19 - Accountability Statement for Tussionex from Lewis Pharmacy.
- (24) Exhibit 20 - Accountability Statement for Hycodan Syrup from Lewis Pharmacy.
- (25) Exhibit 21 - Accountability Statement for Doriden 5gm from Lewis Pharmacy.
- (26) Exhibit 22 - Accountability Statement for Darvocet N-100 from Lewis Pharmacy.
- (27) Exhibit 23 - Accountability Statement for Valium 2mg from Lewis Pharmacy.
- (28) Exhibit 24 - Accountability Statement for Valium 5mg from Lewis Pharmacy.
- (29) Exhibit 25 - Accountability Statement for Valium 10mg from Lewis Pharmacy.
- (30) Exhibit 26 - Accountability Statement for Talwin NX-50mg from Lewis Pharmacy.
- (31) Exhibit 27 - Accountability Statement for Fastin from Lewis Pharmacy.
- (32) Exhibit 28 - Accountability Statement for Ionamin 30mg from Lewis Pharmacy.
- (33) Exhibit 29 - Accountability Statement for Dalmane 15mg from Lewis Pharmacy.

- (34) Exhibit 30 - Accountability Statement for Dalmane 30mg from Lewis Pharmacy.
- (35) Exhibit 31 - Accountability Statement for Adipex-P from Lewis Pharmacy.
- (36) Exhibit 32 - Accountability Statement for Ionamin 15mg from Lewis Pharmacy.
- (37) Exhibit 33 - Accountability Statement for Placidyl 750mg from Lewis Pharmacy.
- (38) Exhibit 34 - Accountability Statement for Ambenyl from Lewis Pharmacy.
- (39) Exhibit 35 - Accountability Statement for Robitussin AC from Lewis Pharmacy.
- (40) Exhibit 36 - Accountability Statement for ETH & C from Lewis Pharmacy.
- (41) Exhibit 37 - Accountability Statement for Robitussin DAC from Lewis Pharmacy.
- (42) Exhibit 38 - Accountability Statement for Dexedrine 15mg from Lewis Pharmacy.
- (43) Exhibit 39 - Accountability Statement for Dexedrine 5mg from Lewis Pharmacy.
- (44) Exhibit 40 - Accountability Statement for Preludin 25mg from Lewis Pharmacy.
- (45) Exhibit 41 - Accountability Statement for Dexedrine 10mg from Lewis Pharmacy.
- (46) Exhibit 42 - Accountability Statement for Paragoric from Lewis Pharmacy.
- (47) Exhibit 43 - Accountability Statement for Librium 5mg from Lewis Pharmacy.
- (48) Exhibit 44 - Accountability Statement for P.B.Z. from Lewis Pharmacy.
- (49) Exhibit 45 - 46 Forged Prescriptions.
- (50) Exhibit 46 - 5 Forged Prescriptions.
- (51) Exhibit 47 - 5 Forged Prescriptions.
- (52) Exhibit 48 - 7 Forged Prescriptions and 3 Physician Prescription Examination Forms.
- (53) Exhibit 49 - 20 Forged Prescriptions and 3 Physician Prescription Examination Forms.
- (54) Exhibit 50 - 9 Forged Prescriptions.
- (55) Exhibit 51 - 42 capsules of Minipress which were misbranded.
- (56) Exhibit 52 - 32 tablets of Aspirin which were misbranded.
- (57) Exhibit 53 - 11 tablets of Zylprim which were misbranded.
- (58) Exhibit 54 - 18 tablets of "Ciba" "45" 1/2 scored yellow green color (Forhistal) which were misbranded.
- (59) Exhibit 55 - 34 tablets of "BI over 7" 1/2 scored oval orange tablets (Catapres 0.2mg) which were misbranded.
- (60) Exhibit 56 - 1 manila coin envelope containing 7 tablets of Cogentin which were misbranded.
- (61) Exhibit 57 - 1 manila coin envelope containing 4 tablets of Tylenol #3 (C-III) which were misbranded.
- (62) Exhibit 58 - 8 vials each containing 1.8 cc Lidocaine HCL 2% and Epinephrine 1:100,000 which were misbranded.
- (63) Exhibit 59 - 1 amber plastic vial labeled "Phentermine one daily" containing 27 yellow Phentermine 15mg capsules (C-IV) which were misbranded.

- (64) Exhibit 60 - 1 brown paper sack containing 29 pink tablets of Materna which were misbranded.
- (65) Exhibit 61 - 1 plastic zip-lock baggie containing 40 tablets of "Syntex #273" (Naprosyn) which were misbranded.
- (66) Exhibit 62 - 1 plastic zip-lock baggie containing 25 tablets of "Syntex #273" (Naprosyn) and 4 tablets of Robaxisal which were misbranded.
- (67) Exhibit 63 - 1 manila coin envelope containing 40 capsules of Tolectin DS which were misbranded.
- (68) Exhibit 64 - 1 manila coin envelope containing 16 capsules of brown and red 93 over 152 (Acetaminophen and Codeine) which were misbranded.
- (69) Exhibit 65 - 1 manila coin envelope containing 53 orange round tablets PAR over 028 (Hydrazaline) which were misbranded.
- (70) Exhibit 66 - 1 manila coin envelope containing 33 tablets of Tylenol #3 (C-III) which were misbranded.
- (71) Exhibit 67 - 1 manila coin envelope containing 5 tablets of blue round 1/2 scored Geigy over 43 (PBZ 50mg) which were misbranded.
- (72) Exhibit 68 - 1 manila coin envelope containing 39 yellow capsules of Phentermine 15mg (C-IV) which were misbranded.
- (73) Exhibit 69 - 1 manila coin envelope containing 3 white round unidentifiable tablets which were misbranded.
- (74) Exhibit 70 - 1 manila coin envelope containing 25 tablets of E-Mycin 333mg which were misbranded.
- (75) Exhibit 71 - 1 manila coin envelope containing 10 blue and clear capsules of Phentermine 30mg (C-IV) which were misbranded.
- (76) Exhibit 72 - 1 manila coin envelope labeled "Lanoxin 0.125 #30 and Digoxin" containing 30 yellow tablets of Lanoxin 0.125mg which were misbranded..
- (77) Exhibit 73 - 1 manila coin envelope containing one round white tablet (unidentifiable), one round blue 1/2 scored tablet "Geigy over 43", and one pink unidentifiable tablet which were misbranded.
- (78) Exhibit 74 - 1 manila coin envelope containing 8 white tablets "37 over Wallace over 2001" (Soma 350mg) which were misbranded.
- (79) Exhibit 75 - 1 manila coin envelope containing 32 blue round 1/2 scored tablets "Squibb over 207" (Corgard 40mg) which were misbranded.
- (80) Exhibit 76 - 1 manila coin envelope containing 22 tablets of Darvocet N-100 which were misbranded.
- (81) Exhibit 77 - 1 manila coin envelope containing 1 Valium 2mg tablet and five orange and blue with no marks or labels (Unidentifiable) which were misbranded.
- (82) Exhibit 78 - 1 manila coin envelope containing 10 white tablets "37 over Wallace over 2001" (Soma 350mg) which were misbranded.
- (83) Exhibit 79 - 1 manila coin envelope containing 42 capsules white and blue "Wallace 37-4101" (Rondomycin 300mg) which were misbranded.
- (84) Exhibit 80 - 1 manila coin envelope containing 12 Valium 10mg tablets.
- (85) Exhibit 81 - 1 manila coin envelope containing 24 tablets round 1/2 scored "M 95" (Penicillin) which were misbranded.
- (86) Exhibit 82 - 1 brown paper sack containing 25 tablets Motrin 400mg which were misbranded.

- (87) Exhibit 83 - 1 clear plastic zip-lock bag containing 46 green tablets "Squibb 877" (Y-Prolixin 5mg) which were misbranded.
- (88) Exhibit 84 - 1 clear plastic zip-lock bag containing 17 Motrin 600mg tablets which were misbranded.
- (89) Exhibit 85 - 1 clear plastic zip-lock bag containing 16 tablets Wallace T51 (Talwin NX 50mg) which were misbranded.
- (90) Exhibit 86 - 1 clear plastic zip-lock bag containing 10 tablets 37 Wallace 2001 (Soma 350mg) which were misbranded.
- (91) Exhibit 87 - 1 clear plastic zip-lock bag containing 20 tablets 37 Wallace 2001 (Soma 350mg) which were misbranded.
- (92) Exhibit 88 - 1 clear plastic zip-lock bag containing 5 tablets 37 Wallace 2001 and 7 capsules "SKF 101" (SK-Ampicillin 250mg) which were misbranded.
- (93) Exhibit 89 - 1 clear plastic zip-lock bag containing 78 tablets CL 461 (Amitriptyline) which were misbranded.
- (94) Exhibit 90 - 1 white envelope labeled in part "Tetracycline 250mg 30...Take one every 6 hours until completed" containing 30 Tetracycline 250mg capsules which were misbranded.
- (95) Exhibit 91 - 1 manila coin envelope labeled in part "Isordil 10mg" containing 10 tablets of Isordil 10mg which were misbranded.
- (96) Exhibit 92 - 1 manila coin envelope labeled in part "Indocin 80" containing 82 tablets of Indocin 80mg which were misbranded.
- (97) Exhibit 93 - 1 manila coin envelope containing 13 yellow unidentified tablets which were misbranded.
- (98) Exhibit 94 - 1 manila coin envelope containing 16 capsules of Minipress which were misbranded.
- (99) Exhibit 95 - 1 manila coin envelope labeled in part "Hydrazaline 10mg" containing 59 tablets of Hydrazaline 10mg which were misbranded.
- (100) Exhibit 96 - 1 amber plastic vial with no label and no cap containing 131 tablets pink round "SKF S06" (Stelazine 5mg) which were misbranded.
- (101) Exhibit 97 - 1 amber plastic vial with no label and no cap containing 4 tablets of Percodan and 2 tablets of "W T 51 yellow oblong 1/2 scored" (Talwin NX 50mg) which were misbranded.
- (102) Exhibit 98 - 1 plastic amber vial with no labels containing 37 Robaxisal tablets which were misbranded.
- (103) Exhibit 99 - 1 plastic amber vial with no labels containing 221 tablets of Rugby 3457 (Chlorpromazine 100mg) which were misbranded.
- (104) Exhibit 100 - 1 amber plastic vial with no labels containing 57 Lasix 40mg tablets which were misbranded.
- (105) Exhibit 101 - 1 amber plastic vial with no labels containing 27 Phentermine 30mg capsules and 2 capsules of Ceclor 250mg which were misbranded.
- (106) Exhibit 102 - 1 amber plastic vial with no labels containing 12 tablets of Limbitrol which were misbranded.
- (107) Exhibit 103 - 1 amber plastic vial with no labels containing 2 tablets of Abbott product EE (Erythromycin) which were misbranded.
- (108) Exhibit 104 - 1 amber plastic vial with no labels containing 29 unidentifiable tablets which were misbranded.

- (109) Exhibit 105 - 1 amber plastic vial with no labels containing 9 white tablets "535" (Logen) and 16 white tablets "172" (Prednisone) and 6 white 1/2 scored tablets 5 over 228 (Unidentifiable) which were misbranded.
- (110) Exhibit 106 - 1 amber plastic vial with no label containing 10 tablets of Abbott product EE (Erythromycin) which were misbranded.
- (111) Exhibit 107 - 1 amber plastic vial with no labels containing 38 Librax capsules which were misbranded.
- (112) Exhibit 108 - 1 amber plastic vial with no labels containing 73 tablets of Penicillin which were misbranded.
- (113) Exhibit 109 - 1 amber plastic vial with no labels containing 2 capsules "93 over 888" (Phentermine 30mg) which were misbranded.
- (114) Exhibit 110 - 1 amber plastic vial with no labels containing 46 Valium 10mg tablets which were misbranded.
- (115) Exhibit 111 - 1 glass bottle with no labels containing 200 tablets "Ciba 165" (Slow-K) which were misbranded.
- (116) Exhibit 112 - 1 glass bottle with no labels containing 97 tablets Diamox 250mg which were misbranded.
- (117) Exhibit 113 - 1 plastic amber vial with no labels containing 28 capsules Berlex 181 (Deconamine) which were misbranded.
- (118) Exhibit 114 - 1 plastic amber vial with no labels containing 40 capsules Pavabid which were misbranded.
- (119) Exhibit 115 - 1 plastic amber vial with no labels containing 88 tablets Rufen 600mg which were misbranded.
- (120) Exhibit 116 - 1 amber plastic vial with no labels containing 38 capsules "3006" (Unidentifiable) which were misbranded.
- (121) Exhibit 117 - 1 amber plastic vial with no labels containing 13 capsules Keflex 500mg which were misbranded.
- (122) Exhibit 118 - 1 amber plastic vial with no labels containing 28 tablets Bolar 0095 (Soprodol) and 4 tablets rugby 3437 (Carisoprodol) which were misbranded.
- (123) Exhibit 119 - 1 amber plastic vial with no labels containing 11 tablets Abbott EE (Erythromycin) which were misbranded.
- (124) Exhibit 120 - 1 amber plastic vial with no labels containing 75 tablets of "Syntex 273" (Naprosyn 375mg) which were misbranded.
- (125) Exhibit 121 - 1 amber plastic vial with no labels containing 24 tablets "2045" (Estrogen) which were misbranded.
- (126) Exhibit 122 - 1 amber plastic vial with no labels containing 30 tablets "PD638" (Tabron Filmseal) which were misbranded.
- (127) Exhibit 123 - 1 amber plastic vial with no labels containing 77 tablets (unidentifiable) which were misbranded.
- (128) Exhibit 124 - 1 amber plastic vial with no labels containing 94 tablets (unidentifiable) which were misbranded.
- (129) Exhibit 125 - 1 amber plastic vial with no labels containing 100 capsules "860" (Phentermine 30mg) which were misbranded.
- (130) Exhibit 126 - 1 amber plastic vial with no labels containing 60 tablets Clinoril which were misbranded.
- (131) Exhibit 127 - 1 amber plastic vial with no labels containing 30 tablets "131/03" (Neolax) which were misbranded.
- (132) Exhibit 128 - 1 amber plastic vial with no labels containing 36 tablets Inderal 20mg which were misbranded.
- (133) Exhibit 129 - 1 amber plastic vial with no label containing 1 tablet Klotrix 10 MEQ which were misbranded.

- (134) Exhibit 130 - 1 amber plastic vial with no labels containing 36 tablets "Geigy 51" (Lopresor) which were misbranded.
- (135) Exhibit 131 - 1 amber plastic vial with no labels containing 162 tablets G over 0557 (Unidentifiable) which were misbranded.
- (136) Exhibit 132 - 1 amber plastic vial with no labels containing 118 tablets Bolar 2013 (Chlorpheniramine) which were misbranded.
- (137) Exhibit 133 - 1 amber plastic vial with no labels containing 40 capsules "860" (Phentermine 30mg) which were misbranded.
- (138) Exhibit 134 - 1 white plastic bottle with the label removed containing 100 capsules of Tetracycline 250mg which were misbranded.
- (139) Exhibit 135 - 1 amber plastic vial with the label torn off containing 53 capsules of "PD 362" (Dilantin) which were misbranded.
- (140) Exhibit 136 - Several notes found in Lewis Pharmacy.
- (141) Exhibit 137 - 34 Photos taken in Lewis Pharmacy.

Respondent's Exhibits:

(None)

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Claude Lewis, from March 8, 1983 to July 22, 1986, was the owner and responsible pharmacist at Lewis Pharmacy, 11707 St. Clair Avenue, Cleveland, Ohio, Terminal Distributor license number 02-350650.
- (2) From the evidence presented, the State Board of Pharmacy finds that Claude Lewis, on or about August 29, 1986, was convicted by the Cuyahoga County Common Pleas Court of Aggravated Trafficking in violation of Section 2925.03 of the Ohio Revised Code, a felony of the first degree.
- (3) From the evidence presented, the State Board of Pharmacy finds that Claude Lewis did, on or about November 25, 1985, while practicing pharmacy at Lewis Pharmacy, knowingly acquire or have a dangerous ordnance, to wit: a sawed-off shotgun. Such conduct is prohibited by Section 2923.17(A) of the Ohio Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Claude Lewis did, between May 23, 1983 and November 25, 1985, sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount, to wit: Claude Lewis sold the following controlled substances in the following amounts:

<u>Substance</u>	<u>Amount</u>	<u>Schedule</u>
(a) Ritalin 20mg	378 tablets	II
(b) Preludin 75mg	6064 tablets	II
(c) Percodan	5683 tablets	II
(d) Percocet	1927 tablets	II

<u>Substance</u>	<u>Amount</u>	<u>Schedule</u>
(e) Preludin 50mg	299 tablets	II
(f) Codeine 60mg	631 tablets	II
(g) Methadone 10mg	2684 tablets	II
(h) Demerol 50mg	1838 tablets	II
(i) Demerol 100mg	2256 tablets	II
(j) Desoxyn 15mg	7175 tablets	II
(k) Biphedamine 20mg	7177 capsules	II
(l) Tylox	925 tablets	II
(m) Seconal 100mg	921 capsules	II
(n) Biphedamine 12.5mg	447 capsules	II
(o) Tussionex Suspension	54630 milliliters	III
(p) Hycodan Syrup	70320 milliliters	III
(q) Doriden 500mg	3957 tablets	III
(r) Darvocet N-100	28884 tablets	IV
(s) Valium 2mg	6845 tablets	IV
(t) Valium 5mg	18578 tablets	IV
(u) Valium 10mg	22287 tablets	IV
(v) Talwin NX-50mg	8596 tablets	IV
(w) Fastin	6724 capsules	IV
(x) Ionamin 30mg	416 capsules	IV
(y) Dalmane 15mg	285 capsules	IV
(z) Dalmane 30mg	292 capsules	IV
(aa) Adipex-P	7552 capsules	IV

when his conduct was not in accordance with Chapter 4729. of the Ohio Revised Code. This conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (5) From the evidence presented, the State Board of Pharmacy finds that Claude Lewis did, between May 23, 1983 and November 25, 1985, sell or offer to sell a controlled substance in an amount equal to or exceeding the bulk amount but less than three times that amount, to wit: Claude Lewis sold the following controlled substances in the following amounts:

<u>Substance</u>	<u>Amount</u>	<u>Schedule</u>
(a) Ionamin 15mg	60 capsules	IV
(b) Placidyl 750mg	100 tablets	IV
(c) Ambenyl Expectorant	156600 milliliters	V
(d) Robitussin AC	58140 milliliters	V
(e) ETH & C	37440 milliliters	V
(f) Robitussin DAC	495 milliliters	V

when his conduct was not in accordance with Chapter 4729. of the Ohio Revised Code. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

- (6) From the evidence presented, the State Board of Pharmacy finds that Claude Lewis did, between May 23, 1983 and November 25, 1985, sell or offer to sell a controlled substance in an amount

less than the minimum bulk amount, to wit: Claude Lewis sold the following controlled substances in the following amounts:

<u>Substance</u>	<u>Amount</u>	<u>Schedule</u>
(a) Dexedrine 15mg	165 capsules	II
(b) Dexedrine 5mg	100 capsules	II
(c) Preludin 25mg	23 tablets	II
(d) Dexedrine 10mg	71 capsules	II
(e) Paregoric	720 milliliters	III
(f) Librium 5mg	56 capsules	IV

when his conduct was not in accordance with Chapter 4729. of the Ohio Revised Code. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (7) From the evidence presented, the State Board of Pharmacy finds that Claude Lewis did, between May 23, 1983 and November 25, 1985, sell or deliver at retail or to the consumer without a prescription from a physician, veterinarian, or dentist drugs which under federal or Ohio law can be sold only on prescription, to wit: 1514 units of PBZ 50mg, a dangerous drug. Such conduct is in violation of Section 3715.52(L) of the Ohio Revised Code.
- (8) From the evidence presented, the State Board of Pharmacy finds that Claude Lewis did, on or about November 25, 1985, knowingly possess false or forged prescriptions, to wit: Claude Lewis possessed prescriptions written by persons other than the practitioners stated thereon and prescriptions altered to exceed quantities prescribed by the issuing practitioners. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (9) From the evidence presented, the State Board of Pharmacy finds that Claude Lewis did, between August 3, 1983 and September 19, 1985, sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount, to wit: Claude Lewis did sell the following controlled substances in the following amounts pursuant to false or forged prescriptions:

<u>Substance</u>	<u>Amount</u>	<u>Schedule</u>
(a) Tylox	790 capsules	II
(b) Codeine 30mg	1060 tablets	II
(c) Demerol 100mg	311 tablets	II
(d) Percodan	801 tablets	II
(e) Tylenol #3	1600 tablets	III

when his conduct was not in accordance with Chapter 4729. of the Ohio Revised Code. This conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (10) From the evidence presented, the State Board of Pharmacy finds that Claude Lewis did, on or about November 26, 1985, hold or offer for sale drugs that were misbranded as defined in Section 3715.64 of the Ohio Revised Code, to wit: Claude Lewis did

possess the following dangerous drugs bearing either no labels or improper labels in the center drawer of a metal desk located in the pharmacy:

- (a) 42 capsules of Minipress.
- (b) 32 tablets of Aspirin.
- (c) 11 tablets of Zylprim.
- (d) 18 tablets of Forhista.
- (e) 34 tablets of Catapres 0.2mg.
- (f) 1 manila coin envelope containing 7 tablets of Cogentin.
- (g) 1 manila coin envelope containing 4 tablets of Tylenol #3 (C-III).
- (h) 8 vials each containing 1.8cc Lidocaine HCl 2% and Epinephrine 1:100,000.

and he did possess the following dangerous drugs bearing either no labels or improper labels on the prescription dispensing counter in the pharmacy:

- (a) One amber plastic vial labeled "Phentermine one daily" containing 27 yellow Phentermine 15mg capsules (C-IV).
- (b) One brown paper bag containing 29 pink tablets of Materna.
- (c) One plastic zip-lock baggie containing 40 tablets of Naprosyn.
- (d) One plastic zip-lock baggie containing 25 tablets of Naprosyn and 4 tablets of Robaxisal.
- (e) One manila coin envelope containing 40 capsules of Tolectin DS.
- (f) One manila coin envelope containing 16 capsules of Acetaminophen 300mg and Codeine 30mg.
- (g) One manila coin envelope containing 53 tablets of Hydralazine 50mg.
- (h) One manila coin envelope containing 33 tablets of Tylenol #3 (C-III).
- (i) One manila coin envelope containing 5 tablets of PBZ 50mg.
- (j) One manila coin envelope containing 39 yellow capsules of Phentermine 15mg (C-IV).
- (k) One manila coin envelope containing 3 white round unidentifiable tablets.
- (l) One manila coin envelope containing 25 tablets of E-Mycin 333mg.
- (m) One manila coin envelope containing 10 blue and clear capsules of Phentermine 30mg (C-IV).
- (n) One manila coin envelope labeled "Lanoxin 0.125 #30 and Digoxin 0.25mg" containing 30 yellow tablets of Lanoxin 0.125mg.
- (o) One manila coin envelope containing one round white tablet (unidentifiable), one round blue 1/2 scored tablet (unidentifiable), and one pink tablet (unidentifiable).
- (p) One manila coin envelope containing 8 white tablets of Soma 350mg.
- (q) One manila coin envelope containing 32 tablets of Corgard 40mg.
- (r) One manila coin envelope containing 22 tablets of Darvocet N-100 (C-IV).

- (s) One manila coin envelope containing 1 Valium 2mg tablet (C-IV) and five capsules (unidentifiable).
- (t) One manila coin envelope containing 10 tablets of Soma 350mg.
- (u) One manila envelope containing 42 capsules of Randomycin 300mg.
- (v) One manila coin envelope containing 12 Valium 10mg tablets (C-IV).
- (w) One manila coin envelope containing 24 tablets of Penicillin 250mg.
- (x) One brown paper bag containing 25 tablets of Motrin 400mg.
- (y) One clear plastic zip-lock bag containing 46 tablets of Y-Prolixin 5mg.
- (z) One clear plastic zip-lock bag containing 17 Motrin 600mg tablets.
- (aa) One clear plastic zip-lock bag containing 16 tablets of Talwin NX 50mg (C-IV).
- (bb) One clear plastic zip-lock bag containing 10 tablets of Soma 350mg.
- (cc) One clear plastic zip-lock bag containing 20 tablets of Soma 350mg.
- (dd) One clear plastic zip-lock bag containing 5 tablets of Soma 350mg and 7 capsules of SK-Ampicillin 250mg.
- (ee) One clear plastic zip-lock bag containing 78 tablets of Amitriptyline.
- (ff) One white envelope labeled in part "Tetracycline 250mg 30...Take one every 6 hours until completed" containing 30 Tetracycline 250mg capsules.
- (gg) One manila coin envelope labeled in part "Isordil 10mg" containing 10 tablets of Isordil 10mg.
- (hh) One manila coin envelope labeled in part "Indocin 80" containing 82 tablets of Indocin 80mg.
- (ii) One manila coin envelope containing 13 yellow tablets (unidentified).
- (jj) One manila coin envelope containing 16 capsules of Mini-press.
- (kk) One manila coin envelope labeled in part "Hydrazaline 10mg" containing 59 tablets of Hydrazaline 10mg.
- (ll) One amber plastic vial with no label and no cap containing 131 tablets of Stelazine 5mg.
- (mm) One amber plastic vial with no label and no cap containing 4 tablets of Percodan (C-II) and 2 tablets of Talwin NX 50mg (C-IV).
- (nn) One plastic amber vial with no labels containing 37 Robaxi-sal tablets.
- (oo) One plastic amber vial with no labels containing 221 tablets of Chlorpromazine 100mg.
- (pp) One amber plastic vial with no labels containing 57 Lasix 40mg tablets.
- (qq) One amber plastic vial with no labels containing 27 Phentermine 30mg capsules (C-IV) and 2 capsules of Ceclor 250mg.
- (rr) One amber plastic vial with no labels containing 12 tablets of Limbitrol.
- (ss) One amber plastic vial with no labels containing 2 tablets of Erythromycin.

- (tt) One amber plastic vial with no labels containing 29 tablets (unidentifiable).
- (uu) One amber plastic vial with no labels containing 9 tablets of Logen and 16 tablets of Prednisone and 6 tablets (unidentifiable).
- (vv) One amber plastic vial with no label containing 10 tablets of Erythromycin.
- (ww) One amber plastic vial with no labels containing 38 Librax capsules (C-IV).
- (xx) One amber plastic vial with the label removed containing 73 tablets of Penicillin.
- (yy) One amber plastic vial with no labels containing 2 capsules of Phentermine 30mg (C-IV).
- (zz) One amber plastic vial with no labels containing 46 Valium 10mg tablets (C-IV).
- (Aa) One glass bottle with no labels containing 200 tablets of Slow-K.
- (Bb) One glass bottle with no labels containing 97 tablets Diamox 250mg.
- (Cc) One plastic amber vial with no labels containing 28 capsules of Deconamine.
- (Dd) One plastic amber vial with no labels containing 40 capsules of Pavabid.
- (Ee) One plastic amber vial with no labels containing 88 tablets Rufen 600mg.
- (Ff) One amber plastic vial with no labels containing 38 capsules (unidentifiable).
- (Gg) One amber plastic vial with no labels containing 13 capsules Keflex 500mg.
- (Hh) One amber plastic vial with no labels containing 28 tablets of Soprodol and 4 tablets of Carisorpodol.
- (Ii) One amber plastic vial with no labels containing 11 tablets of Erythromycin.
- (Jj) One amber plastic vial with no labels containing 75 tablets of Naprosyn 375mg.
- (Kk) One amber plastic vial with no labels containing 24 tablets of Estrogen.
- (Ll) One amber plastic vial with no labels containing 30 tablets of Tabron Filmseal.
- (Mm) One amber plastic vial with no labels containing 77 tablets (unidentifiable).
- (Nn) One amber plastic vial with no labels containing 94 tablets (unidentifiable).
- (Oo) One amber plastic vial with no labels containing 100 capsules of Phentermine 30mg (C-IV).
- (Pp) One amber plastic vial with no labels containing 60 tablets Clinoril.
- (Qq) One amber plastic vial with no labels containing 30 tablets of Neolax.
- (Rr) One amber plastic vial with no labels containing 36 tablets Inderal 20mg.
- (Ss) One amber plastic vial with no labels containing 1 tablet Klotrix 10MEQ.

- (Tt) One amber plastic vial with no labels containing 36 tablets of Lopresor.
- (Uu) One amber plastic vial with no labels containing 162 tablets (unidentifiable).
- (Vv) One amber plastic vial with no labels containing 118 tablets of Chlorpheniramine.
- (Ww) One amber plastic vial with no labels containing 40 capsules of Phentermine 30mg (C-IV).
- (Xx) One white plastic bottle with the label removed containing 100 capsules of Tetracycline 250mg.
- (Yy) One amber plastic vial with the label torn off containing 53 capsules of Dilantin.

Such conduct is in violation of Section 3715.52 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) through (6), (8), and (9) of the Findings Of Fact constitutes being guilty of a felony and gross immorality.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (4) through (10) 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 (4) through (10) of the Findings Of Fact constitutes willfully violating, conspiring to violate, attempting to violate and aiding and abetting the violation of any of the provisions of Sections 3715.52 and Chapter 2925. 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. 03-1-06393, held by Claude Lewis:

- (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 Claude Lewis.
- (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 Claude Lewis.

CLAUDE LEWIS, R.Ph.  
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(C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Claude Lewis.

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  
#P-417-664-663

ORDER MAILED: MARCH 8, 1989

FZW/pw

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

cc: Christopher Costantini, Assistant Attorney General