



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-960322-047)

In The Matter Of:

ARTHUR E. SELL, R.Ph.

6033 Elden Drive

Sylvania, Ohio 43560

(R.Ph. No. 03-1-06911)

INTRODUCTION

THE MATTER OF ARTHUR E. SELL CAME TO HEARING ON DECEMBER 5, 1996, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: AMONTE B. LITTLEJOHN, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; JOSEPH J. MASLAK, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

ARTHUR E. SELL WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy
- (2) Joann D. Predina, R.Ph., Ohio State Board of Pharmacy
- (3) Arthur E. Sell, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity for Hearing letter dated March 22, 1996.
- (2) Exhibit 1A--Fourteen-page handwritten letter from Arthur Sell dated April 19, 1996.
- (3) Exhibit 1B--Pharmacist File Front Sheet of Arthur Eugene Sell, Jr. showing original date of registration as February 2, 1959, and Renewal Application for Pharmacist License, No. 03-1-06911, for a license to practice pharmacy in Ohio from

September 15, 1995, to September 15, 1996, of Arthur E. Sell dated July 20, 1995.

- (4) Exhibit 1C--Two-page Continuance Request letter dated September 1, 1996.
- (5) Exhibit 1D--Amendment Notice dated September 11, 1996.
- (6) Exhibit 1E--Hearing Schedule letter dated September 11, 1996.
- (7) Exhibit 2--Sealed Record, Record of Sales of Exempt Narcotic Preparations dated from September 4, 1992, to September 7, 1992.
- (8) Exhibit 2A--Sealed Record, Record of Sales of Exempt Narcotic Preparations dated from September 7, 1992, to September 9, 1992.
- (9) Exhibit 2B--Sealed Record, Record of Exempt Narcotics Sold dated from January 13, 1993, to January 17, 1993.
- (10) Exhibit 2C--Sealed Record, Record of Exempt Narcotics Sold dated from January 17, 1993, to January 19, 1993.
- (11) Exhibit 2D--Sealed Record, Record of Exempt Narcotics Sold dated from January 29, 1993, to January 31, 1993.
- (12) Exhibit 2E--Sealed Record, Record of Exempt Narcotics Sold dated from March 26, 1993, to March 28, 1993.
- (13) Exhibit 2F--Sealed Record, Record of Exempt Narcotics Sold dated from March 28, 1993, to March 30, 1993.
- (14) Exhibit 2G--Sealed Record, Record of Exempt Narcotics Sold dated from April 15, 1993, to April 17, 1993.
- (15) Exhibit 2H--Sealed Record, Record of Exempt Narcotics Sold dated from April 17, 1993, to April 18, 1993.
- (16) Exhibit 2J--Sealed Record, Record of Exempt Narcotics Sold dated from April 18, 1993, to April 20, 1993.
- (17) Exhibit 2K--Sealed Record, Record of Exempt Narcotics Sold dated from April 23, 1993, to April 24, 1993.
- (18) Exhibit 2L--Sealed Record, Record of Exempt Narcotics Sold dated from April 25, 1993, to April 26, 1993.
- (19) Exhibit 2M--Sealed Record, Record of Exempt Narcotics Sold dated from May 1, 1993, to May 2, 1993.
- (20) Exhibit 2N--Sealed Record, Record of Exempt Narcotics Sold dated from May 3, 1993, to May 5, 1993.
- (21) Exhibit 2O--Sealed Record, Record of Exempt Narcotics Sold dated from May 5, 1993, to May 8, 1993.
- (22) Exhibit 2P--Sealed Record, Record of Exempt Narcotics Sold dated from May 8, 1993, to May 9, 1993.
- (23) Exhibit 2Q--Sealed Record, Record of Exempt Narcotics Sold dated from May 13, 1993, to May 15, 1993.
- (24) Exhibit 2R--Sealed Record, Record of Exempt Narcotics Sold dated from May 15, 1993, to May 17, 1993.
- (25) Exhibit 2S--Sealed Record, Record of Exempt Narcotics Sold dated from May 21, 1993, to May 22, 1993.
- (26) Exhibit 2T--Sealed Record, Record of Exempt Narcotics Sold dated from May 22, 1993, to May 24, 1993.
- (27) Exhibit 2U--Sealed Record, Record of Exempt Narcotics Sold dated from May 27, 1993, to May 29, 1993.
- (28) Exhibit 2V--Sealed Record, Record of Exempt Narcotics Sold dated from May 29, 1993, to May 30, 1993.
- (29) Exhibit 3--Five-page Ohio State Board of Pharmacy Statement Form completed by Art Sell signed and notarized on March 18, 1994.
- (30) Exhibit 4--Sealed Record, Samuels Products Exempt Narcotics Register of Orchard Drug dated from June 24, 1991, to December 8, 1992.

- (31) Exhibit 4A--Sealed Record, Drug Package, Inc. Narcotic & Poison Register of Orchard Drug dated from December 9, 1992, to February 28, 1993.
- (32) Exhibit 4B--Sealed Record, Drug Package, Inc. Narcotic & Poison Register of Orchard Drug dated from February 28, 1993, to May 1, 1993.
- (33) Exhibit 4C--Sealed Record, Drug Package, Inc. Narcotic & Poison Register of Orchard Drug dated from May 1, 1993, to June 22, 1993.
- (34) Exhibit 4D--Sealed Record, Drug Package, Inc. Narcotic & Poison Register of Orchard Drug dated from June 22, 1993, to August 22, 1993.
- (35) Exhibit 4E--Sealed Record, Drug Package, Inc. Narcotic & Poison Register of Orchard Drug dated from August 22, 1993, to October 16, 1993.
- (36) Exhibit 4F--Sealed Record, Drug Package, Inc. Narcotic & Poison Register of Orchard Drug dated from October 16, 1993, to January 16, 1994.
- (37) Exhibit 4G--Sealed Record, Drug Package, Inc. Narcotic & Poison Register of Orchard Drug dated from January 16, 1994, to March 15, 1994.
- (38) Exhibit 5--Patient Key for Arthur E. Sell's Exempt Narcotic Sales at Orchard Drugs.

Respondent's Exhibits:

- (1) Exhibit A--Letter from R. M. Kendrick, D.O. dated November 27, 1996.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board indicate that Arthur E. Sell was originally licensed in the state of Ohio on February 2, 1959, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
- (2) Arthur E. Sell did, on or about the following dates, sell, under the exemptions of Section 3719.15 of the Ohio Revised Code to the same person (on each occasion) preparations included within Section 3719.15, when he knew or by reasonable diligence could have ascertained that the sale provided the recipient with more than one such preparation within a forty-eight consecutive hour period:

<u>Date</u>	<u>Patient No.</u>	<u>Drug</u>
09/08/92	111	Cheracol
01/17/93	127	Cheracol
01/31/93	127	Cheracol
03/28/93	127	Cheracol
03/29/93	45	Cheracol
04/18/93	80	Guiatuss AC
04/18/93	127	Cheracol
04/19/93	139	Novadyne
04/25/93	80	Guiatuss AC
05/09/93	80	Guiatuss AC
05/16/93	80	Guiatuss AC
05/23/93	80	Guiatuss AC
05/23/93	127	Cheracol
05/30/93	127	Cheracol

Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

- (3) Arthur E. Sell did, from May 1, 1993, through October 25, 1993, knowingly sell a controlled substance in an amount exceeding the minimum bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Arthur E. Sell sold 6 preparations of exempt narcotics to patient #13 when the patient received a total of 53 preparations from the pharmacy over a 301-day time period and not for a legitimate medical purpose:

<u>Date</u>	<u>Drug</u>
05/01/93	Cheracol
05/03/93	Cheracol
06/06/93	Cheracol
07/18/93	Cheracol
08/15/93	Cheracol
10/25/93	Novadyne DH

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code as was in effect prior to July 1, 1996.

- (4) Arthur E. Sell did, from January 11, 1993, through November 7, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Arthur E. Sell sold 14 preparations of exempt narcotics to patient #139 when the patient received a total of 149 preparations from the pharmacy over a 351-day time period and not for a legitimate medical purpose:

<u>Date</u>	<u>Drug</u>
01/11/93	Novadyne
02/22/93	Novadyne
03/01/93	Novadyne
03/29/93	Novadyne
04/19/93	Novadyne
05/30/93	Novadyne
07/22/93	Novadyne
08/23/93	Novadyne
10/10/93	Novadyne
10/18/93	Novadyne
10/24/93	Novadyne
11/01/93	Novadyne
11/05/93	Novadyne
11/07/93	Novadyne

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code as was in effect prior to July 1, 1996.

- (5) Arthur E. Sell did, from March 28, 1993, through August 22, 1993, knowingly sell a controlled substance in an amount equal to or exceeding the minimum bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Arthur E. Sell sold 6 preparations of exempt narcotics to patient #20 when

the patient received a total of 23 preparations from the pharmacy over a 324-day time period and not for a legitimate medical purpose:

<u>Date</u>	<u>Drug</u>
03/28/93	Guiatussin
04/09/93	Guiatuss AC
04/26/93	Guiatuss AC
05/16/93	Guiatuss AC
07/02/93	Guiatuss AC
08/22/93	Guiatuss AC

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code as was in effect prior to July 1, 1996.

- (6) Arthur E. Sell did, from January 17, 1993, through March 29, 1993, knowingly sell a controlled substance in an amount equal to or exceeding the minimum bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Arthur E. Sell sold 4 preparations of exempt narcotics to patient #45 when the patient received a total of 29 preparations from the pharmacy over a 107-day time period and not for a legitimate medical purpose:

<u>Date</u>	<u>Drug</u>
01/17/93	Cheracol
03/21/93	Cheracol
03/28/93	Cheracol
03/29/93	Cheracol

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code as was in effect prior to July 1, 1996.

- (7) Arthur E. Sell did, from March 28, 1993, through November 14, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Arthur E. Sell sold 13 preparations of exempt narcotics to patient #61 when the patient received a total of 76 preparations from the pharmacy over a 317-day time period and not for a legitimate medical purpose:

<u>Date</u>	<u>Drug</u>
03/28/93	Cheracol
04/11/93	Cheracol
05/23/93	Cheracol
06/13/93	Cheracol
06/20/93	Cheracol
07/18/93	Cheracol
07/22/93	Cheracol
08/01/93	Cheracol
08/15/93	Cheracol
10/17/93	Cheracol
10/24/93	Cheracol
11/07/93	Cheracol
11/14/93	Cheracol

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code as was in effect prior to July 1, 1996.

- (8) Arthur E. Sell did, from November 7, 1991, through October 31, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Arthur E. Sell sold 50 preparations of exempt narcotics to patient #66 when the patient received a total of 206 preparations from the pharmacy over a 800-day time period and not for a legitimate medical purpose:

<u>Date</u>	<u>Drug</u>
11/07/91	Novadyne Expectorant
02/12/92	Novadyne Expectorant
03/12/92	Novadyne Expectorant
03/18/92	Novadyne Expectorant
03/25/92	Novadyne Expectorant
04/30/92	Novadyne Expectorant
05/06/92	Novadyne Expectorant
06/17/92	Novadyne Expectorant
06/26/92	Novadyne Expectorant
07/02/92	Novadyne Expectorant
08/13/92	Novadyne Expectorant
09/17/92	Novadyne Expectorant
10/01/92	Novadyne Expectorant
10/09/92	Novadyne Expectorant
10/20/92	Novadyne Expectorant
10/22/92	Novadyne Expectorant
10/28/92	Novadyne Expectorant
11/01/92	Novadyne Expectorant
11/03/92	Novadyne Expectorant
11/09/92	Novadyne Expectorant
11/11/92	Novadyne Expectorant
11/13/92	Novadyne Expectorant
11/15/92	Novadyne Expectorant
11/19/92	Novadyne Expectorant
11/25/92	Novadyne Expectorant
11/27/92	Novadyne Expectorant
12/01/92	Novadyne Expectorant
01/03/93	Novadyne Expectorant
02/05/93	Novadyne Expectorant
02/19/93	Novadyne Expectorant
02/21/93	Novadyne Expectorant
02/26/93	Novadyne Expectorant
02/28/93	Novadyne Expectorant
03/14/93	Novadyne Expectorant
03/26/93	Novadyne Expectorant
03/28/93	Novadyne Expectorant
04/25/93	Novadyne Expectorant
05/03/93	Novadyne Expectorant
05/21/93	Novadyne Expectorant
05/23/93	Novadyne Expectorant

06/06/93	Novadyne Expectorant
06/20/93	Novadyne Expectorant
07/25/93	Novadyne Expectorant
08/08/93	Novadyne Expectorant
08/22/93	Novadyne Expectorant
09/19/93	Novadyne Expectorant
10/03/93	Novadyne Expectorant
10/11/93	Novadyne Expectorant
10/17/93	Novadyne DH
10/31/93	Novadyne DH

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code as was in effect prior to July 1, 1996.

- (9) Arthur E. Sell did, from October 12, 1992, through May 30, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Arthur E. Sell sold 15 preparations of exempt narcotics to patient #79 when the patient received a total of 71 preparations from the pharmacy over a 259-day time period and not for a legitimate medical purpose:

<u>Date</u>	<u>Drug</u>
10/12/92	Guiatuss AC
10/28/92	Guiatuss AC
11/06/92	Guiatuss AC
12/01/92	Guiatuss AC
12/07/92	Guiatuss AC
12/20/92	Guiatuss AC
01/17/93	Guiatuss AC
01/24/93	Guiatuss AC
01/31/93	Guiatuss AC
02/28/93	Guiatuss AC
03/14/93	Guiatuss AC
04/11/93	Guiatuss AC
04/30/93	Guiatuss AC
05/28/93	Guiatuss AC
05/30/93	Guiatuss AC

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code as was in effect prior to July 1, 1996.

- (10) Arthur E. Sell did, from April 18, 1993, through November 7, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Arthur E. Sell sold 11 preparations of exempt narcotics to patient #80 when the patient received a total of 108 preparations from the pharmacy over a 429-day time period and not for a legitimate medical purpose:

<u>Date</u>	<u>Drug</u>
04/18/93	Guiatuss AC
04/25/93	Guiatuss AC

05/08/93	Guiatuss AC
05/09/93	Guiatuss AC
05/16/93	Guiatuss AC
05/23/93	Guiatuss AC
07/22/93	Guiatuss AC
09/19/93	Guiatuss AC
10/03/93	Guiatuss AC
10/24/93	Guiatuss AC
11/07/93	Guiatuss AC

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code as was in effect prior to July 1, 1996.

- (11) Arthur E. Sell did, from December 3, 1991, through November 14, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Arthur E. Sell sold 45 preparations of exempt narcotics to patient #99 when the patient received a total of 170 preparations from the pharmacy over a 856-day time period and not for a legitimate medical purpose:

<u>Date</u>	<u>Drug</u>
12/03/91	Cheracol
12/10/91	Cheracol
01/02/92	Cheracol
02/18/92	Cheracol
03/03/92	Cheracol
03/19/92	Cheracol
03/31/92	Cheracol
04/07/92	Cheracol
04/14/92	Cheracol
04/22/92	Cheracol
05/05/92	Cheracol
05/19/92	Cheracol
05/26/92	Cheracol
06/02/92	Cheracol
06/09/92	Cheracol
06/16/92	Cheracol
06/24/92	Cheracol
07/01/92	Cheracol
07/27/92	Cheracol
08/16/92	Cheracol
08/18/92	Cheracol
08/26/92	Cheracol
09/03/92	Cheracol
09/08/92	Cheracol
09/10/92	Cheracol
09/15/92	Cheracol
09/24/92	Cheracol
09/30/92	Cheracol
10/06/92	Cheracol
11/06/92	Cheracol
11/12/92	Cheracol

11/19/92	Cheracol
11/24/92	Cheracol
12/02/92	Cheracol
03/21/93	Cheracol
04/12/93	Cheracol
05/09/93	Cheracol
05/23/93	Cheracol
06/20/93	Cheracol
07/04/93	Cheracol
08/01/93	Cheracol
08/15/93	Cheracol
08/22/93	Cheracol
10/17/93	Cheracol
11/14/93	Cheracol

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code as was in effect prior to July 1, 1996.

- (12) Arthur E. Sell did, from December 3, 1991, through March 6, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Arthur E. Sell sold 38 preparations of exempt narcotics to patient #111 when the patient received a total of 199 preparations from the pharmacy over a 965-day time period and not for a legitimate medical purpose:

<u>Date</u>	<u>Drug</u>
12/03/91	Cheracol
01/16/92	Cheracol
04/29/92	Cheracol
06/26/92	Cheracol
07/08/92	Cheracol
07/26/92	Cheracol
07/30/92	Cheracol
08/19/92	Cheracol
09/08/92	Cheracol
09/15/92	Cheracol
09/22/92	Cheracol
10/06/92	Cheracol
10/08/92	Cheracol
11/11/92	Cheracol
11/13/92	Cheracol
01/03/93	Cheracol
01/10/93	Cheracol
01/17/93	Cheracol
01/24/93	Cheracol
02/07/93	Cheracol
03/07/93	Cheracol
04/11/93	Cheracol
04/18/93	Cheracol
05/02/93	Cheracol
05/23/93	Cheracol
06/06/93	Cheracol

06/20/93	Cheracol
08/01/93	Cheracol
08/08/93	Cheracol
08/15/93	Cheracol
08/22/93	Cheracol
10/03/93	Cheracol
10/24/93	Cheracol
11/07/93	Cheracol
11/14/93	Cheracol
01/30/94	Cheracol
02/20/94	Cheracol
03/06/94	Cheracol

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code as was in effect prior to July 1, 1996.

- (13) Arthur E. Sell did, from March 1, 1993, through July 25, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Arthur E. Sell sold 9 preparations of exempt narcotics to patient #117 when the patient received a total of 36 preparations from the pharmacy over a 227-day time period and not for a legitimate medical purpose:

<u>Date</u>	<u>Drug</u>
03/01/93	Novahistine DH
03/22/93	Novahistine DH
04/02/93	Novahistine DH
04/05/93	Novahistine DH
04/19/93	Novahistine DH
04/24/93	Novahistine DH
05/10/93	Novahistine DH
07/19/93	Novahistine DH
07/25/93	Novahistine DH

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code as was in effect prior to July 1, 1996.

- (14) Arthur E. Sell did, from January 6, 1993, through June 6, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Arthur E. Sell sold 13 preparations of exempt narcotics to patient #127 when the patient received a total of 79 preparations from the pharmacy over a 177-day time period and not for a legitimate medical purpose:

<u>Date</u>	<u>Drug</u>
01/06/93	Cheracol
01/17/93	Cheracol
01/31/93	Cheracol
02/21/93	Cheracol
03/14/93	Cheracol
03/28/93	Cheracol

04/11/93	Cheracol
04/18/93	Cheracol
05/02/93	Cheracol
05/16/93	Cheracol
05/23/93	Cheracol
05/30/93	Cheracol
06/06/93	Cheracol

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code as was in effect prior to July 1, 1996.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (14) of the Findings of Fact constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (14) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. or 3719. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the identification card, No. 03-1-06911, of Arthur E. Sell.

Further, the Board stays the suspension and places Arthur E. Sell on probation for five years, effective as of the mailing of this Order. The terms of probation are as follows:

- (A) Arthur E. Sell must take and successfully complete, prior to July 31, 1997, the Jurisprudence Examination offered by the Board. If Arthur E. Sell has not successfully completed the examination prior to July 31, 1997, his license will be suspended until this condition has been achieved. Division (B) of Section 4729.16 of the Ohio Revised Code provides: "Any individual whose identification card is revoked, suspended, or refused, 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.
- (B) Arthur E. Sell may not sell over-the-counter Schedule V controlled substances.
- (C) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Arthur E. Sell's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
- (D) Arthur E. Sell may not serve as a responsible pharmacist.

- (E) Arthur E. Sell must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (F) Arthur E. Sell must abide by the rules of the Ohio State Board of Pharmacy.
- (G) Arthur E. Sell must comply with the terms of this Order.

The Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

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

MOTION CARRIED.

SO ORDERED.