



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-910312-063)

In The Matter Of:

GEORGE UHLAR, R.Ph.
44 S. Salem Road
North Jackson, Ohio 44451
(R.Ph. No. 03-1-07173)

INTRODUCTION

THE MATTER OF GEORGE UHLAR CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON APRIL 24, 1991. MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

State's Exhibits

- (1) Exhibit A - Notice of Opportunity letter for George Uhlar dated March 12, 1991.
- (2) Exhibit B - Notice of Opportunity letter for North Jackson Pharmacy dated March 12, 1991.
- (3) Exhibit 1 - Pharmacist File Front Sheet for George Uhlar showing original date of licensure as March 8, 1960.
- (4) Exhibit 2 - Renewal Application for a Terminal Distributor of Dangerous Drugs License of North Jackson Pharmacy dated October 3, 1990.
- (5) Exhibit 3 - Board Order in the matter of George Uhlar, Docket Number D-900503-083, dated December 18, 1990.
- (4) Exhibit 4 - Computer printout of the Ohio Board of Pharmacy Drug Fines, Case Number D900503083, for George Uhlar.
- (5) Exhibit 9 - Four-page Dangerous Drug Distributor Inspection Report, for North Jackson Pharmacy, dated August 29, 1990.
- (6) Exhibit 10 - Prescriptions numbered as follows: 218563; 205225; 205226; 219022; 214776; 218449; 218450; 214218; 214219; 196796; 196797; and 196798.
- (7) Exhibit 11 - Two blue, bound Prescription Record books of North Jackson Pharmacy.
- (8) Exhibit 12 - Prescriptions numbered as follows: 156366; 153230; 213115; 218753; 213077; 216054; and 210813.
- (9) Exhibit 13 - Prescriptions numbered as follows: 169880; 201352; 214937; 214938; 214939; 214940; and 219200.
- (10) Exhibit 14 - Three patient profile cards for Mary Vasko.
- (11) Exhibit 15 - Prescriptions numbered as follows: 166695; 175596; 219367; 207631; and 213230.

- (12) Exhibit 16 - Five patient profile cards for Katie Uhlar.
- (13) Exhibit 17 - Prescriptions numbered as follows: 220152; 217090; 217091; 169971; 169972; 163995; 201662; 201663; and 207897.
- (14) Exhibit 18 - One patient profile card for Chuck Moore.
- (15) Exhibit 19 - Prescriptions numbered as follows: 169977; 207173; 207172; and 200195.
- (16) Exhibit 20 - Prescriptions numbered as follows: 219603; 196012; 204898; 205825; 205826; 220857; and 218693.
- (17) Exhibit 21 - Prescription number 221435.
- (18) Exhibit 22 - Prescriptions numbered as follows: 216889; 216858; 216859; 220692; 220693; and 213472.
- (19) Exhibit 23 - Prescriptions numbered as follows: 212962; 185997; and 185998.
- (20) Exhibit 24 - Four patient profile cards for the Koneval family, Rose, Ray, Steve, Mike, and Theresa.

Respondent's Exhibits

- (1) Exhibit 1 - Two-page letter from George Uhlar dated April 9, 1991.
- (2) Exhibit 2 - Two-page letter from George Uhlar on behalf of North Jackson Pharmacy dated April 9, 1991.

Findings Of Fact

- (1) On March 12, 1991, George Uhlar was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) As demonstrated by return receipt of March 14, 1991, George Uhlar received the letter of March 12, 1991 informing him of the allegations against him, and his rights.
- (3) George Uhlar submitted a letter, received April 12, 1991, setting forth his position and contentions in writing, and has not requested a hearing in this matter.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy finds that records of the Board indicate that George Uhlar was originally licensed in the state of Ohio on March 8, 1960, pursuant to examination, and is the Responsible Pharmacist at North Jackson Pharmacy, Warren-Salem Rd., North Jackson, Ohio 44451, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (5) Upon consideration of the record as a whole, the State Board of Pharmacy finds that, on December 18, 1990, the Board made the following Findings Of Fact:
 - (a) On May 3, 1990 George Uhlar was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.

- (b) As demonstrated by return receipt of May 8, 1990, George Uhlar received the letter of May 3, 1990 informing him of the allegations and his rights.
 - (c) George Uhlar submitted a letter, received May 18, 1990, setting forth his position and contentions in writing, and did not request a hearing in this matter.
 - (d) George Uhlar did not continue his pharmacy education in accordance with Section 4729.12 of the Revised Code and Rules 4729-7-01 through 4729-7-07 of the Administrative Code.
 - (e) George Uhlar, on or about August 16, 1989, submitted a Continuing Pharmacy Education Report Form providing evidence of four and one-half (4.5) CEUs of continuing pharmacy education, with the application for renewal of a pharmacist identification card. Subsequently, it was found during the audit, pursuant to Rule 4729-7-03(C) of the Ohio Administrative Code, that George Uhlar did not respond to the original audit request dated December 8, 1989 and that the evidence was insufficient to prove that he had continued his pharmacy education in accordance with the rules of the Board.
- (6) Upon consideration of the record as a whole, the State Board of Pharmacy finds that on December 18, 1990, the Ohio State Board of Pharmacy imposed a monetary penalty of two hundred fifty dollars (\$250.00), and declared that George Uhlar's pharmacist identification card was not in good standing and thereby denied him the privilege of being a preceptor and training pharmacy interns for a period of one year.
- (7) Upon consideration of the record as a whole, the State Board of Pharmacy finds that George Uhlar as Responsible Pharmacist did, on or about August 29, 1990, fail to maintain the minimum standards for a retail pharmacy, to wit: George Uhlar failed to keep in the pharmacy a library having current federal and state laws, regulations, and rules governing the legal distribution of drugs in Ohio. Such conduct is contrary to the provisions of Section 4729.55 of the Ohio Revised Code as amplified in Rule 4729-9-02 of the Ohio Administrative Code.
- (8) Upon consideration of the record as a whole, the State Board of Pharmacy finds that George Uhlar did, on or about the following dates, while practicing pharmacy at North Jackson Pharmacy, sell or deliver at retail to the consumer without a prescription from a practitioner a drug which can only be sold on prescription, to wit: George Uhlar dispensed the following drugs after refills for the original prescriptions had expired:

Dispensed January 9, 1990:

<u>Rx No.</u>	<u>Orig. Date</u>	<u>Drug</u>	<u>Amount</u>	<u>Refills</u>
218563	06-02-88	Timoptic Opth .5%	5cc	6
205225	03-27-84	Tenormin 50mg	30	3
205226	03-27-84	Diuril 500mg	30	3

GEORGE UHLAR, R.Ph.
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 Order of the Board

<u>Rx No.</u>	<u>Orig. Date</u>	<u>Drug</u>	<u>Amount</u>	<u>Refills</u>
219022	08-03-88	Hydergine LC 1mg	100	5
218450	05-18-88	Persantine 50mg	100	5
214776	12-29-86	Butisol 1/4 gr.	30	0
1196797	06-05-82	ColBenemid	100	0
214218	10-20-86	Tenormin 50mg	30	0

Dispensed February 15, 1990:

<u>Rx No.</u>	<u>Orig. Date</u>	<u>Drug</u>	<u>Amount</u>	<u>Refills</u>
216054	06-17-87	Naprosyn 500mg	20	4
213077	05-09-86	Timoptic .5% Opth.	5cc	11
213115	05-14-86	Phospholine Iodide .25%	5cc	11
218753	06-28-88	Lopressor 50mg	36	12
210813	08-21-85	Procardia 10mg	120	0

Dispensed March 1, 1990:

<u>Rx No.</u>	<u>Orig. Date</u>	<u>Drug</u>	<u>Amount</u>	<u>Refills</u>
201352	05-11-83	Pen-Vee K 500mg	20	0
214940	01-14-87	Zyloprim 300mg	30	0
219200	08-26-88	Calan SR 240	30	0

Dispensed April 4, 1990:

<u>Rx No.</u>	<u>Orig. Date</u>	<u>Drug</u>	<u>Amount</u>	<u>Refills</u>
166695	01-17-77	Erythrocin 500mg	16	0
213230	05-30-86	Lasix 20mg	30	0
207631	10-17-84	Aldoril D	30	0
175596	09-21-78	Fiorinal	30	0
219367	09-16-88	Orudis 75mg	30	0

Dispensed May 30, 1990:

<u>Rx No.</u>	<u>Orig. Date</u>	<u>Drug</u>	<u>Amount</u>	<u>Refills</u>
201663	06-07-83	Valium 5mg	50	0
207897	11-13-84	Pen-Vee K 250mg	24	0
217091	11-13-87	Inderal 10mg	50	0
220152	12-30-88	Tegretol 200mg	120	3
163995	06-15-76	Pavabid	30	4
169972	09-09-77	Darvocet-N 100	20	0
175596	09-21-78	Fiorinal	30	0
207631	10-17-84	Aldoril D	30	0

Dispensed June 13, 1990:

<u>Rx No.</u>	<u>Orig. Date</u>	<u>Drug</u>	<u>Amount</u>	<u>Refills</u>
207173	09-10-84	Cardizem 60mg	100	5
207172	09-10-84	Tenormin 50mg	100	5
200195	02-18-83	Restoril 30mg	10	1
169977	09-09-77	Cantil w/ PB	100	1
217091	11-13-87	Inderal 10mg	50	0
169880	09-01-77	Wygesic	50	0

Dispensed July 7, 1990:

<u>Rx No.</u>	<u>Orig. Date</u>	<u>Drug</u>	<u>Amount</u>	<u>Refills</u>
196012	04-16-82	Tenormin 50mg	50	4
204898	03-02-84	Diuril 250mg	100	3
219603	10-20-88	Persantine 50mg	100	PRN
218693	06-16-88	Halcion .125mg	30	3
220857	03-28-89	Tylenol #3	24	0
205825	05-02-84	Dilantin 100mg	100	2
205826	05-02-84	Phenobarbital 1gr.	100	2

Dispensed August 23, 1990:

<u>Rx No.</u>	<u>Orig. Date</u>	<u>Drug</u>	<u>Amount</u>	<u>Refills</u>
219603	10-20-88	Persantine 50mg	100	PRN
153230	07-02-74	ColBenemid	40	PRN
221435	06-12-89	Erythromycin 250mg	20	0

Dispensed August 24, 1990:

<u>Rx No.</u>	<u>Orig. Date</u>	<u>Drug</u>	<u>Amount</u>	<u>Refills</u>
217091	11-13-87	Inderal 10mg	50	0

Dispensed August 25, 1990:

<u>Rx No.</u>	<u>Orig. Date</u>	<u>Drug</u>	<u>Amount</u>	<u>Refills</u>
216889	10-20-87	Micro K 750mg	30	0
216859	10-16-87	Procardia 10mg	60	5
213472	07-03-86	Micro K 750mg	30	1
220692	03-09-89	Phrenilin	20	1

Dispensed August 27, 1990:

<u>Rx No.</u>	<u>Orig. Date</u>	<u>Drug</u>	<u>Amount</u>	<u>Refills</u>
200196	Unknown	Antivert 12.5mg	30	Unknown
200195	02-18-83	Restoril 30mg	10	1
169880	09-01-77	Wygesic	50	0
213077	05-09-86	Timoptic .5% Opth.	5cc	11
213115	05-14-86	Phospholine Iodide .25%	5cc	11
185997	07-14-80	Tylenol w/Codeine #3	12	0
212962	04-28-86	Armour Thyroid 3gr.	100	5

Dispensed August 28, 1990:

<u>Rx No.</u>	<u>Orig. Date</u>	<u>Drug</u>	<u>Amount</u>	<u>Refills</u>
205825	05-02-84	Dilantin 100mg	100	2
205826	05-02-84	Phenobarbital 1gr.	100	2

Dispensed August 29, 1990:

<u>Rx No.</u>	<u>Orig. Date</u>	<u>Drug</u>	<u>Amount</u>	<u>Refills</u>
207631	10-17-84	Aldoril D	30	0

Such conduct is in violation of Section 3715.52(L) of the Ohio Revised Code.

- (9) Upon consideration of the record as a whole, the State Board of Pharmacy finds that George Uhlar as Responsible Pharmacist at North Jackson Pharmacy has failed to take and maintain a biennial inventory for controlled substances held for sale in the pharmacy, to wit: no controlled substance inventory was conducted or maintained for the years 1980 through 1990. Such conduct is in violation of Rule 4729-9-14 of the Ohio Administrative Code and Sections 1304.04 and 1304.13 of the Code of Federal Regulations.
- (10) Upon consideration of the record as a whole, the State Board of Pharmacy finds that George Uhlar as Responsible Pharmacist at North Jackson Pharmacy did, during a continuous time period immediately preceding August 29, 1990, dispense dangerous drugs without affixing labels to the containers, causing such drugs to be misbranded pursuant to Section 3715.64 of the Ohio Revised Code. Such conduct is in violation of Rule 4729-5-16 of the Ohio Administrative Code; Title 21, Section 352 of the United States Code; and Section 3715.52 of the Ohio Revised Code.
- (11) Upon consideration of the record as a whole, the State Board of Pharmacy finds that George Uhlar as Responsible Pharmacist at North Jackson Pharmacy did, during a continuous time period immediately preceding August 29, 1990, hold or offer for sale dangerous drugs which were adulterated as set forth in Section 3715.63 of the Ohio Revised Code as amplified by Rule 4729-9-01 of the Ohio Administrative Code, to wit: a large volume of outdated controlled substances and dangerous drugs were intermixed with the pharmacy's drug stock. Such conduct is in violation of Section 3715.52 of the Ohio Revised Code.

Conclusions Of Law

- (1) The State Board of Pharmacy concludes that paragraph (8) of the Findings Of Fact constitutes being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraph (8) of the Findings Of Fact constitutes being guilty of dishonesty as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraphs (8) and (9) 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.

- (4) The State Board of Pharmacy concludes that paragraphs (7) through (11) of the Findings Of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code.

Action Of The Board

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-1-07173, held by George Uhlar:

(A) On the basis of paragraphs (1) through (4) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by George Uhlar for twenty-four months, effective November 1, 1991.

(B) Further, the Board will suspend eighteen months of the twenty-four month suspension and place the license on probation for twenty-four months on the condition that George Uhlar:

- (1) takes and successfully completes the Jurisprudence examination offered by the Board;
- (2) does not violate the drug laws of the state of Ohio, any other state, or the federal government;
- (3) abides by the rules of the State Board of Pharmacy; and
- (4) complies with the terms of this Order.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that George Uhlar's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns for a period of twenty-four months.

The Board further stipulates that George Uhlar may not serve as a responsible pharmacist during this twenty-four month period.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is ..., suspended, ..., shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after ... [the effective date] 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.

GEORGE UHLAR, R.Ph.
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Order of the Board

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.

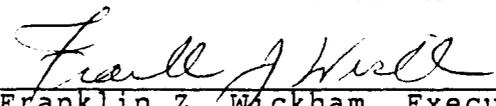
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section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

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 497 578 898

ORDER MAILED: JUNE 28, 1991

FZW/sl

By 
Franklin Z. Wickham, Executive Director

cc: Jeanny Vorys, Assistant Attorney General



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-900503-083)

In The Matter Of:

GEORGE UHLAR, R.Ph.
44 S. Salem Road
North Jackson, Ohio 44451
(R.Ph. No. 03-1-07173)

THE MATTER OF GEORGE UHLAR CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON OCTOBER 23, 1990 AS A RESULT OF THE REPORT AND RECOMMENDATION SUBMITTED TO THE BOARD BY HEARING OFFICER AND BOARD MEMBER METTA LOU HENDERSON. FOLLOWING CONSIDERATION OF THE REPORT AND RECOMMENDATION, THE TRANSCRIPT OF THE HEARING HELD JULY 23, 1990, AND EVIDENCE ADDUCED AT THE HEARING, MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

State's Exhibits

- (1) Exhibit A - Notice of Opportunity For A Hearing letter dated May 3, 1990.
- (2) Exhibit B - Hearing Schedule letter dated June 4, 1990.
- (3) Exhibit 1 - Notice of C.P.E. Audit letter dated December 8, 1989.
- (4) Exhibit 2 - Notice of Failure To Comply letter dated March 15, 1990.
- (5) Exhibit 3 - Letter from George Uhlar dated April 10, 1990.
- (6) Exhibit 4 - Continuing Pharmacy Education Report Form of George Uhlar dated August 7, 1989.
- (7) Exhibit 5 - Letter from George Uhlar dated May 15, 1990.

Findings Of Fact

The State Board of Pharmacy hereby agrees with and adopts the Findings Of Fact set forth in the Report and Recommendation of Hearing Officer and Board Member Metta Lou Henderson, as follows:

- (1) The State Board of Pharmacy finds that on May 3, 1990 George Uhlar was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) The State Board of Pharmacy finds that, as demonstrated by return receipt of May 8, 1990, George Uhlar received the letter of May 3, 1990 informing him of the allegations and his rights.

- (3) The State Board of Pharmacy finds that George Uhlar submitted a letter, received May 18, 1990, setting forth his position and contentions in writing, and has not requested a hearing in this matter.
- (4) The State Board of Pharmacy finds that George Uhlar has not continued his pharmacy education in accordance with Section 4729.12 of the Revised Code and Rules 4729-7-01 through 4729-7-07 of the Administrative Code.
- (5) The State Board of Pharmacy finds that George Uhlar, on or about August 16, 1989, submitted a Continuing Pharmacy Education Report Form providing evidence of four and one-half (4.5) CEUs of continuing pharmacy education, with the application for renewal of a pharmacist identification card. Subsequently, it has been found during the audit, pursuant to Rule 4729-7-03(C) of the Ohio Administrative Code, that George Uhlar did respond to the original audit request dated December 8, 1989 and that the evidence was insufficient to prove that Mr. Uhlar has continued his pharmacy education in accordance with the rules of the Board.

Conclusion Of Law

The State Board of Pharmacy hereby agrees with and adopts the Conclusion Of Law set forth in the Report and Recommendation of Hearing Officer and Board Member Metta Lou Henderson, as follows:

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (4) and (5) of the Findings Of Fact constitutes unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Revised Code.

Action Of The Board

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby imposes a monetary penalty of two hundred fifty dollars (\$250.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that George Uhlar's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns for a period of one year.

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

MOTION CARRIED.

SO ORDERED.

GEORGE UHLAR, R.Ph.
Page Three
Order of the Board

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.

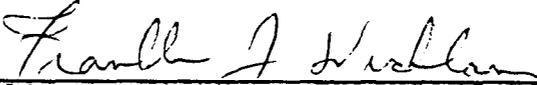
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section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

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 497 578 867

ORDER MAILED: DECEMBER 18, 1990

FZW/sb

By 
Franklin Z. Wickham, Executive Director

cc: Jeanny Eaton, Assistant Attorney General