



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-960612-066)

In The Matter Of:

ANTHONY SAVOCA, R.Ph.

27647 Remington Drive

Westlake, Ohio 44145

(R.Ph. No. 03-1-07626)

INTRODUCTION

THE MATTER OF ANTHONY SAVOCA CAME TO HEARING ON APRIL 21, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

ANTHONY SAVOCA WAS REPRESENTED BY AMY M. DECOLIBUS, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) James Reye, Ohio State Board of Pharmacy
- (2) Caroline Simon, Technician, Revco #0339
- (3) Rita P. Kroustos, R.Ph., Revco #0339
- (4) Anthony Savoca, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Summary Suspension Order/Notice of Opportunity for Hearing letter dated June 12, 1996.
- (2) Exhibit 1A--Hearing Request letter dated June 30, 1996.
- (3) Exhibit 1B--Hearing Schedule letter dated July 8, 1996.

- (4) Exhibit 1C--Pharmacist File Front Sheet of Anthony Joseph Savoca showing original date of registration as March 14, 1962; and Renewal Application for Pharmacist License, No. 03-1-07626, for a license to practice pharmacy in Ohio from September 15, 1995, to September 15, 1996, of Anthony Savoca dated June 6, 1995.
- (5) Exhibit 1D--Addendum Notice dated November 21, 1996.
- (6) Exhibit 1E--Continuance Request letter dated November 27, 1996.
- (7) Exhibit 1F--Hearing Schedule letter dated December 4, 1996.
- (8) Exhibit 1G--Continuance Request letter dated April 18, 1997.
- (9) Exhibit 2--Sealed Record--Two-page Revco #0339 Prescription Access Link, Patient Insurance Profile of Lisa Petrucci dated from January 1, 1995, to May 29, 1996, report dated May 30, 1996.
- (10) Exhibit 3--Sealed Record--Revco #0339 Prescription Access Link, Patient Insurance Profile of Lisa Ufie dated from January 1, 1995, to May 29, 1996, report dated May 30, 1996.
- (11) Exhibit 4--Sealed Record--Prescription number 0339-050545.
- (12) Exhibit 5--Sealed Record--Prescription number 0339-042052.
- (13) Exhibit 6--Five-page handwritten statement of Karen McKinzie signed and notarized on May 30, 1996.
- (14) Exhibit 7--Handwritten statement of Rita P. Kroustos signed and notarized on May 31, 1996.
- (15) Exhibit 8--Sealed Record--Prescription number 0339-041104.
- (16) Exhibit 9--Four-page handwritten statement of Caroline Simon signed and notarized on May 30, 1996.
- (17) Exhibit 10--Sealed Record--Prescription number 0339-039182.
- (18) Exhibit 11--Sealed Record--Revco #0339 Prescription Access Link, Patient Insurance Profile of Carmen Rodriguez dated from January 1, 1996, to March 13, 1996, report dated March 13, 1996.
- (19) Exhibit 12--Sealed Record--Revco #339 Customer Signature Log dated May 6, 1996, to May 21, 1996.
- (20) Exhibit 13--Sealed Record--Prescription number 0339-052837.
- (21) Exhibit 14--Sealed Record--Revco #339 Customer Signature Log dated May 29, 1996, to May 30, 1996.
- (22) Exhibit 15--Sealed Record--Prescription numbers 0339-002071 and 0339-004067.
- (23) Exhibit 16--Sealed Record--Revco #339 Customer Signature Log dated August 24, 1995.
- (24) Exhibit 17--Sealed Record--Prescription number 0339-050860.
- (25) Exhibit 18--Sealed Record--Revco #339 Customer Signature Log dated May 14, 1996, to May 19, 1996.
- (26) Exhibit 19--Sealed Record--Prescription number 0339-862160.
- (27) Exhibit 20--Sealed Record--Revco #339 Customer Signature Log dated January 7, 1995, to January 12, 1995.
- (28) Exhibit 21--Sealed Record--Prescription number 0339-031416.
- (29) Exhibit 22--Sealed Record--Revco #339 Customer Signature Log dated January 26, 1996, to January 29, 1996, and one entry not dated.
- (30) Exhibit 23--Sealed Record--Prescription number 0339-008799.
- (31) Exhibit 24--Sealed Record--Revco #339 Customer Signature Log dated September 20, 1995, to September 21, 1995.
- (32) Exhibit 25--Sealed Record--Prescription number 0339-876478.
- (33) Exhibit 26--Sealed Record--Revco #339 Customer Signature Log dated March 9, 1995, to March 10, 1995.
- (34) Exhibit 27--Sealed Record--Prescription number 0339-873607.

- (35) Exhibit 28--Sealed Record-Revco #339 Customer Signature Log dated February 22, 1995, to February 23, 1995.
- (36) Exhibit 29--Sealed Record-Prescription number 0339-035843.
- (37) Exhibit 30--Sealed Record-Revco #339 Customer Signature Log dated February 15, 1996, to February 23, 1996.
- (38) Exhibit 31--Sealed Record-Prescription number 0339-885072.
- (39) Exhibit 32--Sealed Record-Revco #339 Customer Signature Log dated April 24, 1995, to April 27, 1995.
- (40) Exhibit 33--Sealed Record-Prescription number 0339-885073.
- (41) Exhibit 34--Sealed Record-Prescription number 0339-876479.
- (42) Exhibit 35--Sealed Record-Prescription number 0339-879005.
- (43) Exhibit 36--Sealed Record-Prescription number 0339-888750.
- (44) Exhibit 37--Sealed Record-Prescription number 0339-891782.
- (45) Exhibit 38--Sealed Record-Prescription number 0339-897433.
- (46) Exhibit 39--Sealed Record-Prescription number 0322-693533 and 0339-000502.
- (47) Exhibit 40--Sealed Record-Prescription number 0339-004987.
- (48) Exhibit 41--Sealed Record-Prescription number 0339-007006.
- (49) Exhibit 42--Sealed Record-Prescription number 0339-010641.
- (50) Exhibit 43--Sealed Record Prescription number 0339-888751.
- (51) Exhibit 44--Sealed Record-Prescription number 0339-891783.
- (52) Exhibit 45--Sealed Record-Prescription number 0339-041293.
- (53) Exhibit 46--Sealed Record-Prescription number 0339-893738.
- (54) Exhibit 47--Sealed Record-Prescription number 0339-893737.
- (55) Exhibit 48--Sealed Record-Prescription number 0322-693533.
- (56) Exhibit 49--Sealed Record-Twelve-page Revco #0339 Prescription Access Link, Patient Insurance Profile of Karen Norton dated from January 1, 1995, to June 11, 1996, report dated June 11, 1996.
- (57) Exhibit 50--Handwritten statement of Caroline Simon signed and notarized on July 3, 1996.
- (58) Exhibit 51--Three-page Ohio State Board of Pharmacy Statement Form completed by Dr. Louis Keppler, M.D. signed and notarized on August 19, 1996.
- (59) Exhibit 52--Two-page Ohio State Board of Pharmacy Statement Form completed by Dr. Jeffrey Galvin, signed and notarized on July 3, 1996.
- (60) Exhibit 53--Three-page Statement Form completed by Dr. Charles Peck, M.D., signed and notarized on July 3, 1996.
- (61) Exhibit 54--Sealed Record-Two-page copy of Blue Cross and Blue Shield of Ohio Financial Investigations Department report completed by Louis Keppler, M.D., regarding Karen Norton, dated July 18, 1996.
- (62) Exhibit 55--Sealed Record-Two-page copy of Blue Cross and Blue Shield of Ohio Financial Investigations Department report completed by Jeffrey Galvin, M.D., regarding Karen Norton, dated July 3, 1996.
- (63) Exhibit 56--Sealed Record-Two-page copy of Blue Cross and Blue Shield of Ohio Financial Investigations Department report completed by C. Peck, M.D., regarding Karen Norton, dated July 3, 1996.
- (64) Exhibit 57--Sealed Record-Notarized copy of prescriptions numbered 0339-874774 and 0339-874775.
- (65) Exhibit 58--Sealed Record-Two-page printout of information regarding prescriptions numbered 339-874774 and 339-874775.
- (66) Exhibit 59--Handwritten statement of James L. Rush, M.D. signed and notarized on May 31, 1996.
- (67) Exhibit 60--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #339 for Alprazolam 0.25mg dated June 27, 1996.

- (68) Exhibit 61--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #339 for Alprazolam 0.5mg dated June 27, 1996.
- (69) Exhibit 62--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #339 for Alprazolam 1mg dated June 27, 1996.
- (70) Exhibit 63--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #339 for Xanax .25mg dated June 27, 1996.
- (71) Exhibit 64--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #339 for Hydrocodone 7.5mg/APAP 750mg dated June 27, 1996.
- (72) Exhibit 65--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #339 for Vicodin ES dated June 27, 1996.
- (73) Exhibit 66--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #339 for Hydrocodone 5mg/APAP 500mg dated June 27, 1996.
- (74) Exhibit 67--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #339 for Valium 10mg dated March 5, 1996, and attached list of Valium 10mg purchases dated from May 17, 1995, through April 1, 1996.
- (75) Exhibit 68--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #339 for Valium 5mg dated March 5, 1996, and attached list of Valium 5mg purchases dated from May 6, 1995, through May 29, 1996.
- (76) Exhibit 69--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #339 for Diazepam 10mg dated March 5, 1996.
- (77) Exhibit 70--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #339 for Diazepam 5mg dated March 5, 1996, and attached list of Diazepam 5mg purchases dated from May 5, 1995, through May 25, 1996.
- (78) Exhibit 71--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #339 for Xanax .5mg dated June 27, 1996, and attached list of Xanax .5mg purchases dated from January 11, 1995, through May 3, 1996.
- (79) Exhibit 72--Sealed Record-Prescription number 0322-652006.
- (80) Exhibit 73--Sealed Record-Prescription number 361068.
- (81) Exhibit 74--Sealed Record-Copy of page numbered 0162 from a Prescription Refill Log Book dated from July 1, 1995, to July 2, 1995.
- (82) Exhibit 75--Sealed Record-Prescription number 0339-011928.
- (83) Exhibit 76--Sealed Record-Copy of page numbered 0159 from a Prescription Refill Log Book dated May 18, 1996, to May 19, 1996.
- (84) Exhibit 77--Sealed Record-Copy of page numbered 0025 from a Prescription Refill Log Book dated February 1, 1995, to February 2, 1995.
- (85) Exhibit 78--Sealed Record-Copy of page numbered 0125 from a Prescription Refill Log Book dated May 3, 1996, to May 4, 1996.
- (86) Exhibit 79--Sealed Record-Copy of page numbered 0063 from a Prescription Refill Log Book dated April 6, 1996, to April 7, 1996.
- (87) Exhibit 80--Sealed Record-Copy of page numbered 0036 from a Prescription Refill Log Book dated March 26, 1996.
- (88) Exhibit 81--Sealed Record-Copy of page numbered 0159 from a Prescription Refill Log Book dated September 21, 1995, to September 22, 1995.
- (89) Exhibit 82--Sealed Record-P.A.L. Prescription Refill Log Book of Revco #339 dated from March 11, 1996, to May 29, 1996.
- (90) Exhibit 83--Sealed Record-P.A.L. Prescription Refill Log Book of Revco #339 dated from July 10, 1995, to October 2, 1995.
- (91) Exhibit 84--Sealed Record-P.A.L. Prescription Refill Log Book of Revco #339 dated from April 17, 1995, to July 10, 1995.
- (92) Exhibit 85--Foxmeyer Invoice, Order No. HQD774, for items sold to Revco 0339, dated February 28, 1996.
- (93) Exhibit 86--Sealed Record-P.A.L. Prescription Refill Log Book of Revco #339 dated January 19, 1995, to April 17, 1995.

- (94) Exhibit 87--Two-page Lake County Regional Forensic Laboratory Report, Laboratory No. 960822-1715, signed by Dr. Philip D. Bouffard on August 22, 1996; and Receipt for Exhibits, Laboratory No. 960822-1715, dated August 22, 1996, and August 23, 1996.
- (95) Exhibit 88--Sealed Record--Prescription number 0339-051391.
- (96) Exhibit 89--Revco #0339 PAL/POS Rx Report [Will Call Box] dated March 12, 1996.
- (97) Exhibit 90--Two-page Plea Agreement, No. 345316, of Anthony J. Savoca signed and dated January 28, 1997, with attached copy of ten-page Ohio State Board of Pharmacy Report of Investigation, Case No. 96-1289, by Jim Reye regarding Anthony Savoca dated August 30, 1996, and copy of four-page Blue Cross/Blue Shield Outline dated from November 19, 1994, to May 18, 1996.

Respondent's Exhibits:

- (1) Exhibit A--Copy of letter from Peter J. Gray dated February 21, 1997.
- (2) Exhibit B--Letter from Gary A. Ebert dated February 28, 1997.

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 Anthony Savoca was originally licensed to practice pharmacy in the state of Ohio on March 14, 1962; and, on June 12, 1996, Anthony Savoca's license was summarily suspended in accordance with Section 3719.121(B) of the Ohio Revised Code.
- (2) Anthony Savoca did, from March 22, 1996, through May 16, 1996, 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: Anthony Savoca sold 270 Diazepam 10mg tablets and 600 Diazepam 5mg tablets to his girlfriend without valid prescriptions. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (3) Anthony Savoca did, from March 22, 1996, through May 8, 1996, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Anthony Savoca sold 30 Alprazolam 0.25mg tablets and 90 Alprazolam 0.5mg tablets to his girlfriend without valid prescriptions. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (4) Anthony Savoca did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: to cover his thefts and trafficking in drugs, Anthony Savoca created and possessed in the computer at Revco Discount Drug Center #339, 21925 Lorain Road, Fairview Park, Ohio the following computer records purporting to be prescriptions:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
0339-042043	04/08/96	Diazepam 10mg	60
0339-045052	03/27/96	Diazepam 5mg	100
0339-045052	04/06/96	Diazepam 5mg	100

0339-045052	04/08/96	Diazepam 5mg	100
0339-045052	04/12/96	Diazepam 5mg	100
0339-045052	04/22/96	Diazepam 5mg	100
0339-045052	05/08/96	Diazepam 5mg	100
0339-050545	05/16/96	Diazepam 10mg	30
<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
0339-041104	05/03/96	Alprazolam 0.25mg	30
0339-045427	04/15/96	Diazepam 10mg	30
0339-045427	05/08/96	Diazepam 10mg	30
0339-041105	03/22/96	Alprazolam 0.5mg	30
0339-041105	04/12/96	Alprazolam 0.5mg	30
0339-041105	05/08/96	Alprazolam 0.5mg	30
0339-041106	03/22/96	Diazepam 10mg	30
0339-041106	04/06/96	Diazepam 10mg	30
0339-041106	04/12/96	Diazepam 10mg	30
0339-041106	03/26/96	Diazepam 10mg	30

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (5) Anthony Savoca did, on or about March 22, 1996, knowing that he had no privilege to do so, and with purpose to defraud or knowing that he was facilitating a fraud, falsify computerized data, to wit: Anthony Savoca created computer data for prescription number 0339-041106 for 30 units of Diazepam 10mg so as to cover for thefts and trafficking in drugs. Such conduct is in violation of Section 2913.42 of the Ohio Revised Code.
- (6) Anthony Savoca did, from March 11, 1996, through May 16, 1996, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Revco, beyond the express or implied consent of Revco Discount Drug Center #339, to wit: Anthony Savoca stole the following drugs from his place of employment while engaged in the practice of pharmacy:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
0339-039182	03/11/96	Cardura 4mg	30
0339-042043	04/08/96	Diazepam 10mg	60
0339-045052	03/27/96	Diazepam 5mg	100
0339-045052	04/06/96	Diazepam 5mg	100
0339-045052	04/08/96	Diazepam 5mg	100
0339-045052	04/12/96	Diazepam 5mg	100
0339-045052	04/22/96	Diazepam 5mg	100
0339-045052	05/08/96	Diazepam 5mg	100
0339-050545	05/16/96	Diazepam 10mg	30
0339-041104	05/03/96	Alprazolam 0.25mg	30
0339-045427	04/15/96	Diazepam 10mg	30
0339-045427	05/08/96	Diazepam 10mg	30
0339-041105	03/22/96	Alprazolam 0.5mg	30
0339-041105	04/12/96	Alprazolam 0.5mg	30
0339-041105	05/08/96	Alprazolam 0.5mg	30
0339-041106	03/22/96	Diazepam 10mg	30
0339-041106	04/06/96	Diazepam 10mg	30
0339-041106	04/12/96	Diazepam 10mg	30
0339-041106	03/26/96	Diazepam 10mg	30

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (7) Anthony Savoca did, on or about March 11, 1996, make a false or forged prescription for a dangerous drug, to wit: when taking a telephone call from his girlfriend, who is not a practitioner, Anthony Savoca created prescription number 0339-039182 for 30 unit doses of Cardura 4mg; however, 100 unit doses of Cardura 4mg were dispensed. Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.
- (8) Anthony Savoca did, from December 21, 1994, through October 9, 1995, 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: Anthony Savoca sold the following drugs without valid prescriptions and not for a legitimate medical purpose:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>	<u>Physician</u>
0339-011927	10/09/95	Vicodin ES	100	Keppler
0339-010641	10/02/95	Vicodin ES	100	Keppler
0339-007006	09/21/95	Vicodin ES	100	Keppler
0339-007006	09/11/95	Vicodin ES	100	Keppler
0339-004987	08/30/95	Vicodin ES	100	Keppler
0339-004067	08/24/95	Vicodin ES	100	Keppler
0339-000502	08/02/95	Vicodin ES	100	Keppler
0322-693533	07/24/95	Vicodin ES	100	Keppler
0339-897433	07/13/95	Vicodin ES	100	Keppler
0339-893737	06/19/95	Vicodin ES	100	Keppler
0339-891782	06/06/95	Vicodin ES	100	Keppler
1078-042119	05/29/95	Vicodin ES	100	Keppler
0339-888750	05/18/95	Vicodin ES	100	Keppler
0339-885073	04/27/95	Vicodin ES	100	Keppler
0339-881795	04/08/95	Vicodin ES	100	Keppler
0339-879005	03/29/95	Vicodin ES	100	Keppler
0339-879005	03/24/95	Vicodin ES	100	Keppler
0322-652006	03/20/95	Vicodin Es	100	Keppler
0339-876479	03/10/95	Vicodin ES	100	Keppler
0322-652006	03/09/95	Vicodin ES	100	Keppler
0322-652006	02/23/95	Vicodin ES	100	Keppler
0322-652006	02/07/95	Vicodin ES	100	Keppler
0339-868736	02/01/95	Vicodin ES	100	Keppler
1078-032235	01/22/95	Vicodin ES	100	Keppler
0339-862160	01/17/95	Vicodin ES	100	Keppler
0339-862160	01/12/95	Vicodin ES	100	Keppler
0339-862160	01/03/95	Vicodin ES	100	Keppler
1078-032235	12/27/94	Vicodin ES	100	Keppler
0339-862160	12/21/94	Vicodin ES	100	Keppler

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised.

- (9) Anthony Savoca did, from May 5, 1996, through June 5, 1996, knowingly sell a controlled substance in an amount equal to or exceeding 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: Anthony

Savoca sold the following drugs without valid prescriptions and not for a legitimate medical purpose:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>	<u>Physician</u>
0339-052837	06/05/96	Vicodin ES	50	Galvin
0339-052837	05/30/96	Vicodin ES	50	Galvin
0339-050860	05/18/96	Vicodin ES	50	Galvin
0339-048724	05/05/96	Vicodin ES	50	Galvin

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

- (10) Anthony Savoca did, from February 23, 1995, through May 21, 1996, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Anthony Savoca sold the following drugs without valid prescriptions and not for a legitimate medical purpose:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>	<u>Physician</u>
0339-051391	05/21/96	Valium 5mg	100	Galvin
0339-041293	03/22/96	Valium 5mg	100	Galvin
0339-035843	02/22/96	Valium 5mg	100	Galvin
0339-031416	01/29/96	Valium 5mg	100	Peck
0339-008799	09/21/95	Valium 5mg	100	Peck
0339-893738	06/19/95	Valium 5mg	100	Peck
0339-891783	06/19/95	Valium 5mg	100	Peck
0339-888751	05/18/95	Valium 5mg	100	Peck
0339-885072	04/27/95	Valium 5mg	100	Peck
0339-876468	03/10/95	Valium 5mg	100	Peck
0339-873607	02/23/95	Valium 5mg	100	Peck

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (11) Anthony Savoca did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: to cover his thefts and trafficking in drugs, Anthony Savoca created and possessed the following prescriptions:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>	<u>Physician</u>
0339-052837	06/05/96	Vicodin ES	50	Galvin
0339-052837	05/30/96	Vicodin ES	50	Galvin
0339-051391	05/21/96	Valium 5m	100	Galvin
0339-050860	05/18/96	Vicodin ES	50	Galvin
0339-048724	05/05/96	Vicodin ES	50	Galvin
0339-041293	03/22/96	Valium 5mg	100	Galvin
0339-035843	02/22/96	Valium 5mg	100	Galvin
0339-031416	01/29/96	Valium 5mg	100	Peck
0339-011927	10/09/95	Vicodin ES	100	Keppler
0339-010641	10/02/95	Vicodin ES	100	Keppler
0339-007006	09/11/95	Vicodin ES	100	Keppler
0339-007006	09/21/95	Vicodin ES	100	Keppler
0339-008799	09/21/95	Valium 5mg	100	Peck
0339-004987	08/30/95	Vicodin ES	100	Keppler
0339-004067	08/24/95	Vicodin ES	100	Keppler

0339-002071	08/13/95	Vicodin ES	100	Keppler
0339-000502	08/02/95	Vicodin ES	100	Keppler
0322-693533	07/24/95	Vicodin ES	100	Keppler
0339-897433	07/13/95	Vicodin ES	100	Keppler
0339-893738	06/19/95	Valium 5mg	100	Peck
0339-891783	06/19/95	Valium 5mg	100	Peck
0339-893737	06/19/95	Vicodin ES	100	Keppler
0339-891782	06/06/95	Vicodin ES	100	Keppler
0339-888750	05/18/95	Vicodin ES	100	Keppler
0339-888751	05/18/95	Valium 5mg	100	Peck
0339-885073	04/27/95	Vicodin ES	100	Keppler
0339-885072	04/27/95	Valium 5mg	100	Peck
0339-881795	04/08/95	Vicodin ES	100	Keppler
0339-879005	03/29/95	Vicodin ES	100	Keppler
0339-879005	03/24/95	Vicodin ES	100	Keppler
0339-876468	03/10/95	Valium 5mg	100	Peck
0339-876479	03/10/95	Vicodin ES	100	Keppler
0339-874774	03/02/95	Hycodan Syrup 4oz		Rush
<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>	<u>Physician</u>
0339-873607	02/23/95	Valium 5mg	100	Peck
0339-868736	02/01/95	Vicodin ES	100	Keppler
0339-862160	01/17/95	Vicodin ES	100	Keppler
0339-862160	01/12/95	Vicodin ES	100	Keppler
0339-862160	01/03/95	Vicodin ES	100	Keppler
0339-862160	12/21/94	Vicodin ES	100	Keppler

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (12) Anthony Savoca did, on or about March 2, 1995, make or utter a false or forged prescription for a dangerous drug, to wit: Anthony Savoca created prescription number 0339-874775, in his name, for 30 units of Omnipen 500mg, without authorization from a practitioner. Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.
- (13) Anthony Savoca did, from May 1, 1995, through May 30, 1996, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Revco Drug #339, 21925 Lorain Road, Fairview Park, Ohio, beyond the express or implied consent of the owner, to wit: Anthony Savoca stole the following drugs in the following amounts from his place of employment:

<u>Drug</u>	<u>Quantity</u>	<u>% of Drug Supply</u>
Xanax 0.5mg	2,714	31%
Xanax 0.25mg	100	1.8%
Alprazolam 1mg	4,669	62%
Alprazolam 0.5mg	8,298	63%
Alprazolam 0.25mg	12,968	65%
Diazepam 10mg	824	11%
Diazepam 5mg	664	4%
Valium 5mg	214	4%
Valium 10mg	324	13%
Hydrocodone 5mg/APAP 500mg	437	2.81%
Vicodin ES	225	3.49%
Hydrocodone 7.5mg/APAP 750mg	131	1%

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (14) Anthony Savoca did, on or about March 1, 1996, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Revco Drug #339, 21925 Lorain Road, Fairview Park, Ohio, beyond the express or implied consent of the owner, to wit: Anthony Savoca stole two stock bottles of Diazepam 10mg tablets, a total of 200 units, from his employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (15) Anthony Savoca did, on or about March 1, 1996, knowingly sell a controlled substance in an amount equal to or exceeding 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: Anthony Savoca gave his girlfriend two stock bottles of Diazepam 10mg tablets, a total of 200 units, without a prescription and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.
- (16) Anthony Savoca did, on or about the following dates, knowing that he had no privilege to do so, and with purpose to defraud or knowing that he was facilitating a fraud, falsify computerized data, to wit: Anthony Savoca created the following data so as to cover for thefts and trafficking in drugs:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>	<u>Physician</u>
0339-052837	05/30/96	Vicodin ES	50	Galvin
0339-051391	05/21/96	Valium 5m	100	Galvin
0339-050860	05/18/96	Vicodin ES	50	Galvin
0339-050545	05/16/96	Diazepam 10mg	30	McCafferty
0339-045427	05/08/96	Diazepam 10mg	30	McCafferty
0339-041105	05/08/96	Alprazolam 0.5mg	30	McCafferty
0339-045052	05/08/96	Diazepam 5mg	100	McCafferty
0339-048724	05/05/96	Vicodin ES	50	Galvin
0339-041104	05/03/96	Alprazolam 0.25 mg	30	McCafferty
0339-045052	04/22/96	Diazepam 5mg	100	McCafferty
0339-045427	04/15/96	Diazepam 10mg	30	McCafferty
0339-045052	04/12/96	Diazepam 5mg	100	McCafferty
0339-041105	04/12/96	Alprazolam 0.5mg	30	McCafferty
0339-041106	04/12/96	Diazepam 10mg	30	McCafferty
0339-045052	04/08/96	Diazepam 5mg	100	McCafferty
0339-042043	04/08/96	Diazepam 10mg	60	McCafferty
0339-045052	04/06/96	Diazepam 5mg	100	McCafferty
0339-041106	04/06/96	Diazepam 10 mg	30	McCafferty
0339-045052	03/27/96	Diazepam 5mg	100	McCafferty
0339-041106	03/26/96	Diazepam 10 mg	30	McCafferty
0339-041105	03/22/96	Diazepam 10mg	30	McCafferty
0339-041293	03/22/96	Valium 5mg	100	Galvin
0339-035843	02/22/96	Valium 5mg	100	Galvin
0339-031416	01/29/96	Valium 5mg	100	Peck
0339-011927	10/09/95	Vicodin ES	100	Keppler
0339-010641	10/02/95	Vicodin ES	100	Keppler
0339-008799	09/21/95	Valium 5mg	100	Peck
0339-007006	09/21/95	Vicodin ES	100	Keppler
0339-007006	09/11/95	Vicodin ES	100	Keppler

0339-004067	08/24/95	Vicodin ES	100	Keppler
0339-002071	08/13/95	Vicodin ES	100	Keppler
0339-000502	08/02/95	Vicodin ES	100	Keppler
0322-693533	07/24/95	Vicodin ES	100	Keppler
0339-897433	07/13/95	Vicodin ES	100	Keppler
0339-893737	07/01/95	Vicodin ES	100	Keppler
0339-893737	06/19/95	Vicodin ES	100	Keppler
0339-891782	06/06/95	Vicodin ES	100	Keppler
0339-888750	05/18/95	Vicodin ES	100	Keppler
0339-885072	04/27/95	Valium 5mg	100	Peck
0339-885073	04/27/95	Vicodin ES	100	Keppler
0339-881795	04/08/95	Vicodin ES	100	Keppler
0339-879005	03/29/95	Vicodin ES	100	Keppler
0339-879005	03/24/95	Vicodin ES	100	Keppler
0339-876479	03/10/95	Vicodin ES	100	Keppler
0339-876468	03/10/95	Valium 5mg	100	Peck
0339-873607	02/23/95	Valium 5mg	100	Peck
0339-871391	02/11/95	Vicodin ES	100	Keppler
0339-868736	02/01/95	Vicodin ES	100	Keppler
0339-862160	01/17/95	Vicodin ES	100	Keppler
0339-862160	01/12/95	Vicodin ES	100	Keppler
0339-862160	01/03/95	Vicodin ES	100	Keppler

Such conduct is in violation of Section 2913.42 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (16) of the Findings of Fact constitute being guilty of a felony as provided in Division (A)(1) 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 (16) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (4), (7) through (12), and (15) 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 4729. 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 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued June 12, 1996.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Anthony Savoca:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-1-07626, held by Anthony Savoca effective as of the date of the mailing of this Order.
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-1-07626, held by Anthony Savoca effective as of the date of the mailing of this Order.
- (C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-1-07626, held by Anthony Savoca effective as of the date of the mailing of this Order.

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.

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

MOTION CARRIED.

SO ORDERED.