

**ORDER OF THE STATE BOARD OF PHARMACY**

(Docket No. D-020212-038)

In The Matter Of:

**FRANK A. LEON, R.Ph.**  
3847 Falbo Avenue  
Lorain, Ohio 44052  
(R.Ph. No. 03-1-07771)

**INTRODUCTION**

THE MATTER OF FRANK A. LEON CAME FOR HEARING ON AUGUST 6, 2002, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: DIANE C. ADELMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

FRANK A. LEON WAS REPRESENTED BY JACK W. BRADLEY AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

**SUMMARY OF EVIDENCE**

**State's Witnesses**

Mark A. Kabat, Ohio State Board of Pharmacy

**Respondent's Witnesses**

1. Reverend Douglas Koesel
2. Frank A. Leon, R.Ph., Respondent

**State's Exhibits**

1. Notice of Opportunity for Hearing [02-12-02]  
1A-1C. Procedurals  
1D. Addendum Notice [07-11-02]
2. Amherst Police Department Incident/Offense Report [06/09/01]
3. Narrative Supplement [not dated]; and memo from Don Dugger, CVS/Pharmacy Loss Prevention Representative [06/12/01]
4. Statement of Ronald A. Gilliland, CVS/Pharmacy District Manager [06/09/01]
5. Notarized Statement of Pamela Mate, CVS/Pharmacy Technician [08/02/01]
6. Notarized Statement of Peggy Lee Robinson, CVS Store Manager [07/27/01]
7. Accountability Statement for Xanax 0.25 mg [08/14/01]
8. Accountability Statement for Alprazolam 0.25 mg [08/14/01]
9. Accountability Statement for Clorazepate Dipotassium 3.75 mg [08/15/01]
10. Accountability Statement for Darvocet N-100 [08/13/01]
11. Indictment, State of Ohio vs. Frank Leon, Case No. 01CR058582, Lorain County Common Pleas Court [08/07/01]

12. Journal Entry, State of Ohio vs. Frank Leon, Case No. 01CR058582, Lorain County Common Pleas Court [02/25/02]
13. Journal Entry, State of Ohio vs. Frank Leon, Case No. 01CR058582, Lorain County Common Pleas Court [02-25-02]
14. Judgment Entry, State of Ohio vs. Frank Leon, Case No. 01CR058582, Lorain County Common Pleas Court [02/25/02]

#### Respondent's Exhibits

- A. Letter from Carla S. Park, MSSA, LSW [02/20/02]
- B. EEG Interpretation Report from Ray Romero, M.D. [09/11/01]; and Humility of Mary Health Partners Medical Imaging Report of Frank A. Leon [09/11/01]
- C. Curriculum Vitae of Reverend Douglas Koesel; and Recovery Program for Frank Leon [not dated]
- D. Letter from Michael B. Willets [07/30/02]

#### FINDINGS OF FACT

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

(1) Records of the State Board of Pharmacy indicate that Frank A. Leon was licensed by the State of Ohio as a pharmacist, pursuant to examination, on August 20, 1962 and is currently licensed to practice pharmacy in Ohio.

(2) Frank A. Leon did, on or about June 9, 2001, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/pharmacy #3325, beyond the express or implied consent of the owner, to wit: while practicing pharmacy, Frank A. Leon admittedly stole the following:

8	Xanax .25mg
8	clorazepate dipotassium 3.75mg
63	Darvocet N-100
1	Lotrisone 15g tube
1	Lotrisone 45g tube

Additionally, Frank A. Leon has admitted to stealing Beta-Val Cream a few weeks previous to June 9, 2001. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(3) Frank A. Leon did, on or about June 9, 2001, with purpose to deprive, knowingly obtain or exert control over property of CVS/pharmacy #3325, the value being less than \$500.00, beyond the express or implied consent of the owner, to wit: while practicing pharmacy, Frank A. Leon admittedly stole coffee, dishwashing detergent, shaving cream, and deodorant. Additionally, Frank A. Leon has admitted to stealing merchandise valued at approximately \$20.00 per week for the preceding thirty-two weeks. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(4) On February 22, 2002, Frank A. Leon pled guilty to one (1) count of Theft of Drugs, a felony of the fifth degree under Section 2913.02(A) of the Ohio Revised Code, and to one (1) count of Theft, a misdemeanor of the first degree under Section 2913.02(A) of the Ohio Revised Code. Frank A. Leon was granted intervention in lieu of conviction. State of Ohio vs. Frank Leon, Case No. 01CR058582, Lorain County Common Pleas Court. Such conduct indicates that Frank A. Leon is guilty of a felony or gross immorality, dishonesty or unprofessional conduct in the practice of pharmacy, and/or addicted to or abusing drugs to render Frank A. Leon unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

#### CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of a felony and 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 paragraphs (2) through (4) 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) The State Board of Pharmacy concludes that paragraph (4) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.

#### DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-1-07771, held by Frank A. Leon and such suspension is effective as of the date of the mailing of this Order.

(A) Frank A. Leon, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

(B) Frank A. Leon, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after twenty-four months from the effective date of this Order, the Board will consider any petition filed by Frank A. Leon for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

(A) Frank A. Leon must obtain, within sixty days after the effective date of this Order, a full psychiatric evaluation by a licensed psychiatrist and must abide by the treatment plan as designed by that psychiatrist. The psychiatrist must provide an initial status report, which includes the recommended treatment plan, to the Board within ten days after completing the assessment.

(B) Frank A. Leon must obtain, within sixty days after the effective date of this Order, a full medical evaluation by a licensed physician and must abide by the treatment plan as designed by that physician. The physician must provide an initial status report, which includes the recommended treatment plan, to the Board within ten days after completing the assessment.

(C) Frank A. Leon must enter into a contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, mail a copy of the contract to the Board office. The contract must provide that:

(1) Random, observed urine drug screens shall be conducted at least once each month.

(a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

(b) Results of all drug screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

(2) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(D) Frank A. Leon must provide, at the reinstatement petition hearing, documentation of the following:

(1) Compliance with the licensed psychiatrist's recommended treatment plan;

(2) A report by the licensed psychiatrist regarding Frank A. Leon 's fitness for readmission into the practice of pharmacy;

(3) Compliance with the licensed physician's recommended treatment plan;

(4) A report by the licensed physician regarding Frank A. Leon 's fitness for readmission into the practice of pharmacy;

(5) Compliance with the contract required above (e.g.-proof of giving the urine sample within twelve hours of notification and copies of all urine screen reports, meeting attendance records, treatment program reports, etc.);

(6) His efforts for providing restitution to CVS/pharmacy #3325.

(7) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;

(8) Compliance with the terms of this Order.

(E) If reinstatement is not accomplished within three years of the effective date of this Order, Frank A. Leon must also show successful completion of the NAPLEX examination or an equivalent examination approved by the Board.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).

MOTION CARRIED.

SO ORDERED.

**ORDER EFFECTIVE SEPTEMBER 19, 2002**