

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-010917-010)

In The Matter Of:

LAWRENCE E. BROOME, R.Ph.
212 Sheila Drive
Wellington, Ohio 44090
(R.Ph. No. 03-1-08147)

INTRODUCTION

THE MATTER OF LAWRENCE E. BROOME CAME FOR CONSIDERATION ON JANUARY 7, 2002 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; AND JAMES E. TURNER, R.Ph.

LAWRENCE E. BROOME WAS NOT PRESENT, NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Mark Kabat, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Notice of Opportunity for Hearing letter dated September 17, 2001.
- (2) Exhibit 1A--Hearing Request letter from John S. Haynes dated October 8, 2001.
- (3) Exhibit 1B--Copy of letter to John S. Haynes from David L. Rowland dated October 15, 2001.
- (4) Exhibit 1C--Copy of Ohio Pharmacist Computer Record of Lawrence E. Broome.
- (5) Exhibit 2--Copy of eight-page Order of the State Board Of Pharmacy, Docket No. D-970107-024, of Lawrence E. Broome, R.Ph., dated July 17, 1997.
- (6) Exhibit 3--Copy of pages 490 to 499, State Board Of Pharmacy Journal No. J-861028-079, re Lawrence E. Broome, Docket No. 6-119-1, not dated.

- (7) Exhibit 4--Copy of Ohio State Board of Pharmacy Drug Audit Accountability Sheet for Ionamin 30mg at Rite Aid #2590 dated December 28, 2000; Copy of Ionamin 30mg Flow Sheet showing dates from May 1, 1999 to September 15, 2000, not dated.
- (8) Exhibit 5--Copy of Ohio State Board of Pharmacy Drug Audit Accountability Sheet for Phentermine 15mg at Rite Aid #2590 dated December 28, 2000; Copy of Phentermine 15mg Flow Sheet showing dates from May 1, 1999 to September 15, 2000.
- (9) Exhibit 6--Copy of Ohio State Board of Pharmacy Drug Audit Accountability Sheet for Phentermine 37.5mg at Rite Aid #2590 dated December 28, 2000; Copy of Phentermine 37.5mg Flow Sheet showing dates from May 1, 1999 to September 15, 2000.
- (10) Exhibit 7--Copy of Statement of Susan Kortyna notarized October 10, 2000.
- (11) Exhibit 8--Copy of Statement of Lawrence Broome notarized September 15, 2000.
- (12) Exhibit 9--Copy of two-page Statement of Doris Walker notarized January 3, 2001.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

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

- (1) On September 17, 2001, Lawrence E. Broome was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit any contentions in writing.
- (2) As demonstrated by return receipt dated September 27, 2001, Lawrence E. Broome did receive the letter of September 17, 2001, informing him of the allegations against him, and his rights.
- (3) By letter from John S. Haynes, Esq. dated October 8, 2001, Lawrence E. Broome has not requested a hearing in this matter.
- (4) Records of the State Board of Pharmacy indicate that Lawrence E. Broome was originally licensed by the State of Ohio on March 23, 1964, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio. Records of the Board further indicate that Lawrence E. Broome was disciplined by the Board on September 24, 1986, and again on July 17, 1997. On each occasion, Lawrence E. Broome's license to practice pharmacy was suspended.
- (5) Lawrence E. Broome did, from August 8, 1999, through September 15, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rite Aid #2590, beyond the express or implied consent of the owner, to wit: Lawrence E. Broome stole the following controlled substances:

<u>Drug</u>	<u>Qty.</u>	<u>% of Stock</u>
Ionamin 30mg	300	100%
Phentermine 15mg	983	100%
Phentermine 37.5mg	1,085	80%

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

- (6) Lawrence E. Broome is abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Lawrence E. Broome stole drugs; Lawrence E. Broome has been observed while practicing pharmacy as if he was impaired; and, Lawrence E. Broome admitted to a coworker that he has abused drugs for a long period of time and is involved in several rehabilitation groups. Such conduct indicates that Lawrence E. Broome is addicted to or is abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render him unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5) and (6) 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 paragraph (6) 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.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Lawrence E. Broome:

- (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. 03-1-08147, held by Lawrence E. Broome 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. 03-1-08147, held by Lawrence E. Broome 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. 03-1-08147, held by Lawrence E. Broome effective as of the date of the mailing of this Order.

Pursuant to Section 4729.16(B) of the Ohio Revised Code, Lawrence E. Broome must return the 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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-0).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE FEBRUARY 8, 2002

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-970107-024)

In The Matter Of:

LAWRENCE E. BROOME, R.Ph.
205 Herrick E.
Wellington, Ohio 44090
(R.Ph. No. 03-1-08147)

INTRODUCTION

THE MATTER OF LAWRENCE E. BROOME CAME TO HEARING ON JUNE 16, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

LAWRENCE E. BROOME WAS REPRESENTED BY DAVID W. GRAUER, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Robert L. Cole, Ohio State Board of Pharmacy
- (2) Joann Predina, R.Ph., Ohio State Board of Pharmacy
- (3) Paul Kover, R.Ph., Ohio State Board of Pharmacy
- (4) Lynn Mudra, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Lawrence E. Broome, R.Ph., Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity for Hearing letter dated January 7, 1997.
- (2) Exhibit 1A--Hearing Request letter dated January 28, 1997.
- (3) Exhibit 1B--Hearing Schedule letter dated February 3, 1997.
- (4) Exhibit 1C--Notice of Appearance of David W. Grauer dated May 21, 1997.
- (5) Exhibit 1D--Pharmacist File Front Sheet of Lawrence E. Broome showing original date of registration as March 23, 1964.

- (6) Exhibit 1E--Renewal Application for Pharmacist License, No. 03-1-08147, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997, of Lawrence E. Broome dated July 25, 1996.
- (7) Exhibit 1F--Renewal Application for DDD License, No. 02-130050, for a Terminal Distributor of Dangerous Drugs License from January 1, 1996, to December 31, 1996, of Revco Discount Drug Center #376 dated November 10, 1995; Renewal Application for DDD License, No. 02-0130050, for a Terminal Distributor of Dangerous Drugs License from January 1, 1997, to December 31, 1997, of Revco Discount Drug Center #376 dated October 8, 1996; and notification of Change of Responsible Person form of Revco Discount Drug Center #376 dated September 15, 1995.
- (8) Exhibit 1G--Copy of pages 490 through 499 of the State Board of Pharmacy Journal, No. J-861028-079, in the matter of Lawrence E. Broome dated October 28, 1986.
- (9) Exhibit 2--Copy of eight-page Investigation Report of Christopher K. Reed regarding Broome Rexall Drug dated December 29, 1988.
- (10) Exhibit 3--Copy of two-page Report of Investigation of Christopher K. Reed regarding Broome Rexall Drug dated December 23, 1988, with attached copies of two DEA Form 41s, Registrants Inventory of Drugs Surrendered, of Broome Rexall Drug Store dated December 23, 1988.
- (11) Exhibit 4--Copy of Dangerous Drug Distributor Inspection Report of Broome Drug Store dated May 9, 1985.
- (12) Exhibit 5--Four-page Dangerous Drug Distributor Inspection Report of Revco Discount Drug Center #376 dated September 18, 1995, with the following attachments: Response to Pharmacy Inspection of L. E. Broome dated October 5, 1995, and Ohio State Board of Pharmacy Prescription Room Barricade Inspection Report, T.D.D.D. No. 02-130050, dated September 18, 1995.
- (13) Exhibit 6--Copy of Notification of Change of Responsible Person form of Revco Discount Drug Center #376 dated September 15, 1995.
- (14) Exhibit 7--Nine-page Controlled Substance Inventory of Revco D.S., Inc. #376 taken by L. E. Broome dated April 16, 1996.
- (15) Exhibit 8--Two-page Dangerous Drug Distributor Inspection Report of Revco Discount Drug #376 dated April 10, 1996, with the following attachments: copies of pages 0144, 0153, and 0157 of a Prescription Refill Log Book; and copies of prescription numbers 0376-661282, 0376-695221, and 0376-683322.
- (16) Exhibit 8A--Letter from Lawrence E. Broome dated April 24, 1996, with attached copy of seven-page Dangerous Drug Distributor Inspection Report of Revco Discount Drug Center #376 dated April 15, 1996.
- (17) Exhibit 9--Handwritten statement of Karen A. Russell signed and notarized on June 5, 1996.
- (18) Exhibit 10--Seven-page Dangerous Drug Distributor Inspection Report of Revco Discount Drug Center #376 dated April 15, 1996.
- (19) Exhibit 11--Four DEA Form 222s of Revco Discount Drug Ctrs, #376 numbered as follows: 942822259, 952171932, 942822258, and 952171918; and two Revco D.S. Inc. #376 Store Order Manifest printouts, with shipped dates of November 2, 1995, and November 16, 1995.
- (20) Exhibit 12--Dangerous Drug Distributor Inspection Report of Revco Discount Drug Center #376 dated April 17, 1996.

- (21) Exhibit 13--Sealed Record-Copy of eight pages of Revco Customer Signature Log dated from March 16, 1996, through April 17, 1996.
- (22) Exhibit 14--Handwritten statement of Julie M. Cruz signed and notarized on June 5, 1996.
- (23) Exhibit 15--Revco Pharmacy bag labeled for prescription number 0376-709202 dated May 6, 1996, containing an amber vial labeled 0376-709202 dated May 6, 1996, Revco Personalized Patient Advisory Leaflet regarding prescription number 0376-709202 dated May 6, 1996, and Revco cash receipt for prescription number 0376-709202 dated May 6, 1996.
- (24) Exhibit 16--Sealed Record-Prescription No. 0376-709202.
- (25) Exhibit 17--Olympus microcassette tape recorded interview of Lawrence E. Broome dated May 6, 1996.
- (26) Exhibit 18--Sealed Record-Revco Customer Signature Log dated from May 1, 1996, through May 6, 1996.
- (27) Exhibit 19--Sealed Record-Revco #376 P.A.L. Prescription Refill Log Book dated from January 6, 1996, through April 15, 1996.
- (28) Exhibit 20--Sealed Record-Seventy-seven prescriptions numbered as follows: 0376-675774, 0376-676176, 0376-676445, 0376-676564, 0376-676638, 0376-676679, 0376-677677, 0376-678173, 0376-678182, 0376-678125, 0376-678162, 0376-678214, 0376-679109, 0376-679987, 0376-680605, 0376-680737, 0376-680769, 0376-681380, 0376-682278, 0376-682298, 0376-683028, 0376-683981, 0376-684434, 0376-685238, 0376-685111, 0376-685201, 0376-685269, 0376-685959, 0376-686640, 0376-686795, 0376-686815, 0376-687026, 0376-687447, 0376-688070, 0376-688444, 0376-689071, 0376-689173, 0376-689767, 0376-690701, 0376-690734, 0376-691147, 0376-692113, 0376-692142, 0376-692939, 0376-692981, 0376-694446, 0376-694499, 0376-695477, 0376-695933, 0376-695936, 0376-695942, 0376-695943, 0376-696962, 0376-697814, 0376-697815, 0376-697816, 0376-697817, 0376-698854, 0376-698891, 0376-699405, 0376-700075, 0376-700811, 0376-700836, 0376-701930, 0376-701976, 0376-702665, 0376-703636, 0376-703666, 0376-703880, 0376-704471, 0376-704848, 0376-705163, 0376-705723, 0376-706100, 0376-706512, 0376-706540, and 0376-704419; and one prescription, not numbered, from Comprehensive Pediatrics, Inc. dated October 25, 1995.
- (29) Exhibit 21--Three-page chart of Prescription Examples, Case No. 96-1412, produced by Paul Kover, R.Ph.

Respondent's Exhibits:

- (1) Exhibit A--Letter from Philip E. Kunz dated June 5, 1997.
- (2) Exhibit B--Copy of seven-page Affidavit of Sandra E. Pepsin signed and notarized on June 16, 1997.
- (3) Exhibit C--Letter from Richard S. Kelling dated June 10, 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 of Pharmacy indicate that Lawrence E. Broome was originally licensed in the state of Ohio on March 23, 1964, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio. Records further reflect that during the relevant time periods alleged herein Lawrence E. Broome was the Responsible Pharmacist at Broome Rexall Drug Store and Revco Discount Drug Center #376 in North Ridgeville, Ohio, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Section 4729-5-16 of the Ohio Administrative Code. Additionally, Lawrence E. Broome was disciplined by the Board of Pharmacy on or about October 28, 1986.
- (2) Lawrence E. Broome as the Responsible Pharmacist did, on or about December 23, 1988, hold or offer for sale drugs which were adulterated and/or misbranded, to wit: during an administrative inspection, numerous outdated dangerous drugs and controlled substances, and dangerous drugs which were misbranded and mislabeled were found to be interspersed throughout Broome Rexall Drug Store. Such conduct is in violation of Section 3715.52 of the Ohio Revised Code.
- (3) Lawrence E. Broome as the Responsible Pharmacist did, on or about September 18, 1995, and dates immediately preceding, fail to manually initial original prescriptions and/or the prescription refill log book, to wit: after having been admonished by Board agents on May 9, 1985, for failing to initial prescriptions when dispensing medication, Lawrence E. Broome and/or pharmacists under his control continued to refuse to properly maintain these records. Such conduct is in violation of Rule 4729-5-17 of the Ohio Administrative Code.
- (4) Lawrence E. Broome as the Responsible Pharmacist did, on or about September 18, 1995, and dates immediately preceding, fail to take and maintain a complete controlled substances inventory pursuant to federal regulations and Rule 4729-9-14 of the Ohio Administrative Code, to wit: when Lawrence E. Broome became the new Responsible Pharmacist just prior to May 9, 1985, he failed to take an inventory of controlled substances on hand, and he was admonished by a Board agent on May 9, 1985, for not having done so. Again, when Lawrence E. Broome became the new Responsible Pharmacist just prior to September 18, 1995, he failed to take an inventory of controlled substances on hand. Such conduct is in violation of Rule 4729-5-11(C)(2) of the Ohio Administrative Code.
- (5) Lawrence E. Broome as the Responsible Pharmacist did, on or about April 10, 1996, and dates immediately preceding, fail to manually initial original prescriptions and/or the prescription refill log book, to wit: after having been admonished by Board agents on May 9, 1985, and again on September 18, 1995, for failing to initial prescriptions when dispensing medication, Lawrence E. Broome and/or pharmacists under his control continued to refuse to properly maintain these records. When told by his store manager to initial prescriptions in accordance with law, Lawrence E. Broome indicated that he was "too busy to do that" and that he had "other things to do". Such conduct is in violation of Rule 4729-5-17 of the Ohio Administrative Code.

- (6) Lawrence E. Broome as the Responsible Pharmacist did, on or about the following dates, fail to indicate on D.E.A. 222 controlled substance order forms the number of packages of controlled substances received and/or the date received, to wit: the following D.E.A. 222 forms, and others, were not properly completed:

<u>Form Number</u>	<u>Date</u>
942822259	11/09/95
952171932	02/09/96
942822258	11/02/95
952171918	11/16/95

Such conduct is in violation of Section 1305.09(e) of the Code of Federal Regulations.

- (7) Lawrence E. Broome as the Responsible Pharmacist did, on or about April 15, 1996, and dates immediately preceding, fail to take and maintain a complete controlled substances inventory pursuant to federal regulations and Rule 4729-9-14 of the Ohio Administrative Code, to wit: when Lawrence E. Broome became the new Responsible Pharmacist just prior to May 9, 1985, Lawrence E. Broome failed to take an inventory of controlled substances on hand, and he was admonished by a Board agent on May 9, 1985, for not having done so. Again, when Lawrence E. Broome became the new Responsible Pharmacist just prior to September 18, 1995, he failed to take an inventory of controlled substances on hand. During an administrative inspection by a Board agent on April 15, 1996, the required inventory had not yet been taken after having been admonished by a Board agent on September 18, 1995. Such conduct is in violation of Rule 4729-5-11(C)(2) of the Ohio Administrative Code.
- (8) Lawrence E. Broome as the Responsible Pharmacist did, on or about April 15, 1996, hold or offer for sale drugs which were adulterated and/or misbranded, to wit: after having been admonished for such conduct during an administrative inspection on December 23, 1988, numerous outdated dangerous drugs and controlled substances, and dangerous drugs which were misbranded and mislabeled were found to be interspersed throughout Revco Discount Drug Center #376. Further, drugs which had been dispensed but were not purchased by consumers were returned to stock without lot numbers or expiration dates. Such conduct is in violation of Section 3715.52 of the Ohio Revised Code.
- (9) Lawrence E. Broome as the Responsible Pharmacist did, on or about April 15, 1996, and dates immediately preceding, continuously fail to perform prospective drug utilization review and patient counseling, to wit: after having been admonished by a Board agent on September 18, 1995, for not conducting patient counseling and drug utilization and review, when dispensing medications to patients pursuant to prescriptions, Lawrence E. Broome and/or pharmacists under his control failed to review the original prescription and/or refill information for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse; and Lawrence E. Broome and/or pharmacists under his control failed to offer patient counseling. Such conduct is in violation of Rules 4729-5-20 and 4729-5-22 of the Ohio Administrative Code.

- (10) Lawrence E. Broome as the Responsible Pharmacist did, on or about April 15, 1996, and dates immediately preceding, fail to manually initial original prescriptions and/or the prescription refill log book, to wit: after having been admonished by Board agents on May 9, 1985, September 18, 1995, and again on April 10, 1996, for failing to initial prescriptions when dispensing medication, Lawrence E. Broome and/or pharmacists under his control continued to refuse to properly maintain these records. When told by his store manager to initial prescriptions in accordance with law, Lawrence E. Broome indicated that he "did not have time" to initial them. Such conduct is in violation of Rule 4729-5-17 of the Ohio Administrative Code.
- (11) Lawrence E. Broome as the Responsible Pharmacist did, on or about April 17, 1996, and dates immediately preceding, continuously fail to perform prospective drug utilization review and patient counseling, to wit: after having been admonished by a Board agent on September 18, 1995, and again on April 15, 1996, for not conducting patient counseling and drug utilization and review, when dispensing medications to patients pursuant to prescriptions, Lawrence E. Broome and/or pharmacists under his control failed to review the original prescription and/or refill information for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse; and Lawrence E. Broome and/or pharmacists under his control failed to offer patient counseling. On this date, the store's assistant manager was working in the pharmacy handing dispensed medications to patients, and she indicated to the inspecting Board agent that she had not been informed of the requirement for patient counseling or documentation of refusals. Such conduct is in violation of Rules 4729-5-20 and 4729-5-22 of the Ohio Administrative Code.
- (12) Lawrence E. Broome as the Responsible Pharmacist did, on or about April 17, 1996, hold or offer for sale drugs which were adulterated and/or misbranded, to wit: after having been admonished for such conduct during administrative inspections on December 23, 1988, and again on April 15, 1996, drugs which had been dispensed but were not purchased by consumers were returned to stock without lot numbers or expiration dates. Such conduct is in violation of Section 3715.52 of the Ohio Revised Code.
- (13) Lawrence E. Broome as the Responsible Pharmacist did, on or about May 6, 1996, and dates immediately preceding, continuously fail to perform prospective drug utilization review and patient counseling, to wit: after having been admonished by a Board agent on September 18, 1995, April 15, 1996, and again on April 17, 1996, for not conducting patient counseling and drug utilization and review, when dispensing medication pursuant to prescription number 0376-709202, and others, Lawrence E. Broome and/or pharmacists under his control failed to review the original prescription and/or refill information for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse; and Lawrence E. Broome and/or pharmacists under his control failed to offer patient counseling. Such conduct is in violation of Rules 4729-5-20 and 4729-5-22 of the Ohio Administrative Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (13) 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), (8), and (12) 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 Sections 3715.52 to 3715.72 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, the State Board of Pharmacy takes the following actions in the matter of Lawrence E. Broome:

- (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 suspends the pharmacist identification card, No. 03-1-08147, held by Lawrence E. Broome for thirty days effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Lawrence E. Broome may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension. When Lawrence E. Broome's license is reinstated his identification card will be placed on probation for three years. The terms of probation are as follows:
 - (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Lawrence E. Broome's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
 - (2) Lawrence E. Broome may not serve as a responsible pharmacist.
 - (3) Lawrence E. Broome must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (4) Lawrence E. Broome must abide by the rules of the Ohio State Board of Pharmacy.
 - (5) Lawrence E. Broome 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.

- (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 imposes a monetary penalty of one thousand dollars (\$1,000.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

Division (B) of Section 4729.16 of the Revised Code provides that: "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 the 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 (Aye-6/Nay-0).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE JULY 17, 1997

THE STATE BOARD OF PHARMACY

VS

LAWRENCE E. BROOME, R.Ph.
205 E. Herrick
Wellington, Ohio 44090

THE MATTER OF LAWRENCE E. BROOME, DOCKET NO. 6-119-1, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON WEDNESDAY, SEPTEMBER 24, 1986. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that, between the dates of November 19, 1981 and July 16, 1982 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 350 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that, between the dates of February 18, 1983 and August 18, 1983 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 336 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that, between the dates of August 27, 1981 and July 16, 1982 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 450 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that, between the dates of February 18, 1983 and August 18, 1983 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 286 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that, between the dates of January 31, 1983 and May 5, 1984 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 300 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that, between the dates of January 4, 1982 and March 19, 1984 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 750 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (7) From the evidence presented, the State Board of Pharmacy finds that, between the dates of June 8, 1984 and November 2, 1984 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 60 capsules of Ionamin-30mg, a Schedule IV controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (8) From the evidence presented, the State Board of Pharmacy finds that, between the dates of July 23, 1981 and January 25, 1983 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 990 capsules of Dexedrine-15mg, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.

- (9) From the evidence presented, the State Board of Pharmacy finds that, between the dates of March 10, 1984 and March 23, 1985 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 480 capsules of Ionamin-30mg, a Schedule IV controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (10) From the evidence presented, the State Board of Pharmacy finds that, between the dates of March 11, 1982 and September 27, 1982 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 90 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (11) From the evidence presented, the State Board of Pharmacy finds that, between the dates of July 23, 1981 and April 28, 1984 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 830 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (12) From the evidence presented, the State Board of Pharmacy finds that, between the dates of May 17, 1984 and March 9, 1985 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 600 capsules of Phentermine-30mg (330 capsules of Fastin-30mg and 270 capsules of Ionamin-30mg), a Schedule IV controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (13) From the evidence presented, the State Board of Pharmacy finds that, between the dates of July 13, 1981 and March 20, 1984 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 830 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.

- (14) From the evidence presented, the State Board of Pharmacy finds that, between the dates of July 10, 1984 and April 9, 1985 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 300 capsules of Phentermine-30mg (150 capsules of Fastin-30mg and 150 capsules of Ionamin-30mg), a Schedule IV controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (15) From the evidence presented, the State Board of Pharmacy finds that, between the dates of June 24, 1982 and November 30, 1982 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 90 capsules of Dexedrine-15mg, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (16) From the evidence presented, the State Board of Pharmacy finds that, between the dates of January 15, 1982 and November 30, 1984 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 870 capsules of Fastin-30mg, a Schedule IV controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (17) From the evidence presented, the State Board of Pharmacy finds that, between the dates of September 29, 1983 and May 12, 1984 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 210 capsules of Fastin-30mg, a Schedule IV controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (18) From the evidence presented, the State Board of Pharmacy finds that, between the dates of December 22, 1981 and October 30, 1982 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 330 capsules of Biphetamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.

- (19) From the evidence presented, the State Board of Pharmacy finds that, between the dates of August 7, 1981 and March 10, 1984 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 660 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (20) From the evidence presented, the State Board of Pharmacy finds that, between the dates of January 4, 1982 and January 14, 1984 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 660 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (21) From the evidence presented, the State Board of Pharmacy finds that, between the dates of July 2, 1984 and December 24, 1984 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 210 capsules of Fastin, a Schedule IV controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (22) From the evidence presented, the State Board of Pharmacy finds that, between the dates of August 8, 1981 and August 7, 1982 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 360 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (23) From the evidence presented, the State Board of Pharmacy finds that, between the dates of July 14, 1981 and May 1, 1984 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 960 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code, and approximately 60 capsules of Fastin-30mg, a Schedule IV controlled substance and dangerous drug, in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Sections 2925.03(A)(7) and 2925.03(A)(5) of the Revised Code.

- (24) From the evidence presented, the State Board of Pharmacy finds that, between the dates of May 24, 1984 and April 20, 1985 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 240 capsules of Fastin-30mg, a Schedule IV controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (25) From the evidence presented, the State Board of Pharmacy finds that, between the dates of July 19, 1982 and March 12, 1984 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 510 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, and approximately 120 capsules of Fastin-30mg, a Schedule IV controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (26) From the evidence presented, the State Board of Pharmacy finds that, between the dates of June 26, 1984 and April 29, 1985 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 510 capsules of Phentermine-30mg (390 capsules of Ionamin-30mg and 120 capsules of Fastin-30mg), a Schedule IV controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (27) From the evidence presented, the State Board of Pharmacy finds that, between the dates of January 14, 1984 and April 20, 1985 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 480 capsules of Ionamin-30mg, a Schedule IV controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (28) From the evidence presented, the State Board of Pharmacy finds that, between the dates of April 13, 1984 and August 18, 1984 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 150 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.

- (29) From the evidence presented, the State Board of Pharmacy finds that, between the dates of June 13, 1980 and May 22, 1981 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 330 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (30) From the evidence presented, the State Board of Pharmacy finds that, between the dates of August 4, 1981 and December 3, 1983 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 990 capsules of Biphedamine-20, a Schedule II controlled substance and dangerous drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (31) From the evidence presented, the State Board of Pharmacy finds that, between the dates of March 7, 1983 and February 3, 1984 at Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, Lawrence E. Broome did dispense, without a valid prescription, approximately 330 capsules of Ionamin-30mg and approximately 210 capsules of Ionamin-15mg, both of which are Schedule IV controlled substances and dangerous drugs, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (32) From the evidence presented, the State Board of Pharmacy finds that Lawrence E. Broome, as the responsible pharmacist and owner of Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, did knowingly furnish another controlled substances and thereby cause such persons to become drug dependent when Mr. Broome knew, or had reasonable cause to believe, such drugs were not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice, to wit: approximately 14,872 doses of appetite suppressants (e.g.- Biphedamine, Dexedrine, Fastin, Ionamin) were dispensed regularly to many of the same patients or members of the same family over periods exceeding several months or years. These drugs are indicated only for the management of exogenous obesity as a short-term (6-12 weeks) adjunct in a regimen of weight reduction based on caloric restriction, exercise, and behavior modifications, and are recommended for short-term use only since tolerance to the anorectic effect usually develops within 6 to 12 weeks and the fact that prolonged use may result in psychic or physical dependence. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and is prohibited by Section 2925.02(A)(3) of the Revised Code.

- (33) From the evidence presented, the State Board of Pharmacy finds that Lawrence E. Broome, as the responsible pharmacist and owner of Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, violated Section 2925.23(B) of the Revised Code; in that, Mr. Broome knowingly possessed false prescriptions, to wit: approximately 558 prescriptions for a total of 17,597 doses of appetite suppressants (e.g.-Biphedamine, Dexedrine, and Phentermine HCl).
- (34) From the evidence presented, the State Board of Pharmacy finds that Lawrence E. Broome, as the responsible pharmacist and owner of Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, violated Section 2925.23(B) of the Revised Code; in that, Mr. Broome knowingly possessed false prescriptions, to wit: approximately 112 prescriptions for a total of 5,562 capsules of an opioid (narcotic) analgesic (Darvon Compound 65).
- (35) From the evidence presented, the State Board of Pharmacy finds that Lawrence E. Broome, as the responsible pharmacist and owner of Broome Drug Store, 205 E. Herrick, Wellington, Ohio 44090, violated Section 2925.23(B) of the Revised Code; in that, Mr. Broome knowingly possessed false prescriptions, to wit: approximately 14 prescriptions for a total of 1,160 capsules of Darvon-65mg and 50 tablets of Darvocet-N100.

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 (1) through (35) of the Findings of Fact constitutes gross immorality.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (35) 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 (1) through (35) of the Findings of Fact constitutes willfully violating the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law, the State Board of Pharmacy takes the following actions concerning the pharmacist license held by Lawrence E. Broome, No. 03-1-08147:

- (A) On the basis of paragraphs (1) and (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Lawrence E. Broome for 24 months.
- (B) On the basis of paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of twenty-five thousand dollars (\$25,000.00).

- (C) Further, the Board suspends 18 months of the 24-month suspension imposed in paragraph (A) above, and fifteen thousand dollars (\$15,000.00) of the monetary penalty, on condition that Lawrence E. Broome:
- (1) takes and successfully completes a Jurisprudence examination offered by the Board prior to April 1, 1987;
 - (2) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and
 - (3) abides by the rules of the State Board of Pharmacy.

The ten thousand dollar (\$10,000.00) monetary penalty that was not suspended in paragraph (C) above is due and owing within thirty (30) days of the issuance of this Order. Said monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 65 S. Front Street, Room 504, Columbus, Ohio 43266-0320, with the enclosed form.

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 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 (Aye-7/Nay-0).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE OCTOBER 28, 1986