



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-911016-065)

In The Matter Of:

RAYMOND A. STRUZYSKI, R.Ph.
16207 Lucille
Cleveland, Ohio 44111
(R.Ph. No. 03-1-08179)

Introduction

THE MATTER OF RAYMOND A. STRUZYSKI CAME TO HEARING ON APRIL 23, 1992 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: METTA LOU HENDERSON, R.Ph. (presiding); PAUL F. LAMPING, R.Ph.; NORMAN D. LEIBOW, R.Ph.; TIMOTHY D. MOORE, R.Ph.; RUTH A. PLANT, R.Ph.; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

RAYMOND A. STRUZYSKI WAS REPRESENTED BY RICHARD A. DAMIANI, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Raymond A. Struzynski, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated October 16, 1991.
- (2) Exhibit B - Notice of Appearance and Hearing Request letter dated November 1, 1991.
- (3) Exhibit C - Hearing Schedule letter dated November 5, 1991.
- (4) Exhibit D - Continuance Request letter dated January 29, 1992.
- (5) Exhibit E - Hearing Schedule letter dated January 30, 1992.
- (6) Exhibit 1 - Pharmacist File Front Sheet of Raymond A. Struzynski showing original date of licensure as March 23, 1964.
- (7) Exhibit 2 - Renewal Application for Pharmacist License No. 03-1-08179 for a license to practice pharmacy in Ohio from September 15, 1991 to September 15, 1992 of Raymond A. Struzynski dated August 10, 1991.

- (8) Exhibit 3 - Twenty-one prescriptions numbered as follows: 728261, 728475, 728774, 730873, 732616, 733021, 733022, 733337, 734630, 734929, 735024, 735090, 735761, 736369, 739019, 740517, 740713, 741465, 744861, 745474, and 745475.
- (9) Exhibit 4 - Eight prescriptions numbered as follows: 733023, 733024, 733482, 734075, 741095, 742354, 742355, and 751715.
- (10) Exhibit 5 - Four prescriptions numbered as follows: 730789, 731360, 734076, and 738178.
- (11) Exhibit 6 - Two-page hand-written statement of Dr. Anthony Lelbach, M.D. signed and notarized on November 30, 1989.
- (12) Exhibit 7 - Five prescriptions numbered as follows: 730390, 740245, 741550, 745156, and 753899.
- (13) Exhibit 8 - Two-page certified copy of Certificate of Death of Elwood G. Nader showing date of death as February 10, 1989.
- (14) Exhibit 9 - Five-page copy of PAID Prescription Claims History of D. Dobrow for charges filed from January, 1985 through December 31, 1988.
- (15) Exhibit 10 - Certified copy of Journal Entry in the Court of Common Pleas, State of Ohio, Cuyahoga County, Case No. CR-259177, Indictment of Raymond Struzynski dated April 3, 1991; Certified copy of Journal Entry in the Court of Common Pleas, State of Ohio, Cuyahoga County, Case No. CR-259177, Indictment of Raymond Struzynski dated January 8, 1991; and Certified copy of Journal Entry in the Court of Common Pleas, State of Ohio, Cuyahoga County, Case No. CR-259177, Indictment of Raymond Struzynski dated January 14, 1991.
- (16) Exhibit 11 - Eighty-eight page Transcript of Proceedings of a taped interview held on May 8, 1990 in the matter of Raymond Struzynski, Case No. 89-1507.

Respondent's Exhibits:

- (1) Exhibit 1 - Two-page copy of letter from Dorothy H. Dobrow, not dated.
- (2) Exhibit 2 - Two-page copy of letter from Brian Miller, M.D. dated April 29, 1991.
- (3) Exhibit 3 - Copy of letter from Anthony J. Savoca, R.Ph. dated May 1, 1991.
- (4) Exhibit 4 - Copy of letter from Edwin Murphy dated April 30, 1991.
- (5) Exhibit 5 - Copy of letter from Margaret D. Slimak dated April 30, 1991.
- (6) Exhibit 6 - Copy of letter from Raymond J. Reich dated May 1, 1991.
- (7) Exhibit 7 - Copy of letter from Mr. and Mrs. Herbert C. Kessler dated May 1, 1991.
- (8) Exhibit 8 - Copy of letter from Pamela Landreth dated May 1, 1991.
- (9) Exhibit 9 - Copy of letter from Kenneth M. Dobrow dated April 30, 1991.
- (10) Exhibit 10 - Copy of letter from Joseph L. Sciarrillo, R.Ph., not dated.
- (11) Exhibit 11 - Copy of letter from Kathy Allen, not dated.
- (12) Exhibit 12 - Copy of letter from Judith A. Norton dated May 1, 1991.
- (13) Exhibit 13 - Copy of letter from Stacy L. Arnold dated April 30, 1991.
- (14) Exhibit 14 - Copy of letter from Mrs. Nancy L. Bryson dated April 27, 1991.
- (15) Exhibit 15 - Copy of two-page letter from Patricia E. Cook, R.N. dated April 30, 1991.
- (16) Exhibit 16 - Copy of letter from from Mary H. Ellsasser, not dated.
- (17) Exhibit 17 - Copy of letter from Annette M. Dobrow, not dated.
- (18) Exhibit 18 - Copy of letter from Ted H. Bush dated April 30, 1991.
- (19) Exhibit 19 - Copy of letter from Bill and Jacki Lochner dated May 2, 1991.
- (20) Exhibit 20 - Copy of letter from Ruth M. Jackson, N.H.A. dated April 30, 1991.
- (21) Exhibit 21 - Copy of letter from Ellen Raley, R.N. dated May 1, 1991.

- (22) Exhibit 22 - Copy of letter from Frank-Ellis Hair Design, Inc. (signatures illegible) dated May 2, 1991; and copy of letter from Mrs. E. R. Arnold, not dated.
- (23) Exhibit 23 - Copy of letter from Jeffery J. Lochner dated May 2, 1991.
- (24) Exhibit 24 - Copy of letter from George Rosepal dated April 30, 1991.
- (25) Exhibit 25 - Copy of letter from Kim Trossen, not dated.
- (26) Exhibit 26 - Copy of letter from Harold Dobrow dated May 1, 1991.
- (27) Exhibit 27 - Copy of letter from Laurie M. Loria, R.Ph. dated April 11, 1991.
- (28) Exhibit 28 - Copy of letter from William A. Anderson, R.Ph. dated April 29, 1991.
- (29) Exhibit 29 - Copy of letter from Mrs. Carolyn Struzynski dated May 2, 1991.
- (30) Exhibit 30 - Copy of letter from Laurie M. Loria, R.Ph. dated April 25, 1991; and Copy of letter from William A. Hall, R.Ph. dated April 30, 1991.

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Raymond A. Struzynski was originally licensed in the state of Ohio on March 23, 1964, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) From the evidence presented, the State Board of Pharmacy finds that Raymond A. Struzynski did, on or about the following dates, while practicing pharmacy at Southland Drug, 6869 Pearl Rd., Middleberg Heights, Ohio, make false or forged prescriptions for dangerous drugs, to wit: Raymond A. Struzynski created the following false or forged prescriptions for his mother-in-law, Dorothy Dobrow, when such were not prescribed or ordered by the physician, Dr. A. Leibach:

<u>Date</u>	<u>Prescription No.</u>	<u>Drug</u>	<u>Qty.</u>
08-22-86	728261	Organidin	100
09-05-86	728475	Tussi-Organidin	480cc
10-30-86	728475	Tussi-Organidin	480cc
12-25-86	728475	Tussi-Organidin	480cc
03-02-87	728475	Tussi-Organidin	480cc
09-21-86	728774	Amoxil 250mg	40
12-13-86	730873	E.E.S. 400	30
02-18-87	732616	Vibratab 100mg	10
03-04-87	733021	Eryc 250mg	30
03-04-87	733022	Tuss-Ornade	30
03-18-87	733337	Tavist-D	30
07-31-87	733337	Tavist-D	30
09-27-87	733337	Tavist-D	60
12-24-87	733337	Tavist-D	60
05-11-87	734630	Ceclor 250mg	20
05-24-87	734929	Ceclor 250mg	20
05-28-87	735024	Librax	60
08-12-87	735024	Librax	60
05-30-87	735090	Robaxin 750mg	60
06-27-87	735761	Vibramycin 100mg.	12
07-20-87	736369	Amoxil 500mg	30
11-03-87	739019	Tagamet 300mg	100
12-30-87	740517	Grifulvin V	120cc
01-08-88	740713	Gris-PEG 125mg	60

<u>Date</u>	<u>Prescription No.</u>	<u>Drug</u>	<u>Qty.</u>
02-07-88	741465	Mycolog-II	60gm
06-26-88	744861	Duricef 500mg	20
07-23-88	745474	Amoxicillin 250mg	30
07-23-88	745475	Neosporin	

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.

- (3) From the evidence presented, the State Board of Pharmacy finds that Raymond A. Struzynski did, on or about the following dates, while practicing pharmacy at Southland Drug, 6869 Pearl Rd., Middleberg Heights, Ohio, make false or forged prescriptions for dangerous drugs, to wit: Raymond A. Struzynski created the following false or forged prescriptions for his father-in-law, Harold Dobrow, when such were not prescribed or ordered by the physician, Dr. A. Lelbach:

<u>Date</u>	<u>Prescription No.</u>	<u>Drug</u>	<u>Qty.</u>
03-04-87	733023	E.E.S. 400mg	30
03-04-87	733024	Tuss-Ornade	30
03-24-87	733482	Mycolog II	30gm tube
02-27-88	734075	Valisone Ointment	45gm tube
01-23-88	741095	Indocin 25mg	100
02-27-88	741095	Indocin 25mg	100
04-23-88	741095	Indocin 25mg	100
06-26-88	741095	Indocin 25mg	100
11-27-88	741095	Indocin 25mg	100
03-15-88	742354	Valisone Ointment	45gm
04-23-88	742354	Valisone Ointment	45gm
06-26-88	742354	Valisone Ointment	45gm
10-12-88	742354	Valisone Ointment	45gm
11-27-88	742354	Valisone Ointment	45gm
12-31-88	742354	Valisone Ointment	45gm
03-15-88	742355	Ceclor 250mg	30
04-23-88	742355	Ceclor 250mg	30
06-26-88	742355	Ceclor 250mg	30
04-02-89	751715	Valisone Ointment	45gm tube
07-10-89	751715	Valisone Ointment	45gm tube
08-11-89	751715	Valisone Ointment	45gm tube
09-12-89	751715	Valisone Ointment	45gm tube

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Raymond A. Struzynski did, on or about the following dates, while practicing pharmacy at Southland Drug, 6869 Pearl Rd., Middleberg Heights, Ohio, intentionally make and knowingly possess false or forged prescriptions for controlled substances, to wit: Raymond A. Struzynski created the following false or forged prescriptions for his mother-in-law, Dorothy Dobrow, when such were not prescribed or ordered by the physician, Dr. A. Lelbach:

<u>Date</u>	<u>Prescription No.</u>	<u>Drug</u>	<u>Qty.</u>
12-10-86	730789	Fiorinal	100
12-30-86	731360	Fiorinal	100

<u>Date</u>	<u>Prescription No.</u>	<u>Drug</u>	<u>Qty.</u>
01-26-87	731360	Fiorinal	100
02-24-87	731360	Fiorinal	100
03-18-87	731360	Fiorinal	100
04-23-87	731360	Fiorinal	100
08-31-87	731360	Fiorinal	100
04-18-87	734076	Tussi-Organidin	480ml
06-02-87	734076	Tussi-Organidin	480ml
07-20-87	734076	Tussi-Organidin	480ml
10-01-87	738178	Tussar-SF	16oz

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

- (5) From the evidence presented, the State Board of Pharmacy finds that Raymond A. Struzynski did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or greater than three times the bulk amount when his conduct was not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: Raymond A. Struzynski sold to his mother-in-law, Dorothy Dobrow, pursuant to false and forged prescriptions using the name of Dr. A. Lelbach, thus without a prescription from a practitioner, the following controlled substances:

<u>Date</u>	<u>Prescription No.</u>	<u>Drug</u>	<u>Qty.</u>	<u>Sch.</u>
12-10-86	730789	Fiorinal	100	III
12-30-86	731360	Fiorinal	100	III
01-26-87	731360	Fiorinal	100	III
02-24-87	731360	Fiorinal	100	III
03-18-87	731360	Fiorinal	100	III
04-23-87	731360	Fiorinal	100	III
08-31-87	731360	Fiorinal	100	III
04-18-87	734076	Tussi-Organidin	480ml	V
06-02-87	734076	Tussi-Organidin	480ml	V
07-20-87	734076	Tussi-Organidin	480ml	V
10-01-87	738178	Tussar-SF	16oz	V

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

- (6) From the evidence presented, the State Board of Pharmacy finds that Raymond A. Struzynski did, on or about the following dates, while practicing pharmacy at Southland Drug, 6869 Pearl Rd., Middleberg Heights, Ohio, make false or forged prescriptions for dangerous drugs, to wit: Raymond A. Struzynski created the following false or forged prescriptions for his mother-in-law, Dorothy Dobrow, when such were not prescribed or ordered by the physician, Dr. E. Nader:

<u>Date</u>	<u>Prescription No.</u>	<u>Drug</u>	<u>Qty.</u>
11-24-86	730390	Motrin 800mg	100
12-25-87	730390	Motrin 800mg	100
01-21-87	730390	Motrin 800mg	100
02-16-87	730390	Motrin 800mg	100
04-01-87	730390	Motrin 800mg	100

<u>Date</u>	<u>Prescription No.</u>	<u>Drug</u>	<u>Qty.</u>
06-20-87	730390	Motrin 800mg	100
09-27-87	730390	Motrin 800mg	100
11-24-87	730390	Motrin 800mg	100
12-19-87	740245	Motrin 800mg	100
02-10-88	741550	Motrin 800mg	100
03-09-88	741550	Motrin 800mg	100
04-06-88	741550	Motrin 800mg	100
06-18-88	741550	Motrin 800mg	100
07-08-88	745156	Motrin 800mg	100
08-30-88	745156	Motrin 800mg	100
10-26-88	745156	Motrin 800mg	100
11-27-88	745156	Motrin 800mg	100
12-31-88	745156	Motrin 800mg	100
02-05-89	745156	Motrin 800mg	100
03-05-89	745156	Motrin 800mg	100
04-02-89	745156	Motrin 800mg	100
05-11-89	745156	Motrin 800mg	100
07-02-89	753899	Motrin 800mg	100
09-12-89	753899	Motrin 800mg	100

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.

- (7) From the evidence presented, the State Board of Pharmacy finds that Raymond A. Struzynski did, between and including the years 1986 through June 26, 1988, knowingly obtain the property of another by deception, the value of which was over \$300.00, to wit: after having forged prescriptions for drugs Raymond A. Struzynski sold to his relatives, he billed PAID Insurance Company to pay for the sales. Such conduct is in violation of Section 2913.02(A) of the Ohio Revised Code.
- (8) From the evidence presented, the State Board of Pharmacy finds that Raymond A. Struzynski did, between and including the years 1986 through 1989, knowingly obtain the property of another by deception, the value of which was an unknown amount, to wit: after having forged prescriptions for drugs Raymond A. Struzynski sold to his relatives, he billed P.C.S. Insurance Company to pay for the sales. Such conduct is in violation of Section 2913.02(A) of the Ohio Revised Code.
- (9) From the evidence presented, the State Board of Pharmacy finds that Raymond A. Struzynski was, on or about March 27, 1991, convicted in the Common Pleas Court of Cuyahoga County, Ohio, of six counts of Trafficking in Drugs in violation of Section 2925.03 (A)(1) of the Ohio Revised Code, felonies of the fourth degree; thirteen counts of Illegal Processing of Drug Documents in violation of Section 2925.23 of the Ohio Revised Code, felonies of the fourth degree; and two counts of Theft in violation of Section 2913.02 of the Ohio Revised Code; felonies of the fourth degree.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (9) 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 (9) of the Findings Of Fact constitute being guilty of dishonesty or 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 (6), and (9) of the Findings Of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., 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 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-1-08719, held by Raymond A. Struzynski:

(A) On the basis of paragraphs (1), (2), and (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Raymond A. Struzynski effective November 1, 1992 through June 5, 1994.

(B) Further, the Board will suspend the suspension imposed in paragraph (A) above and place him on probation until June 5, 1994 provided that Raymond A. Struzynski:

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

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Raymond A. Struzynski's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns until June 5, 1994.

The Board further stipulates that Raymond A. Struzynski may not serve as a responsible pharmacist until June 5, 1994.

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

MOTION CARRIED.

SO ORDERED.

RAYMOND A. STRUZYNSKI, R.Ph.

Page Eight

Order of the Board

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

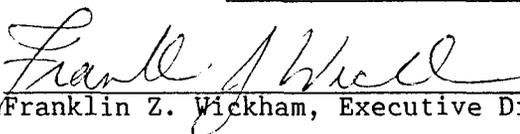
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section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

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 749 728 867

ORDER MAILED: JULY 1, 1992

FZW/so

By 
Franklin Z. Wickham, Executive Director

cc: Ronda Anderson, Assistant Attorney General
Richard A. Damiani, Attorney for Respondent; 1406 West Sixth Street, Suite
400; Cleveland, Ohio 44113