



OHIO STATE BOARD OF PHARMACY

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-Equal Opportunity Employer and Service Provider-

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-980511-058)

In The Matter Of:

CHARLES M. HANIFIN
203 N. Avalon Drive
Wintersville, Ohio 43953
(D.O.B. 6/27/42)

INTRODUCTION

THE MATTER OF CHARLES M. HANIFIN CAME TO HEARING ON NOVEMBER 2, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

CHARLES M. HANIFIN WAS NOT 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) Charles M. Hanifin, Respondent

Respondent's Witnesses:

- (1) David Boyer, Pharmacists Rehabilitation Organization

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Notice of Opportunity for Hearing letter dated May 11, 1998.
(2) Exhibit 1A--Hearing Request letter dated May 20, 1998.
(3) Exhibit 1B--Copy of Hearing Schedule letter dated May 22, 1998.
(4) Exhibit 1C--Continuance Request letter dated June 12, 1998.
(5) Exhibit 1D--Copy of Hearing Schedule letter dated June 18, 1998.

- (6) Exhibit 1E--Application for Examination as a Pharmacist of Charles M. Hanifin signed and notarized on March 27, 1998.
- (7) Exhibit 1F--Copy of Pharmacist File Front Sheet of Charles Michael Hanifin dated August 16, 1995.
- (8) Exhibit 1G--Copy of two-page Order, The State Board of Pharmacy vs. Charles M. Hanifin, Docket No. 6-27-3, dated October 3, 1978.
- (9) Exhibit 1H--Copy of Application for Examination as Pharmacist of Charles Michael Hanifin dated May 3, 1989.
- (10) Exhibit 1I--Copy of four-page Order of the State Board of Pharmacy, Docket No. D-890605-132, in the matter of Charles M. Hanifin dated November 9, 1989.
- (11) Exhibit 1J--Copy of three-page Notice of Opportunity for Hearing letter of Charles M. Hanifin dated January 26, 1994.
- (12) Exhibit 1K--Copy of five-page Order of the State Board of Pharmacy, Docket No. D-940126-040, in the matter of Charles Michael Hanifin dated October 31, 1994.

Respondent's Exhibits:

- (1) Exhibit A--Two-page copy of Pharmacists' Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Charles M. Hanifin dated May 18, 1998.
- (2) Exhibit B--Copy of eleven pages of meeting attendance verification sheets of Mike H. dated March 16, 1997, and from April 19, 1998, through September 24, 1998.
- (3) Exhibit C--Copies of three urine drug screen reports of Charles Hanifin dated July 28, 1998; June 16, 1998; and March 19, 1998.
- (4) Exhibit D--Copy of letter from Jerry W. Krupinski dated October 30, 1998; copy of letter from Kathy O'Leary dated October 22, 1998; copy of letter from Francis A. Sunseri dated October 20, 1998; copy of letter from Keith A. Wood, not dated; copy of letter from Richard S. Pflug dated October 9, 1998; copy of letter from Anne Stimmel dated October 13, 1998, with attached documentation dated from May, 1995, through October, 1998; copy of letter from Rev. Msgr. Gerald E. Calovini dated October 15, 1998.
- (5) Exhibit E--Two pages of meeting attendance verification sheets of Mike H. dated from October 5, 1998, through October 29, 1998.

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 on or about March 30, 1998, Charles M. Hanifin submitted an Application for Examination as a Pharmacist.
- (2) Records further indicate that Charles M. Hanifin was originally licensed to practice pharmacy in the State of Ohio on August 16, 1965, pursuant to examination. On or about October 3, 1978, the Board concluded Charles M. Hanifin was guilty of three felony violations and guilty of "willfully violating, more than one time, provisions of Chapter 2925. of the Ohio Revised Code." For these reasons, Charles M. Hanifin's license, No. 03-1-08386, was revoked. The State Board of Pharmacy vs. Charles M. Hanifin, Docket No. 6-27-3.

- (3) On or about May 3, 1989, Charles M. Hanifin submitted an Application for Examination as a Pharmacist. The Board granted Charles M. Hanifin permission to sit for the examination provided he comply with certain conditions pursuant to the Order of the Board, Docket No. D-890605-132, dated November 9, 1989. Charles M. Hanifin was licensed in the State of Ohio for the second time as a pharmacist on February 23, 1990. Charles M. Hanifin's license was summarily suspended on January 26, 1994, in accordance with Section 3719.121(B) of the Ohio Revised Code. On or about October 31, 1994, the Board concluded that Charles M. Hanifin was guilty of dishonesty and unprofessional conduct in the practice of pharmacy; addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy; and 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 or Chapter 2925., 3719., or 4729. of the Ohio Revised Code. For these reasons, Charles M. Hanifin's second license, No. 03-2-18212, was revoked.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of a felony as provided in paragraph (A) of Rule 4729-5-04 of the Ohio Administrative Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute not being of good moral character and habits as provided in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs as provided in paragraph (D) of Rule 4729-5-04 of the Ohio Administrative Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute having been disciplined by the Ohio State Board of Pharmacy pursuant to Section 4729.16 of the Revised Code as provided in paragraph (E) of Rule 4729-5-04 of the Ohio Administrative Code.

ACTION OF THE BOARD

Pursuant to Section 4729.08 of the Ohio Revised Code, and the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy hereby denies the issuance of a license or an identification card and, therefore, denies the Application for Examination as a Pharmacist submitted by Charles M. Hanifin.

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

MOTION CARRIED.

SO ORDERED.



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-940126-040)

In The Matter Of:

CHARLES MICHAEL HANIFIN, R.Ph.

203 North Avalon Drive
Wintersville, Ohio 43952
(R.Ph. No. 03-2-18212)

INTRODUCTION

THE MATTER OF CHARLES MICHAEL HANIFIN CAME TO HEARING ON SEPTEMBER 28, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

CHARLES MICHAEL HANIFIN WAS REPRESENTED BY DAVID W. GRAUER, AND THE STATE OF OHIO WAS REPRESENTED BY AVA SERRANO, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Timothy J. Rech, Rite Aid, Pharmacy Supervisor
- (2) Charles Michael Hanifin, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Summary Suspension Order/Notice of Opportunity for Hearing letter dated January 26, 1994.
- (2) Exhibit 1A - Hearing Request letter from William M. Fisher dated February 7, 1994.
- (3) Exhibit 1B - Hearing Schedule letter dated February 9, 1994.

- (4) Exhibit 1C - Notice of Appearance and Motion to Continue Hearing from David W. Grauer dated February 17, 1994.
- (5) Exhibit 1D - Hearing Schedule letter dated February 18, 1994.
- (6) Exhibit 1E - Motion to Continue Hearing from David W. Grauer dated March 1, 1994.
- (7) Exhibit 1F - Hearing Schedule letter dated March 3, 1993, (sic 1994).
- (8) Exhibit 1G - Pharmacist File Front Sheet of Charles Michael Hanifin showing original date of registration as February 23, 1990; and Renewal Application for Pharmacist License, No. 03-2-18212, for a license to practice pharmacy in Ohio from September 15, 1993, to September 15, 1994, of Charles M. Hanifin dated July 22, 1993.
- (9) Exhibit 2 - Order of the State Board of Pharmacy, Docket No. 6-27-3, in the matter of Charles M. Hanifin dated October 3, 1978.
- (10) Exhibit 3 - Order of the State Board of Pharmacy, Docket No. D-890605-132, of Charles M. Hanifin dated November 9, 1989, with attached receipts showing certified delivery on November 13, 1989.
- (11) Exhibit 4 - Notice of Opportunity letter of Charles M. Hanifin dated June 5, 1989.
- (12) Exhibit 5 - Inter-office Communication to Frank Wickham and Board Members from Tim Benedict dated July 20, 1990.
- (13) Exhibit 6 - Copy of letter to Charles Michael Hanifin from Franklin Z. Wickham dated February 23, 1990; and copy of back-side of Exam Application, No. 36-050-3023, of Charles Hanifin.
- (14) Exhibit 7 - Copy of handwritten statement of Charles Michael Hanifin signed and witnessed on January 21, 1994.
- (15) Exhibit 8 - Copy of Rite Aid #2391 Internal Theft Incident Report concerning Charles Michael Hanifin dated January 21, 1994.
- (16) Exhibit 9 - Copies of six Reports of Theft or Loss of Controlled Substances of Rite Aid Stores #3060, #2391, #875, #450, #2565, and #3490.
- (17) Exhibit 10 - Ohio State Board of Pharmacy Statement Questions for Tim Rech, R.Ph., Case No. 94-1084, dated August 12, 1994.
- (18) Exhibit 10A - Three-page handwritten answer-sheet of Timothy J. Rech signed and notarized on August 12, 1994.

Respondent's Exhibits:

- (1) Exhibit A - Pharmacists Rehabilitation Organization, Inc. Impaired Pharmacist's Contract of Mike Hanifin dated January 26, 1994.
- (2) Exhibit B - Two-page letter from Fred N. Karaffa, first page dated August 11, and second page dated August 16, 1994.
- (3) Exhibit C - Letter from Fred N. Karaffa dated August 10, 1994.
- (4) Exhibit D - Letter from Sally Bernard dated August 4, 1994.
- (5) Exhibit E - Letter from Sally Bernard dated September 19, 1994.
- (6) Exhibit F - Letter from Francis A. Sunseri dated September 15, 1994.
- (7) Exhibit G - Twenty-four page copy of AA/NA meeting verification calendar of Charles Michael Hanifin dated from April 8, to September 14, 1994.
- (8) Exhibit H - Letter from Msgr. Lawrence J. Luciana dated September 6, 1994.
- (9) Exhibit I - Letter from Samson D. Reyes, Jr. dated September 22, 1994.
- (10) Exhibit J - Two-page letter from Lydia Y. Reyes dated September 20, 1994.
- (11) Exhibit K - Two-page letter from Sandra S. Morris, not dated.
- (12) Exhibit L - Letter from Darla Pletcher dated September 21, 1994.
- (13) Exhibit M - Letter from Floyd H. Dufrane dated September 22, 1994.
- (14) Exhibit N - Copy of letter from Jerry W. Krupinski dated September 28, 1994.
- (15) Exhibit O - Letter from Fred N. Karaffa dated September 23, 1994; and copies of fourteen urine drug screens of Charles Hanifin as follows: two-page report dated

August 10, 1994, other reports dated: May 25, 1994, June 7, 1994, June 15, 1994, June 24, 1994, June 28, 1994, July 15, 1994, July 20, 1994, July 26, 1994, August 6, 1994, August 13, 1994, August 23, 1994, August 30, 1994, and September 7, 1994.

- (16) Exhibit P - Letter from James L. Conrad dated September 20, 1994.

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 Charles Michael Hanifin was licensed to practice pharmacy in the state of Ohio on February 23, 1990, and his license was suspended on January 26, 1994, in accordance with Section 3719.121(B) of the Ohio Revised Code.
- (2) Charles Michael Hanifin did, on or about January 21, 1994, and dates immediately preceding, with the purpose to deprive, knowingly obtain or exert control over the property of another, Rite Aid, beyond the express or implied consent of Rite Aid, to wit: Charles Michael Hanifin stole the following dangerous drugs while working at several different Rite Aid drug stores:

<u>Drug</u>	<u>Schedule</u>	<u>Quantity</u>
Percocet	II	395
Roxicet	II	280
Ritalin 5mg	II	60
Tylenol #3	III	10
Dilaudid 2mg	II	27
Ritalin 10mg	II	2
Tylox	II	10
Roxilox	II	10

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

- (3) Charles Michael Hanifin is addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: the Board has found that Charles Michael Hanifin abused drugs originally from the years 1974 through 1977, and in 1978 the Board revoked Charles Michael Hanifin's license to practice pharmacy due to his drug abuse in violation of Section 2925.11 of the Ohio Revised Code, theft of drugs in violation of Section 2925.21 (now 2913.02) of the Ohio Revised Code, and illegally processing drug documents in violation of Section 2925.23 of the Ohio Revised Code. In November of 1989, after a hearing before the Board, Charles Michael Hanifin was granted permission to re-take the examination to be registered as a pharmacist if he signed a contract with Pharmacist Rehabilitation Organization (PRO). Charles Michael Hanifin signed such a contract so as to assure the Board of his sobriety, and was registered as a pharmacist on February 3, 1990. Between February 1990 and January 1994, Charles Michael Hanifin again stole and consumed controlled substances without prescriptions and his addiction continued.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) 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.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes being addicted to or abusing 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.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) 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 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 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued January 26, 1994.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Charles Michael Hanifin:

- (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. 03-2-18212, held by Charles Michael Hanifin 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. 03-2-18212, held by Charles Michael Hanifin 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. 03-2-18212, held by Charles Michael Hanifin effective as of the date of the mailing of this Order.

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 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.

OHIO STATE BOARD OF PHARMACY

THE STATE BOARD OF PHARMACY
(Docket No. D-890605-132)

In The Matter Of:

CHARLES M. HANIFIN
203 N. Avalon Drive
Wintersville, Ohio 43952
(D.O.B. 06-27-42)

INTRODUCTION

THE MATTER OF CHARLES M. HANIFIN CAME TO HEARING ON SEPTEMBER 28, 1989 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY MOORE, R.Ph. (pre-siding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; METTA LOU HENDERSON, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

CHARLES M. HANIFIN WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Timothy Benedict - Ohio Board of Pharmacy

Respondent's Witnesses:

- (1) Charles M. Hanifin - Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated June 5, 1989.
(2) Exhibit B - Request for Hearing letter dated June 8, 1989.
(3) Exhibit C - Hearing Schedule letter dated June 12, 1989.
(4) Exhibit 1 - Application for Examination as Pharmacist for Charles Michael Hanifin.
(5) Exhibit 2 - Ohio Board of Pharmacy Order dated October 3, 1978.
(6) Exhibit 3 - Several Reports from the Gateway Rehabilitation Center for Charles Hanifin (9 pages).
(7) Exhibit 4 - Two-page statement from C. M. Hanifin dated August 25, 1977.

OHIO STATE BOARD OF PHARMACY

Respondent's Exhibits:

- (1) Exhibit 1 - Letter from James E. Morgan, Vice President for Administrative Services of Jefferson Technical College, dated August 7, 1989; Letter from Rev. Msgr. William R. Cornelius, Pastor of the Saint Pius the Xth Church, dated August 7, 1989; Letter from Robert M. Nickoson, Manager from Prudential dated August 8, 1989; Letter from Gordon J. Grafton, Det. Sgt., from Jefferson County Sheriff's Dept. Narcotics Unit Supervisor, dated August 8, 1989; Letter from Edward L. Florak, Ed.D., President from the Jefferson Technical College, dated August 8, 1989; Letter from Frank P. Layman, Mayor of Wintersville, dated August 9, 1989; Letter from David A. Siburt, Vice President/Branch Manager from the Miners and Mechanics Savings and Trust Company dated August 10, 1989; Letter from Msgr. F.A. Pasquinelli from the Blessed Sacrament Church dated August 14, 1989; Letter from Maynard R. Ball, Dean, from the Jefferson Technical College, dated August 22, 1989; Letter from Justin A. Scarpone, R.Ph., received September 6, 1989; and Letter from Mary Louise O'Connell, Pharmacy Manager from the Treasure Island Pharmacy, dated September 6, 1989.
- (2) Exhibit 2 - Letter from Jerry W. Krupinski, State Representative, 98th House District, dated September 25, 1989.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that on October 3, 1978, the Board found that:
 - (a) Charles M. Hanifin did violate Section 2925.11 of the Ohio Revised Code in that he knowingly obtained a controlled substance as a pharmacist whose conduct was not in accordance with Chapter 3719. of the Ohio Revised Code, to wit: Charles M. Hanifin knowingly obtained Preludin on:

<u>Date</u>	<u>Prescription No.</u>
March 12, 1977	128871
July 8, 1977	131055
July 20, 1977	131286
July 22, 1977	131342
July 29, 1977	131430

- (b) Charles M. Hanifin did violate Section 2925.21(A) of the Ohio Revised Code in that he committed a theft offense as defined in Section 2913.01 of the Revised Code by obtaining a dangerous drug by theft as defined in Section 2913.02 of the Revised Code, to wit: Charles M. Hanifin did by theft obtain Ritalin, Demerol, and Preludin between the dates of May 1, 1977 and August 24, 1977.

OHIO STATE BOARD OF PHARMACY

- (c) Charles M. Hanifin did violate Section 2925.23(B)(1) of the Ohio Revised Code in that he did make and possess a false or forged prescription, to wit:

<u>Date</u>	<u>Prescription No.</u>
March 12, 1977	128871
July 8, 1977	131055
July 20, 1977	131286
July 22, 1977	131342
July 29, 1977	131430

- (2) From the evidence presented, the State Board of Pharmacy finds that on October 3, 1978, the Board revoked the pharmacist identification card of Charles M. Hanifin.

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) and (2) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy as provided in paragraph (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 the conduct set forth in paragraph (1) 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 or practice pharmacy as provided in paragraph (A)(3) 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 the conduct set forth in paragraph (1) of the Findings Of Fact constitutes 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 paragraph (A)(5) of Section 4729.16 of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the application for registration by examination submitted by Charles M. Hanifin:

- (A) On the basis of paragraphs (1) through (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby permits Mr. Hanifin to sit for the examination on the conditions that Mr. Hanifin:

OHIO STATE BOARD OF PHARMACY

- (1) contracts with the Pharmacists Rehabilitation Organization, Inc. (P.R.O., Inc.), or another program acceptable to the Board, which will include but is not limited to random urine screens;
- (2) documents satisfactory performance with such contract prior to being admitted to the examination.

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

MOTION CARRIED.

SO ORDERED.

THE STATE BOARD OF PHARMACY

VS

CHARLES M. HANIFIN

THE MATTER OF THE STATE BOARD OF PHARMACY VERSUS CHARLES M. HANIFIN, DOCKET 6-27-3 WAS CONSIDERED PURSUANT TO CHAPTERS 4729. AND 119., OF THE REVISED CODE. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTION WAS MADE AND RECORDED; THE FOLLOWING ORDER BE ADOPTED:

ORDER

1. THE STATE BOARD OF PHARMACY FINDS CHARLES M. HANIFIN DID VIOLATE SECTION 2925.11 OHIO REVISED CODE IN THAT HE KNOWINGLY OBTAINED A CONTROLLED SUBSTANCE AS A PHARMACIST, WHOSE CONDUCT WAS NOT IN ACCORDANCE WITH CHAPTER 3719., OHIO REVISED CODE, TO WIT: PRELUDIN ON:

PRESCRIPTION # 128871 DATED MARCH 12, 1977
PRESCRIPTION # 131055 dated July 8, 1977
Prescription # 131286 dated July 20, 1977
Prescription # 131342 dated July 22, 1977
Prescription # 131430 dated July 29, 1977

2. FURTHER THAT CHARLES M. HANIFIN DID VIOLATE SECTION 2925.21(A) OF THE REVISED CODE IN THAT HE COMMITTED A THEFT OFFENSE AS DEFINED IN SECTION 2913.01 REVISED CODE BY OBTAINING A DANGEROUS DRUG BY THEFT AS DEFINED IN SECTION 2913.02 REVISED CODE, TO WIT: RITALIN, DEMEROL, AND PRELUDIN BETWEEN THE DATES OF MAY 1, 1977 AND AUGUST 24, 1977.

3. FURTHER THAT HE VIOLATED SECTION 2925.23(B)(1) OHIO REVISED CODE IN THAT HE DID MAKE AND POSSESS A FALSE OR FORGED PRESCRIPTION TO WIT:

Prescription for Preludin # 128871 dated 3/12/77
Prescription for Preludin # 131055 dated 7/8/77
Prescription for Preludin # 131286 dated 7/20/77
Prescription for Preludin # 131342 dated 7/22/77
Prescription for Preludin # 131430 dated 7/29/77

4. SECTIONS 2925.11 AND 2925.21(A) CITED IN (1) AND (2) RESPECTIVELY OF THE AFOREMENTIONED ARE FELONIES OF THE FOURTH DEGREE AND SECTION 2925.23(B)(1) CITED IN (3) IS A FELONY OF THE THIRD DEGREE.

5. THE STATE BOARD OF PHARMACY FINDS UNDER SECTION 4729.16, REVISED CODE:

"THE STATE BOARD OF PHARMACY, AFTER NOTICE AND HEARING IN ACCORDANCE WITH SECTIONS 119.01 TO 119.13 OF THE REVISED CODE, MAY REVOKE, SUSPEND OR REFUSE TO GRANT AN IDENTIFICATION CARD OR RENEWAL IDENTIFICATION CARD UNDER THIS CHAPTER, OR MAY IMPOSE A MONETARY PENALTY OR FORFEITURE NOT TO EXCEED IN SEVERITY ANY FINE DESIGNATED UNDER THE REVISED CODE FOR A SIMILAR OFFENSE, IF A MAJORITY OF THE MEMBERS OF THE BOARD FINDS A PHARMACIST:

(A) GUILTY OF A FELONY.

(C) GUILTY OF WILLFULLY VIOLATING MORE THAN ONE TIME ANY OF THE PROVISIONS OF CHAPTER 2925., OHIO REVISED CODE.

6. THE STATE BOARD OF PHARMACY FINDS MR. HANIFIN GUILTY OF THREE (3) FELONY VIOLATIONS AS LISTED IN THE AFOREMENTIONED PARAGRAPH (4).

7. THE STATE BOARD OF PHARMACY FINDS MR. HANIFIN GUILTY OF WILLFULLY VIOLATING MORE THAN ONE TIME THE PROVISIONS OF CHAPTER 2925., OHIO REVISED CODE
8. THE STATE BOARD OF PHARMACY HEREBY REVOKES THE IDENTIFICATION CARD OF CHARLES M. HANIFIN, EFFECTIVE IMMEDIATELY.

SECTION 4729.16 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."

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

MOTION CARRIED.

SO ORDERED.

(10/3/78)