



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

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URL: <http://www.pharmacy.ohio.gov>

ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-090806-006)

In The Matter Of:

ROBERT OBERLIN URFER, R.Ph.

4245 Brookside Road

Toledo, Ohio 43606

(R.Ph. Number 03-1-09283)

INTRODUCTION

The Matter of Robert Oberlin Urfer came for hearing on November 3, 2009, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (presiding); Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Deborah A. Lange, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

Richard F. Kolezynski, R.Ph.; Board Member, Recused.

Robert Oberlin Urfer was not represented by counsel. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Paul Kover, R.Ph., Ohio State Board of Pharmacy
2. Robert Oberlin Urfer, R.Ph.

Respondent's Witness:

1. Robert Oberlin Urfer, R.Ph.

State's Exhibits:

1. Copy of Notice of Opportunity for Hearing letter [08-06-09]
1A-1C. Procedurals
2. Dangerous Drug Distributor Inspection Report for K-Mart Pharmacy #3302 [04-16-09]
3. K-Mart Pharmacy explanation of corrective action taken after dispensing error and explanation of KARxE program [received 05-12-09]
4. Photocopy of RX #6881264 for patient S.M. [06-08-07]
5. K-Mart Pharmacy #3302 prescription profile for patient S.M. [01-01-04 to 03-30-09]
6. Patient prescription drug label for RX #6881264 with prescription information fact sheet [09-16-07]

7. Computer screen printout indicating pop up screen showing if GPI does not match [not dated]
8. Sample of a "Hard Halt" pharmacy computer screen [not dated]
9. Copy of computer transaction screen for RX #6881264 [not dated]
10. Copy of patient prescription pick up/counseling log [09-16-07]
11. Copies of two pages from pharmacy prescription daily log [09-16-07]
12. Copy of Medical Malpractice Payment Report [01-15-09]
13. Ohio State Board of Pharmacy Order in the matter of Robert Oberlin Urfer, R.Ph. [03-13-97]

Respondent's Exhibits:

- A. Letter of explanation to State Board of Pharmacy [not dated]
- B. Example of KARxE fill with GPI [not dated]
- C. Copy of two certified mail receipts [05-11-09 and 05-15-09]

FINDINGS OF FACT

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

(1) Records of the State Board of Pharmacy indicate that Robert Oberlin Urfer was originally licensed in the State of Ohio on August 4, 1969, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect that Robert Oberlin Urfer was previously disciplined by the Board on March 13, 1997.

(2) Robert Oberlin Urfer did, on or about September 16, 2007, misbrand a drug to wit: when he received a prescription for Januvia 100 mg, RX #6881264, Robert Oberlin Urfer dispensed warfarin 10 mg, which had not been specifically prescribed by the physician. The patient was harmed. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

CONCLUSIONS OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes 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.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby imposes a monetary penalty of two hundred and fifty dollars (\$250.00) on Robert Oberlin Urfer and payment in full is due and owing within thirty days of the mailing of this Order. The remittance 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, Room 1702, Columbus, Ohio 43215-6126.

Robert Oberlin Urfer, R.Ph.

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Order of the Board

Further, Robert Oberlin Urfer must obtain, within six months from the effective date of this Order, three hours of approved continuing pharmacy education (0.3 CEUs) in medication error prevention, which may not also be used for license renewal.

Jerome Wiesenhahn moved for Findings of Fact; Deborah Lange seconded the motion. Motion passed (Aye-6/Nay-0).

Heather Pasquale moved for Conclusions of Law; Troy Gahm seconded the motion. Motion passed (Aye-6/Nay-0).

Troy Gahm moved for Action of the Board; Heather Pasquale seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of 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 the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: _____

By: _____
William T. Winsley, M.S., R.Ph., Executive Director

WTW/lp

CERTIFIED MAIL/Return Receipt

c: Tracy M. Greuel, Assistant Attorney General



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-960322-045)

In The Matter Of:

ROBERT OBERLIN URFER, R.Ph.

2816 Barrington Drive

Toledo, Ohio 43606

(R.Ph. No. 03-1-09283)

INTRODUCTION

THE MATTER OF ROBERT OBERLIN URFER CAME TO HEARING ON JANUARY 28, 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.

ROBERT OBERLIN URFER 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) Dale Fritz, Ohio State Board of Pharmacy
- (2) Joann Predina, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Robert Oberlin Urfer, Respondent
- (2) Joseph F. Adams, St. Vincent's Medical Center

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity for Hearing letter in the matter of Orchard Drugs dated March 22, 1996.
- (2) Exhibit 1A--Notice of Appearance and Certificate of Service in the matter of Orchard Drugs by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.

- (3) Exhibit 1B--Request for Hearing and Certificate of Service in the matter of Orchard Drugs by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (4) Exhibit 1C--Notice of Opportunity for Hearing letter in the matter of Robert Oberlin Urfer dated March 22, 1996.
- (5) Exhibit 1D--Notice of Appearance and Certificate of Service in the matter of Robert Oberlin Urfer by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (6) Exhibit 1E--Request for Hearing and Certificate of Service in the matter of Robert Oberlin Urfer by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (7) Exhibit 1F--Notice of Opportunity for Hearing letter in the matter of Jack James Wilhelm dated March 22, 1996.
- (8) Exhibit 1G--Notice of Appearance and Certificate of Service in the matter of Jack James Wilhelm by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (9) Exhibit 1H--Request for Hearing and Certificate of Service in the matter of Jack James Wilhelm by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (10) Exhibit 1I--Two-page Hearing Schedule letter dated April 16, 1996.
- (11) Exhibit 1J--Two-page Hearing Schedule letter dated June 26, 1996.
- (12) Exhibit 1K--Fax copy of notice of representation in the matter of Jack James Wilhelm by Charles M. Boss dated November 19, 1996.
- (13) Exhibit 1L--Motion for Continuance, Memorandum in Support, and Certificate of Service in the matter of Orchard Drugs by David W. Grauer and Janice K. Van Dyne dated November 25, 1996.
- (14) Exhibit 1M--Motion for Continuance, Memorandum in Support, and Certificate of Service in the matter of Robert Oberlin Urfer by David W. Grauer and Janice K. Van Dyne dated November 25, 1996.
- (15) Exhibit 1N--Response to Continuance Request in the matter of Robert Urfer and Orchard Drugs dated December 3, 1996.
- (16) Exhibit 1O--Amended Notice of Opportunity for Hearing letter in the matter of Orchard Drugs dated December 3, 1996.
- (17) Exhibit 1P--Amended Notice of Opportunity for Hearing letter in the matter of Robert Oberlin Urfer dated December 3, 1996.
- (18) Exhibit 1Q--Amended Notice of Opportunity for Hearing letter in the matter of Jack James Wilhelm dated December 4, 1996.
- (19) Exhibit 1R--Notice of Withdrawal of Counsel and Certificate of Service in the matter of Jack James Wilhelm by David W. Grauer and Janice K. Van Dyne dated December 4, 1996.
- (20) Exhibit 1S--Letter from Julie Dey dated December 4, 1996; Motion for Continuance, Memorandum in Support; and Certificate of Service in the matter of Jack James Wilhelm by Charles M. Boss first received on December 4, 1996.
- (21) Exhibit 1T--Letter to Charles M. Boss from Franklin Z. Wickham dated December 4, 1996.
- (22) Exhibit 1U--Letter to Janice K. Van Dyne and David W. Grauer from Franklin Z. Wickham dated January 7, 1997.
- (23) Exhibit 1V--Letter to Charles M. Boss from Franklin Z. Wickham dated January 7, 1997.
- (24) Exhibit 1W--Application for Registration as a Terminal Distributor of Dangerous Drugs of Orchard Drug dated May 5, 1991; copy of Records of Incorporation Certificate; four-page copy of Articles of Incorporation; and six Renewal Applications for DDD License, No. 02-0606500, for a Terminal Distributor of Dangerous Drugs License of Orchard Drugs for the following time periods: January

1, 1997, to December 31, 1997, dated October 4, 1996; January 1, 1996, to December 31, 1996, dated October 14, 1995; January 1, 1995, to December 31, 1995, dated October 29, 1994; January 1, 1994, to December 31, 1994, dated October 5, 1993; January 1, 1993, to December 31, 1993, dated November 16, 1992; and January 1, 1992, to December 31, 1992, dated September 21, 1991.

- (25) Exhibit 1X--Pharmacist File Front Sheet of Robert Oberlin Urfer showing original date of registration as August 4, 1969; and Renewal Application for Pharmacist License, No. 03-1-09283, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997 of Robert Oberlin Urfer dated July 18, 1996.
- (26) Exhibit 1Y--Pharmacist File Front Sheet of Jack James Wilhelm showing original date of registration as February 25, 1970; and Renewal Application for Pharmacist License, No. 03-3-09450, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997, of Jack James Wilhelm dated July 28, 1996.
- (27) Exhibit 1Z--Six-page Order of the State Board of Pharmacy, Docket No. D-910429-069, in the matter of Jack James Wilhelm dated August 16, 1991.
- (28) Exhibit 2--Sealed Record-Samuel's Products Exempt Narcotics Register of Orchard Drug dated from June 24, 1991, to December 8, 1992.
- (29) Exhibit 2A--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from December 9, 1992, to February 28, 1993.
- (30) Exhibit 2B--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from February 28, 1993, to May 1, 1993.
- (31) Exhibit 2C--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from May 1, 1993, to June 22, 1993.
- (32) Exhibit 2D--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from June 22, 1993, to August 22, 1993.
- (33) Exhibit 2E--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from August 22, 1993, to October 16, 1993.
- (34) Exhibit 2F--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from October 16, 1993, to January 16, 1994.
- (35) Exhibit 2G--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from January 16, 1994, to March 15, 1994.
- (36) Exhibit 3--Accountability Statement of Orchard Drug for Demerol 50mg Tablet dated March 30, 1994.
- (37) Exhibit 3A--Accountability Statement of Orchard Drug for Demerol 100mg Tablet dated March 30, 1994.
- (38) Exhibit 3B--Accountability Statement of Orchard Drug for Dexedrine 5 Spansule dated March 30, 1994.
- (39) Exhibit 3C--Accountability Statement of Orchard Drug for Dexedrine 10 Spansule dated March 30, 1994.
- (40) Exhibit 3D--Accountability Statement of Orchard Drug for Dilaudid 2mg dated March 29, 1994.
- (41) Exhibit 3E--Accountability Statement of Orchard Drug for Dilaudid 4mg dated March 29, 1994.
- (42) Exhibit 3F--Accountability Statement of Orchard Drug for Mepergan Fortis dated March 30, 1994.
- (43) Exhibit 3G--Accountability Statement of Orchard Drug for Methadone 5mg dated March 29, 1994.

- (44) Exhibit 3H--Accountability Statement of Orchard Drug for Methadone 10mg dated May 2, 1994.
- (45) Exhibit 3I--Accountability Statement of Orchard Drug for MS Contin 15mg Tablets dated March 30, 1994.
- (46) Exhibit 3J--Accountability Statement of Orchard Drug for MS Contin 30mg Tablets dated May 2, 1994.
- (47) Exhibit 3K--Accountability Statement of Orchard Drug for MS Contin 60mg Tablets dated March 30, 1994.
- (48) Exhibit 3L--Accountability Statement of Orchard Drug for MS Contin 100mg Tablets dated March 30, 1994.
- (49) Exhibit 3M--Accountability Statement of Orchard Drug for Nembutal 100 Capsule dated March 30, 1994.
- (50) Exhibit 3N--Accountability Statement of Orchard Drug for Oxycodone/APAP dated May 2, 1994.
- (51) Exhibit 3O--Accountability Statement of Orchard Drug for Oxycodone/ASA dated March 29, 1994.
- (52) Exhibit 3P--Accountability Statement of Orchard Drug for Percocet dated May 2, 1994.
- (53) Exhibit 3Q--Accountability Statement of Orchard Drug for Percodan dated May 2, 1994.
- (54) Exhibit 3R--Accountability Statement of Orchard Drug for Roxicet dated March 29, 1994.
- (55) Exhibit 3S--Accountability Statement of Orchard Drug for Roxilox dated March 29, 1994.
- (56) Exhibit 3T--Accountability Statement of Orchard Drug for Roxiprin dated May 2, 1994.
- (57) Exhibit 3U--Accountability Statement of Orchard Drug for Tylox dated March 29, 1994.
- (58) Exhibit 4--Sealed Record-Prescription No. 295208.
- (59) Exhibit 5--Sealed Record-Prescription No. 300001.
- (60) Exhibit 6--Sealed Record-Prescription No. 304008.
- (61) Exhibit 7--Sealed Record-Prescription No. 308350.
- (62) Exhibit 8--Sealed Record-Prescription No. 313451.
- (63) Exhibit 9--Sealed Record-Ten-page Tax Insurance Summary of Orchard Drugs for Mark Miller dated from August 13, 1992, through June 1, 1994, dated June 1, 1994.
- (64) Exhibit 10--Sealed Record-Copies of thirty-nine pages of refill log book entries of Orchard Drugs dated from February 4, 1993, through November 13, 1993.
- (65) Exhibit 10A--Sealed Record-Copies of four pages of refill log book entries of Orchard Drugs dated from July 20, 1993, through September 30, 1993.
- (66) Exhibit 10B--Sealed Record-Copy of one page of refill log book entries of Orchard Drugs dated from October 23, 1992, through October 24, 1992.
- (67) Exhibit 11--Sealed Record-Copies of twenty-four pages of refill log book entries of Orchard Drugs dated from November 26, 1993, through May 27, 1994.
- (68) Exhibit 11A--Sealed Record-Copies of five pages of refill log book entries of Orchard Drugs dated from December 17, 1993, through January 15, 1994.
- (69) Exhibit 11B--Sealed Record-Copies of twelve pages of refill log book entries of Orchard Drugs dated from February 20, 1994, through May 5, 1994.
- (70) Exhibit 11C--Sealed Record-Copies of fifteen pages of refill log book entries of Orchard Drugs dated from May 25, 1993, through May 12, 1994.

- (71) Exhibit 12--Sealed Record--Two-page statement of James D. Diethelm, M.D. signed and notarized on June 19, 1994.
- (72) Exhibit 13--Sealed Record--Prescription No. 299716.
- (73) Exhibit 14--Sealed Record--Prescription No. 304997.
- (74) Exhibit 15--Sealed Record--Prescription No. 306131.
- (75) Exhibit 16--Sealed Record--Prescription No. 290379.
- (76) Exhibit 17--Sealed Record--Prescription No. 311332.
- (77) Exhibit 18--Sealed Record--Prescription No. 300304.
- (78) Exhibit 19--Sealed Record--Prescription No. 304855.
- (79) Exhibit 20--Sealed Record--Prescription No. 306348.
- (80) Exhibit 21--Sealed Record--Prescription No. 306888.
- (81) Exhibit 22--Sealed Record--Prescription No. 307942.
- (82) Exhibit 23--Sealed Record--Prescription No. 308516.
- (83) Exhibit 24--Sealed Record--Prescription No. 308849.
- (84) Exhibit 25--Sealed Record--Prescription No. 309039.
- (85) Exhibit 26--Sealed Record--Prescription No. 309239.
- (86) Exhibit 27--Sealed Record--Prescription No. 309384.
- (87) Exhibit 28--Sealed Record--Prescription No. 312142.
- (88) Exhibit 29--Sealed Record--Prescription No. 314886.
- (89) Exhibit 30--Sealed Record--Prescription No. 314978.
- (90) Exhibit 31--Sealed Record--Prescription No. 314980.
- (91) Exhibit 32--Sealed Record--Prescription No. 315175.
- (92) Exhibit 33--Sealed Record--Statement of Benjamin W. Butler, M.D. dated June 10, 1994.
- (93) Exhibit 34--Sealed Record--Statement of Dr. Michelle Nicholson-Wilson signed and notarized on June 9, 1994.
- (94) Exhibit 35--Sealed Record--Copy of telephone message from Orchard Drug dated July 22, 1992.
- (95) Exhibit 36--Sealed Record--Statement of Hosea Payne, M.D. signed and notarized on June 9, 1994.
- (96) Exhibit 37--Sealed Record--Statement of R. L. Finken, M.D. signed and notarized on June 10, 1994.
- (97) Exhibit 38--Copy of price list for schedule V codeine cough syrups written on a piece of note pad that advertises Cardene.
- (98) Exhibit 39--Three-page table of Lucas County Exempt Sales by Zip Code.
- (99) Exhibit 40--Three-page table of Lucas County Pharmacies Exempt Narcotic Sales without the #1 and #2 in Sales.
- (100) Exhibit 41--Three-page table of Lucas County Exempt Sales Without Highest Sales Pharmacy.
- (101) Exhibit 42--Map of Toledo, Ohio area showing location of Orchard Drug in blue, patient's home addresses in red, and other pharmacies in the Toledo area in green.
- (102) Exhibit 43--Sealed Record--Two-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 13.
- (103) Exhibit 44--Sealed Record--Table showing exempt narcotic sales made by Robert Urfer to Patient No. 13.
- (104) Exhibit 45--Sealed Record--Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 13.

- (105) Exhibit 46--Sealed Record-Four-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 139.
- (106) Exhibit 47--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 139.
- (107) Exhibit 48--Sealed Record-Three-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 139.
- (108) Exhibit 49--Sealed Record-Table showing exempt narcotic sales made by Orchard Drug to Patient No. 20.
- (109) Exhibit 50--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 20.
- (110) Exhibit 51--Sealed Record-Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 20.
- (111) Exhibit 52--Sealed Record-Table showing exempt narcotic sales made by Orchard Drug to Patient No. 45.
- (112) Exhibit 53--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 45.
- (113) Exhibit 54--Sealed Record-Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 45.
- (114) Exhibit 55--Sealed Record-Two-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 61.
- (115) Exhibit 56--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 61.
- (116) Exhibit 57--Sealed Record-Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 61.
- (117) Exhibit 58--Sealed Record-Five-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 66.
- (118) Exhibit 59--Sealed Record-Two-page table showing exempt narcotic sales made by Robert Urfer to Patient No. 66.
- (119) Exhibit 60--Sealed Record-Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 66.
- (120) Exhibit 61--Sealed Record-Three-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 79.
- (121) Exhibit 62--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 79.
- (122) Exhibit 63--Sealed Record-Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 79.
- (123) Exhibit 64--Sealed Record-Three-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 80.
- (124) Exhibit 65--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 80.
- (125) Exhibit 66--Sealed Record-Three-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 80.
- (126) Exhibit 67--Sealed Record-Five-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 99.
- (127) Exhibit 68--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 99.
- (128) Exhibit 69--Sealed Record-Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 99.

- (129) Exhibit 70--Sealed Record-Five-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 111.
- (130) Exhibit 71--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 111.
- (131) Exhibit 72--Sealed Record-Three-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 111.
- (132) Exhibit 73--Sealed Record-Table showing exempt narcotic sales made by Orchard Drug to Patient No. 117.
- (133) Exhibit 74--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 117.
- (134) Exhibit 75--Sealed Record-Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 117.
- (135) Exhibit 76--Sealed Record-Two-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 127.
- (136) Exhibit 77--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 127.
- (137) Exhibit 78--Sealed Record-Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 127.
- (138) Exhibit 79--Sealed Record-Prescription No. 302997.
- (139) Exhibit 80--Sealed Record-Confidential Patient Key for Exempt Narcotic Sales at Orchard Drug.

Respondent's Exhibits:

- (1) Exhibit Wilhelm A--Two-page affidavit of Michael D. Quigley signed and notarized on January 25, 1997.
- (2) Exhibit Urfer A--Three-page copy of Affidavit of Robert O. Urfer signed and notarized on January 23, 1997.
- (3) Exhibit Urfer C--UWIL, Inc. Six Year Analysis of Various Financial Info. and Ratios and Percentage of Gross Sales.
- (4) Exhibit Urfer E--Copy of note, dated August 20, 1996, on prescription blank signed by James D. Diethelm, M.D.; and copy of prescription number 290161.
- (5) Exhibit Urfer G--Copies of six Dangerous Drug Distributor Inspection Reports of Orchard Drugs dated as follows: December 12, 1990; June 11, 1991; September 17, 1992; December 29, 1993; March 16, 1994; and August 15, 1996.
- (6) Exhibit Urfer I--Two-page Affidavit of Kim Williams signed and notarized on January 24, 1997.
- (7) Exhibit Urfer J--Two-page Affidavit of Phillip J. Nelson signed and notarized on January 24, 1997.
- (8) Exhibit Urfer K--Letter from Thomas P. Connolly dated January 24, 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 Robert Oberlin Urfer was originally licensed in the state of Ohio on August 4, 1969, pursuant to examination, and is

Robert Oberlin Urfer, R.Ph.

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Order of the Board

currently licensed to practice pharmacy in the state of Ohio. Records further reflect that, during the relevant time periods stated herein, Robert Oberlin Urfer was the Responsible Pharmacist at Orchard Drugs, 4025 Talmadge Road, Toledo, Ohio 43623, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.

- (2) Robert Oberlin Urfer as the Responsible Pharmacist did, on or about the following dates, sell, under the exemptions of Section 3719.15 of the Ohio Revised Code to the same person (on each occasion) preparations included within Section 3719.15, when Robert Oberlin Urfer and pharmacists under his control knew or by reasonable diligence could have ascertained that the sale provided the recipient with more than one such preparation within a forty-eight consecutive hour period:

<u>Date</u>	<u>Patient No.</u>	<u>Drug</u>	<u>R.Ph.</u>
09/08/92	111	Cheracol	AS
01/17/93	127	Cheracol	AS
01/31/93	127	Cheracol	AS
02/13/93	127	Cheracol	RU
02/22/93	127	Cheracol	JW
02/25/93	127	Cheracol	JW
03/06/93	127	Cheracol	RU
03/15/93	127	Cheracol	JW
03/28/93	127	Cheracol	AS
03/29/93	127	Cheracol	JW
03/29/93	45	Cheracol	AS
03/30/93	45	Cheracol	JW
04/07/93	80	Guiatuss AC	JW
04/09/93	79	Guiatuss AC	JW
04/10/93	80	Guiatuss AC	JW
04/12/93	127	Cheracol	JW
04/13/93	127	Cheracol	JW
04/13/93	80	Guiatuss AC	JW
04/14/93	80	Guiatuss AC	JW
04/15/93	80	Guiatuss AC	JW
04/18/93	80	Guiatuss AC	AS
04/18/93	127	Cheracol	AS
04/19/93	139	Novadyne	AS
04/19/93	127	Cheracol	JW
04/21/93	80	Guiatuss AC	JW
04/22/93	80	Guiatuss AC	JW
04/23/93	80	Guiatuss AC	JW
04/23/93	137	Rid-A-Pain	JW
04/24/93	80	Guiatuss AC	RU
04/25/93	80	Guiatuss AC	AS
04/26/93	80	Guiatuss AC	JW
04/28/93	13	Cheracol	JW
05/03/93	127	Cheracol	JW
05/06/93	127	Cheracol	JW
05/06/93	80	Guiatuss AC	JW

05/07/93	80	Guiatuss AC	JW
05/08/93	80	Guiatuss AC	RU
05/08/93	139	Novadyne	RU
05/09/93	80	Guiatuss AC	AS
05/09/93	139	Novadyne	JW
05/16/93	80	Guiatuss AC	AS
05/17/93	127	Cheracol	JW
05/20/93	127	Cheracol	JW
05/21/93	80	Guiatuss AC	JW
05/22/93	80	Guiatuss AC	RU
05/23/93	80	Guiatuss AC	AS
05/23/93	127	Cheracol	AS
05/29/93	127	Cheracol	RU
05/30/93	127	Cheracol	AS
05/31/93	127	Cheracol	JW
06/25/93	80	Guiatuss AC	RU
09/13/93	80	Guiatuss AC	JW
11/08/93	61	Cheracol	JW
11/13/93	13	Novadyne DH	JW

Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

- (3) Robert Oberlin Urfer as the Responsible Pharmacist did, from February 4, 1992, to March 16, 1994, fail to keep records of all controlled substances received or dispensed in accordance with division (G) of Section 3719.07 of the Ohio Revised Code, to wit: Robert Oberlin Urfer as the Responsible Pharmacist failed to keep accurate records of the following controlled substances received and/or dispensed:

<u>Drug</u>	<u>Quantity</u>	<u>Shortage or Overage</u>	<u>Percent of Drug Supply</u>
Demerol 50mg Tabs	63	Shortage	1.4%
Demerol 100mg Tabs	82	Overage	23%
Dexedrine 5mg Spansule	116	Shortage	23%
Dexedrine 10mg Spansule	24	Overage	1.3%
Dilaudid 2mg Tab	30	Overage	5%
Dilaudid 4mg Tabs	0	None	0%
Mepergan Fortis Caps	16	Shortage	4%
Methadone 5mg Tab	180	Overage	12%
Methadone 10mg Tab	28	Shortage	<1%
Ms Contin 15mg Tabs	35	Shortage	10%
Ms Contin 30mg Tabs	87	Shortage	7%
Ms Contin 60mg Tabs	60	Overage	13%
Ms Contin 100mg Tabs	0	None	0%
Nembutal 100mg Caps	36	Shortage	2%
Oxycodone W/APAP Tabs	206	Overage	4%
Oxycodone W/ASA Tabs	81	Overage	7%
Percocet Tabs	695	Overage	13.6%
Percodan Tabs	1	Overage	<1%
Roxicet Tabs	540	Shortage	7.3%

Roxilox Caps	198	Shortage	13%
Roxiprin Tabs	90	Shortage	7%
Tylox Caps	73	Shortage	4%

Such conduct is in violation of Section 3719.07 of the Ohio Revised Code.

- (4) Robert Oberlin Urfer as the Responsible Pharmacist did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on 69 occasions from January 25, 1993, to May 26, 1994, without a valid prescription, Robert Oberlin Urfer or someone under his control dispensed a total of 1905 tablets of Soma Compound with Codeine, a schedule III controlled substance:

<u>Rx No.</u>	<u>Date</u>	<u>Quantity</u>	<u>R.Ph.</u>
295208	01/25/93	45	JW
295208	02/05/93	45	JW
295208	02/22/93	45	JW
295208	03/05/93	25	JW
295208	03/12/93	25	JW
295208	03/19/93	25	JW
295208	03/26/93	25	JW
295208	04/03/93	25	JW
295208	04/10/93	25	JW
295208	04/17/93	25	JW
295208	04/27/93	25	JW
295208	05/04/93	25	JW
300001	05/12/93	25	JW
300001	05/20/93	25	JW
300001	05/31/93	25	JW
300001	06/05/93	25	RU
300001	06/11/93	25	AS
300001	06/18/93	25	JW
300001	06/25/93	25	AS
300001	07/01/93	25	JW
300001	07/10/93	25	RU
300001	07/15/93	25	JW
300001	07/23/93	25	JW
300001	07/29/93	25	NONE
300001	08/04/93	25	JW
300001	08/09/93	25	JW
300001	08/13/93	30	JW
304008	08/18/93	10	JW
304008	08/23/93	25	JW
304008	08/28/93	25	RU
304008	09/04/93	25	RU
304008	09/09/93	25	JW
304008	09/14/93	25	JW
304008	09/18/93	50	JW

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304008	09/25/93	25	RU
304008	09/29/93	25	JW
304008	10/09/93	25	RU
304008	10/17/93	25	JW
304008	10/21/93	25	JW
304008	10/29/93	25	JW
304008	11/05/93	25	JW
304008	11/13/93	25	JW
308350	11/20/93	25	RU
308350	11/28/93	25	JW
308350	12/04/93	25	RU
308350	12/18/93	25	RU
308350	12/24/93	25	JW
308350	12/28/93	25	JW
308350	01/06/94	30	JW
308350	01/14/94	50	JW
308350	01/26/94	30	RU
308350	02/03/94	30	JW
308350	02/12/94	30	RU
308350	02/17/94	30	JW
308350	02/26/94	30	RU
313451	03/05/94	30	RU
313451	03/11/94	30	JW
313451	03/16/94	10	JW
313451	03/18/94	30	JW
313451	03/24/94	30	JW
313451	03/30/94	30	JW
313451	04/05/94	30	JW
313451	04/11/94	30	JW
313451	04/15/94	30	JW
313451	04/22/94	30	JW
313451	05/05/94	30	JW
313451	05/12/94	30	JW
313451	05/18/94	30	JW
313451	05/26/94	30	JW

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (5) Robert Oberlin Urfer as the Responsible Pharmacist did, on or about the following dates, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold the following units of Xanax over the amount authorized by the practitioner and not for a legitimate medical purpose:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Illegal Amount Dispensed</u>	<u>R.Ph.</u>
299716	07/21/93	Xanax 0.25mg	15	JW
302997	09/25/93	Xanax 0.25mg	20	RU
302997	09/29/93	Xanax 0.25mg	25	JW
304997	09/18/93	Xanax 0.25mg	15	JW
306131	12/18/93	Xanax 0.5mg	5	RU
306131	12/24/93	Xanax 0.5mg	25	JW
306131	12/28/93	Xanax 0.5mg	25	JW
306131	01/06/94	Xanax 0.5mg	25	JW
306131	01/14/94	Xanax 0.5mg	50	JW

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (6) Robert Oberlin Urfer as the Responsible Pharmacist did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapter 3719. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or pharmacists under his control sold the following prescription refills above the number authorized by law:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>	<u>R.Ph.</u>
290379	10/23/92	Xanax 0.25mg	45	FW
311332	01/26/94	Xanax 0.5mg	30	JW
311332	02/03/94	Xanax 0.5mg	30	JW
311332	02/17/94	Xanax 0.5mg	30	JW
311332	02/21/94	Xanax 0.5mg	30	JW
311332	03/11/94	Xanax 0.5mg	30	JW
311332	03/16/94	Xanax 0.5mg	10	JW
311332	03/18/94	Xanax 0.5mg	30	JW
311332	03/24/94	Xanax 0.5mg	30	JW
311332	03/30/94	Xanax 0.5mg	30	JW
311332	04/05/94	Xanax 0.5mg	30	JW
311332	04/11/94	Xanax 0.5mg	30	JW
311332	04/15/94	Xanax 0.5mg	30	JW
311332	04/22/94	Xanax 0.5mg	30	JW
311332	04/29/94	Xanax 0.5mg	30	JW
311332	05/05/94	Xanax 0.5mg	30	JW

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (7) Robert Oberlin Urfer as the Responsible Pharmacist did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: the following prescriptions were removed from the files and verified as being altered and/or forged:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>	<u>R.Ph.</u>
300304	05/13/93	APAP with Codeine #4	45	JW
300304	05/25/93	APAP with Codeine #4	45	JW
300304	06/01/93	APAP with Codeine #4	45	JW
304855	09/06/93	Tylenol #4	90	JW
306348	09/08/93	Dilaudid 4	60	JW
304855	09/13/93	Tylenol #4	90	JW
304855	09/21/93	Tylenol #4	90	JW
304855	09/27/93	Tylenol #4	90	JW
304855	10/04/93	Tylenol #4	90	JW
306888	10/20/93	Percocet	60	JW
304855	10/11/93	Tylenol #4	90	JW
307942	11/11/93	Percodan	60	JW
308516	11/24/93	Percocet	90	JW
308849	12/01/93	Percodan	90	JW
309039	12/03/93	Percodan	90	JW
309239	12/10/93	Percodan	90	JW
309384	12/11/93	Percodan	90	JW
312142	02/04/94	Tylenol #3	20	JW
312142	02/08/94	Tylenol #3	20	JW
312142	02/10/94	Tylenol #3	20	JW
312142	03/03/94	Tylenol #3	20	JW
314886	04/06/94	Lorcet 10/650	80	JW
314978	04/06/94	Tylenol #4	90	JW
314980	04/08/94	Darvocet-N 100/650	80	JW
315175	04/12/94	Lorcet 10/650	80	JW
314886	04/19/94	Lorcet 10/650	80	JW
315175	04/26/94	Lorcet 10/650	80	JW
315175	05/02/94	Lorcet 10/650	80	JW
315175	05/05/94	Lorcet 10/650	80	JW
315175	05/12/94	Lorcet 10/650	80	JW

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (8) Robert Oberlin Urfer as the Responsible Pharmacist did, from April 14, 1993, through November 19, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 50 dates, over a 219-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #13 when not for a legitimate medical purpose:

04/14/93, 04/17/93, 04/21/93, 04/23/93, 04/27/93, 04/28/93, 05/01/93, 05/03/93, 05/11/93, 05/17/93, 05/22/93, 06/02/93, 06/04/93, 06/06/93, 06/09/93, 06/18/93, 06/29/93, 07/02/93, 07/05/93, 07/07/93, 07/10/93, 07/15/93, 07/18/93, 07/26/93, 07/30/93, 08/11/93, 08/13/93, 08/15/93, 08/27/93, 08/29/93, 09/01/93, 09/05/93, 09/07/93, 09/10/93, 09/12/93, 09/15/93, 09/24/93, 09/26/93, 09/28/93, 10/01/93, 10/04/93, 10/16/93, 10/25/93, 10/30/93, 11/01/93, 11/03/93, 11/06/93, 11/12/93, 11/13/93, and 11/19/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (9) Robert Oberlin Urfer as the Responsible Pharmacist did, from December 22, 1992, through December 28, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 169 dates, over a 371-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #139 when not for a legitimate medical purpose:

12/22/92, 12/24/92, 12/26/92, 12/28/92, 12/30/92, 01/03/93, 01/05/93, 01/07/93, 01/09/93, 01/11/93, 01/13/93, 01/16/93, 01/20/93, 01/22/93, 01/24/93, 01/26/93, 01/29/93, 02/01/93, 02/03/93, 02/05/93, 02/07/93, 02/10/93, 02/12/93, 02/14/93, 02/17/93, 02/20/93, 02/22/93, 02/24/93, 02/27/93, 03/01/93, 03/03/93, 03/06/93, 03/08/93, 03/11/93, 03/13/93, 03/15/93, 03/17/93, 03/20/93, 03/22/93, 03/24/93, 03/27/93, 03/29/93, 03/31/93, 04/03/93, 04/07/93, 04/10/93, 04/14/93, 04/16/93, 04/18/93, 04/19/93, 04/21/93, 04/23/93, 04/26/93, 04/28/93, 05/01/93, 05/03/93, 05/05/93, 05/07/93, 05/08/93, 05/09/93, 05/12/93, 05/14/93, 05/16/93, 05/18/93, 05/21/93, 05/23/93, 05/26/93, 05/30/93, 06/01/93, 06/03/93, 06/05/93, 06/07/93, 06/09/93, 06/12/93, 06/15/93, 06/17/93, 06/19/93, 06/21/93, 06/23/93, 06/25/93, 06/27/93, 06/29/93, 07/03/93, 07/05/93, 07/07/93, 07/09/93, 07/12/93, 07/14/93, 07/16/93, 07/18/93, 07/20/93, 07/22/93, 07/24/93, 07/26/93, 07/28/93, 07/30/93, 08/03/93, 08/05/93, 08/07/93, 08/09/93, 08/11/93, 08/13/93, 08/15/93, 08/17/93, 08/19/93, 08/21/93, 08/23/93, 08/25/93, 08/27/93, 08/29/93, 08/31/93, 09/02/93, 09/04/93, 09/06/93, 09/08/93, 09/10/93, 09/12/93, 09/14/93, 09/16/93, 09/18/93, 09/20/93, 09/22/93, 09/24/93, 09/26/93, 09/28/93, 09/30/93, 10/04/93, 10/06/93, 10/08/93, 10/10/93, 10/12/93, 10/14/93, 10/16/93, 10/18/93, 10/20/93, 10/22/93, 10/24/93, 10/26/93, 10/28/93, 10/30/93, 11/01/93, 11/03/93, 11/05/93, 11/07/93, 11/09/93, 11/11/93, 11/13/93, 11/15/93, 11/17/93, 11/19/93, 11/22/93, 11/24/93, 11/26/93, 11/28/93, 11/30/93, 12/02/93, 12/04/93, 12/06/93, 12/08/93, 12/10/93, 12/12/93, 12/14/93, 12/16/93, 12/18/93, 12/20/93, 12/22/93, 12/24/93, 12/26/93, and 12/28/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (10) Robert Oberlin Urfer as the Responsible Pharmacist did, from March 28, 1993, through November 28, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 28 dates, over a 245-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #20 when not for a legitimate medical purpose:

03/28/93, 04/09/93, 04/22/93, 04/26/93, 05/16/93, 05/25/93, 06/17/93, 06/29/93, 07/02/93, 07/10/93, 07/21/93, 07/24/93, 08/05/93, 08/12/93, 08/14/93, 08/16/93, 08/22/93, 08/26/93, 08/28/93, 09/06/93, 09/11/93, 09/13/93, 10/06/93, 10/22/93, 10/24/93, 11/09/93, 11/15/93, and 11/28/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (11) Robert Oberlin Urfer as the Responsible Pharmacist did, from January 15, 1993, through June 8, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 34 dates, over a 144-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #45 when not for a legitimate medical purpose:

01/15/93, 01/17/93, 01/19/93, 01/21/93, 01/23/93, 01/26/93, 01/28/93, 01/30/93, 02/04/93, 02/06/93, 02/09/93, 02/11/93, 02/18/93, 02/20/93, 02/22/93, 02/26/93, 03/01/93, 03/03/93, 03/09/93, 03/21/93, 03/23/93, 03/28/93, 03/29/93, 03/30/93, 04/11/93, 04/13/93, 04/15/93, 04/17/93, 05/21/93, 05/28/93, 05/31/93, 06/02/93, 06/04/93, and 06/08/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (12) Robert Oberlin Urfer as the Responsible Pharmacist did, from March 5, 1993, through January 8, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 85 dates, over a 309-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #61 when not for a legitimate medical purpose:

03/05/93, 03/15/93, 03/24/93, 03/28/93, 04/01/93, 04/07/93, 04/11/93, 04/13/93, 04/23/93, 04/27/93, 05/01/93, 05/07/93, 05/11/93, 05/18/93, 05/23/93, 05/25/93, 05/29/93, 05/31/93, 06/04/93, 06/08/93, 06/13/93, 06/16/93, 06/20/93, 06/22/93, 06/24/93, 06/26/93, 06/28/93, 06/30/93, 07/02/93, 07/04/93, 07/06/93, 07/08/93, 07/10/93, 07/12/93, 07/14/93, 07/16/93, 07/18/93, 07/20/93, 07/22/93, 07/24/93, 07/26/93, 07/28/93, 07/30/93, 08/01/93, 08/03/93, 08/05/93, 08/07/93, 08/09/93, 08/11/93, 08/13/93, 08/15/93, 08/17/93, 08/19/93, 08/21/93, 08/23/93, 08/25/93, 08/27/93, 08/29/93, 08/31/93, 10/17/93, 10/20/93, 10/22/93, 10/24/93, 10/27/93, 10/29/93, 11/02/93, 11/04/93, 11/07/93, 11/08/93, 11/10/93, 11/12/93, 11/14/93, 11/16/93, 11/18/93, 11/21/93, 11/23/93, 11/25/93, 11/27/93, 11/30/93, 12/07/93, 12/19/93, 12/24/93, 12/26/93, 12/28/93, and 01/08/94.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (13) Robert Oberlin Urfer as the Responsible Pharmacist did, from October 8, 1991, through January 9, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 200 dates, over an 824-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #66 when not for a legitimate medical purpose:

10/08/91, 10/15/91, 10/22/91, 10/29/91, 11/07/91, 11/12/91, 11/25/91, 12/15/91, 01/01/92, 01/15/92, 01/24/92, 02/01/92, 02/07/92, 02/12/92, 02/19/92, 02/26/92, 03/01/92, 03/06/92, 03/12/92, 03/18/92, 03/25/92, 03/28/92, 04/03/92, 04/13/92, 04/18/92, 04/24/92, 04/30/92, 05/06/92, 05/24/92, 05/30/92, 06/07/92, 06/17/92, 06/21/92, 06/26/92, 07/02/92, 07/05/92, 07/13/92, 07/15/92, 07/21/92, 07/25/92, 08/03/92, 08/09/92, 08/13/92, 08/15/92, 08/28/92, 08/30/92, 09/07/92, 09/11/92, 09/13/92, 09/17/92, 09/27/92, 10/01/92, 10/09/92, 10/17/92, 10/20/92, 10/22/92, 10/28/92, 10/30/92, 11/01/92, 11/03/92, 11/05/92, 11/07/92, 11/09/92, 11/11/92, 11/13/92, 11/15/92, 11/19/92, 11/21/92, 11/25/92, 11/27/92, 12/01/92, 12/03/92, 12/09/92, 01/01/93, 01/03/93, 01/07/93, 01/27/93, 01/30/93, 02/03/93, 02/05/93, 02/07/93, 02/09/93, 02/13/93, 02/21/93, 02/23/93, 02/26/93, 02/28/93, 03/02/93, 03/04/93, 03/06/93, 03/08/93, 03/10/93, 03/12/93, 03/14/93, 03/16/93, 03/18/93, 03/20/93, 03/22/93, 03/24/93, 03/26/93, 03/28/93, 03/30/93, 04/03/93, 04/05/93, 04/07/93, 04/09/93, 04/11/93, 04/13/93, 04/15/93, 04/17/93, 04/19/93, 04/21/93, 04/23/93, 04/25/93, 04/27/93, 04/29/93, 05/01/93, 05/03/93, 05/05/93, 05/07/93, 05/11/93, 05/13/93, 05/15/93, 05/17/93, 05/19/93, 05/21/93, 05/23/93, 05/25/93, 05/27/93, 05/29/93, 05/31/93, 06/02/93, 06/06/93, 06/10/93, 06/14/93, 06/20/93, 06/24/93, 06/26/93, 06/28/93, 06/30/93, 07/02/93, 07/06/93, 07/08/93, 07/10/93, 07/12/93, 07/14/93, 07/17/93, 07/19/93, 07/21/93, 07/23/93, 07/25/93, 07/27/93, 07/29/93, 07/31/93,

08/02/93, 08/04/93, 08/06/93, 08/08/93, 08/10/93, 08/12/93, 08/14/93, 08/16/93, 08/18/93, 08/20/93, 08/22/93, 08/24/93, 08/26/93, 08/28/93, 08/30/93, 09/01/93, 09/03/93, 09/15/93, 09/17/93, 09/19/93, 09/21/93, 09/23/93, 09/25/93, 09/27/93, 09/29/93, 10/01/93, 10/03/93, 10/05/93, 10/09/93, 10/11/93, 10/13/93, 10/15/93, 10/17/93, 10/19/93, 10/21/93, 10/23/93, 10/25/93, 10/27/93, 10/29/93, 10/31/93, 11/02/93, 12/06/93, 12/22/93, 12/25/93, 12/30/93, and 01/09/94.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (14) Robert Oberlin Urfer as the Responsible Pharmacist did, from October 2, 1992, through November 15, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 109 dates, over a 409-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #79 when not for a legitimate medical purpose:

10/02/92, 10/04/92, 10/07/92, 10/12/92, 10/18/92, 10/22/92, 10/24/92, 10/28/92, 11/06/92, 11/08/92, 12/01/92, 12/07/92, 12/09/92, 12/13/92, 12/15/92, 12/18/92, 12/20/92, 12/23/92, 12/25/92, 12/28/92, 12/31/92, 01/02/93, 01/06/93, 01/08/93, 01/11/93, 01/13/93, 01/17/93, 01/19/93, 01/24/93, 01/27/93, 01/29/93, 01/31/93, 02/02/93, 02/04/93, 02/06/93, 02/08/93, 02/12/93, 02/14/93, 02/17/93, 02/20/93, 02/24/93, 02/28/93, 03/02/93, 03/06/93, 03/08/93, 03/10/93, 03/12/93, 03/14/93, 03/16/93, 03/18/93, 03/20/93, 03/26/93, 04/05/93, 04/08/93, 04/09/93, 04/11/93, 04/17/93, 04/27/93, 04/30/93, 05/02/93, 05/05/93, 05/08/93, 05/10/93, 05/13/93, 05/20/93, 05/28/93, 05/30/93, 06/02/93, 06/05/93, 06/08/93, 06/12/93, 06/19/93, 06/21/93, 06/24/93, 06/29/93, 07/01/93, 07/03/93, 07/05/93, 07/08/93, 07/10/93, 07/12/93, 07/17/93, 07/20/93, 07/24/93, 07/26/93, 07/30/93, 08/04/93, 08/07/93, 08/09/93, 08/13/93, 08/17/93, 08/21/93, 08/28/93, 09/06/93, 09/16/93, 09/18/93, 09/26/93, 10/02/93, 10/09/93, 10/11/93, 10/13/93, 10/16/93, 10/19/93, 10/23/93, 10/25/93, 10/30/93, 11/06/93, 11/13/93, and 11/15/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (15) Robert Oberlin Urfer as the Responsible Pharmacist did, from March 9, 1993, through December 31, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 119 dates, over a 297-day time period, an exempt narcotic preparation excepted pursuant to

Section 3719.15(A)(3) of the Ohio Revised Code to patient #80 when not for a legitimate medical purpose:

03/09/93, 03/11/93, 03/13/93, 03/18/93, 03/20/93, 03/26/93, 03/30/93, 04/02/93, 04/06/93, 04/07/93, 04/09/93, 04/10/93, 04/12/93, 04/13/93, 04/14/93, 04/15/93, 04/17/93, 04/18/93, 04/20/93, 04/21/93, 04/22/93, 04/23/93, 04/24/93, 04/25/93, 04/26/93, 04/28/93, 04/30/93, 05/05/93, 05/06/93, 05/07/93, 05/08/93, 05/09/93, 05/15/93, 05/16/93, 05/18/93, 05/20/93, 05/21/93, 05/22/93, 05/23/93, 05/25/93, 05/27/93, 05/29/93, 05/31/93, 06/02/93, 06/04/93, 06/09/93, 06/11/93, 06/14/93, 06/16/93, 06/18/93, 06/20/93, 06/22/93, 06/24/93, 06/25/93, 06/28/93, 06/30/93, 07/05/93, 07/07/93, 07/09/93, 07/12/93, 07/14/93, 07/16/93, 07/22/93, 07/24/93, 07/26/93, 07/28/93, 07/30/93, 08/02/93, 08/06/93, 08/09/93, 08/16/93, 08/21/93, 08/24/93, 08/26/93, 08/28/93, 08/30/93, 09/01/93, 09/04/93, 09/10/93, 09/12/93, 09/13/93, 09/15/93, 09/17/93, 09/19/93, 09/21/93, 09/24/93, 10/01/93, 10/03/93, 10/05/93, 10/08/93, 10/11/93, 10/13/93, 10/15/93, 10/17/93, 10/21/93, 10/25/93, 10/30/93, 11/01/93, 11/05/93, 11/07/93, 11/09/93, 11/11/93, 11/14/93, 11/16/93, 11/18/93, 11/27/93, 11/29/93, 12/03/93, 12/05/93, 12/07/93, 12/09/93, 12/11/93, 12/13/93, 12/17/93, 12/19/93, 12/21/93, 12/23/93, 12/25/93, and 12/31/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code as was in effect prior to July 1, 1996).

- (16) Robert Oberlin Urfer as the Responsible Pharmacist did, from August 19, 1991, through December 30, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 180 dates, over an 864-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #99 when not for a legitimate medical purpose:

08/19/91, 08/23/91, 08/27/91, 08/29/91, 09/03/91, 09/06/91, 09/10/91, 09/12/91, 09/17/91, 10/11/91, 10/14/91, 10/22/91, 10/25/91, 10/31/91, 11/06/91, 11/12/91, 11/19/91, 11/22/91, 12/03/91, 12/10/91, 12/12/91, 12/18/91, 12/21/91, 12/27/91, 01/02/92, 01/09/92, 01/19/92, 01/22/92, 01/29/92, 02/07/92, 02/14/92, 02/18/92, 02/24/92, 03/03/92, 03/09/92, 03/14/92, 03/19/92, 03/26/92, 03/31/92, 04/07/92, 04/14/92, 04/18/92, 04/22/92, 05/05/92, 05/19/92, 05/22/92, 05/26/92, 05/29/92, 06/02/92, 06/09/92, 06/14/92, 06/16/92, 06/22/92, 06/24/92, 06/27/92, 07/01/92, 07/21/92, 07/23/92, 07/27/92, 08/02/92, 08/16/92, 08/18/92, 08/23/92, 08/26/92, 08/31/92, 09/03/92, 09/08/92, 09/10/92, 09/15/92, 09/21/92, 09/24/92, 09/30/92, 10/02/92, 10/06/92, 10/09/92, 10/16/92, 10/18/92, 10/21/92, 10/30/92, 11/06/92, 11/12/92, 11/19/92, 11/21/92, 11/24/92, 12/02/92, 03/02/93, 03/04/93, 03/11/93, 03/13/93, 03/17/93, 03/21/93, 03/25/93, 03/30/93, 04/03/93, 04/05/93, 04/08/93, 04/12/93, 04/15/93, 04/19/93, 04/21/93, 04/29/93, 05/06/93, 05/09/93, 05/12/93, 05/15/93, 05/23/93, 05/25/93, 05/29/93, 06/03/93, 06/05/93, 06/07/93, 06/09/93, 06/11/93, 06/14/93, 06/16/93, 06/20/93, 06/23/93, 06/26/93, 06/30/93, 07/02/93, 07/04/93, 07/06/93, 07/09/93, 07/12/93, 07/14/93, 07/17/93, 07/19/93, 07/21/93, 07/24/93, 07/26/93, 07/29/93, 08/01/93, 08/03/93, 08/07/93, 08/11/93, 08/13/93, 08/15/93, 08/17/93, 08/19/93, 08/22/93, 08/25/93, 08/27/93, 08/30/93, 09/01/93, 09/03/93, 09/05/93, 09/09/93, 09/11/93, 09/13/93, 09/15/93, 09/24/93, 09/28/93, 09/30/93, 10/02/93, 10/06/93, 10/11/93, 10/13/93, 10/15/93, 10/17/93, 10/20/93, 10/22/93, 10/30/93, 11/05/93, 11/08/93, 11/12/93, 11/14/93, 11/18/93, 11/20/93, 11/24/93, 11/26/93, 11/28/93, 12/02/93, 12/04/93, 12/06/93, 12/09/93, 12/13/93, 12/16/93, 12/18/93, 12/28/93, and 12/30/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (17) Robert Oberlin Urfer as the Responsible Pharmacist did, from September 13, 1991, through March 6, 1994, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 191 dates, over a 905-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #111 when not for a legitimate medical purpose:

09/13/91, 09/26/91, 10/02/91, 10/09/91, 10/14/91, 12/03/91, 12/13/91, 12/24/91, 01/02/92, 01/10/92, 01/16/92, 01/25/92, 02/03/92, 02/11/92, 02/17/92, 02/24/92, 03/05/92, 03/15/92, 03/22/92, 03/28/92, 04/10/92, 04/18/92, 04/24/92, 04/29/92, 06/13/92, 06/26/92, 07/03/92, 07/08/92, 07/12/92, 07/17/92, 07/22/92, 07/26/92, 07/30/92, 08/03/92, 08/07/92, 08/15/92, 08/19/92, 08/21/92, 08/29/92, 09/04/92, 09/07/92, 09/08/92, 09/12/92, 09/15/92, 09/18/92, 09/20/92, 09/22/92, 09/26/92, 09/28/92, 10/06/92, 10/08/92, 10/16/92, 10/23/92, 10/26/92, 10/30/92, 11/08/92, 11/11/92, 11/13/92, 11/20/92, 11/26/92, 12/05/92, 12/09/92, 12/15/92,

12/19/92, 12/22/92, 12/26/92, 12/31/92, 01/03/93, 01/10/93, 01/14/93, 01/17/93, 01/20/93, 01/24/93, 01/28/93, 02/03/93, 02/07/93, 02/10/93, 02/14/93, 02/20/93, 02/26/93, 03/07/93, 03/15/93, 03/19/93, 04/11/93, 04/18/93, 04/27/93, 04/30/93, 05/02/93, 05/05/93, 05/11/93, 05/14/93, 05/19/93, 05/21/93, 05/23/93, 05/26/93, 05/28/93, 05/31/93, 06/04/93, 06/06/93, 06/12/93, 06/16/93, 06/18/93, 06/20/93, 06/22/93, 06/24/93, 06/26/93, 06/28/93, 06/30/93, 07/03/93, 07/08/93, 07/10/93, 07/12/93, 07/15/93, 07/17/93, 07/24/93, 07/26/93, 07/28/93, 07/30/93, 08/01/93, 08/03/93, 08/06/93, 08/08/93, 08/10/93, 08/13/93, 08/15/93, 08/17/93, 08/20/93, 08/22/93, 08/25/93, 08/27/93, 08/29/93, 08/31/93, 09/03/93, 09/06/93, 09/08/93, 09/10/93, 09/12/93, 09/15/93, 09/16/93, 09/18/93, 09/21/93, 09/23/93, 09/25/93, 09/27/93, 09/29/93, 10/01/93, 10/03/93, 10/05/93, 10/07/93, 10/09/93, 10/11/93, 10/13/93, 10/16/93, 10/18/93, 10/20/93, 10/22/93, 10/24/93, 10/26/93, 10/28/93, 10/30/93, 11/01/93, 11/03/93, 11/09/93, 11/11/93, 11/14/93, 11/16/93, 11/19/93, 11/23/93, 11/26/93, 11/28/93, 11/30/93, 12/08/93, 12/10/93, 12/12/93, 12/14/93, 12/16/93, 12/18/93, 12/20/93, 12/22/93, 12/24/93, 12/26/93, 01/20/94, 01/30/94, 02/05/94, 02/08/94, 02/10/94, 02/14/94, 02/20/94, 02/26/94, 03/04/94, and 03/06/94.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (18) Robert Oberlin Urfer as the Responsible Pharmacist did, from February 12, 1993, through July 25, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 30 dates, over a 163-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #117 when not for a legitimate medical purpose:

02/12/93, 02/19/93, 02/23/93, 02/25/93, 03/01/93, 03/03/93, 03/08/93, 03/20/93, 03/22/93, 03/31/93, 04/02/93, 04/05/93, 04/10/93, 04/13/93, 04/19/93, 04/24/93, 04/29/93, 05/02/93, 05/04/93, 05/10/93, 05/13/93, 05/17/93, 05/22/93, 06/02/93, 06/12/93, 06/28/93, 07/01/93, 07/03/93, 07/19/93, and 07/25/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code as was in effect prior to July 1, 1996).

- (19) Robert Oberlin Urfer as the Responsible Pharmacist did, from December 29, 1992, through June 8, 1993, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Robert Oberlin Urfer and/or a pharmacist under his control sold on each of the following 72 dates, over a 161-day time period, an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #127 when not for a legitimate medical purpose:

12/29/92, 12/31/92, 01/02/93, 01/06/93, 01/09/93, 01/11/93, 01/14/93, 01/16/93, 01/17/93, 01/19/93, 01/21/93, 01/24/93, 01/26/93, 01/28/93, 01/30/93, 01/31/93, 02/04/93, 02/06/93, 02/08/93, 02/10/93, 02/12/93, 02/13/93, 02/15/93, 02/17/93, 02/19/93, 02/21/93, 02/22/93, 02/24/93, 02/25/93, 03/03/93, 03/05/93, 03/06/93, 03/08/93, 03/12/93, 03/14/93, 03/15/93, 03/18/93, 03/20/93, 03/22/93, 03/25/93, 03/27/93, 03/28/93, 03/29/93, 04/11/93, 04/12/93, 04/13/93, 04/15/93, 04/17/93, 04/18/93, 04/19/93, 04/21/93, 04/23/93, 04/27/93, 05/02/93, 05/03/93, 05/05/93, 05/06/93, 05/16/93, 05/17/93, 05/19/93, 05/20/93, 05/22/93, 05/23/93, 05/25/93, 05/28/93, 05/29/93, 05/30/93, 05/31/93, 06/02/93, 06/04/93, 06/06/93, and 06/08/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (19) 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 paragraphs (2) through (19) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. or 3719. 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 Robert Oberlin Urfer:

- (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 indefinitely the pharmacist identification card, No. 03-1-09283, held by Robert Oberlin Urfer.

- (B) Further, the Board stays the suspension and places Robert Oberlin Urfer on probation for five years, effective as of the mailing of this Order. The terms of probation are as follows:

(1) Robert Oberlin Urfer must take and successfully complete, prior to July 31, 1997, the Jurisprudence Examination offered by the Board. If Robert Oberlin Urfer has not successfully completed the examination prior to July 31, 1997, his license will be suspended until this condition has been achieved. Division (B) of Section 4729.16 of the Ohio Revised Code provides: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

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

(3) Robert Oberlin Urfer must not violate the drug laws of the state of Ohio, any other state, or the federal government.

(4) Robert Oberlin Urfer must abide by the rules of the Ohio State Board of Pharmacy.

(5) Robert Oberlin Urfer 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.

- (C) 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 twenty thousand dollars (\$20,000) due and owing within thirty (30) 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 S. High Street, 17th Floor, Columbus, Ohio 43266-0320.

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

MOTION CARRIED.

SO ORDERED.