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OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-941110-024)

In The Matter Of:

**ALBERT I. WEINSTEIN, R.Ph.**  
2815 Chadwick St. N.W.  
Massillon, Ohio 44646  
(R.Ph. No. 03-1-09373)

INTRODUCTION

THE MATTER OF ALBERT I. WEINSTEIN CAME TO HEARING ON JANUARY 25, 1995, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); 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.; WAYNE C. MILLER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

ALBERT I. WEINSTEIN WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY ROBERT J. McCLAREN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) James Reye, Ohio State Board of Pharmacy
- (2) David Gallagher, Ohio State Board of Pharmacy
- (3) Albert Weinstein, R.Ph., Respondent

Respondent's Witnesses:

- (1) Barbara Lynn Weinstein
- (2) David Weinstein, R.Ph.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Order of the State Board of Pharmacy, Docket No. D-940126-041, in the matter of Albert I. Weinstein dated August 15, 1994.
- (2) Exhibit 2--Hearing Request letter dated November 6, 1994.
- (3) Exhibit 3--Hearing Schedule letter dated November 10, 1994.
- (4) Exhibit 4--Copy of three-page handwritten statement of Albert I. Weinstein dated August 18, 1992.
- (5) Exhibit 5--Copy of prescription, number illegible, for patient Bill Paul, written for Hycodan Syrup, 480ml Hydromet Syrup dispensed on May 27, 1992.
- (6) Exhibit 6--Copy of handwritten statement of James A. Kellar, not dated.

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**OHIO STATE BOARD OF PHARMACY**

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- (7) Exhibit 7--Copy of letter from Forest B. Stoudt dated September 2, 1992.
- (8) Exhibit 8--Copy of Discount Drug Mart #26 Security Department Incident Report dated August 18, 1992.
- (9) Exhibit 9--Copy of Judgment Entry in the Stark County Common Pleas Court, Case No. 92-CR-2769, of Albert I. Weinstein dated January 6, 1994; copy of Plea in the Stark County Common Pleas Court, Case No. 92-CR-2769, of Albert I. Weinstein dated January 5, 1994; and copies of Sections 2913.31, 2925.03, and 2925.23 of the Ohio Revised Code.
- (10) Exhibit 10--Copy of Judgment Entry in the Tuscarawas County Common Pleas Court, Case No. 92-CR-120301, of Albert I. Weinstein dated March 8, 1994.

Respondent's Exhibits:

- (1) Exhibit A--Letter from David M. Boyer and Robert L. Kerek dated January 19, 1995.
- (2) Exhibit B--Letter from Wayne L. Kerek dated November 22, 1994; letter from William H. Kendrick dated January 18, 1995; letter from Rex Shepherd dated January 11, 1995; letter from Randy Muntean dated January 20, 1995; copy of letter from David M. Boyer dated January 19, 1995; and letter from Robert Kerek dated January 17, 1995.
- (3) Exhibit C--Four-page Schedule of Meetings of Albert Weinstein dated from August 18th to January 22, 1995.
- (4) Exhibit D--Copy of Quest Recovery Services Initial Treatment Plan of Albert Weinstein dated November 4, 1994.
- (5) Exhibit E--Six Certification of Continuing Pharmaceutical Education Participation forms of Albert Weinstein numbered as follows: 189-761-91-004, 189-761-91-005, 189-761-91-006, 189-761-91-007, 189-761-92-009, and 680-313-91-013; and copies of two Certificates of Successful Completion of Albert I. Weinstein for C.E. Program Numbers 679300-92025 and 67930093009.
- (6) Exhibit F--Four receipts for payment to Mental Health Center of Western Stark County, Inc. of Albert Weinstein dated July 20, 1994, August 17, 1994, September 14, 1994, and October 12, 1994.
- (7) Exhibit G--Copies of five urinalysis drug screen reports of Albert Weinstein dated February 11, 1994, May 20, 1994, November 1, 1994, November 24, 1994, and December 15, 1994.
- (8) Exhibit H--Certificate of Appreciation of Al Weinstein dated December 14, 1994.
- (9) Exhibit J--Letter from Nick A. Kallis dated January 25, 1995.
- (10) Exhibit K--Facsimile from Nick A. Kallis dated January 25, 1995.

FINDING 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) Albert I. Weinstein has complied with the requirements of the Order of the State Board of Pharmacy, Docket No. D-940126-041, dated August 15, 1994.

ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of Albert I. Weinstein's pharmacist identification card to practice pharmacy in the state of Ohio and places him on probation for five years, effective as of the date of the mailing of this Order, with the following conditions:

- (A) Albert I. Weinstein must provide evidence that he has entered into a new contract with the Pharmacists Rehabilitation Organization or a similar alcohol and/or drug addiction treatment provider acceptable to the Board for a period of not less than five years. The contract must provide that:
  - (1) random, **observed** urine screens shall be conducted at least once every three months. The urine drug screens must include reporting of specific gravity;
  - (2) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required during outpatient treatment and/or during aftercare;
  - (3) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and
  - (4) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Albert I. Weinstein must submit a copy of the signed contract to the Board prior to reinstatement.
- (C) Albert I. Weinstein must submit quarterly progress reports to the Board; due January 10; April 10; July 10; and October 10; of each year of probation, that include:
  - (1) The written report and documentation provided by the treatment program pursuant to the contract, and
  - (2) a written description of his progress towards recovery and what he has been doing during the previous three months.
- (D) Other terms of probation are as follows:
  - (1) Albert I. Weinstein must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
  - (2) Albert I. Weinstein must not violate the drug laws of the state of Ohio, any other state, or the federal government.
  - (3) Albert I. Weinstein must abide by the rules of the Ohio State Board of Pharmacy.
  - (4) Albert I. Weinstein must comply with the terms of this Order.

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OHIO STATE BOARD OF PHARMACY

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- (E) Albert I. Weinstein is hereby advised that 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.

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

The Board further stipulates that Albert I. Weinstein may not serve as a responsible pharmacist while on probation.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-0).

MOTION CARRIED.

SO ORDERED.



# OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: [exec@bop.state.oh.us](mailto:exec@bop.state.oh.us)

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[www.pharmacy.ohio.gov](http://www.pharmacy.ohio.gov)

## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-940126-041)

In The Matter Of:

### **ALBERT I. WEINSTEIN, R.Ph.**

2815 Chadwick St. N.E.

Massillon, Ohio 44646

(R.Ph. No. 03-1-09373)

### INTRODUCTION

THE MATTER OF ALBERT I. WEINSTEIN CAME TO HEARING ON JUNE 30, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; TIMOTHY D. MOORE, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

ALBERT I. WEINSTEIN WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY GREGG THORNTON, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### (A) Testimony

State's Witnesses:

- (1) James Reye, Ohio State Board of Pharmacy
- (2) David Gallagher, Ohio State Board of Pharmacy
- (3) Albert Weinstein, Respondent

Respondent's Witnesses:

- (1) None

#### (B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Summary Suspension Order/Notice of Opportunity letter dated January 26, 1994.
- (2) Exhibit 1A - Hearing Request letter dated January 31, 1994.
- (3) Exhibit 1B - Hearing Schedule letter dated February 9, 1994.
- (4) Exhibit 1C - Continuance Request letter dated February 9, 1994 (sic 1994).

- (5) Exhibit 1D - Hearing Schedule letter dated February 25, 1994.
- (6) Exhibit 1E - Pharmacist File Front Sheet of Albert I. Weinstein showing original date of registration as January 9, 1970, and Renewal Application for Pharmacist License, No. 03-1-09373, for a license to practice pharmacy in Ohio from September 15, 1993, to September 15, 1994, of Albert I. Weinstein dated August 6, 1993.
- (7) Exhibit 2 - Certified copies of Judgment Entry Change of Plea and Application for Probation in the Court of Common Pleas, Stark County, Ohio, Case No. 92-CR-2769, dated January 6, 1994; Plea of Guilty in the Court of Common Pleas, Stark County, Ohio, Case No. 92-CR-2769, dated January 5, 1994; and Sections 2925.03, 2913.31, and 2925.23 of the Ohio Revised Code.
- (8) Exhibit 3 - Prescription number 0316-514919.
- (9) Exhibit 4 - Four-page Revco, Store No. 0316, Prescription Access Link, Patient Insurance Profile from January 1, 1989, to August 20, 1992, of Charles B. Coble dated August 20, 1992.
- (10) Exhibit 5 - Prescription labels numbered 0316-507414 and 0316-518856.
- (11) Exhibit 6 - Patient Dispensing Detail of Bill Paul dated from March 3, 1991, to September 21, 1991.
- (12) Exhibit 7 - Three-page handwritten statement of Albert Weinstein signed and notarized September 1, 1992.
- (13) Exhibit 8 - Handwritten statement of Dr. M. K. Katirji, M.D. signed and notarized on September 3, 1992.
- (14) Exhibit 9 - Copy of eight-page Judgment Entry in the Court of Common Pleas, Tuscarawas County, Ohio, General Trial Division, Case No. 92-CR-120301, of Albert I. Weinstein dated January 3, 1994.
- (15) Exhibit 10 - Prescription number C306309.
- (16) Exhibit 11 - Nineteen-page computer printout of Alignment of Daily Log of Discount Drug Mart signed by Albert Weinstein on May 27, 1992.
- (17) Exhibit 12 - Three-page handwritten statement of Albert I. Weinstein signed and notarized on August 18, 1992.
- (18) Exhibit 14 - Twelve black and white surveillance photos of Albert I. Weinstein dated August 15, 1992, and August 17, 1992.
- (19) Exhibit 15 - Letter from Forest B. Stoudt regarding audit shortages at Discount Drug Mart #26 dated September 2, 1992; Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Discount Drug Mart, Terminal Distributor License No. 02-410900, for Adipex-P 37.5mg dated December 22, 1993; Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Discount Drug Mart, Terminal Distributor License No. 02-410900, for Hydromet Syrup 5mg/5ml dated December 22, 1993; and Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Discount Drug Mart, Terminal Distributor License No. 02-410900, for Hycodan Syrup 5mg/5ml dated December 22, 1993.
- (20) Exhibit 16 - Release of Information form of Albert I. Weinstein signed and notarized on September 2, 1992.
- (21) Exhibit 17 - Two-page copy of handwritten statement of Albert Weinstein dated September 30, 1991.
- (22) Exhibit 18 - Five-page Investigation Report of Revco Loss Prevention, Case No. 92-1-316-365-ET.
- (23) Exhibit 19 - Six-page Judgment Entry in the Court of Common Pleas, Tuscarawas County, Ohio, General Trial Division, Case No. 92-CR-120301, of Albert I. Weinstein dated March 8, 1994.

## Respondent's Exhibits:

- (1) Exhibit A - Two-page letter from Don Blocker dated August 19, 1992; letter from Barbara Goldberg dated November 23, 1993; letter from Ms. Alexandra Harpster dated June 14, 1994; copy of letter from J. Douglas Paulus, not dated; and two-page letter from Davis Hill, not dated.
- (2) Exhibit B - Copy of letter from Merrill H. Mellott, Jr. dated February 19, 1994; two pages of AA/NA verification sheets of Al Weinstein dated from September 11, 1992, to February 25, 1993; and page with four meetings listed, dated October 18, 1993, to February 4, 1994.
- (3) Exhibit C - Two-page copy of Pharmacists Rehabilitation Organization, Inc. Recovering Pharmacist's Contract of Al Weinstein dated September 3, 1992; thirteen letters from Nanette E. Roberson dated September 29, 1992, November 13, 1992, October 15, 1992, December 15, 1992, January 5, 1992 (sic 1993), February 5, 1993, March 3, 1993, April 1, 1993, April 27, 1993, May 26, 1993, June 22, 1993, July 21, 1993, and August 23, 1993; letter from Ralph Huhn dated May 18, 1994, with attached copy of Authorization for Release of Information form of Albert Weinstein dated May 18, 1994; five receipts for payment from the Mental Health Center of Western Stark County, Inc. of Albert Weinstein numbered as follows: 558982, 560727, 555523, 557513, and 564883; copy of Quest Recovery Services Verification Reminder with attached Financial Assessment of Albert Weinstein dated February 4, 1994, and two receipts numbered 5553 and 6087.
- (4) Exhibit D - Two-page letter from John P. Renner, approved by Ronald W. Briggs dated June 22, 1994; with two attached Conditions of Supervision of Albert I. Weinstein dated February 16, 1994, and March 22, 1994.
- (5) Exhibit E - Handwritten list of Self-Improvement Books-Tapes-Videos.
- (6) Exhibit F - Copies of two Quest Recovery Services Individual Specimen Reports of Albert Weinstein dated February 11, 1994, and May 20, 1994.
- (7) Exhibit G - Handwritten Schedule of Exhibits of Albert I. Weinstein dated June 20, 1994.
- (8) Exhibit H - Letter from Frederick W. P. Gibbs dated February 18, 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 Albert I. Weinstein was originally licensed to practice pharmacy in the state of Ohio on January 9, 1970, and his license was summarily suspended on January 26, 1994.
- (2) Albert I. Weinstein did, on or about January 5, 1994, plead guilty in the Common Pleas Court of Stark, Ohio, to felony drug abuse offenses under Chapter 2925. of the Ohio Revised Code, to wit: Albert I. Weinstein plead guilty to three counts of Trafficking in Drugs in violation of Section 2925.03(A)(1) of the Revised Code, felonies of the 4th degree, and five counts of False Registration Certificate in violation of Section 4729.61(C) of the Revised Code, felonies of the 4th degree.
- (3) Albert I. Weinstein did, on or about December 28, 1993, plead guilty in the Common Pleas Court of Tuscarawas, Ohio, to felony drug abuse offenses under Chapter 2925. of the Ohio Revised Code, to wit: Albert I. Weinstein plead guilty to 2

counts of Illegal Processing of Drug Documents in violation of Section 2925.23(A) of the Ohio Revised Code, felonies of the 4th degree.

- (4) Albert I. Weinstein was, on or about January 5, 1994, convicted in the Common Pleas Court of Stark County, Ohio, of three counts of Forgery in violation of Section 2913.31 of the Revised Code, felonies of the 4th degree, which are in addition to the allegations set forth in paragraph (2) above.
- (5) Albert I. Weinstein was, on or about December 28, 1993, convicted in the Common Pleas Court of Tuscarawas County, Ohio, of three counts of Drug Abuse in violation of Section 2925.11 of the Ohio Revised Code, misdemeanors of the 3rd degree, which are in addition to the allegations set forth in paragraph (3) above.
- (6) Albert I. Weinstein did, on or about June 6, 1991, July 24, 1991, and August 21, 1991, 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: on each occasion Albert I. Weinstein sold 100 tablets of Vicodin ES, a schedule III controlled substance, without a valid prescription, and Albert I. Weinstein forged prescription number 514919 to cover for the shortage of drug stock. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (7) Albert I. Weinstein did, on or about June 6, 1991, intentionally make and knowingly possess a false or forged prescription, to wit: Albert I. Weinstein forged and subsequently maintained on file prescription number 514919. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (8) Albert I. Weinstein did, on or about March 3, 1991, and August 1, 1991, make a false or forged prescription for a dangerous drug, to wit: you created prescriptions number 507414 and number 518856 for 100 units each of Lopressor 50mg which had not been prescribed by a practitioner. Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.
- (9) Albert I. Weinstein did, on or about March 3, 1991, August 1, 1991, April 22, 1991, June 12, 1991, and September 21, 1991, sell a dangerous drug without a valid prescription, to wit: on each occasion Albert I. Weinstein sold 100 units of Lopressor 50mg to a patient pursuant to prescriptions and their refills which he created without authorization from a practitioner. Such conduct is in violation of Section 3715.52(L) of the Ohio Revised Code.
- (10) Albert I. Weinstein did, on or about September 30, 1991, and dates immediately preceding, with the purpose to deprive, knowingly obtain or exert control over the property of another beyond the express or implied consent of the owner, Revco, to wit: Albert I. Weinstein stole both front-end merchandise and the controlled substances Darvocet N-100 and Hycodan Syrup without prescription. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (11) Albert I. Weinstein did, from May 1, 1991, through August 17, 1992, 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: while working at Discount Drug Mart, Albert I. Weinstein sold

116 Adipex-P 37.5mg, a schedule III controlled substance, without prescriptions. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (12) Albert I. Weinstein did, from May 1, 1991, through August 17, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while working at Discount Drug Mart, Albert I. Weinstein sold 8,842ml Hycodan Syrup 5mg/5ml, a schedule III controlled substance, and 7,245ml Hydromet Syrup 5mg/5ml, a schedule III controlled substance, without prescriptions. Such conduct is in violation of Section 2925.03(A)(10) of the Ohio Revised Code.
- (13) Albert I. Weinstein did, from May 1, 1991, through October 13, 1991, 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: while working at Revco, Albert I. Weinstein sold 158 Fastin 30mg, a schedule IV controlled substance; without prescriptions. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (14) Albert I. Weinstein did, from May 1, 1991, through October 13, 1991, 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: while working at Revco, Albert I. Weinstein sold 1,382 Darvocet N-100, a schedule IV controlled substance; without prescriptions. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (15) Albert I. Weinstein did, from May 1, 1991, through October 13, 1991, 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: while working at Revco, Albert I. Weinstein sold 149 Vicodin ES 7.5mg, a schedule III controlled substance; without prescriptions. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (16) Albert I. Weinstein did, from May 1, 1991, through August 17, 1992, knowingly sell a controlled substance in an amount equal to or exceeding one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while working at Revco, Albert I. Weinstein sold 7,022ml Hycodan Syrup 5mg/5ml without prescriptions. Such conduct is in violation of Section 2925.03 (A)(10) of the Ohio Revised Code.
- (17) Albert I. Weinstein is addicted to or abusing drugs and is impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Albert I. Weinstein has admitted to and knowingly obtained or exerted control over dangerous drugs beyond the scope of the consent of the owner. Albert I. Weinstein admitted to using controlled substances while practicing pharmacy. Albert I. Weinstein admitted that he consumed Hycodan and Hydromet cough syrups directly from the manufacturer container used for filling prescriptions, exhibiting a disregard for the health and safety of patients having prescriptions filled from that container.

## 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 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 (4) through (16) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct 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 (5) and (17) of the Findings of Fact constitute being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes having been convicted of a misdemeanor related to, or committed in, the practice of pharmacy as provided in Division (A)(4) of Section 4729.16 of the Ohio Revised Code.
- (5) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (16) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Sections 3715.72 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 Albert I. Weinstein:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Albert I. Weinstein, No. 03-1-09373, indefinitely and such suspension is effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Albert I. Weinstein may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Albert I. Weinstein may request a hearing, pursuant to Revised Code Chapter 119., to be held in or after January 1995, regarding the reinstatement of his license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met:
  - (1) Albert I. Weinstein must enter into a new contract, after the effective date of this Order, with a certified Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment program acceptable to the Board, for a period of

not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:

- (a) random, **observed** urine screens shall be conducted at least every three months. The urinalysis drug screens must include reporting of specific gravity;
  - (b) regular attendance, at least four times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meetings, and at meetings of a professional support group, is required during outpatient treatment and/or during aftercare;
  - (c) the intervener shall provide copies of all urine screens to the Board of Pharmacy in a timely fashion; and
  - (d) the program shall immediately report to the Board of Pharmacy any violations of the contract.
- (2) Albert I. Weinstein must provide, at the time of petitioning the Board for reinstatement, written documentation from his treatment provider regarding compliance with the program pursuant to the contract.

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.

Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of the notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

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

MOTION CARRIED.

SO ORDERED.