



# OHIO STATE BOARD OF PHARMACY

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THE STATE BOARD OF PHARMACY  
(Docket No. D-900604-111)

In The Matter Of:

WILLIAM D. SULLIVAN, R.Ph.  
15 Sexton Drive  
Xenia, Ohio 45385  
(R.Ph. No. 03-1-09656)

THE MATTER OF WILLIAM D. SULLIVAN CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON OCTOBER 23, 1990. MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

## ORDER

### State's Exhibits

- (1) Exhibit A - Notice of Opportunity letter dated June 4, 1990.
- (2) Exhibit B - Request To Publish Notice of Opportunity in the Dayton Daily News dated June 8, 1990.
- (3) Exhibit C - Affidavit of Publication from the Dayton Daily News dated July 3, 1990.
- (4) Exhibit 1 - Pharmacist File Front Sheet for William D. Sullivan showing original date of registration as July 27, 1970.
- (5) Exhibit 2 - Notification of Change of Responsible Person form showing William D. Sullivan as Responsible Pharmacist for K-Mart Pharmacy 9611 effective 09/01/86; Notification of Change of Responsible Person form showing Roland E. Landrum as Responsible Pharmacist for K-Mart Pharmacy 9611 effective 09/15/87.
- (6) Exhibit 3 - Judgment Entry in the Court of Common Pleas, Greene County, Ohio, Case No. 88-CR-141 and 88-CR-237, for William Daniel Sullivan dated November 17, 1988.
- (7) Exhibit 4 - Two-page Patient Profile Report for Alpha L. Combs dated January 27, 1988.
- (8) Exhibit 4A - Prescription 182508.
- (9) Exhibit 4B - Two-page Letter from George E. Baujan, M.D. dated April 12, 1988.
- (10) Exhibit 4C - Prescription Claim Form, Claim No. 535109, from Miami Valley Carpenters Health & Welfare Fund for Howard Combs.
- (11) Exhibit 4D - 10 pages of Brandt Medical Associates, Inc. phone records dated February 22, 1987.
- (12) Exhibit 5 - Prescription 182891.
- (13) Exhibit 5A - Prescription 183783.

- (14) Exhibit 6 - Daily Controlled Substance Reports, Daily Log Reports, and Daily Gross Profit Reports dated 01/09/87, 01/14/87, 01/27/87, 01/30/87, 02/04/87, 02/15/87, 02/23/87, 03/06/87, 03/09/87, 03/10/87, and 03/11/87.
- (15) Exhibit 7 - Prescription 140513.
- (16) Exhibit 8 - Prescription 140625.
- (17) Exhibit 9 - Statement of John Mathew dated July 27, 1988.

Findings Of Fact

- (1) On June 4, 1990, William D. Sullivan was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) The letter of June 4, 1990 was returned to the Board by the Postal Service marked "Moved, Not Forwardable" and "Fwd Order Expired".
- (3) As evidenced by the Affidavit Of Publication from the Dayton Daily News dated July 3, 1990, William D. Sullivan was notified of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (4) William D. Sullivan has not responded in any manner to the notification, and has not requested a hearing in this matter.
- (5) Upon consideration of the record as a whole, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that William D. Sullivan was initially licensed to practice pharmacy in the state of Ohio on July 7, 1970, pursuant to examination. Records further indicate that while working during the time period of January 9, 1987 through March 14, 1987, William D. Sullivan was the Responsible Pharmacist at K-Mart Pharmacy, 200 W. Main St., Xenia, Ohio 45385, pursuant to Section 4729.27 of the Ohio Revised Code and Rule 4729-5-11 of the Administrative Code.
- (6) Upon consideration of the record as a whole, the State Board of Pharmacy finds that William D. Sullivan was, on or about November 17, 1988, in the Common Pleas Court of Greene County, Ohio, convicted of three counts of Illegal Processing of Drug Documents in violation of Section 2925.23(A) of the Ohio Revised Code, felonies of the fourth degree.
- (7) Upon consideration of the record as a whole, the State Board of Pharmacy finds that William D. Sullivan did, between the dates of January 9, 1987 and March 14, 1987, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount when his conduct was not in accordance with Chapters 3719. and 4729. of the Revised Code, to wit: William D. Sullivan sold the following drugs in the following amounts pursuant to false and/or forged prescriptions while practicing pharmacy at K-Mart Drug Store:

<u>Prescription Number</u>	<u>Date</u>	<u>Drug</u>	<u>Amount</u>
179777	01/09/87	Tranxene 7.5mg	30
179777 (refill)	01/30/87	Tranxene 7.5mg	15
182015 (refill)	01/21/87	Propoxyphene 65	100
182015 (refill)	02/04/87	Propoxyphene 65	100
182015 (refill)	02/18/87	Propoxyphene 65	100
182015 (refill)	03/06/87	Propoxyphene 65	100
182015 (refill)	03/16/87	Propoxyphene 65	100
182508 (refill)	04/03/87	Propoxyphene 65	100
182891 (refill)	02/14/87	Restoril 30mg	30
183783 (refill)	03/09/87	Restoril 30mg	30
183783 (refill)	03/14/87	Restoril 30mg	30

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

- (8) Upon consideration of the record as a whole, the State Board of Pharmacy finds that William D. Sullivan did, between the dates of January 9, 1987 and March 14, 1987, intentionally make false or forged prescriptions, to wit: William D. Sullivan fabricated the following prescriptions which were not authorized by a physician:

<u>Prescription Number</u>	<u>Date</u>	<u>Drug</u>	<u>Amount</u>
179777	01/09/87	Tranxene 7.5mg	30
179777 (refill)	01/30/87	Tranxene 7.5mg	15
182015 (refill)	01/21/87	Propoxyphene 65	100
182015 (refill)	02/04/87	Propoxyphene 65	100
182015 (refill)	02/18/87	Propoxyphene 65	100
182015 (refill)	03/06/87	Propoxyphene 65	100
182015 (refill)	03/16/87	Propoxyphene 65	100
182508 (refill)	04/03/87	Propoxyphene 65	100
182891 (refill)	02/14/87	Restoril 30mg	30
183783 (refill)	03/09/87	Restoril 30mg	30
183783 (refill)	03/14/87	Restoril 30mg	30

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

- (9) Upon consideration of the record as a whole, the State Board of Pharmacy finds that William D. Sullivan, as the Responsible Pharmacist at K-Mart Drug Store, 200 W. Main St., Xenia, Ohio 45385, did, between the dates of January 9, 1987 and March 14, 1987, fail to maintain complete and accurate records of all controlled substances received or dispensed by the pharmacy in compliance with state laws and rules, to wit: when dispensing the following prescriptions, William D. Sullivan failed to keep a valid original prescription on file in the pharmacy as required by Rule 4729-5-17 of the Ohio Administrative Code; and, William D. Sullivan failed to sign the pharmacy's daily printout of prescriptions as required by Rule 4729-5-17(C)(6)(c) of the Ohio Administrative Code.

<u>Prescription Number</u>	<u>Date</u>	<u>Drug</u>	<u>Amount</u>
179777	01/09/87	Tranxene 7.5mg	30
179777 (refill)	01/30/87	Tranxene 7.5mg	15
182015 (refill)	01/21/87	Propoxyphene 65	100
182015 (refill)	02/04/87	Propoxyphene 65	100
182015 (refill)	02/18/87	Propoxyphene 65	100
182015 (refill)	03/06/87	Propoxyphene 65	100
182015 (refill)	03/16/87	Propoxyphene 65	100
182508 (refill)	04/03/87	Propoxyphene 65	100
182891 (refill)	02/14/87	Restoril 30mg	30
183783 (refill)	03/09/87	Restoril 30mg	30
183783 (refill)	03/14/87	Restoril 30mg	30

(10) Upon consideration of the record as a whole, the State Board of Pharmacy finds that William D. Sullivan did, between the dates of March 7, 1987 and February 11, 1988, knowingly sell a controlled substance in an amount greater than the bulk amount but less than three times that amount when his conduct was not in accordance with Chapters 3719. and 4729. of the Revised Code, to wit: William D. Sullivan sold the following drugs in the following amounts pursuant to false and/or forged prescriptions while practicing pharmacy at Revco Drug Store:

<u>Prescription Number</u>	<u>Date</u>	<u>Drug</u>	<u>Amount</u>
140513 (refill)	03/07/87	Restoril 30mg	30
140625 (refill)	02/02/88	Darvon 65mg	100
140625 (refill)	02/11/88	Darvon 65mg	100

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

Conclusions Of Law

- (1) The State Board of Pharmacy concludes that paragraphs (6) through (8) and (10) of the Findings Of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (6) through (10) of the Findings Of Fact constitute dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraphs (6) through (8) and (10) of the Findings Of Fact constitute willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

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Order of the Board

Action Of The Board

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby suspends the pharmacist identification card held by William D. Sullivan, No. 03-1-09656, indefinitely.

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

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

MOTION CARRIED.

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

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

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL  
Return Receipt  
#P 497 578 863

ORDER MAILED: DECEMBER 18, 1990

FZW/sb

By

  
Franklin Z. Wickham, Executive Director

cc: Jeanny Eaton, Assistant Attorney General