



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-010710-001)

In The Matter Of:

WALTER HUBISH, R.Ph.
27721 Edgepark Drive
North Olmsted, Ohio 44070
(R.Ph. No. 03-1-09888)

INTRODUCTION

THE MATTER OF WALTER HUBISH CAME FOR HEARING ON AUGUST 6, 2001, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

WALTER HUBISH WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) None

Respondent's Witnesses:

- (1) Emil Dontenville, R.Ph.
- (2) Walter Hubish, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Fax Cover letter dated April 11, 2001 and Hearing Request letter dated April 10, 2001.
- (2) Exhibit 1A--Copy of two-page Hearing Schedule letter dated April 11, 2001.
- (3) Exhibit 1B--Copy of Ohio Pharmacist computer record of Walter Hubish.

- (4) Exhibit 2--Copy of five-page Order of the State Board of Pharmacy in the matter of Walter Hubish, R.Ph., Docket No. D-950714-002, effective January 30, 1996.
- (5) Exhibit 2A--Copy of four-page Order of the State Board of Pharmacy in the matter of Walter Hubish, R.Ph., Docket No. D-950714-002, effective April 5, 2001.
- (6) Exhibit 3--Copy of four-page Order of the State Board of Pharmacy in the matter of Walter Hubish, R.Ph., Docket No. D-940627-089, effective October 31, 1994.
- (7) Exhibit 4--Copy of five-page Order of the State Board of Pharmacy in the matter of Walter Hubish, R.Ph., Docket No. D-930429-082, effective November 1, 1993.
- (8) Exhibit 5--Copy of Statement of Leigh Ann Kukral dated July 16, 1992.
- (9) Exhibit 6--Copy of Prescription No. 0322-459771 dated June 19, 1992.
- (10) Exhibit 7--Copy of Statement of Sandra Currence dated July 16, 1992.
- (11) Exhibit 8--Copy of two-page Statement of John Rohal dated July 16, 1992.
- (12) Exhibit 9--Copy of three-page Statement of Susan Kortyna dated July 16, 1992.
- (13) Exhibit 10--Copy of Statement of Laura C. Rush dated July 17, 1992.
- (14) Exhibit 11--Copy of two-page letter from Milosh D. Milenkovich dated April 21, 1993.
- (15) Exhibit 12--Copy of three-page Statement of Walter Hubish dated July 22, 1992.
- (16) Exhibit 13--Copy of Loss Prevention report for Case No. 93-322-368-ET, not dated; Copy of handwritten list of items and prices dated July 22, 1992; Copy of Check No. 2040 dated July 23, 1992; Copy of canceled Check No. 1408 dated April 30, 1992 stamped with NSF.
- (17) Exhibit 14--Copy of PRO Inc. Client Reporting Sheet/Client Monitoring Sheet for Client Case No. 0095 covering October to December 1994.

Respondent's Exhibits:

- (1) Exhibit A--Two-page copy of PRO Inc. Recovering Pharmacist's Contract of Walter Hubish dated November 12, 1994; Copy of five pages of PRO Minutes dated November 20, 1994; Two-page copy of PRO Inc. Pharmacist's Recovery Contract of Walter Hubish dated May 10, 2000; Copy of letter from David W. Baker dated February 17, 2001; Copy of two-page history of urine screens under terms of PRO contract dated November 12, 1994; Copy of page 018 of the Ohio State Board of Pharmacy Journal for Walter Hubish, No. J-960130-004, listing urine screen report dates; Copy of Summary Sheet of Random Urine Screens PRO Contract II for samples collected from May 30, 2000 to February 10, 2001; Copy of twenty-four pages of drug screen reports for samples collected May 30, 2000, June 8, 2000, July 6, 2000, July 27, 2000, August 25, 2000, September 16, 2000, October 10, 2000, November 16, 2000, December 8, 2000, December 28, 2000, January 10, 2001, and January 25, 2001.
- (2) Exhibit B--Copy of three-page Glenbeigh Discharge Summary for Walter Hubish from Katherine H. Heim dated July 27, 1994; Copy of two Glenbeigh Discharge Notice letters regarding Walter Hubish from Katherine H. Heim dated March 28, 1995; Copy of eight Glenbeigh Progress Report letters from Katherine H. Heim dated March 1, 1995, December 1, 1994, August 23, 1994, August 22, 1994, June 4, 1994, May 2, 1994, and April 14, 1994; Copy of eight pages of drug screen reports for samples collected August 22, 1995, July 31, 1995, June 26, 1995, May 28, 1995, April 25, 1994, and June 13, 1994.
- (3) Exhibit C--Copy of twelve lists of Alcoholics Anonymous Attendance dates for April 2000, May 2000, June 2000, July 2000, August 2000, September 2000, October 2000, November 2000, December 2000, January 2001, February 2001, and March 2001; Forty-seven pages of copies of weekly calendar pages for April 10, 2000 through March 4, 2001 showing signatures for support meeting attendance verification.
- (4) Exhibit D--Copy of three-page Pharmacy Continuing Education Certificates Summary Sheet listing program dates from December 12, 1994 to February 15, 2001; Ninety-

three pages of copies of continuing education certificates dated from December 12, 1994 to February 15, 2001; Seventeen pages of copies of reference materials.

- (5) Exhibit E--Copy of the cover and pages four and five of Section C of the Cleveland Track Material, Inc. Employee Information Handbook covering Substance Abuse Policy dated November 14, 1996; Copy of four pages of drug screen reports for samples collected March 18, 1998, April 25, 1995, March 28, 2000, and June 21, 2000; Copy of letter from Robert R. Gordon dated April 5, 2000; Copy of sixty pages of Cleveland Track Material, Inc. payroll history reports for Walter Hubish covering January 1, 1996, through December 31, 2000.
- (6) Exhibit F--Copy of seven letters from: William H. Willoughby dated April 20, 2000; Michael R. Heasley dated March 23, 2000; Craig A. Wieszalski dated February 23, 2001; Karl E. Axthelm dated February 23, 2001; Ernest W. Szczepanski, not dated; Doug Potts dated February 18, 2001; Ralph Fox, not dated; and Charles R. Kent dated March 2, 2001; Copy of 1999 W-2 Wage and Tax Statement of Walter Hubish; Copy of 1999 W-2 Wage & Tax Statement of Frances L. Hubish; Copy of 1999 Form 1040-U.S. Individual Income Tax Return of Walter and Frances Hubish.
- (7) Exhibit G--Copy of Summary Sheet of Random Urine Screens PRO Contract II listing dates of collection from May 30, 2000 to July 16, 2001; Copy of Random Urine Screens Under Terms of PRO Contract II C.T.M. Employment listing dates of collection from March 8, 2001 to July 16, 2001; Copy of fourteen pages of drug screen reports for samples collected March 8, 2001; April 4, 2001; April 30, 2001; May 22, 2001; May 31, 2001; June 6, 2001; and July 16, 2001; Copy of Drug Testing Custody and Control Form for Specimen ID No. 2422016 dated May 31, 2001.
- (8) Exhibit H--Copy of five lists of Alcoholics Anonymous Meetings dates for March 2001, April 2001, May 2001, June 2001, and July 2001; Twenty-one pages of copies of weekly calendar pages for March 5, 2001 through July 29, 2001 showing signatures for support meeting attendance verification.
- (9) Exhibit I--Copy of Pharmacy Continuing Education Certificates Summary Sheet listing program dates from April 15, 2001 to July 27, 2001; Eight pages of copies of continuing education certificates dated from April 15, 2001 to July 27, 2001; Copy of Registration Information sheet for ACPE Program No. 068-999-01-001-L01 by the University of Utah College of Pharmacy.
- (10) Exhibit J--Copy of Certificate of Completion issued to Walter Hubish for the University of Utah School on Alcoholism and Other Drug Dependencies, Pharmacy Section, dated June 22, 2001; Copy of Statement from West Group for "Ohio Drug Laws & Svc dated May 30, 2001; Copy of the covers of "Guide to Federal Pharmacy Law, 2nd Edition" and "Basic & Clinical Pharmacology, 8th Edition".
- (11) Exhibit K--Copy of nineteen pages of Cleveland Track Material, Inc. payroll history reports for Walter Hubish covering March 5, 2001 through July 22, 2001; Copy of 2000 Form 1040-U.S. Individual Income Tax Return of Walter and Frances Hubish.

FINDING 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 that Walter Hubish has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-950714-002, effective January 30, 1996.

ACTION OF THE BOARD

On the basis of the Finding of Fact set forth above, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-1-09888, held by Walter Hubish to practice pharmacy in the state of Ohio and places Mr. Hubish on

probation for five years from the date the identification card is issued, with the following conditions:

- (A) Walter Hubish must enter into a contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office with the renewal application. The contract must provide that:
 - (1) Random, **observed** urine drug screens shall be conducted at least once every three months.
 - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.
 - (c) Results of all drug and alcohol screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.
 - (2) The intervener/sponsor shall provide copies of all drug and alcohol screen reports to the Board in a timely fashion.
 - (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Walter Hubish 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 Walter Hubish's progress towards recovery and what Mr. Hubish has been doing during the previous three months.
- (C) Other terms of probation are as follows:
 - (1) The State Board of Pharmacy hereby declares that Walter Hubish's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - (2) Walter Hubish may not serve as a responsible pharmacist.

- (3) Walter Hubish may not destroy, assist in, or witness the destruction of controlled substances.
- (4) Walter Hubish must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
- (5) Walter Hubish must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (6) Walter Hubish must abide by the rules of the State Board of Pharmacy.
- (7) Walter Hubish must comply with the terms of this Order.

Walter Hubish 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.

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

MOTION CARRIED.

SO ORDERED.



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-950714-002)

In The Matter Of:

WALTER HUBISH, R.Ph.
27721 Edgepark Drive
North Olmsted, Ohio 44070
(R.Ph. No. 03-1-09888)

INTRODUCTION

THE MATTER OF WALTER HUBISH CAME FOR HEARING ON MARCH 5, 2001, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

WALTER HUBISH WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) James Reye, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Katherine Heim, Stella Harris Detox Center
(2) Emil Dontenville, Pharmacists Rehabilitation Organization, Inc.
(3) David Merk, Pharmacists Rehabilitation Organization
(4) Walter Hubish, Respondent
(5) Francis Hubish, Respondent's Wife

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Reinstatement Hearing Request letter dated September 16, 2000.
(2) Exhibit 1A--Copy of Hearing Schedule letter dated September 26, 2000.
(3) Exhibit 1B--Copy of Pharmacist computer record of Walter Hubish.

- (4) Exhibit 2--Copy of five-page Order of the State Board of Pharmacy, Docket No. D-950714-002, in the matter of Walter Hubish effective January 30, 1996.
- (5) Exhibit 3--Copy of four-page Order of the State Board of Pharmacy, Docket No. D-940627-089, in the matter of Walter Hubish effective October 31, 1994.
- (6) Exhibit 4--Copy of five-page Order of the State Board of Pharmacy, Docket No. D-930429-082, in the matter of Walter Hubish effective November 1, 1993.
- (7) Exhibit 5--Copy of Statement of Leigh Ann Kukral signed and notarized July 16, 1992.
- (8) Exhibit 6--Prescription No. 0322-459771 dated June 19, 1992.
- (9) Exhibit 7--Copy of Statement of Sandra Currence signed and notarized July 16, 1992.
- (10) Exhibit 8--Copy of two-page Statement of John Rohal signed and notarized July 16, 1992.
- (11) Exhibit 9--Copy of three-page Statement of Susan Kortyna signed and notarized July 16, 1992.
- (12) Exhibit 10--Copy of Statement of Laura C. Rush signed and notarized July 17, 1992.
- (13) Exhibit 11--Copy of two-page letter from Milosh D. Milenkovich dated April 21, 1993.
- (14) Exhibit 12--Copy of three-page Statement of Walter Hubish dated July 22, 1992.
- (15) Exhibit 13--Copy of Loss Prevention Report Narrative, Reference Case No. 93-322-368-ET, not dated; copy of handwritten list of items by Walter Hubish dated July 22, 1992; copy of check, number 2040, signed by Walter Hubish dated July 23, 1992; and copy of check returned for Non-Sufficient Funds, number 1408, signed by Walter Hubish dated April 30, 1992.
- (16) Exhibit 14--Copy of PRO Inc. Client Reporting Sheet/Client Monitoring Sheet for Client Case No. 0095 dated January 5, 1995.

Respondent's Exhibits:

- (1) Exhibit A--Copy of two-page PRO Inc. Recovering Pharmacist's Contract of Walter Hubish dated November 12, 1994; five-page copy of PRO Minutes dated November 20, 1994; two-page copy of PRO Inc. Pharmacist's Recovery Contract of Walter Hubish dated May 10, 2000; copy of letter from David W. Baker dated February 17, 2001; copy of two-page history of urine screens under terms of PRO contract dated November 12, 1994; Copy of respondent's exhibits from Ohio State Board Of Pharmacy Journal-J-960130-004,; Copy of summary sheet of random urine screens, PRO Contract II; 24-page copy of Quest Diagnostics drug screen reports collected of Walter Hubish dated May 30, 2000, June 8, 2000, July 7, 2000, July 27, 2000, August 25, 2000, September 16, 2000, October 10, 2000, November 16, 2000, December 8, 2000, December 28, 2000, January 25, 2001 and January 10, 2001.
- (2) Exhibit B--Copy of three-page Glenbeigh Discharge Summary signed by Katherine H. Heim and dated July 27, 1994; Two copies of Glenbeigh discharge letter dated March 28, 1995, signed by Katherine H. Heim; Copy of two Glenbeigh Aftercare Program letters signed by Katherine H. Heim, dated March 1, 1995 and December 1, 1994
- (3) Exhibit C--Copies of Alcoholics Anonymous Attendance Records from April 16, 2000 to March 3, 2001.
- (4) Exhibit D--Continuing Education Documentation;
- (5) Exhibit E--Three-page copy of substance abuse policy from Cleveland Track Material, Inc. Employee Information Handbook; Copies of SmithKline Beecham Clinical Laboratories drug screen reports collected of Walter Hubish dated March 18, 1998, April 25, 1995, March 28, 2000 and June 21, 2000; Copy of employment verification from Cleveland Track Material, Inc. dated April 5, 2000, signed by Robert R. Gordon; Sixty-one page copy of Cleveland track Material, Inc. payroll history report for Walter Hubish.
- (6) Exhibit F--Copy of reference letter from William H. Willoughby, President, Cleveland Track Material, Inc. dated April 20, 2000; Copy of reference letter from Michael R. Heasley, Manager, Human Resources, Cleveland Track Material, Inc. dated March 23, 2000; Copy of reference letter from Craig A. Wieszalski, Corporate Quality Assurance Manager,

Cleveland Track Material, Inc. dated February 23, 2001; Copy of reference letter from Karl E. Axthelm, Chief Engineer, Cleveland Track Material, Inc. dated February 23, 2001; Copy of reference letter from Ernest W. Szczepanski, Product Manager, Cleveland Track Material, Inc.; Copy of reference letter from Doug Potts, R.Ph. dated February 18, 2001; Two-page copy of a letter of Ralph Fox; Copy of 1999 W-2 Wage and Tax Statement of Walter Hubish; Copy of 1999 W-2 Wage & Tax Statement of Frances L. Hubish; Copy of 1999 1040-U.S. Individual Income Tax Return of Walter and Frances Hubish.

FINDING 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 that Walter Hubish has not complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-950714-002, effective January 30, 1996.

ACTION OF THE BOARD

On the basis of the Finding of Fact set forth above, the State Board of Pharmacy hereby denies the reinstatement petition of Walter Hubish. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Walter Hubish may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during suspension.

Further, Walter Hubish may petition the Board for reinstatement after twelve months of continuous compliance with the Board's Order dated January 30, 1996 including all required documentation. Therefore, if Mr. Hubish continues the pattern shown, he may reappear before the Board after May, 2001.

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

MOTION CARRIED.

SO ORDERED.



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-950714-002)

In The Matter Of:

WALTER HUBISH, R.Ph.
27721 Edgepark Drive
North Olmsted, Ohio 44070
(R.Ph. No. 03-1-09888)

INTRODUCTION

THE MATTER OF WALTER HUBISH CAME TO HEARING ON NOVEMBER 27, 1995, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: PAUL F. LAMPING, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

WALTER HUBISH WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN AND LAWRENCE D. PRATT, ASSISTANT ATTORNEYS GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Walter Hubish, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Five-page Order of the State Board of Pharmacy, Docket No. D-930429-082, in the matter of Walter Hubish dated November 1, 1993.
(2) Exhibit 2--Four-page Order of the State Board of Pharmacy, Docket No. D-940627-089, in the matter of Walter Hubish dated October 31, 1994.
(3) Exhibit 3--Hearing Request letter, not dated, received in the Board office on July 12, 1995.

- (4) Exhibit 4--Hearing Schedule letter dated July 14, 1995.
- (5) Exhibit 5--3½" x 11" bound pad containing AA meeting verifications dated from October 3, 1994, through May 4, 1995.
- (6) Exhibit 6--3" x 5" bound memo pad containing AA meeting verifications dated from September 10, 1995, through November 26, 1995.

Respondent's Exhibits:

- (1) Exhibit A--Copy of letter from Peter W. Ensinger dated October 31, 1995; copy of Cleveland Track Material, Inc. Interoffice Memo from R.T. Kelly dated October 24, 1995; copy of International Pharmacists Anonymous Membership Form of Walter Hubish dated December 3, 1994; list of C.E. Credits; copy of Certificate of Appreciation dated October 5, 1994; copy of Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Walter Hubish dated December 19, 1994; two-page copy of Pharmacists Rehabilitation Organization, Inc. Recovering Pharmacist's Contract of Walter Hubish dated November 12, 1994; two-page copy of Pharmacists Rehabilitation Organization, Inc. Impaired Pharmacist's Contract of Walter Hubish dated June 20, 1994; six-page list of AA Meetings dated from October, 1994, through November, 1995; copy of urine drug screen report of Walter Hubish dated November 29, 1994; copy of urine drug screen report of Walter Hubish dated December 31, 1994; copy of urine drug screen report of Walter Hubish dated January 21, 1995; copy of urine drug screen report of Walter Hubish dated February 18, 1995; copy of chain of custody request dated February 20, 1995; copy of urine drug screen report of Walter Hubish dated March 28, 1995; copy of urine drug screen report of Walter Hubish dated April 26, 1995; copy of urine drug screen report of Walter Hubish dated May 2, 1995; copy of urine drug screen report of Walter Hubish dated May 31, 1995; copy of urine drug screen report of Walter Hubish dated June 29, 1995; copy of urine drug screen report of Walter Hubish dated August 3, 1995; copy of urine drug screen report of Walter Hubish dated August 25, 1995; copy of chain of custody request dated September 28, 1995; copy of chain of custody request dated October 5, 1995; copy of chain of custody request dated October 11, 1995; copy of urine drug screen report of Walter Hubish dated October 15, 1995; and copy of chain of custody request dated October 25, 1995.
- (2) Exhibit B--Copy of letter from Charles R. Kent dated November 25, 1995.
- (3) Exhibit C--Copy of letter from David M. Boyer dated November 26, 1995.
- (4) Exhibit D--Letter from Katherine H. Heim dated November 22, 1995.
- (5) Exhibit E--Letter from Walter B. Keene dated November 24, 1995.
- (6) Exhibit F--Letter from William H. Willoughby dated November 22, 1995.
- (7) Exhibit G--Copy of letter from Walter Hubish dated November 9, 1994, and two-page response to the Order of the Ohio State Board of Pharmacy effective October 31, 1994, dated November 9, 1994.
- (8) Exhibit H--Two-page copy of letter from Charles R. Kent dated November 15, 1994.
- (9) Exhibit I--Copy of letter from Franklin Z. Wickham dated February 22, 1995.
- (10) Exhibit J--Copy of Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet and Client Monitoring Sheet of Client Case No. 0095 dated from October, 1994, to December, 1994.
- (11) Exhibit K--Copy of Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet and Client Monitoring Sheet of Client Case No. 0095 dated from January 1, 1995, to March 31, 1995.
- (12) Exhibit L--Copy of Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet and Client Monitoring Sheet of Client Case No. 0095 dated April 12, 1995.
- (13) Exhibit M--Two-page copy of Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet and Client Monitoring Sheet of Client Case No. 0095 dated from April 1, to June 30, 1995.

- (14) Exhibit N--Two-page copy of Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet and Client Monitoring Sheet of Walter Hubish dated from April 2, 1995, to July 1, 1995.
- (15) Exhibit O--Letter from Katherine H. Heim dated December 1, 1994.
- (16) Exhibit P--Letter from Katherine H. Heim dated March 1, 1995.
- (17) Exhibit Q--Letter from Katherine H. Heim dated March 28, 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) Walter Hubish is not in compliance with the conditions for reinstatement set forth in the Order of the Board, Docket No. D-940627-089, dated October 31, 1994.

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 Walter Hubish:

- (A) On the basis of the Finding of Fact set forth above, the State Board of Pharmacy hereby denies the petition for reinstatement of Walter Hubish. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Walter Hubish 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) One year after the effective date of this Order Walter Hubish may petition the Board for reinstatement. The hearing will be scheduled only if the following conditions have been met:
 - (1) Walter Hubish must enter into a new contract, after the effective date of this Order, with a limited treatment provider 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 once a month. The urinalysis drug screens must include testing for alcohol and must report testing of creatinine as the dilutional standard or specific gravity;
 - (b) regular attendance, at least three 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; and
 - (c) the program shall immediately report to the Board of Pharmacy any positive urine screens and/or other violations of the contract.
 - (2) The petition for reinstatement, when submitted, must include an original and nine copies of the following:
 - (a) Copies of contract(s) with treatment providers.

- (b) Copies of all urine drug screen reports from the effective date of this Order.
- (c) Documented evidence of at least three support group meetings per week. The verification must include the signature of the chairman.
- (d) Written documentation from the treatment provider regarding compliance with the program pursuant to the contract(s).
- (e) Certificates of continuing pharmacy education experience obtained during the three years prior to submitting the petition.

If the documentation is complete and the Board is convinced that Mr. Hubish has complied with the Board's Order, the license to practice will be reinstated. If the documentation does not establish compliance with the Board's Order, the Board will deny the petition for reinstatement.

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

MOTION CARRIED.

SO ORDERED.



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-940627-089)

In The Matter Of:

WALTER HUBISH, R.Ph.

27721 Edgepark Drive
North Olmsted, Ohio 44070
(R.Ph. No. 03-1-09888)

INTRODUCTION

THE MATTER OF WALTER HUBISH CAME TO HEARING ON SEPTEMBER 27, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

WALTER HUBISH WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY ANNE BERRY STRAIT AND JACK STARKOFF, ASSISTANT ATTORNEYS GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) James Reye, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Sam Imbrigotta
- (2) John Chmelik
- (3) Walter Hubish, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Order of the State Board of Pharmacy, Docket No. D-930429-082, of Walter Hubish, R.Ph. dated November 1, 1993.
- (2) Exhibit 2 - Two-page Hearing Request letter dated June 15, 1994.

- (3) Exhibit 3 - Hearing Schedule letter dated June 27, 1994.

Respondent's Exhibits:

- (1) Exhibit A - Copy of letter from Katherine H. Heim dated May 2, 1994; copy of letter from Katherine H. Heim dated June 4, 1994; copy of letter from Katherine H. Heim dated August 22, 1994; three-page copy of Glenbeigh Hospital of Cleveland Discharge Summary of Walter Hubish, dates of Hospitalization from March 28, 1994, to June 27, 1994; copy of letter from Katherine H. Heim dated August 22, 1994; copies of pages 9, 10, 11, and 12 of an evaluation of Walter Hubish by James M. Anderson dated March 28, 1994.
- (2) Exhibit B - 4"x6" memo book of notations regarding AA meeting attendance verification of Walter Hubish dated from November 16, 1993, through January 5, 1994.
- (3) Exhibit C - 4"x6" memo book of notations regarding AA meeting attendance verification of Walter Hubish dated from January 12, 1994, through September 26, 1994.
- (4) Exhibit D - Five-page facsimile from K. Heim as follows: Page 1 - Cover page, Pages 2 and 3 - Pharmacists Rehabilitation Organization, Inc. Impaired Pharmacist's Contract of Walter Hubish dated June 20, 1994; Page 4 - urine alcohol/drug screen results of Walter Hubish dated April 26, 1994; and Page 5 - urine alcohol/drug screen results of Walter Hubish dated June 15, 1994.

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) Walter Hubish is not in compliance with the conditions for reinstatement set forth in the Order of the Board, Docket No. D-930429-082, dated November 1, 1993.

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 Walter Hubish:

- (A) On the basis of the Finding of Fact set forth above, the State Board of Pharmacy hereby denies the petition for reinstatement of Walter Hubish. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Walter Hubish may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs while suspended.
- (B) One year after the effective date of this Order, the Board will consider any petition filed by Walter Hubish for a hearing, pursuant to Revised Code Chapter 119., upon the question of 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) Walter Hubish must enter into a new contract, with the Pharmacists Rehabilitation Organization or similar treatment program acceptable to the Board, for a period of not less than one year 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 once a month. The urinalysis drug screens must include reporting of specific gravity;

- (b) regular attendance, at least three 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) Walter Hubish 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.

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

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

MOTION CARRIED.

SO ORDERD