



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor  
Columbus, Ohio 43266-0320  
Telephone: 614/466-4143  
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ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-920814-012)

In The Matter Of:

**HARVEY RAY ROME, R.Ph.**  
3916 Durham Ct.  
Toledo, Ohio 43623  
(R.Ph. No. 03-1-10044)

INTRODUCTION

THE MATTER OF HARVEY RAY ROME CAME TO HEARING ON SEPTEMBER 24, 1992 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY D. MOORE, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; WAYNE C. MILLER, R.Ph.; RUTH A. PLANT, R.Ph.; NICHOLAS R. REPKE; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

HARVEY RAY ROME WAS REPRESENTED BY DAVID W. GRAUER, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Harvey Ray Rome, Respondent
- (2) Dale Fritz, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) William Knopp, R.Ph.
- (2) Gene Eckley
- (3) Gerald Rome

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Hearing Request letter dated April 5, 1992.
- (2) Exhibit 2 - Hearing Schedule letter dated April 27, 1992.
- (3) Exhibit 3 - Notice of Appearance letter received July 28, 1992.
- (4) Exhibit 4 - Notice of Opportunity letter dated August 14, 1992.
- (5) Exhibit 5 - Ohio State Board of Pharmacy, Order of Harvey Ray Rome, Docket No. D-901010-028, dated January 30, 1991.
- (6) Exhibit 6 - Certified Judgment Entry in the Court of Common Pleas of Fulton County, Ohio, of Harvey R. Rome, Case No. 90CR52, dated June 14, 1991.

- (7) Exhibit 7 - Certified Criminal Docket Sheet in the Common Pleas Court, Lucas County, Ohio, of Harvey R. Rome, Criminal Case No. 89-4765 dated from November 2, 1989 through March 5, 1990.
- (8) Exhibit 8 - Six prescriptions listed as follows: Prescription numbers 165506; 166577; 165379; 165389; 164927 and 164928; and 166689.

Respondent's Exhibits:

- (1) Exhibit A - Copy of Application for Clemency of Harvey Ray Rome dated September 13, 1991; and fifty-one pages of attachments.
- (2) Exhibit B - Copy of letter from Michele Shultz dated September 9, 1992; copy of Inmate Transfer Medical Information Sheet of Harvey Rome dated June 10, 1992; copy of Certificate of Outstanding Achievement in N.A. of Harvey Rome dated June 9, 1992; and copy of Certificate of Completion of Harvey Rome dated June 1, 1992.
- (3) Exhibit C - Copy of Pharmacists Rehabilitation Organization, Inc. (PRO), Recovering Pharmacist's Contract of Harvey Rome dated June 30, 1992; and copy of letter from William J. Peters dated September 2, 1992.
- (4) Exhibit D - Copy of two-page letter from Laura Kutzli, Fulton County Adult Probation Center, dated September 10, 1992; two pages of copies of receipts of payments made to Fulton County Courts; copy of three canceled checks of Harvey Rome; and copy backside of three canceled checks.
- (5) Exhibit E - Copy of cover sheet listing nineteen dates of Urine Screens of Harvey Rome; and copies of nineteen drug screen urinalysis reports of Harvey Rome.
- (6) Exhibit F - PRO Client Monitoring Sheet, Client Case No. 0068, showing Bill Knapp as Intervenor; eleven pages of copies showing attended AA/NA meeting dates and places.
- (7) Exhibit G - Copy of letter from Richard D. Rome dated September 19, 1992; copy of letter from Leonard H. Rome dated September 16, 1992; copy of letter from Luann Davis dated September 8, 1992; copy of letter from Hugo V. Lopez dated September 15, 1992; copy of two-page letter from Theresa Octaviano, not dated; copy of letter from Thomas J. Behrle dated September 3, 1992; copy of letter from Roger W. Foos dated August 28, 1992; copy of letter from Becky Barlow dated September 19, 1992; copy of letter from Mr. and Mrs. Dennis Compton dated September 15, 1992; copy of letter from Warren H. Ashmann dated September 22, 1992; and copy of letter from Michael P. Broida dated September 23, 1992.
- (8) Exhibit I - Copy of letter from Sandra Shriner dated September 21, 1992.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Harvey Ray Rome was originally licensed in the state of Ohio on March 6, 1972, pursuant to examination, and was suspended indefinitely from the practice of pharmacy pursuant to Board Order, Docket No. 901010-028, dated February 15, 1991.
- (2) From the evidence presented, the State Board of Pharmacy finds that Harvey Ray Rome was disciplined by the Board on January 30, 1991; and, Harvey Ray Rome was convicted of Drug Abuse and Trafficking in Drugs in the Court of Common Pleas of Fulton County, Ohio, on or about June 14, 1991. As part of the sentence Harvey Ray Rome was given a mandatory fine of \$3,000. These charges stemmed from the original charges heard by the Board during the hearing held December 10, 1990.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of a felony as provided in 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 paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of willfully violating Chapters 2925. and 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 hereby removes the suspension and places the identification card, No. 03-1-10044, held by Harvey Ray Rome on probation for five years, effective as of the date of the mailing of this Order. The terms of probation stipulate:

(A) Harvey Ray Rome must provide evidence that he is in compliance with the Pharmacists Rehabilitation Organization, Inc. contract throughout the probation period. The contract must provide that:

- (1) random observed urine screens shall be conducted at least every three months and copies of the results immediately forwarded to the Board of Pharmacy office,
- (2) regular attendance at an Alcoholics Anonymous, Narcotics Anonymous, or a similar support group meeting is required during outpatient treatment and/or during aftercare throughout the probationary period,
- (3) the program shall immediately report to the Board of Pharmacy any violations of the contract.

(B) Harvey Ray Rome must submit quarterly progress reports to the Board throughout the probation period that include:

- (1) the written report and documentation provided by the treatment program pursuant to the contract,
- (2) a written description of his progress towards recovery and what he has been doing during the previous three months.

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

HARVEY RAY ROME, R.Ph.  
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Order of the Board

The Board further stipulates that Harvey Ray Rome may not serve as a responsible pharmacist during this probation period.

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

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.

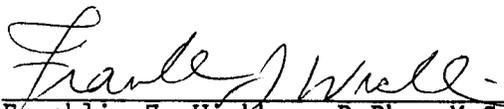
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section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

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED  
AND EFFECTIVE: OCTOBER 27, 1992

CERTIFIED MAIL  
Return Receipt  
#P 749 728 924

FZW/so

By   
Franklin Z. Wickham, R.Ph., M.S.  
Executive Director

cc: Ronda Anderson, Assistant Attorney General  
David W. Grauer; Attorney for Respondent; 1300 Huntington Center; 41 S.  
High Street; Columbus, Ohio 43215



## OHIO STATE BOARD OF PHARMACY

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THE STATE BOARD OF PHARMACY  
(Docket No. D-901010-028)

In The Matter Of:

HARVEY RAY ROME, R.Ph.  
3916 Durham Court  
Toledo, Ohio 43623  
(R.Ph. No. 03-1-10044)

### INTRODUCTION

THE MATTER OF HARVEY RAY ROME CAME TO HEARING ON DECEMBER 10, 1990 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

HARVEY RAY ROME WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY JEANNY EATON, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Harvey Ray Rome, Respondent
- (2) Dale Fritz, Ohio Board of Pharmacy
- (3) Richard L. Rob, Blue Cross & Blue Shield
- (4) Officer Cheryl Chapa, Archbold Police Department

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter for Harvey Ray Rome dated October 10, 1990.

HARVEY RAY ROME, R.Ph.

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- (2) Exhibit B - Notice of Opportunity letter for Main Rx Pharmacy dated October 10, 1990.
- (3) Exhibit C - Request for Hearing for Harvey Ray Rome and Main Rx Pharmacy from Mr. Rome dated October 23, 1990.
- (4) Exhibit D - Hearing Schedule letter addressed to Harvey R. Rome dated October 31, 1990.
- (5) Exhibit E - Letter addressed to Ohio State Board of Pharmacy from David W. Zoll, Attorney, dated November 20, 1990.
- (6) Exhibit 1 - Pharmacist File Front Sheet for Harvey Ray Rome showing original date of registration as March 6, 1972.
- (7) Exhibit 1A - Renewal Applications for Harvey Ray Rome for License to Practice Pharmacy in Ohio from the year 1972 through 1989.
- (8) Exhibit 1B - Application for Registration as a Terminal Distributor of Dangerous Drugs for Main Rx Pharmacy dated January 10, 1983.
- (9) Exhibit 1C - Renewal Application for Main Rx Pharmacy for Terminal Distributor of Dangerous Drug License for January 1, 1990 to December 31, 1990.
- (10) Exhibit 2 - Copy of pages 087 and 088 of the Ohio State Board of Pharmacy Journal, Entry No. J-870821-006, for Harvey Ray Rome, Docket No. D-870226-121.
- (11) Exhibit 3 - Exempt Narcotic Sales and Purchases Book from Main Rx Pharmacy.
- (12) Exhibit 3A - Page 9 of Exempt Narcotic Sales and Purchases Book for Main Rx Pharmacy.
- (13) Exhibit 3B - Page 19 of Exempt Narcotic Sales and Purchases Book for Main Rx Pharmacy.
- (14) Exhibit 3C - Page 35 of Exempt Narcotic Sales and Purchases Book for Main Rx Pharmacy.
- (15) Exhibit 3D - Page 39 of Exempt Narcotic Sales and Purchases Book for Main Rx Pharmacy.
- (16) Exhibit 3E - Page 40 of Exempt Narcotic Sales and Purchases Book for Main Rx Pharmacy.
- (17) Exhibit 4 - Certified copy of Indictment of Harvey Ray Rome filed in the Fulton County Court of Common Pleas July 6, 1987.
- (18) Exhibit 5 - Certified copy of Judgment Entry of Harvey Ray Rome filed in the Fulton County Court of Common Pleas on December 1, 1987.
- (19) Exhibit 6 - Receipt for Prescriptions with statement and signature of Harvey Ray Rome dated July 31, 1990.
- (20) Exhibit 7 - Amber vial, Prescription No. 164690, labeled Motrin 800mg filled September 15, 1988.
- (21) Exhibit 7A - Copy of prescription used by Blue Cross & Blue Shield of Northern Ohio in the name of Charles Hanlon.
- (22) Exhibit 7B - Copy of Page 22 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (23) Exhibit 8 - Amber vial, Prescription No. 165697, labeled Hygroton 25mg filled December 15, 1988.
- (24) Exhibit 8A - Copy of prescription used by Blue Cross & Blue Shield of Northern Ohio in the name of Charles Hanlon.

HARVEY RAY ROME, R.Ph.

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- (25) Exhibit 8B - Copy of Page 3 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (26) Exhibit 9 - Amber vial, Prescription No. 165697, labeled Hygroton 25mg refilled March 3, 1989.
- (27) Exhibit 9A - Copy of Page 5 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (28) Exhibit 10 - Amber vial, Prescription No. 166689, labeled Darvocet N 100mg filled March 3, 1989.
- (29) Exhibit 10A - Prescription No. 166689.
- (30) Exhibit 10B - Copy of Page 5 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (31) Exhibit 11 - Amber vial, Prescription No. 164927, labeled Librax caps. filled October 6, 1988.
- (32) Exhibit 11A - Prescription No. 164927 and Prescription No. 164928.
- (33) Exhibit 11B - Copy of Page 24 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (34) Exhibit 12 - Amber vial, Prescription No. 164928, labeled Lomotil tabs. filled October 6, 1988.
- (35) Exhibit 12A - Copy of Page 24 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (36) Exhibit 13 - Amber vial, Prescription No. 164927, labeled Librax caps refilled on November 11, 1988.
- (37) Exhibit 13A - Copy of Page 27 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (38) Exhibit 14 - Amber vial, Prescription No. 164928, labeled Lomotil tabs. refilled on November 11, 1988.
- (39) Exhibit 14A - Copy of Page 27 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (40) Exhibit 15 - Amber vial, Prescription No. 164928, labeled Lomotil tabs. refilled on December 1, 1988.
- (41) Exhibit 15A - Copy of Page 1 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (42) Exhibit 16 - Amber vial, Prescription No. 164927, labeled Librax caps. refilled February 24, 1989.
- (43) Exhibit 16A - Copy of Page 4 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (44) Exhibit 17 - Amber vial, Prescription No. 164928, labeled Lomotil tabs. refilled on February 24, 1989.
- (45) Exhibit 17A - Copy of Page 5 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.

HARVEY RAY ROME, R.Ph.  
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- (46) Exhibit 18 - Amber vial, Prescription No. 164691, labeled Darvocet N 100mg filled on September 16, 1988.
- (47) Exhibit 18A - Copy of Prescription used by Blue Cross & Blue Shield of Northern Ohio in the name of Charles Daly.
- (48) Exhibit 18B - Copy of Page 23 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (49) Exhibit 19 - Amber vial, Prescription No. 165389, labeled Lomotil tabs 2.5mg filled November 18, 1988.
- (50) Exhibit 19A - Prescription No. 165389.
- (51) Exhibit 19B - Copy of Page 27 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (52) Exhibit 20 - Amber vial, Prescription No. 165389, labeled Lomotil 2.5mg refilled on December 14, 1988.
- (53) Exhibit 20A - Copy of Page 1 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (54) Exhibit 21 - Amber vial, Prescription No. 164934, labeled Zylloprim 300mg filled October 6, 1988.
- (55) Exhibit 21A - Copy of prescription used by Blue Cross & Blue Shield of Northern Ohio in the name of William Krug.
- (56) Exhibit 21B - Copy of Page 24 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (57) Exhibit 22 - Amber vial, Prescription No. 165379, labeled Zylloprim 300mg filled November 17, 1988.
- (58) Exhibit 22A - Prescription No. 165379.
- (59) Exhibit 22B - Copy of Page 27 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (60) Exhibit 23 - Amber vial, Prescription No. 165379, labeled Zylloprim 300mg refilled December 20, 1988.
- (61) Exhibit 23A - Copy of Page 1 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (62) Exhibit 24 - Amber vial, Prescription No. 165379, labeled Zylloprim 300mg refilled January 19, 1989.
- (63) Exhibit 24A - Copy of Page 3 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (64) Exhibit 25 - Amber vial, Prescription No. 165888, labeled Robaxin 750mg filled January 3, 1989.
- (65) Exhibit 25A - Copy of prescription used by Blue Cross & Blue Shield of Northern Ohio in the name of Tim James.
- (66) Exhibit 25B - Copy of Page 2 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (67) Exhibit 26 - Amber vial, Prescription No. 165928, labeled Valium 10mg filled January 5, 1989.

HARVEY RAY ROME, R.Ph.

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- (68) Exhibit 26A - Copy of Page 2 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (69) Exhibit 27 - Amber vial, Prescription No. 165928, labeled Valium 10mg refilled February 22, 1989.
- (70) Exhibit 27A - Copy of Page 4 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (71) Exhibit 28 - Amber vial, Prescription No. 166577, labeled Librax filled February 22, 1989.
- (72) Exhibit 28A - Prescription No. 166577.
- (73) Exhibit 28B - Copy of Page 4 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (74) Exhibit 29 - Silver tube, Prescription No. 165018, labeled Mycolog Cream filled October 14, 1988.
- (75) Exhibit 29A - Copy of prescription used by Blue Cross & Blue Shield of Northern Ohio in the name of Wilfred Felix.
- (76) Exhibit 29B - Copy of Page 25 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (77) Exhibit 30 - Silver tube, Prescription No. 165018, labeled Mycolog Cream refilled on January 12, 1989.
- (78) Exhibit 30A - Copy of Page 2 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (79) Exhibit 31 - Silver tube, Prescription No. 165018, labeled Mycolog Cream refilled February 17, 1989.
- (80) Exhibit 31A - Copy of Page 4 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (81) Exhibit 32 - Amber vial, Prescription No. 165506, labeled Lomotil tabs. filled December 27, 1988.
- (82) Exhibit 32A - Prescription No. 165506.
- (83) Exhibit 32B - Copy of Page 1 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (84) Exhibit 33 - Amber vial, Prescription No. 165621, labeled Valium 5mg filled December 9, 1988.
- (85) Exhibit 33A - Copy of prescription used by Blue Cross & Blue Shield of Northern Ohio in the name of Daniel Lloyd.
- (86) Exhibit 33B - Copy of Page 28 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (87) Exhibit 34 - Amber vial, Prescription No. 165620, labeled Lomotil tabs. filled December 9, 1988.
- (88) Exhibit 34A - Copy of prescription used by Blue Cross & Blue Shield of Northern Ohio in the name of Karen Lloyd.
- (89) Exhibit 34B - Copy of Page 28 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.

HARVEY RAY ROME, R.Ph.

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- (90) Exhibit 35 - Amber vial, Prescription No. 165621, labeled Valium 5mg refilled on January 20, 1989.
- (91) Exhibit 35A - Copy of Page 3 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (91) Exhibit 36 - Amber vial, Prescription No. 165620, labeled Lomotil tabs. refilled on January 20, 1989.
- (92) Exhibit 36A - Copy of Page 3 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (93) Exhibit 37 - Amber vial, Prescription No. 164927, labeled Librax caps. refilled December 21, 1988.
- (94) Exhibit 37A - Copy of Page 1 of Blue Cross & Blue Shield of Northern Ohio's Prescription Drug System Extraction Report dated August 1, 1989.
- (95) Exhibit 38 - Certified copy of 3 criminal docket sheets from Common Pleas Court, Lucas County, Ohio, Criminal Case No. 89-7465.
- (96) Exhibit 39 - Accountability Statement for Main Rx Pharmacy showing shortages for Tuinal 200mg capsules dated August 6, 1990.
- (97) Exhibit 40 - Accountability Statement for Main Rx Pharmacy showing shortages for Oxycodone with APAP dated August 6, 1990.
- (98) Exhibit 41 - Accountability Statement for Main Rx Pharmacy showing shortages for Oxycodone with ASA tablets dated August 6, 1990.
- (99) Exhibit 42 - Accountability Statement for Main Rx Pharmacy showing shortages for Nembutal 100mg capsules dated August 6, 1990.
- (100) Exhibit 43 - Accountability Statement for Main Rx Pharmacy showing shortages for Seconal capsules 100mg dated August 6, 1990.
- (101) Exhibit 44 - Accountability Statement for Main Rx Pharmacy showing shortages for Tylox capsules dated August 6, 1990.
- (102) Exhibit 45 - Accountability Statement for Main Rx Pharmacy showing shortages for Mepergan Fortis capsules dated August 6, 1990.
- (103) Exhibit 46 - Accountability Statement for Main Rx Pharmacy showing shortages for Demerol 100mg tablets dated August 6, 1990.
- (104) Exhibit 47 - Accountability Statement for Main Rx Pharmacy showing shortages for Methadone 5mg tablets dated August 6, 1990.
- (105) Exhibit 48 - DEA Form No. 222, Order No. 870652254.
- (106) Exhibit 49 - DEA Form No. 222, Order No. 870652261; and signed delivery receipts, Invoice No. 0049837 and Invoice No. 0051432.
- (107) Exhibit 50 - DEA Form No. 222, Order No. 870652255.

Respondent's Exhibits:

- (1) Exhibit A - Two-page letter to the members of the Pharmacy Board from Becky Barlow dated December 9, 1990.
- (2) Exhibit B - Drug Abuse Testing Report for Harvey Ray Rome dated November 21, 1990.

- (3) Exhibit C - Two-page letter to Mr. Franklin Wickham, Executive Director, Ohio State Board of Pharmacy from Patrick K. McNamara, M.D., Director Chemical Dependency Center, Flower Memorial Hospital dated December 6, 1990; and Dr. McNamara's two-page Curriculum Vitae.
- (4) Exhibit D - Delivery receipt, Invoice No. 0095727.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Harvey Ray Rome was originally licensed in the state of Ohio on March 6, 1972, pursuant to examination, and has been practicing pharmacy since that date. Records further indicate that Harvey Ray Rome was the owner and Responsible Pharmacist at Main Rx Pharmacy, 99 N. Main St., Swanton, Ohio 43558, pursuant to Section 4729.27 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that the Board of Pharmacy, by Order dated August 21, 1987, made the following findings of fact and conclusions of law:
  - a) (1) On February 26, 1987, Harvey Ray Rome 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) As demonstrated by return receipt of February 27, 1987, Harvey Ray Rome received the letter of February 26, 1987 informing him of the allegations regarding the late renewal of his pharmacist identification card, his continual practice without a current identification card, and his rights.
  - (3) Harvey Ray Rome has not responded in any manner to the letter of February 26, 1987, and has not requested a hearing in this matter.
  - (4) The State Board of Pharmacy finds that Harvey Ray Rome failed to renew his identification card on the fifteenth day of September, 1986 as required by Section 4729.12 of the Ohio Revised Code, for 1987, when he did not renew until February 25, 1987.
  - (5) The State Board of Pharmacy finds that Harvey Ray Rome failed to renew his identification card on the fifteenth day of September, 1983 as required by Section 4729.12 of the Ohio Revised Code, for 1984, when he did not renew until October 24, 1983.

- (6) The State Board of Pharmacy finds that Harvey Ray Rome failed to renew his identification card on the fifteenth day of September, 1981 as required by Section 4729.12 of the Ohio Revised Code, for 1982, when he did not renew until November 30, 1981.
  - (7) The State Board of Pharmacy finds that Harvey Ray Rome failed to renew his identification card on the fifteenth day of September, 1980 as required by Section 4729.12 of the Ohio Revised Code, for 1981, when he did not renew until October 15, 1980.
  - (8) The State Board of Pharmacy finds that Harvey Ray Rome failed to renew his identification card on the fifteenth day of September, 1979 as required by Section 4729.12 of the Ohio Revised Code, for 1980, when he did not renew until October 15, 1979.
  - (9) The State Board of Pharmacy finds that Harvey Ray Rome did dispense and sell dangerous drugs while not being a registered pharmacist during the lapsed dates of his pharmacist license, in violation of the provisions of Section 4729.28 of the Revised Code.
- b) (1) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (4) through (9) of the Findings of Fact constitutes willful violations of the provisions of Chapter 4729. of the Ohio Revised Code, and is prohibited by Section 4729.16(A)(5) of the Ohio Revised Code.

The Board imposed a monetary penalty of \$300.00.

- (3) From the evidence presented, the State Board of Pharmacy finds that Harvey Ray Rome did, on or about December 19, 1986, dispense or sell to one person, within forty-eight consecutive hours, more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Harvey Ray Rome sold two 4 oz. preparations of Cheracol to an individual having an alias of Cindy Smith. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Harvey Ray Rome did, on or about February 7, 1987, dispense or sell to one person, within forty-eight consecutive hours, more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Harvey Ray Rome sold two 4 oz. preparations of Cheracol to an individual having an alias of Cindy Smith. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Harvey Ray Rome did, on or about March 31, 1987, dispense or sell to one person, within forty-eight consecutive hours, more

than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Harvey Ray Rome sold two 4 oz. preparations of Novahistine DH to an individual having an alias of Kevin G. Kelley. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

- (6) From the evidence presented, the State Board of Pharmacy finds that Harvey Ray Rome did, on or about April 8, 1987, dispense or sell to one person, within forty-eight consecutive hours, more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Harvey Ray Rome sold two 4 oz. preparations of Novahistine DH to an individual having an alias of Kevin G. Kelley. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (7) From the evidence presented, the State Board of Pharmacy finds that Harvey Ray Rome did, on or about April 11, 1987, dispense or sell to one person, within forty-eight consecutive hours, more than one preparation exempted by the provisions of Section 3719.15 of the Revised Code, to wit: Harvey Ray Rome sold two 4 oz. preparations of Cheracol to an individual having an alias of Cindy Smith. Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.
- (8) From the evidence presented, the State Board of Pharmacy finds that Harvey Ray Rome was, on or about November 30, 1987, in the Common Pleas Court of Lucas County, Ohio, convicted of one count of Illegal Sales of Exempt Preparations in violation of Section 3719.16 of the Ohio Revised Code, a felony of the fourth degree.
- (9) From the evidence presented, the State Board of Pharmacy finds that Harvey Ray Rome did, between the dates of September 15, 1988 and April 5, 1989, with purpose to deprive, knowingly obtain or exert control over the property of another by deception, the value of which exceeded \$300.00, to wit: on 31 of 41 prescriptions billed, Harvey Ray Rome submitted false claims to Blue Cross/Blue Shield of Northern Ohio by billing for brand-name drugs after having dispensed generic drugs. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (10) From the evidence presented, the State Board of Pharmacy finds that Harvey Ray Rome was, on or about March 5, 1990, in the Common Pleas Court of Lucas County, Ohio, convicted of one count of Theft in violation of Section 2913.02(A) of the Ohio Revised Code, a felony of the fourth degree.
- (11) From the evidence presented, the State Board of Pharmacy finds that Harvey Ray Rome did, between the dates of September 15, 1988 and April 5, 1989, knowingly make or affix false or forged labels to receptacles containing dangerous drugs when this conduct was not in accordance with Chapters 3719. and 4729. of the Revised Code, to wit: when filling prescriptions with generic drugs,

Harvey Ray Rome indicated that he had filled the following prescriptions with brand name drugs:

<u>Script #</u>	<u>Date</u>	<u>Script #</u>	<u>Date</u>
166689	03-03-89	164927	10-06-88
164927	12-21-88	164927	02-24-89
164928	10-06-88	164928	11-11-88
164928	12-21-88	164928	02-24-89
165389	11-18-88	165389	12-14-88
164934	10-06-88	164934	11-17-88
164934	12-20-88	164934	01-19-89
166577	02-22-89	165018	10-14-88
165018	02-17-89	165018	01-12-89
165621	12-09-88	165506	12-27-88
165620	12-09-88	165621	01-20-89
		165620	01-20-89

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

- (12) From the evidence presented, the State Board of Pharmacy finds that Harvey Ray Rome did, on or about November 17, 1988, intentionally make or knowingly possess a false or forged prescription, to wit: Harvey Ray Rome created prescription number 165379, taking information from prescription number 164934, and he altered the number of refills. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (13) From the evidence presented, the State Board of Pharmacy finds that Harvey Ray Rome did, between the dates of May 1, 1987 and July 31, 1990, knowingly sell a controlled substance in an amount equal to or greater than three times the bulk amount when this conduct was not in accordance with Chapters 3719. and 4729. of the Revised Code, to wit: Harvey Ray Rome transferred from Main Rx Pharmacy without prescriptions the following schedule II controlled substances:

<u>Drug</u>	<u>Shortage</u>	<u>% of stock</u>
Tuinal 200mg	11,500 capsules	100%
Oxycodone w/APAP	2,118 tablets	59%
Oxycodone w/ASA	1,565 tablets	45%
Nembutal 100mg	1,418 capsules	89%
Seconal 100mg	1,100 capsules	85%
Tylox	528 capsules	58%
Mepergan Fortis	252 capsules	33%
Demerol 100mg	54 tablets	21%
Methadone 5mg	16 tablets	4%

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

- (14) From the evidence presented, the State Board of Pharmacy finds that Harvey Ray Rome, as Responsible Pharmacist and owner of Main Rx Pharmacy, 99 N. Main St., Swanton, Ohio 43558, did fail to keep a record of all controlled substances received or dispensed by him, to wit: Harvey Ray Rome did not maintain a record of the kind or quantity of controlled substances sold or dispensed by the pharmacy. Such conduct is in violation of Section 3719.07(G) of the Ohio Revised Code.
- (15) From the evidence presented, the State Board of Pharmacy finds that Harvey Ray Rome did, between May 1, 1987 and July 31, 1990, knowing that an official investigation was likely to be instituted, destroy or conceal records with purpose to impair their availability as evidence in such investigation, to wit: Harvey Ray Rome destroyed or concealed drug purchase records and/or DEA 222 forms so as to conceal drug thefts and shortages. Such conduct is in violation of Section 2921.12 of the Ohio Revised Code.
- (16) From the evidence presented, the State Board of Pharmacy finds that Harvey Ray Rome is addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Harvey Ray Rome has admitted dependency on drugs and has sought treatment for such dependency, said dependency causing him to steal and/or sell drugs illegally.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (2) of the Findings Of Fact constitutes being guilty of gross immorality 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 the conduct set forth in paragraphs (3) through (13) and (15) of the Findings Of Fact constitutes being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (15) of the Findings Of Fact constitutes 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.

- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (16) of the Findings of Fact constitutes being addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (5) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (14) of the Findings Of Fact constitutes being guilty of willfully violating 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.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Harvey Ray Rome, No. 03-1-10044, indefinitely effective February 15, 1991.

Further, Mr. Rome may petition the Board in one year on the condition that Harvey Ray Rome:

- (1) complies with the terms of this Order;
- (2) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and
- (3) abides by the rules of the State Board of Pharmacy.

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 ...[the effective date] 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.

HARVEY RAY ROME, R.Ph.  
Page Thirteen  
Order of the Board

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 497 578 879

ORDER MAILED: JANUARY 30, 1991

FZW/sl

By   
Franklin Z. Wickham, Executive Director

cc: Jeanny Eaton, Assistant Attorney General  
David W. Zoll, Attorney for Respondent; Suite 205 AIM Bldg.; 6605  
W. Central Avenue; Toledo, Ohio 43617

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OHIO STATE BOARD OF PHARMACY

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THE STATE BOARD OF PHARMACY  
(Docket No. D-870226-121)

In The Matter Of:

HARVEY RAY ROME, R.Ph.  
3916 Durham Court  
Toledo, Ohio 43623

THE MATTER OF HARVEY RAY ROME CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON JUNE 24, 1987. MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) On February 26, 1987, Harvey Ray Rome 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) As demonstrated by return receipt of February 27, 1987, Harvey Ray Rome received the letter of February 26, 1987 informing him of the allegations regarding the late renewal of his pharmacist identification card, his continual practice without a current identification card, and his rights.
- (3) Harvey Ray Rome has not responded in any manner to the letter of February 26, 1987, and has not requested a hearing in this matter.
- (4) The State Board of Pharmacy finds that Harvey Ray Rome failed to renew his identification card on the fifteenth day of September, 1986 as required by Section 4729.12 of the Ohio Revised Code, for 1987, when he did not renew until February 25, 1987.
- (5) The State Board of Pharmacy finds that Harvey Ray Rome failed to renew his identification card on the fifteenth day of September, 1983 as required by Section 4729.12 of the Ohio Revised Code, for 1984, when he did not renew until October 24, 1983.
- (6) The State Board of Pharmacy finds that Harvey Ray Rome failed to renew his identification card on the fifteenth day of September, 1981 as required by Section 4729.12 of the Ohio Revised Code, for 1982, when he did not renew until November 30, 1981.
- (7) The State Board of Pharmacy finds that Harvey Ray Rome failed to renew his identification card on the fifteenth day of September, 1980 as required by Section 4729.12 of the Ohio Revised Code, for 1981, when he did not renew until October 15, 1980.

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OHIO STATE BOARD OF PHARMACY

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- (8) The State Board of Pharmacy finds that Harvey Ray Rome failed to renew his identification card on the fifteenth day of September, 1979 as required by Section 4729.12 of the Ohio Revised Code, for 1980, when he did not renew until October 15, 1979.
- (9) The State Board of Pharmacy finds that Harvey Ray Rome did dispense and sell dangerous drugs while not being a registered pharmacist during the lapsed dates of his pharmacist license, in violation of the provisions of Section 4729.28 of the Revised Code.

Conclusion Of Law

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (4) through (9) of the Findings Of Fact constitutes willful violations of the provisions of Chapter 4729. of the Ohio Revised Code, and is prohibited by Section 4729.16(A)(5) of the Ohio Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby imposes a monetary penalty of three hundred dollars (\$300.00), 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 to the State Board of Pharmacy, 65 S. Front Street, Room 504, Columbus, Ohio 43266-0320, with the enclosed form.

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

MOTION CARRIED.

SO ORDERED.