



# 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)

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

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

## ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-050714-003)

In The Matter Of:

**GARRETT A. PFEFFER, R.Ph.**

339 Ormsby Road

Fairlawn, Ohio 44313

(R.Ph. No. 03-1-10686)

### INTRODUCTION

THE MATTER OF GARRETT A. PFEFFER CAME FOR HEARING ON NOVEMBER 9, 2005, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE R. EASTMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

GARRETT A. PFEFFER WAS REPRESENTED BY RICHARD G. LILLIE AND GRETCHEN A. HOLDERMAN. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### State's Witness:

1. Thomas Miksch, Ohio State Board of Pharmacy

#### Respondent's Witness:

1. Garrett Pfeffer, R.Ph., Respondent

#### State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [07-14-05]  
1A-1C. Procedurals
2. Indictment, State of Ohio vs. Garrett A. Pfeffer, Case No. CR2005-04-1405, Summit County Common Pleas Court [04-29-05]; Journal Entry [06-29-05]
3. Rx #6660590 [06-20-98]      Rx #6665592 [10-28-98]      Rx #6666500 [11-18-98]  
Rx #6668330 [12-30-98]      Rx #6669497 [01-27-99]      Rx #6669644 [01-30-99]  
Rx #6670887 [02-26-99]      Rx #6670912 [02-26-99]      Rx #6671708 [03-14-99]  
Rx #6672436 [03-30-99]      Rx #6672785 [04-08-99]      Rx #6674295 [05-14-99]  
Rx #6675413 [06-10-99]      Rx #6678435 [08-21-99]      Rx #6679690 [09-21-99]  
Rx #6681372 [10-26-99]      Rx #6681489 [10-29-99]      Rx #6682689 [11-26-99]  
Rx #6684689 [01-07-00]      Rx #6684690 [01-07-00]      Rx #6685639 [01-25-00]  
Rx #6685653 [01-25-00]      Rx #6687043 [02-27-00]      Rx #6689053 [04-08-00]

Rx #6689935 [05-01-00]	Rx #6690023 [05-03-00]	Rx #6692458 [06-30-00]
Rx #6692501 [07-02-00]	Rx #6692502 [07-02-00]	Rx #6693107 [07-18-00]
Rx #6694939 [09-01-00]	Rx #6698689 [12-01-00]	Rx #6703005 [03-09-01]
Rx #6703006 [03-09-01]	Rx #6704805 [04-22-01]	Rx #6705301 [05-03-01]
Rx #6705440 [05-08-01]	Rx #6708102 [07-14-01]	Rx #6709388 [08-17-01]
Rx #6713203 [11-16-01]	Rx #6713343 [11-19-01]	Rx #6713344 [11-19-01]
Rx #6714521 [12-17-01]	Rx #6714522 [12-17-01]	Rx #6714523 [12-17-01]
Rx #6714692 [12-20-01]	Rx #6716060 [01-24-02]	Rx #6721217 [05-24-02]

4. Illegal Prescriptions Report for Case No. 2004-1153 [06-20-98 to 02-26-05]
5. Notarized Statement of Joanne Hill [02-23-04]
6. Notarized Statement of Richard Whalen, M.D. [02-23-05]
7. Notarized Statement of Garrett A. Pfeffer, R.Ph. [03-28-05]
8. Rx #40385 [08-28-02]      Rx #42696 [10-17-02]      Rx #42684 [10-17-02]  
Rx #43127 [10-26-02]      Rx #43899 [11-10-02]      Rx #47918 [01-27-03]  
Rx #50512 [03-11-03]      Rx #58065 [06-08-03]      Rx #60285 [07-22-03]  
Rx #69931 [01-20-04]      Rx #72144 [02-26-04]      Rx #73828 [03-26-04]  
Rx #74691 [04-13-04]      Rx #78045 [06-15-04]      Rx #81975 [08-31-04]  
Rx #81977 [08-31-04]      Rx #81978 [08-31-04]      Rx #81981 [08-31-04]  
Rx #84567 [10-18-04]      Rx #85127 [10-28-04]      Rx #85310 [11-01-04]  
Rx #85673 [11-07-04]      Rx #86963 [11-30-04]      Rx #87098 [12-03-04]  
Rx #87651 [12-13-04]      Rx #89441 [01-16-05]      Rx #91739 [02-26-05]
9. Notarized Statement of Robert Burns, M.D. [04-05-05]

Respondent's Exhibits:

- AA. Adjudication Hearing Brief in re Garrett Pfeffer [11-03-05]
- A. Letter of Support from Richard Whalen, M.D. [10-20-05]
- B. Letter of Support from Robert C. Burns, M.D. [10-25-05]
- C. Letter of Support from Joseph A. Salem, R.Ph. [not dated]

FINDINGS OF FACT

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

- (1) Records of the Board of Pharmacy indicate that Garrett A. Pfeffer was originally licensed by the State of Ohio on February 20, 1974, pursuant to reciprocity and his license to practice pharmacy in Ohio was Summarily Suspended effective July 14, 2005.
- (2) Garrett A. Pfeffer did, on or about June 29, 2005, plead guilty to two (2) counts of Illegal Processing of Drug Documents in violation of Section 2925.23 of the Ohio Revised Code, felonies of the fifth degree. State of Ohio v Garrett Pfeffer, Case No. CR-2005-04-1405, Summit County Common Pleas Court.
- (3) Garrett A. Pfeffer did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: while practicing pharmacy at Tops Pharmacy, Garrett A. Pfeffer created the following documents purporting to be prescriptions for himself, family members, and friends, without the authorization of a prescriber:

Rx Number	Fill Date	Drug	Strength	Quantity
6660590	06/20/98	Ibuprofen	600 mg	100
6665592	10/28/98	Clobetasol Gel	0.05%	60 gm
6666500	11/18/98	Cephalexin	250 mg	40
6668330	12/30/98	Cefadroxil	500 mg	30
6669497	01/27/99	Claritin	10 mg	30
6669644	01/30/99	Pramosone	2.50%	30
6670887	02/26/99	Acyclovir	400 mg	100
6670912	02/26/99	Zyrtec	10 mg	30
6670912	04/02/99	Zyrtec	10 mg	30
6671708	03/14/99	Hctz	25 mg	100
6671708	06/24/99	Hctz	25 mg	100
6671708	09/01/99	Hctz	25 mg	100
6671708	11/26/99	Hctz	25 mg	100
6671708	02/09/00	Hctz	25 mg	100
6672436	03/30/99	Amoxil	500 mg	30
6672785	04/08/99	Clobetasol Gel	0.05%	60
6672785	05/09/99	Clobetasol Gel	0.05%	60
6672785	06/10/99	Clobetasol	0.05%	60
6672785	07/14/99	Clobetasol	0.05%	60
6672785	08/20/99	Clobetasol	0.05%	60
6674295	05/14/99	Allegra	60 mg	60
6674295	06/11/99	Allegra	60 mg	60
6675413	06/10/99	Fluocinonide Gel	0.05%	60
6678435	08/21/99	Miacalcin Spray	2 x 2 ml	4 ml
6679690	09/21/99	Diflucan	150 mg	1
6679690	12/22/99	Diflucan	150 mg	1
6681372	10/26/99	Clobetasol Gel	0.05%	60
6681372	11/26/99	Clobetasol	0.05%	60
6681372	12/29/99	Clobetasol	0.05%	60
6681372	02/03/00	Clobetasol	0.05%	60
6681372	030/9/00	Clobetasol	0.05%	60
6681489	10/29/99	Clobetasol	0.05%	60
6681489	12/07/99	Clobetasol	0.05%	60
6681489	01/18/00	Clobetasol	0.05%	60
6681489	02/25/00	Clobetasol	0.05%	60
6681489	03/24/00	Clobetasol	0.05%	60
6681489	04/26/00	Clobetasol	0.05%	60
6681489	05/25/00	Clobetasol	0.05%	60
6681489	06/26/00	Clobetasol	0.05%	60
6681489	09/27/00	Clobetasol	0.05%	60
6682689	11/26/99	Hydrocort Oint.	0.20%	15 gm
6684689	01/07/00	Zithromax	250 mg	6
6684690	01/07/00	Ami-Tex LA	400mg	20
6685639	01/25/00	Diflucan	150 mg	1 tab
6685653	01/25/00	Acyclovir	400 mg	100
6687043	02/27/00	Zovirax	5%	3
6689053	04/08/00	Hctz	25 mg	100
6689935	05/01/00	Flonase Spray	0.05%	16
6690023	05/03/00	Ibuprofen	600 mg	100
6692458	06/30/00	Clobetasol Gel	0.05%	60
6692458	08/02/00	Clobetasol	0.05%	60

Rx Number	Fill Date	Drug	Strength	Quantity
6692458	08/30/00	Clobetasol	0.05%	60
6692458	09/30/00	Clobetasol	0.05%	60
6692458	11/07/00	Clobetasol	0.05%	60
6692458	12/08/00	Clobetasol	0.05%	60
6692458	01/14/01	Clobetasol	0.05%	60
6692501	07/02/00	Hctz	25 mg	100
6692501	09/02/00	Hctz	25 mg	100
6692501	11/13/00	Hctz	25 mg	100
6692501	03/21/01	Hctz	25 mg	100
6692501	06/05/01	Hctz	25 mg	100
6692502	07/02/00	Nasonex Spray	50 mcg	17
6693107	07/18/00	Zithromax	250 mg	6
6694939	09/01/00	Benzac AC	5%	60
6698689	12/01/00	Clobetasol	0.05%	60
6698689	12/29/00	Clobetasol	0.05%	60
6698689	02/02/01	Clobetasol	0.05%	60
6698689	03/07/01	Clobetasol	0.05%	60
6703005	03/09/01	Amoxicillin	875 mg	20
6703006	03/09/01	Guaifenesin	120	20
6704805	04/22/01	Ibuprofen	600 mg	120
6705301	05/03/01	Cefadroxil	500 mg	120
6705301	06/17/01	Cefadroxil	500 mg	30
6705301	07/13/01	Cefadroxil	500 mg	30
6705301	08/01/01	Cefadroxil	500 mg	30
6705301	09/27/01	Cefadroxil	500 mg	40
6705301	03/12/02	Cefadroxil	500 mg	30
6705440	05/08/01	Cefadroxil	500 mg	120
6705440	01/11/02	Cefadroxil	500 mg	40
6708102	07/14/01	Ibuprofen	600 mg	120
6708102	11/26/01	Ibuprofen	600 mg	120
6709388	08/17/01	Hctz	25 mg	100
6709388	12/09/01	Hctz	25 mg	100
6713203	11/16/01	Clobetasol Gel	0.05%	60
6713203	03/22/02	Clobetasol	0.05%	60
6713343	11/19/01	Acyclovir	200 mg	100
6713344	11/19/01	Zovirax	5%	15
6714521	12/17/01	Triamcinolone	5	5
6714522	12/17/01	Indomethacin	50 mg	10
6714523	12/17/01	Allopurinol	100 mg	10
6714692	12/20/01	Vioxx	25 mg	30
6716060	01/24/02	Bactroban	2%	22
6721217	05/24/02	Cosopt Plus	10 ml	20 ml
6722397	06/22/02	Levaquin	250 mg	20

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

- (4) Garrett A. Pfeffer did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: while practicing pharmacy at Marc's Pharmacy, Garrett A. Pfeffer created the following documents purporting to be prescriptions for himself, family members, and friends, without the authorization of a prescriber:

Rx Number	Fill Date	Drug	Strength	Quantity
40385	09/22/02	Folic Acid	1 mg	100
42696	10/17/02	Indomethacin	50 mg	50
42684	10/17/02	Colchicine	0.6 mg	100
43127	10/26/02	Clarinet	5 mg	7
43899	11/10/02	Ibuprofen	600 mg	100
40385	12/24/02	Folic Acid	1 mg	100
47918	01/27/03	Hctz	25 mg	100
50512	03/11/03	Acyclovir	200 mg	100
40385	03/30/03	Folic Acid	1 mg	100
47918	04/07/03	Hctz	25 mg	100
58065	06/08/03	Hctz	25 mg	100
60285	07/22/03	Folic Acid	1 mg	100
58065	08/12/03	Hctz	25 mg	100
58065	10/11/03	Hctz	25 mg	100
69931	01/20/04	Hctz	25 mg	100
72144	02/26/04	Cephalexin	500 mg	15
73828	03/26/04	Zithromax Z-pak	250 mg	6
74691	04/13/04	Hctz	25 mg	100
78045	06/15/04	Ibuprofen	600 mg	100
74691	06/15/04	Hctz	25 mg	100
81981	08/31/04	Hydroxyzine	25 mg	60
81978	08/31/04	Elocon Lotion	0.10%	60
81977	08/31/04	Plexion Cleanser	Med.	341
81975	08/31/04	Fluocinonide Crm.	0.05%	60
74691	08/31/04	Hctz	25 mg	100
84567	10/18/04	Allegra	180 mg	30
85127	10/28/04	Miraphen Pse		100
85310	11/01/04	Acyclovir	200 mg	100
85673	11/07/04	Omnicef	300 mg	30
86963	11/30/04	Ranitidine	150 mg	30
87098	12/03/04	Hctz	25 mg	100
87651	12/13/04	Zyrtec	10 mg	30
89441	01/16/05	Astelin Nas. Spray	137 mcg	30
86963	02/13/05	Ranitidine	150 mg	30
91739	02/26/05	GFN/PSE		40
78045	02/28/05	Ibuprofen	600 mg	100
87098	03/13/05	Hctz	25 mg	100

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

#### CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (4) 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 (2) through (4) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

- (3) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

#### DECISION 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 to Garrett A. Pfeffer on July 14, 2005.

- (A) On the basis of the Findings of Fact and the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends for one year, the pharmacist identification card, No. 03-1-10686, held by Garrett A. Pfeffer effective as of the date of the mailing of this Order.
  - (1) Garrett A. Pfeffer, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
  - (2) Garrett A. Pfeffer, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.
- (B) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes on Garrett A. Pfeffer a monetary penalty of three thousand dollars (\$3,000.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (C) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby places Garrett A. Pfeffer on probation for five years effective upon reinstatement of his identification card. The terms of probation are as follows:
  - (1) The State Board of Pharmacy hereby declares that Garrett A. Pfeffer'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) Garrett A. Pfeffer may not serve as a responsible pharmacist.
  - (3) Garrett A. Pfeffer may not dispense prescriptions for himself, his family, employees working in the pharmacy department and their family members.
  - (4) Garrett A. Pfeffer must not violate the drug laws of Ohio, any other state, or the federal government.

- (5) Garrett A. Pfeffer must abide by the rules of the State Board of Pharmacy.
- (6) Garrett A. Pfeffer must comply with the terms of this Order.
- (7) Garrett A. Pfeffer's license is deemed not in good standing until successful completion of the probationary period.
- (8) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Garrett A. Pfeffer 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 (Aye-6/Nay-1).  
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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

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

**BY ORDER OF THE STATE BOARD OF PHARMACY**

ORDER MAILED & EFFECTIVE: \_\_\_\_\_

CERTIFIED MAIL / Return Receipt  
7003 0500 0002 4340 7612

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

WTW/lf

cc: Sally Ann Steuk, Assistant Attorney General  
Richard G. Lillie and Gretchen A. Holderman, Attorneys for Respondent; 2300 BP Tower;  
200 Public Square; Cleveland, Ohio 44114-2378