



OHIO STATE BOARD OF PHARMACY

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

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TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-010514-064)

In The Matter Of:

RALEIGH L. SMITH, R.Ph.

1686 Newmans Cardington Road East

Waldo, Ohio 43356

(R.Ph. No. 03-1-10859)

INTRODUCTION

THE MATTER OF RALEIGH L. SMITH CAME FOR HEARING ON SEPTEMBER 11, 2001 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, 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.

RALEIGH L. SMITH WAS REPRESENTED BY DANIEL L. CONNOR, 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) Donita Smith, Respondent's Wife
- (2) Stephen Harris, R.Ph.
- (3) Raleigh L. Smith, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Hearing Request letter dated May 10, 2001.
- (2) Exhibit 1A--Copy of Hearing Schedule letter dated May 14, 2001.

- (3) Exhibit 1B--Copy of Ohio Pharmacist computer record of Raleigh L. Smith.
- (4) Exhibit 2--Copy of two-page Statement of Raleigh L. Smith notarized August 16, 1999.
- (5) Exhibit 3--Copy of Wal-Mart Audit for May 1, 1999 through August 5, 1999.
- (6) Exhibit 4--Copy of two-page Indictment in the Marion County Court of Common Pleas, State of Ohio vs. Raleigh L. Smith aka "Butch", Case No. 99-CR-0227, filed September 8, 1999.
- (7) Exhibit 5--Copy of two-page Request for Treatment in Lieu of Conviction in the Marion County Court of Common Pleas, State of Ohio vs. Raleigh L. Smith, Case No. 99 CR 00227, filed September 22, 1999.
- (8) Exhibit 6--Copy of Indictment in the Marion County Court of Common Pleas, State of Ohio vs. Raleigh L. Smith aka "Butch", Case No. 00-CR-0046, filed February 24, 2000.
- (9) Exhibit 7--Copy of six-page Judgment Entry of Sentencing in the Marion County Court of Common Pleas, State of Ohio vs. Raleigh L. Smith aka "Butch", Case No. 00-CR-046, filed June 9, 2000.
- (10) Exhibit 8--Copy of two-page letter from Marion County Assistant Prosecuting Attorney Rhonda G. Burggraf dated June 29, 2000; Copy of Ohio Board of Pharmacy Offense Report for Raleigh "Butch" Smith; Copy of six-page Judgment Entry of Sentencing in the Marion County Court of Common Pleas, State of Ohio vs. Raleigh L. Smith aka "Butch", Case No. 00-CR-046, filed June 3, 2000.
- (11) Exhibit 9--Copy of seven-page Order of the State Board of Pharmacy, Docket No. D-990908-017 in the matter of Raleigh L. Smith, R.Ph. dated September 11, 2000.

Respondent's Exhibits:

- (1) Exhibit A--Copy of two-page PRO Inc. Recovering Pharmacist's Contract of Raleigh L. Smith dated October 1, 2000; Copy of seven-page Order of the State Board of Pharmacy, Docket No. D-990908-017 in the matter of Raleigh L. Smith, R.Ph. dated September 11, 2000; Copy of a table listing continuing pharmacy education programs dated between January 16, 2000 and April 29, 2001 totaling 8.7 CEUs; Seventeen pages of copies of continuing pharmacy education certificates dated between January 16, 2000 and April 29, 2001; Copy of Cashier's Check No. 262623 payable to Marion County Clerk of Courts in the amount of \$21,326.88 dated January 20, 2001, and Marion County Common Pleas Court Receipt No. 114204 dated January 23, 2001; Copy of twenty-three pages of drug screen reports of Raleigh Smith for samples collected July 6, 2000, August 21, 2000, September 20, 2000, October 17, 2000, November 7, 2000, December 6, 2000, January 5, 2001, January 19, 2001, February 13, 2001, March 12, 2001, April 20, 2001, April 27, 2001, May 26, 2001, June 22, 2001, July 21, 2001, and August 6, 2001; Copy of sixteen pages of support meeting attendance verification sheets of Butch Smith dated August 1, 2000 through August 16, 2001; Letter from Dean Dibling, Marion County Adult Probation Department, dated August

- 13, 2001; Letter from Jerome E. Driesen, M.D. dated August 15, 2001; Copy of letter from Stephen D. Harris, R.Ph. dated August 16, 2001; Letter from Richard A. Kryc, R.Ph. dated August 9, 2001; Letter from Charlie Broussard, R.Ph. dated August 6, 2001.
- (2) Exhibit B--Copy of Quest Diagnostics Incorporated drug screen report of Raleigh Smith for sample collected September 3, 2001.
- (3) Exhibit C--Personal Data of Raleigh L. Smith, not dated; Two-page copy of PRO, Inc. Pharmacist's Recovery Contract of Raleigh Smith dated September 12, 1999; Copy of Harding Addiction Recovery Center Continuing Care Treatment Agreement of Raleigh Smith dated September 14, 1999; Copy of letter from Connor & Behal L.L.P. dated February 14, 2000; Copy of letter from Gayle L. Diehl dated February 28, 2000; Copy of Harding Hospital Chart of Raleigh Smith consisting of 105 pages dated from August 24, 1999, through September 14, 1999; Copy of four letters from Gayle L. Diehl dated February 28, 2000, July 31, 2000, December 28, 1999, and June 22, 2000; Copy of letter from Patricia Kijewski dated April 5, 2000; Copy of letter from Stephen D. Harris dated July 18, 2000; Copy of twenty-four pages of drug screen reports of Raleigh Smith for samples collected August 26, 1999, August 27, 1999, September 1, 1999, September 3, 1999, September 10, 1999, September 21, 1999, October 7, 1999, October 8, 1999, October 28, 1999, November 22, 1999, December 13, 1999, January 25, 2000, February 22, 2000, March 21, 2000, April 20, 2000, May 17, 2000, June 13, 2000, and July 6, 2000; Affidavit of Jerome Driesen, M.D. notarized on July 27, 2000; Copy of twenty pages of support meeting attendance verification sheets of Raleigh L. Smith dated from August 31, 1999, through July 31, 2000; Two Certificates of Appreciation of Raleigh Smith dated December 31, 1999, and April 28, 2000; page 6 of the *Prospective*, not dated; pages 1 and 3 of the *Prospective*, Volume 4, Issue 3, dated July, 2000; unnumbered page of the *Prospective*, dated Summer 2000; and copy of two-page *Presby Press*, dated May, 2000; Eighteen pages of copies of continuing pharmacy education certificates dated between January 16, 2000, through June 23, 2000; Letter from Gerggory (*sic*) P. Musson dated July 24, 2000; Two-page letter from Lesley, not dated; two-page letter from Donita K. Smith dated July 17, 2000; two-page letter from Nancy K. (Smith) Eaves dated July 27, 2000; and two-page letter from Jeffrey L. Smith dated August 1, 2000; Letter from Susan E. Perry dated July 6, 2000, and letter from Carol E. Grant, not dated; Letter from Jerome E. Driesen dated July 27, 2000; letter form Stephen D. Harris dated February 20, 2000; letter from Richard A. Kryc dated February 15, 2000; letter from Todd R. Jaros dated July 6, 2000; letter from Tracey Merrin dated August 2, 2000; letter from Gerald W. Reed dated July 31, 2000; and letter from Mary B. dated July 3, 2000.
- (4) Exhibit D--Copy of seventeen pages of drug screen reports of Raleigh Smith for samples collected August 21, 2000, September 20, 2000, October 17, 2000, November 7, 2000, December 6, 2000, January 5, 2001, January 19, 2001, February 13, 2001, March 12, 2001, April 13, 2001, April 20, 2001, April 27, 2001, May 26, 2001, June 22, 2001, July 21, 2001, and August 6, 2001.

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 Raleigh L. Smith has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-990908-017, effective September 11, 2000.

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. 03-1-10859, held by Raleigh L. Smith to practice pharmacy in the state of Ohio and places Mr. Smith on probation for five years from the date the identification card is issued, with the following conditions:

- (A) Raleigh L. Smith 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) Hydrocodone must be added to the standard urine drug screen.
 - (c) Results of all drug 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 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) Raleigh L. Smith 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 Raleigh L. Smith 's progress towards recovery and what Raleigh L. Smith 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 Raleigh L. Smith'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) Raleigh L. Smith may not serve as a responsible pharmacist.
- (3) Raleigh L. Smith may not destroy, assist in, or witness the destruction of controlled substances.
- (4) Raleigh L. Smith must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
- (5) Raleigh L. Smith must not violate the drug laws of the State of Ohio, any other state, or the federal government.
- (6) Raleigh L. Smith must abide by the rules of the State Board of Pharmacy.
- (7) Raleigh L. Smith must comply with the terms of this Order.

Raleigh L. Smith 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.



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-990908-017)

In The Matter Of:

RALEIGH L. SMITH, R.Ph.

1686 Newmans-Cardington Road E

Waldo, Ohio 43356

(R.Ph. No. 03-1-10859)

INTRODUCTION

THE MATTER OF RALEIGH L. SMITH CAME FOR HEARING ON AUGUST 7, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

RALEIGH L. SMITH WAS REPRESENTED BY DANIEL D. CONNOR, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Kevin Joseph Kinneer, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Dr. Jerome Driesen, M.D., Powell, Ohio
- (2) Charles Broussard, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (3) Wayne Miller, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (4) Steven Harris, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (5) Raleigh L. Smith, R.Ph., Respondent
- (6) Donita Smith, Wife of Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of four-page Summary Suspension Order/Notice of Opportunity for Hearing letter dated September 8, 1999.
- (2) Exhibit 1A--Hearing Request letter dated September 28, 1999.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated September 30, 1999.
- (4) Exhibit 1C--Continuance Request letter dated October 11, 1999.
- (5) Exhibit 1D--Copy of Hearing Schedule letter dated October 13, 1999.
- (6) Exhibit 1E--Copy of Hearing Schedule letter dated October 15, 1999.
- (7) Exhibit 1F--Copy of Hearing Schedule letter dated February 10, 2000.
- (8) Exhibit 1G--Copy of Hearing Schedule letter dated February 18, 2000.
- (9) Exhibit 1H--Continuance Request letter dated February 23, 2000.
- (10) Exhibit 1I--Copy of Hearing Schedule letter dated March 1, 2000.
- (11) Exhibit 1J--Copy of Pharmacist File Front Sheet of Raleigh L. Smith showing original date of registration as July 30, 1974; and two-page copy of Renewal Application For Pharmacist License, No. 03-1-10859, for a license to practice pharmacy in Ohio from September 15, 1998, to September 15, 1999, signed and dated July 28, 1998.
- (12) Exhibit 1K--Copy of Hearing Schedule letter dated June 26, 2000.
- (13) Exhibit 2--Copy of two-page handwritten statement of Raleigh L. Smith signed and notarized on August 16, 1999.
- (14) Exhibit 3--Empty 16oz Stock Bottle of Fentuss Expectorant, NDC No. 55053-432-16, Lot No. S0119, Expiration Date January, 2001.
- (15) Exhibit 4--16 oz stock bottle, approximately two-thirds full, of Hydrocodone Bitartrate and Guaifenesin, NDC No. 58177-881-07, Lot No. L17962, Expiration date April, 2001.
- (16) Exhibit 5--Small amber vial, not labeled, containing four tablets of generic Lorcet 10.
- (17) Exhibit 6--Large amber vial, not labeled, containing four tablets of generic Vicodin HP.
- (18) Exhibit 7--Wal-Mart Audit for the time period of May 1, 1999, to August 5, 1999, performed by Matt Frederick for the following drugs: Fentuss Expectorant, Hydrocodone Bitartrate and Guaifenesin, Codiclear DH, Generic Vicodin, Generic Lorcet Plus, Generic Lortab 10, Generic Lorcet 10, and Generic Vicodin HP.
- (19) Exhibit 8--Copy of two-page Indictment in the Court of Common Pleas of Marion County, Ohio, The State of Ohio v. Raleigh L. Smith aka "Butch", Case No. 99-CR-0227 dated September 8, 1999.
- (20) Exhibit 9--Copy of two-page Request for Treatment in Lieu of Conviction in the Court of Common Pleas of Marion County, Ohio, State of Ohio v. Raleigh L. Smith, Case No. 99-CR-00227 dated September 22, 1999.
- (21) Exhibit 10--Copy of Indictment in the Court of Common Pleas of Marion County, Ohio, The State of Ohio v. Raleigh L. Smith aka "Butch", Case No. 00-CR-0046 dated February 24, 2000.

- (22) Exhibit 11--Copy of six-page Judgment Entry of Sentencing in the Court of Common Pleas of Marion County, Ohio, State of Ohio v. Raleigh L. Smith aka Butch, Case No. 00-CR-046 file-stamped June 9, 2000.
- (23) Exhibit 12--Two-page letter from Rhonda G. Burggraf dated June 29, 2000, and the following attachments: Copy of Ohio State Board of Pharmacy Form No. PHA-0004 regarding Raleigh "Butch" Smith, Case No. 00-CR-0046, and certified copy of six-page Judgment Entry of Sentencing in the Court of Common Pleas of Marion County, Ohio, State of Ohio v. Raleigh L. Smith aka Butch, Case No. 00-CR-046 dated June 9, 2000.

Respondent's Exhibits:

- (1) Exhibit 1--Personal Data of Raleigh L. Smith.
- (2) Exhibit 2--Copy of two-page Pharmacist's Recovery Contract of Raleigh Smith dated September 12, 1999.
- (3) Exhibit 3--Copy of Harding Addiction Recovery Center Continuing Care Treatment Agreement of Raleigh Smith dated September 14, 1999.
- (4) Exhibit 4--Copy of Harding Hospital Chart of Raleigh Smith consisting of 107 pages dated from August 24, 1999, through September 14, 1999.
- (5) Exhibit 5--Two letters from Gayle L. Diehl dated February 28, 2000, and July 31, 2000.
- (6) Exhibit 6--Copy of two letters from Gayle L. Diehl dated December 28, 1999, and June 22, 2000; copy of letter from Patricia Kijewski dated April 5, 2000; and copy of letter from Stephen D. Harris dated July 18, 2000.
- (7) Exhibit 7--Copies of twenty-four pages of urine drug screens and/or related information regarding Raleigh Smith dated from August 25, 1999, through July 9, 2000.
- (8) Exhibit 8--Affidavit of Jerome Driesen, M.D. signed and notarized on July 27, 2000.
- (9) Exhibit 9--Copies of eleven pages of Meeting Attendance Verification sheets of Raleigh L. Smith dated from August 31, 1999, through January 31, 2000; and nine pages of Meeting Attendance Verification sheets of Raleigh L. Smith dated from February 1, 2000, through July 31, 2000.
- (10) Exhibit 10--Two Certificates of Appreciation of Raleigh Smith dated December 31, 1999, and April 28, 2000; page 6 of the *Prospective*, not dated; page 1 of the *Prospective*, Volume 4, Issue 3, dated July, 2000; Page 3 of Volume 4, Issue 3; page of the *Prospective*, dated Summer 2000; and copy of *Presby Press*, May, 2000.
- (11) Exhibit 11--"The Pre-Impaired and Impaired Physician" Certificate of Attendance of Raleigh Smith dated April 7, 2000; and copies of 17 pages of continuing education program attendance verifications dated from January 16, 2000, through June 23, 2000.
- (12) Exhibit 12--Letter from Gerggory (*sic*) P. Musson dated July 24, 2000.
- (13) Exhibit 13--Two-page letter from Lesley, not dated; two-page letter from Donita K. Smith dated July 17, 2000; two-page letter from Pat

- K. and Nancy K. Eaves dated July 27, 2000; and two-page letter from Jeffrey L. Smith dated August 1, 2000.
- (14) Exhibit 14--Letter from Susan E. Perry dated July 6, 2000, and letter from Carol E. Grant, not dated.
 - (15) Exhibit 15--Letter from Jerome E. Driesen dated July 27, 2000; letter form Stephen D. Harris dated February 20, 2000; letter from Richard A. Kryc dated February 15, 2000; letter from Todd R. Jaros dated July 6, 2000; letter from Tracey Merrin dated August 2, 2000; letter from Gerald W. Reed dated July 31, 2000; and letter from Mary B. dated July 3, 2000.

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 State Board of Pharmacy indicate that Raleigh L. Smith was originally licensed in the state of Ohio on July 30, 1974, pursuant to examination. On September 8, 1999, Raleigh L. Smith's license was summarily suspended in accordance with Section 3719.121(B) of the Ohio Revised Code. Records further indicate that Raleigh L. Smith was, during the relevant time periods, the Responsible Pharmacist at Wal-Mart Pharmacy #10-1750 pursuant to Rule 4729-5-11 of the Ohio Administrative Code and Sections 4729.27 and 4729.55 of the Ohio Revised Code.
- (2) Raleigh L. Smith is addicted to liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Raleigh L. Smith has admitted stealing drugs from his employer; Raleigh L. Smith has consumed drugs while practicing pharmacy; Raleigh L. Smith drank from stock bottles, returning them to the shelf for future use when dispensing; Raleigh L. Smith admitted that he consumed up to 10 ounces of hydrocodone-based syrup and up to 10 tablets of hydrocodone medications each day; Raleigh L. Smith admitted that he began to abuse hydrocodone medications to cope with day to day pressures; and Raleigh L. Smith has had an addiction problem since 1992. Such conduct indicates that Raleigh L. Smith falls within the ambit of Sections 3719.121(A), 3719.121(B), and 4729.16(A)(3) of the Ohio Revised Code.
- (3) Raleigh L. Smith did, from May 1, 1999, through August 5, 1999, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Wal-Mart Pharmacy #10-1750, beyond the express or implied consent of the owner and/or by deception, to wit: Raleigh L. Smith stole the following controlled substances from his employer:

<u>Drug</u>	<u>Quantity</u>	<u>C.S. Schedule</u>
Fentuss Expectorant	10,385cc	III
Hydrocodone Bit and Guaifenesin	16,474cc	III
Codclear DH	240cc	III

Vicodin (generic)	137	III
Lorcet Plus (generic)	500	III
Lortab 10 (generic)	448	III
Lorcet 10 (generic)	611	III
Vicodin HP (generic)	171	III

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (3) 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.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of 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) 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.

ACTION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Raleigh L. Smith on September 8, 1999.

Pursuant to Section 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-1-10859, held by Raleigh L. Smith and such suspension is effective as of the date of the mailing of this Order.

- (A) Raleigh L. Smith, 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.
- (B) Raleigh L. Smith, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return the 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.

Further, on or after September 1, 2001, the Board will consider any petition filed by Raleigh L. Smith for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

(A) Raleigh L. Smith must enter into a contract, signed within ninety 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. The contract must provide that:

(1) **Random, observed** urine drug screens shall be conducted at least once each month.

(a) The urine sample must be given within twelve hours of notification. The urine screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

(b) Results of all drug 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.

(2) Attendance is required, a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(3) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.

(B) Raleigh L. Smith must provide, at the reinstatement petition hearing, documentation of the following:

(1) Compliance with the "Judgment Entry of Sentencing" in the Court of Common Pleas of Marion County, Ohio, State of Ohio v. Raleigh L. Smith aka Butch, Case No. 00-CR-046 dated June 9, 1999;

(2) Proof of restitution to Wal-Mart Pharmacy;

(3) Compliance with the contract required above (e.g.-proof of giving sample within 12 hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);

- (4) Compliance with the continuing pharmacy education requirements as set forth in Chapter 4729-7 of the Ohio Administrative Code (if applicable); and
 - (5) Compliance with the terms of this Order.
- (C) If reinstatement is not accomplished within three years of the effective date of this Order, Raleigh L. Smith must successfully complete the NAPLEX examination or an equivalent examination approved by the Board.

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

MOTION CARRIED.

SO ORDERED.