



OHIO STATE BOARD OF PHARMACY

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-Equal Opportunity Employer and Service Provider-

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-010323-061)

In The Matter Of:

JOSEPH E. GEISER, R.Ph.

12082 White Plains Road

Milan, Indiana 47031

(R.Ph. No. 03-1-10865)

INTRODUCTION

THE MATTER OF JOSEPH E. GEISER CAME FOR HEARING ON OCTOBER 16, 2002, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: DIANE C. ADELMAN, R.Ph., (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph. JOSEPH E. GEISER WAS REPRESENTED BY SYLVAN P. REISENFELD AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witnesses

1. Joseph E. Geiser, R.Ph., Respondent
2. Matthew Fisher, R.Ph.
3. Gregg Jacobs, R.Ph.
4. Dave Baker, R.Ph.

State's Exhibits

1. Reinstatement Hearing Request letter from Sylvan P. Reisenfeld [03-20-01]
1A-1G. Procedurals
2. State Board of Pharmacy Order, in re Joseph E. Geiser, R.Ph. [09-09-99]
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Respondent's Exhibits

- A. Summary Suspension Order/Notice of Opportunity for Hearing [06-15-99]; State Board of Pharmacy Order in re Joseph E. Geiser, R.Ph. [09-09-99]; Hearing Schedule letter [03-23-01]; Hearing Schedule letter [08-31-01]
- B. PRO Pharmacist's Recovery Contract of Joseph E. Geiser [02-20-01]
- C.
- D. Support Group Attendance Records [03-02-01 to 10/12/02]
- E. Letter from Matthew E. Fisher, R.Ph. [02-27-02]
- F. Continuing Pharmaceutical Education Certificates [04-29-01 to 10-01-02]
- G. Drug Screen Reports [08-27-99 to 09-18-02]

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 Joseph E. Geiser has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-990615-051, effective September 9, 1999.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-1-10865, held by Joseph E. Geiser to practice pharmacy in Ohio and places Joseph E. Geiser on probation for five years effective from the date his pharmacist identification card is issued, with the following conditions:

(A) Joseph E. Geiser must take and pass the NAPLEX examination or an equivalent examination acceptable to the Board before his pharmacist identification card will be issued.

(B) Joseph E. Geiser 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 before his pharmacist identification card is issued. The contract must provide that:

(1) Random, **observed** urine drug screens shall be conducted each month for the first twelve months and then once every three months for the remaining four years.

(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) Results of all drug screens must be negative. Any positive results, including those that may have resulted from ingestion of food, but

excluding false positives that resulted from medication legitimately prescribed, indicate a violation of probation.

(c) Refusals of urine screens or diluted urine screens are equivalent to a positive result and indicate a violation of 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.

(C) Joseph E. Geiser 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 Joseph E. Geiser's progress towards recovery and what he has been doing during the previous three months.

(D) Other terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that Joseph E. Geiser'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) Joseph E. Geiser may not serve as a responsible pharmacist.

(3) Joseph E. Geiser may not destroy, assist in, or witness the destruction of controlled substances.

(4) Joseph E. Geiser must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.

(5) Joseph E. Geiser must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Joseph E. Geiser must abide by the rules of the State Board of Pharmacy.

(7) Joseph E. Geiser must comply with the terms of this Order.

(E) 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.

Joseph E. Geiser 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-4/Nay-2).
MOTION CARRIED.
SO ORDERED.

ORDER EFFECTIVE NOVEMBER 12, 2002



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-990615-051)

In The Matter Of:

JOSEPH E. GEISER, R.Ph.
12082 White Plains Road
Milan, Indiana 47031
(R.Ph. No. 03-1-10865)

INTRODUCTION

THE MATTER OF JOSEPH E. GEISER CAME FOR CONSIDERATION ON AUGUST 3, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, 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.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JOSEPH E. GEISER WAS NOT PRESENT, NOR WAS HE 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) Elaine Jones, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of four-page Summary Suspension Order/Notice of Opportunity for Hearing letter dated June 15, 1999.
- (2) Exhibit 1A--Copy of Pharmacist File Front Sheet of Joseph E. Geiser showing original date of registration as July 30, 1974; and two-page copy of Renewal Application for Pharmacist License, No. 03-1-10865, for a license to practice pharmacy in Ohio from September 15, 1998, to September 15, 1999, of Joseph E. Geiser dated August 31, 1998.

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Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

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

- (1) On June 15, 1999, Joseph E. Geiser 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 June 17, 1999, Joseph E. Geiser received the letter of June 15, 1999, informing him of the allegations against him, and his rights.
- (3) Joseph E. Geiser did not request a hearing within thirty days as required by Section 119.07 of the Ohio Revised Code in response to the Summary Suspension Order/Notice of Opportunity for Hearing letter dated June 15, 1999.
- (4) Records of the Board of Pharmacy indicate that Joseph E. Geiser was originally licensed in the state of Ohio on July 30, 1974, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.

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- (13) Joseph E. Geiser did, on or about June 6, 1999, knowingly obtain, possess, and/or use a controlled substance when not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: Joseph E. Geiser had on his person 6 unit doses of acetaminophen with codeine 30mg and 4 empty tablet containers for acetaminophen with codeine 30mg. Further, Joseph E. Geiser admitted that he had taken 4 unit doses of acetaminophen with codeine 30mg while engaged in the practice of pharmacy. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (14) Joseph E. Geiser did, on or about June 6, 1999, knowingly possess a dangerous drug when not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: Joseph E. Geiser had on his person 5 unit doses of Prinivil 20mg, 3 unit doses of Pravachol 20mg, and 10 unit doses of Atenolol 10mg. Such conduct is in violation of Section 4729.51(C)(4) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5) through (14) 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.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) 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 paragraphs (5), (13), and (14) 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 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.

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 June 15, 1999.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Joseph E. Geiser:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card, No. 03-1-10865, held by Joseph E. Geiser indefinitely and such suspension is effective as of the date of the mailing of this Order.
- (1) Joseph E. Geiser, 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 Board of

Pharmacy to possess or distribute dangerous drugs during such period of suspension.

- (2) Joseph E. Geiser, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return the identification card and license to the offices of the State Board of Pharmacy within ten days after receipt of this Order. The wall certificate and identification card should be forwarded by certified mail, return receipt requested.

(B) January 2001, or thereafter, the Board will consider any petition filed by Joseph E. Geiser for a hearing, pursuant to Ohio Revised Code Chapter 119., upon the question of reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (1) Joseph E. Geiser must enter into a contract with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider acceptable to the Board for a period of not less than five years from the effective date of this Order and, upon signing, submit a copy of the contract to the Board office. The contract must provide:

- (a) Random, **observed** urine drug screens shall be conducted at least every three months.

- (i) 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.

- (ii) Results of all urine 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.

- (b) The intervener/sponsor shall provide copies of all urine screen reports to the Ohio Board of Pharmacy in a timely fashion.

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

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

- (2) Joseph E. Geiser must comply with the continuing pharmacy education requirements as set forth in Chapter 4729-7 of the Ohio Administrative Code.

- (3) If reinstatement is not accomplished within three years of the effective date of this Order, Joseph E. Geiser 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 (Aye-8/Nay-0).

MOTION CARRIED.

SO ORDERED.