



## OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor  
Columbus, Ohio 43266-0320  
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY  
(Docket No. D-900917-022)

In The Matter Of:

JULIUS A. BRAUN, R.Ph.  
886-D Revere Village Apts.  
Centerville, Ohio 45458  
(R.Ph. No. 03-1-11025)

INTRODUCTION

THE MATTER OF JULIUS A. BRAUN CAME TO HEARING ON DECEMBER 12, 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.

JULIUS A. BRAUN WAS REPRESENTED BY JOHN M. GEE, AND THE STATE OF OHIO WAS REPRESENTED BY JEANNY EATON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Julius A. Braun, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated September 17, 1990.  
(2) Exhibit B - Hearing Request letter dated October 2, 1990.  
(3) Exhibit C - Hearing Schedule letter dated October 12, 1990.  
(4) Exhibit 1 - Pharmacist File Front Sheet for Julius A. Braun showing original date of registration as July 30, 1974.  
(5) Exhibit 3 - Certified copy of Journal Entry, Case No. 90CRB00515, from the Kettering Municipal Court, Kettering, Ohio.  
(6) Exhibit 4 - 17-page handwritten letter to the Ohio State Board of Pharmacy from Julius A. Braun dated August 6, 1990.

Respondent's Exhibits:

- (1) Exhibit A - 4-page handwritten letter to the Ohio State Board of Pharmacy from Julius A. Braun received November 29, 1990.
- (2) Exhibit B - 4-page copy of Revco's Store Management/Professional Performance Appraisal for Julius A. Braun dated October 8, 1990.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Julius A. Braun was originally licensed in the state of Ohio on July 30, 1974, pursuant to examination, and has been practicing pharmacy in Ohio since that date.
- (2) From the evidence presented, the State Board of Pharmacy finds that Julius A. Braun did, on or about March 12, 1990, knowingly obtain, possess, or use a controlled substance when his conduct was not in accordance with Chapters 3719. and 4729. of the Revised Code, to wit: the following schedule III controlled substances were found in Julius A. Braun's pocket while he was in a carry out parking lot:

<u>Drug</u>	<u>Amount</u>
Fiorinal #3	19 capsules
Fiorinal	29 capsules
Fiorinal (generic)	45 tablets

Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

- (3) From the evidence presented, the State Board of Pharmacy finds that Julius A. Braun was, on or about June 12, 1990, in the Kettering Municipal Court, Kettering, Ohio, convicted of illegal Possession of Controlled Substance in violation of Section 2925.11 of the Ohio Revised Code, a misdemeanor of the third degree.
- (4) From the evidence presented, the State Board of Pharmacy finds that Julius A. Braun is addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy without restrictions, to wit: Julius A. Braun has been convicted of Possession of Controlled Substance and he has admitted to alcohol and drug dependency.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) and (3) of the Findings Of Fact constitutes being guilty of 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 the conduct set forth in paragraphs (2) through (4) 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 the conduct set forth in paragraphs (3) and (4) of the Findings Of Fact constitutes being convicted of a misdemeanor related to the practice of pharmacy as provided in Division (A)(4) 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 paragraphs (3) and (4) of the Findings Of Fact constitutes being guilty of willfully violating the provisions of Sections 3715.52 to 3715.72 and Chapters 2925., 3719., and 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 takes the following actions concerning the pharmacist license, No. 03-1-11025, held by Julius A. Braun:

(A) On the basis of paragraphs (1) through (4) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Julius A. Braun for five years, effective March 8, 1991.

(B) Further, the Board will stay the five-year suspension imposed in paragraph (A) above provided that Julius A. Braun complies with the terms of this Order, and that the following conditions have been met and satisfactory evidence has been submitted to the Board by the effective date:

(1) Julius A. Braun provides evidence that he has entered into a contract with the Pharmacists Rehabilitation Organization, Inc., or an equivalent program acceptable to the Board, for a period of five years following evaluation and determination that participation in such a program is needed. The contract must provide that:

(a) random observed urine screens shall be conducted at least every three months,

(b) regular attendance at an Alcoholics Anonymous, Narcotics Anonymous, or a similar support group meeting is required during this 5-year period,

(c) the program will immediately report to the Board of Pharmacy any violations of the contract.

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(2) Julius A. Braun submits a copy of the contract to the Board as soon as it has been agreed to by the program.

(3) Julius A. Braun submits quarterly progress reports to the Board that include:

(a) the written report and documentation provided by the treatment program pursuant to the contract,

(b) a written description of his progress towards recovery and what he has been doing during the previous three months.

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.

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.

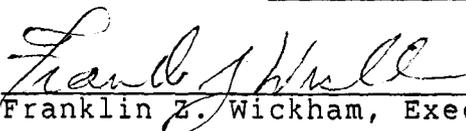
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section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

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL  
Return Receipt  
#P 497 578 877

ORDER MAILED: JANUARY 30, 1991

FZW/sl

By   
Franklin Z. Wickham, Executive Director

cc: Jeanny Eaton, Assistant Attorney General  
John M. Gee, Attorney for Respondent; 7434 Montgomery Road;  
Cincinnati, Ohio 45236