



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
VOLUNTARY SURRENDER WITH DISCIPLINARY ACTION PENDING
PERMANENT SURRENDER
(Docket No. D-080813-016)

In The Matter Of:

JOHN C. BRUNGART, R.Ph.
230 East College Street
Granville, Ohio 43023
(R.Ph. No. 03-1-11035)

This Settlement Agreement is entered into by and between John C. Brungart and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

John C. Brungart enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues contained herein.

John C. Brungart is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against him and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against John C. Brungart's license to practice pharmacy in the State of Ohio, this Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

- (A) The Ohio State Board of Pharmacy is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card, or impose a monetary penalty on the license holder for violation of any of the enumerated grounds.
- (B) John C. Brungart neither admits nor denies the allegations pending in the Board's investigation; however, the Board has initiated and conducted an investigation pursuant to the mandate of Sections 3719.18 and 4729.25 of the Ohio Revised Code.
- (C) John C. Brungart acknowledges that he has been made aware of the investigation and has not failed to cooperate in said investigation. John C. Brungart further acknowledges that he has not been promised or given anything to indicate that the State of Ohio will not proceed with criminal charges; that criminal charges may be or may have been filed pursuant to the discretion of the appropriate prosecuting attorney and/or grand jury. The execution of this agreement does not affect, and is not affected by, any such criminal proceedings.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, John C. Brungart knowingly and voluntarily

SURRENDERS PERMANENTLY TO THE STATE BOARD OF PHARMACY HIS LICENSE AND REGISTRATION TO PRACTICE PHARMACY, WITH DISCIPLINARY ACTION PENDING, AND IS PRECLUDED FROM MAKING ANY APPLICATION FOR FURTHER REGISTRATION.

Pursuant to Rule 4729-9-01, John C. Brungart may not be employed by or work in any facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs.

John C. Brungart acknowledges that he has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner.

John C. Brungart waives any and all claims or causes of action he may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. John C. Brungart waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

John C. Brungart 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 Agreement 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.

This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of the Board President's signature below.

John C. Brungart, R.Ph., Respondent

08/22/2008
Date of Signature

Nathan S. Lipsyc, President, Ohio State Board of Pharmacy

09/08/2008
Date of Signature

Sally Ann Steuk, Ohio Assistant Attorney General

09/08/2008
Date of Signature



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-060511-073)

In The Matter Of:

JOHN C. BRUNGART, R.Ph.

230 East College Street
Granville, Ohio 43023
(R.Ph. No. 03-1-11035)

INTRODUCTION

THE MATTER OF JOHN C. BRUNGART CAME FOR HEARING ON APRIL 10, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; HEATHER L. PASQUALE, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

JOHN C. BRUNGART WAS REPRESENTED BY RICHARD A. CLINE. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses: None

Respondent's Witnesses: John C. Brungart, R.Ph., Respondent
Marshall White, DMD
Keith Wire, R.Ph.

State's Exhibits:

1. Reinstatement Hearing Request letter from Richard A. Cline [05-03-06]
1A-1C. Procedurals
2. State Board of Pharmacy Order in re John C. Brungart, R.Ph. [04-07-06]

Respondent's Exhibits:

- A1. Letter from Richard N. Whitney, M.D. [02-07-06]
- A2. Shepherd Hill Recovery Contract for J.C. Brungart [08-03-05]
- A3. PRO Pharmacist's Recovery Contract for John C. Brungart [10-18-05]

- A4. Support Group Attendance Records [07-22-05 to 02-28-06]; Drug Screen Reports [11-15-05 to 02-03-06]
- A5-A8. Four Letters of Support [02-03-06 to 02-08-06]
- A9. Letter from Richard N. Whitney, M.D. [03-14-07]
- A10. Letter from Steven Gifford [03-06-07]
- A11. PRO Pharmacist's Recovery Contract for John C. Brungart [04-16-06]
- A12. Support Group Attendance Records [03-01-06 to 04-08-07]
- A13. Drug Screen Reports [11-15-05 to 03-08-07]
- A14-A16. Four Letters of Support [02-06-06 to 02-28-07]
- B1-B7. Seven Letters of Support [01-26-06 to 02-28-06]
- C1-C5. Five Letters of Support [02-02-06 to 02-16-06]
- D1. Defendant's Motion to Stay Criminal Proceedings and For Leave to Request Treatment in Lieu of Conviction, State of Ohio vs John C. Burngart (sic), Case No. 2005 CR 8613, Franklin County Common Pleas Court, [02-27-06]; Authorization to Release Information [02-18-06]; Letter from Richard N. Whitney, M.D. [02-07-06]
- D2. Copy by Westlaw of Ohio Revised Code (ORC) 2951.041 (Drug treatment in lieu of conviction)
- D3. Letter of Restitution Payment [04-18-06]; copy of check no. 611987204 made payable to Children's Hospital Pharmacy [04-14-06]
- D4. Judgment Entry [05-17-06]
- D5. Early Termination of Probation [03-26-07]
- E1. Resume of John C. Brungart
- E2-E3. Continuing Pharmaceutical Education Credits and Certificates [09-23-04 to 04-30-06]
- E4. Updated Resume of John C. Brungart
- E5-E6. Two letters from Tim Sawyer [02-19-07 and 03-12-07]

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 John C. Brungart has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-050810-015, effective April 7, 2006.

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. 03-1-11035, held by John C. Brungart to practice pharmacy in Ohio and places John C. Brungart on probation for ten years beginning on the effective date of this Order, with the following conditions:

- (A) John C. Brungart must enter into a **new** 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 ten years and, upon signing, submit a copy of the signed contract to the Board office. The contract must provide that:
 - (1) **Random, observed** urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining nine 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. Refusal of a urine screen or a diluted urine screen is equivalent to a positive result. 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) The intervener/sponsor shall submit to the Board reports, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
 - (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) John C. Brungart 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 John C. Brungart's progress towards recovery and what John C. Brungart 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 John C. Brungart'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) John C. Brungart may not serve as a responsible pharmacist.
 - (3) John C. Brungart may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) John C. Brungart must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
 - (5) John C. Brungart must not violate the drug laws of Ohio, any other state, or the federal government.
 - (6) John C. Brungart must abide by the rules of the State Board of Pharmacy.
 - (7) John C. Brungart must comply with the terms of this Order.
 - (8) John C. Brungart's license is deemed not in good standing until successful completion of the probationary period.

(D) 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.

John C. Brungart 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-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 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 the filing of 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: MAY 14, 2007

WTW/lf
CERTIFIED MAIL/Return Receipt
7004 2510 0006 9804 5049

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

c: Sally Ann Steuk, Assistant Attorney General
Richard A. Cline, Esq.; Attorney for Respondent; 580 South High Street; Suite 200;
Columbus, Ohio 43215



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-050810-015)

In The Matter Of:

JOHN C. BRUNGART, R.Ph.

230 East College Street
Granville, Ohio 43023
(R.Ph. No. 03-1-11035)

INTRODUCTION

THE MATTER OF JOHN C. BRUNGART CAME FOR HEARING ON MARCH 7, 2006, 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.; LAWRENCE J. KOST, R.Ph.; R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

JOHN C. BRUNGART WAS REPRESENTED BY RICHARD A. CLINE. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

1. Christopher K. Reed, Ohio State Board of Pharmacy

Respondent's Witnesses

1. Richard N. Whitney, M.D.
2. John C. Brungart, R.Ph., Respondent
3. David Burns, Esquire
4. Marshall White, Jr., D.M.D.
5. Keith Wire, R.Ph.

State's Exhibits

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [08-10-05]
1A-1D. Procedurals
2. Notarized Statement of John C. Brungart [07-21-05]
3. Drug Accountability Statement at Children's Hospital-Columbus for Guaifenesin AC 10 mg/5ml [08-29-05]
4. Drug Accountability Statement at Children's Hospital-Columbus for lorazepam 1 mg [08-29-05]
5. Drug Accountability Statement at Children's Hospital-Columbus for lorazepam 2 mg [08-29-05]

Respondent's Exhibits

- A1. Letter from Richard N. Whitney, M.D. [02-07-06]
- A2. Shepherd Hill Recovery Plan [08-03-05 to 10-21-05]
- A3. PRO Pharmacist's Recovery Contract for John C. Brungart [10-18-05]
- A4. Support Group Attendance Records [07-22-05 to 02-28-06]; Drug Screen Reports [11-15-05 to 02-03-06]
- A5-A8. Four Letters of Support [02-03-06 to 02-08-06]
- B1 - B6. Six Letters of Support [01-26-06 to 02-28-06]
- C1- C5. Five Letters of Support [02-02-06 to 02-16-06]
- D1. Defendant's Motion to Stay Criminal Proceedings and for Leave to Request Treatment in Lieu of Conviction, State of Ohio vs. John C. Brungart, Case No. 2005 CR 8613, Franklin County Common Pleas Court [02-27-06]; Authorization to Release Information from John C. Brungart, R.Ph. [02-18-06]; Letter from Richard N. Whitney, M.D. [02-07-06]
- D2. Copy of Westlaw ORC Section 2951.041 (Drug treatment in lieu of conviction) © 2006
- E1. Resume of John C. Brungart [not dated]
- E2. Continuing Pharmaceutical Education Credits and Certificates [09-23-04 to 07-13-05]

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 John C. Brungart was originally licensed by the State of Ohio as a pharmacist on July 30, 1974, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended effective August 10, 2005.
- (2) John C. Brungart is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: John C. Brungart has been observed stealing and abusing drugs while practicing pharmacy at Children's Hospital, Columbus, Ohio. John C. Brungart has admitted to Board agents that he has had a history of alcohol and drug abuse from 1989 through 1994, and again from December 2004 or January 2005 to the present. John C. Brungart has admitted to stealing Guaifenesin AC syrup, lorazepam 1 mg and 2 mg tablets, and numerous dangerous drugs as well; and John C. Brungart has admitted to consuming the stolen drugs to help him deal with stress and shoulder pain and to help him relax and sleep. Such conduct indicates that John C. Brungart is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) John C. Brungart did, on or about July 21, 2005, and upon various dates immediately preceding, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Children's Hospital, by deception and/or beyond the scope of express or implied consent of the owner, to wit: John C. Brungart has been observed stealing, and has admittedly stolen, Guaifenesin AC Syrup and lorazepam for his personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraph (3) 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) The State Board of Pharmacy concludes that paragraph (3) 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.
- (3) 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.

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 John C. Brungart on August 10, 2005.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-1-11035, held by John C. Brungart and such suspension is effective as of the date of the mailing of this Order.

- (A) John C. Brungart, 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) John C. Brungart, 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.

Further, after one year from the effective date of this Order, the Board will consider any petition filed by John C. Brungart 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) John C. Brungart must enter into a new 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, upon signing, mail a copy of the contract to the Board office. 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 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. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. 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 Board any violations of the contract and/or lack of cooperation.
- (B) John C. Brungart must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
- (C) John C. Brungart must provide, at the reinstatement petition hearing, documentation of the following:
 - (1) John C. Brungart must provide proof that he has attempted to make restitution to Children's Hospital.
 - (2) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);
 - (3) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
 - (4) Compliance with the terms of this Order.
- (D) If reinstatement is not accomplished within three years of the effective date of this Order, John C. Brungart must also show successful completion of the NAPLEX and MPJE examinations or equivalent examinations approved by the Board.

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 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 the filing of a Notice of Appeal with both the State Board of Pharmacy and 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: April 7, 2006

CERTIFIED MAIL/Return Receipt
7001 0360 0002 4139 4835

WTW/lf

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

cc: Sally Ann Steuk, Assistant Attorney General
Richard Cline, Attorney for Respondent; 580 South High Street, Suite 200; Columbus,
Ohio 43215



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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

August 10, 2005

John C. Brungart, R.Ph.
230 East College Street
Granville, Ohio 43023

Re: Ohio Registered Pharmacist
Number 03-1-11035

Dear Mr. Brungart:

In accordance with Section 3719.121(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. Further, in accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on July 30, 1974, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You are addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have been observed stealing and abusing drugs while practicing pharmacy at Children's Hospital, Columbus, Ohio. You have admitted to Board agents that you have a history of alcohol and drug abuse from 1989 through 1994, and again from December 2004 or January 2005 to the present. You have admitted to stealing Guaifenesin AC syrup, lorazepam 1 mg and 2 mg tablets, and numerous dangerous drugs as well; and you have admitted to consuming the stolen drugs to help you deal with stress and shoulder pain and to help you relax and sleep. Such conduct indicates that you are within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, on or about July 21, 2005, and upon various dates immediately preceding, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Children's Hospital, by deception and/or beyond the scope of express or implied consent of the owner, to wit: you have been observed stealing, and have admittedly stolen, Guaifenesin AC Syrup and lorazepam for your personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of

dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(A) of the Ohio Revised Code states, in pertinent part: “any ... pharmacist, ... who is or becomes addicted to the use of controlled substances, shall be suspended by the board that authorized the person’s license, certificate, or registration...”

YOU ARE HEREBY NOTIFIED that Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

- (B) If the board under which a person has been issued a license, . . . , . . . determines that there is clear and convincing evidence that continuation of the person’s professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person’s license, . . . , . . . , without a prior hearing.

WHEREFORE, PURSUANT TO SECTIONS 3719.121(A) and (B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until an adjudicatory hearing has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

- (A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:
 - (1) Guilty of a felony or gross immorality;
 - (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
 - (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
 - (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
 - (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter,

sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;

- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;
- (10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30TH) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the thirtieth (30th) day following the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

BY ORDER OF THE STATE BOARD OF PHARMACY

William T. Winsley, M.S., R.Ph.
Executive Director

WTW: (D-050810-015)

CERTIFIED MAIL/Return Receipt
7003 0500 0002 4349 4780

cc: Sally Ann Steuk, Assistant Attorney General