



# 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

[www.pharmacy.ohio.gov](http://www.pharmacy.ohio.gov)

---

## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-940209-045)

In The Matter Of:

**ROLLAND GENE ECKLEY, R.Ph.**

13067 County Road 1

Swanton, Ohio 43558

(R.Ph. No. 03-1-11068)

### INTRODUCTION

THE MATTER OF ROLLAND GENE ECKLEY CAME TO HEARING ON APRIL 13, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; TIMOTHY D. MOORE, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

ROLLAND GENE ECKLEY WAS REPRESENTED BY DAVID W. GRAUER, AND THE STATE OF OHIO WAS REPRESENTED BY GREGG THORNTON, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Rolland Gene Eckley, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Summary Suspension Order/Notice of Opportunity letter dated February 9, 1994.
- (2) Exhibit 1B - Notice of Appearance dated February 17, 1994, and Request for Hearing letter dated February 14, 1994.
- (3) Exhibit 1C - Hearing Schedule letter dated February 18, 1994.

- (4) Exhibit 2 - Certified copy of two-page Judgment Entry on Plea in the Court of Common Pleas of Wood County, Ohio of Rolland Gene Eckley filed January 24, 1994; and attached Certificate to Copy dated February 1, 1994.
- (5) Exhibit 3 - Prescription number 4403425.
- (6) Exhibit 4 - The Pharm #903 Medical Expenses printout of patient Lori Wilson dated from August 1, 1992 to February 1, 1993.
- (7) Exhibit 5 - Copy of medical record of patient Lori Wilson dated from May 7, 1990, through January 4, 1993.
- (8) Exhibit 6 - Prescription number 4400101.
- (9) Exhibit 7 - K-Mart Pharmacy #7563 Medical Expenses printout of patient Lori Wilson dated from September 1, 1991, to July 20, 1993.
- (10) Exhibit 8 - Handwritten statement of Rolland Gene Eckley signed and notarized on August 25, 1993.
- (11) Exhibit 11 - Prescription number 4401288.
- (12) Exhibit 12 - Prescription labels numbered 4401288 and 4401727.

Respondent's Exhibits:

- (1) Exhibit A - Copy of letter from Lee E. Wallace dated February 12, 1994.
- (2) Exhibit B - Copy of letter from Mary L. Burroughs dated February 18, 1994.
- (3) Exhibit C - Two-page copy of letter from Rebecca Barlow dated February 15, 1994.
- (4) Exhibit D - Letter from Stephen T. McKenney dated February 8, 1994.
- (5) Exhibit E - Copy of letter from Anita Eckley dated February 16, 1994.
- (6) Exhibit G - Copy of letter from Larry T. Sheets dated February 6, 1994.
- (7) Exhibit H - Copy of letter from John A. Rahrig dated February 4, 1994.
- (8) Exhibit I - Copy of letter from Thomas J. Hutton dated February 4, 1994.

FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that Rolland Gene Eckley was originally licensed to practice pharmacy in the state of Ohio pursuant to reciprocity November 13, 1974, and his license was summarily suspended on February 9, 1994.
- (2) Rolland Gene Eckley did, on or about January 19, 1994, plead guilty in the Common Pleas Court of Wood County, Ohio, to a felony drug abuse offense, to wit: Illegal Processing of Drug Documents, a violation of Section 2925.23 of the Ohio Revised Code, a felony of the fourth degree.
- (3) Rolland Gene Eckley did, on or about January 19, 1994, plead guilty in the Common Pleas Court of Wood County, Ohio, to a misdemeanor related to, or committed in, the practice of pharmacy, to wit: Attempted Trafficking in Drugs, in violation of Section 2923.02 of the Ohio Revised Code as it relates to Section 2925.03 of the Ohio Revised Code, a misdemeanor of the first degree.
- (4) Rolland Gene Eckley did, on or about December 14, 1991, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Rolland Gene Eckley sold sixty tablets of Tylenol #3, a schedule III controlled substance, pursuant to prescription number 4400101R

which had been previously filled and altered from sixty tablets with no refills to sixty tablets with five refills. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (5) Rolland Gene Eckley did, on or about January 16, 1992, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Rolland Gene Eckley sold sixty tablets of Tylenol #3, a schedule III controlled substance, pursuant to prescription number 4400101R which had been previously filled and altered from sixty tablets with no refills to sixty tablets with five refills. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (6) Rolland Gene Eckley did, on or about February 11, 1992, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Rolland Gene Eckley sold sixty tablets of Tylenol #3, a schedule III controlled substance, pursuant to prescription number 4400101R which had been previously filled and altered from sixty tablets with no refills to sixty tablets with five refills. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (7) Rolland Gene Eckley did, on or about March 10, 1992, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Rolland Gene Eckley sold sixty tablets of Tylenol #3, a schedule III controlled substance, pursuant to prescription number 4400101R which had been previously filled and altered from sixty tablets with no refills to sixty tablets with five refills. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (8) Rolland Gene Eckley did, on or about May 19, 1992, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Rolland Gene Eckley sold sixty tablets of Tylenol #3, a schedule III controlled substance, pursuant to prescription number 4401288 which had been forged and having one refill. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (9) Rolland Gene Eckley did, on or about August 6, 1992, knowingly sell and/or aid and abet the sale of a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Rolland Gene Eckley caused another pharmacist to sell sixty tablets of Tylenol #3, a schedule III controlled substance, pursuant to prescription number 4401288R which Mr. Eckley had forged. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (10) Rolland Gene Eckley did, on or about August 31, 1992, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Rolland Gene Eckley sold sixty tablets of Tylenol #3, a schedule III controlled substance, pursuant to prescription number 4401727 which had been forged and having refills. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (11) Rolland Gene Eckley did, on or about September 23, 1992, knowingly sell and/or aid and abet the sale of a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Rolland Gene Eckley caused another pharmacist to sell sixty tablets of Tylenol #3, a schedule III controlled substance, pursuant to prescription number 4401727R which he had forged. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (12) Rolland Gene Eckley did, on or about October 12, 1992, knowingly sell a controlled in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Rolland Gene Eckley sold sixty tablets of Tylenol #3, a schedule III controlled substance, pursuant to prescription number 4401727R which had been forged. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (13) Rolland Gene Eckley did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: Rolland Gene Eckley created the following false prescriptions for the controlled substance Tylenol #3 and he maintained them on file in pharmacies in which he was employed:

<u>Rx No.</u>	<u>Date</u>
4400101	12-14-91
4400101	01-16-92
4400101	02-11-92
4400101	03-10-92
4401288	05-19-92
4401288	08-06-92
4401727	08-31-92
4401727	09-23-92
4401727	10-12-92

Such conduct is in violation of Section 2925.23(B)(1) 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 (2) of the Findings of Fact constitutes being guilty of a felony 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) through (13) 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 (3) of the Findings of Fact constitutes having been convicted of a misdemeanor related to, or committed in, the practice of pharmacy as provided in Division (A)(5) 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 paragraphs (2) through (13) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the 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 February 9, 1994.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Rolland Gene Eckley:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Rolland Gene Eckley, No. 03-1-11068, until February 9, 1995, effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Rolland Gene Eckley 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.
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Rolland Gene Eckley, No. 03-1-11068, until February 9, 1995, effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Rolland Gene Eckley 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.
- (C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Rolland Gene Eckley, No. 03-1-11068, until February 9, 1995, effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Rolland Gene Eckley 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.
- (D) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Rolland Gene Eckley, No. 03-1-11068, until February 9, 1995, effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Rolland Gene Eckley 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.
- (E) Further, upon reinstatement Rolland Gene Eckley's identification card will be placed on probation until February 9, 2000. The terms of probation are as follows:
  - (1) Rolland Gene Eckley must not violate the drug laws of the state of Ohio, any other state, or the federal government;

- (2) Rolland Gene Eckley must abide by the rules of the State Board of Pharmacy; and
- (3) Rolland Gene Eckley must comply with the terms of this Order.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of pharmacy hereby declares that Rolland Gene Eckley's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns prior to February 9, 2000.

Rolland Gene Eckley may not serve as a responsible pharmacist prior to February 9, 2000.

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.

Division (B) of Section 4729.16 of the Revised Code provides 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.

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

MOTION CARRIED.

SO ORDERED.