



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

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-950515-060)

In The Matter Of:

KENT DOUGLAS POTTS, R.Ph.

3285 Rhapsody Lane
Clinton, Ohio 44126
(R.Ph. No. 03-3-11910)

INTRODUCTION

THE MATTER OF KENT DOUGLAS POTTS CAME TO HEARING ON OCTOBER 17, 1995, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: PAUL F. LAMPING, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

KENT DOUGLAS POTTS WAS REPRESENTED BY WAYNE L. KEREK, AND THE STATE OF OHIO WAS REPRESENTED BY LAWRENCE D. PRATT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

Respondent's Witnesses:

- (1) Kent Douglas Potts, Respondent
- (2) David Boyer, Pharmacists Rehabilitation Organization, Inc.
- (3) Vivian Potts

State's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Order of the State Board of Pharmacy, Docket No. D-930615-091, in the matter of Kent D. Potts dated December 9, 1993.
- (2) Exhibit 2--Two-page Hearing Request letter dated May 10, 1995.
- (3) Exhibit 3--Hearing Schedule letter dated May 15, 1995.
- (4) Exhibit 4--Letter from Wayne L. Kerek dated June 8, 1995.
- (5) Exhibit 5--Hearing Schedule letter dated June 13, 1995.
- (6) Exhibit 6--Hearing Schedule letter dated September 19, 1995.
- (7) Exhibit 7--Edwin Shaw Hospital Patient Progress Report of Kent Douglas Potts dated September 11, 1995.

- (8) Exhibit 8--Two-page copy of Edwin Shaw Hospital Discharge Summary of Kent Potts, admitted October 19, 1992, discharged November 6, 1992, and dated November 16, 1992.
- (9) Exhibit 9--Copy of Edwin Shaw Hospital Discharge Summary of Kent Potts, admitted November 10, 1992, discharged March 12, 1993, and dated March 18, 1993.

Respondent's Exhibits:

- (1) Exhibit A1--Copy of Edwin Shaw Hospital Treatment Contract of Kent Douglas Potts dated July 13, 1994.
- (2) Exhibit A2--Copy of Edwin Shaw Hospital Treatment Contract of Kent Douglas Potts dated May 10, 1995.
- (3) Exhibit B--Copy of Edwin Shaw Hospital Aftercare/Family and Support Group Attendance sheet of Kent 'Doug' Potts dated from June 15, 1994, through September 6, 1995.
- (4) Exhibit C1--Copy of Edwin Shaw Hospital Continued Care Progress Report of Kent Potts dated August 3, 1995.
- (5) Exhibit C2--Copy of Edwin Shaw Hospital Patient Progress Report of Kent Douglas Potts dated September 11, 1995.
- (6) Exhibit C3--Copy of Edwin Shaw Hospital Continued Care Patient Progress Report of Kent Douglas Potts dated May 15, 1995.
- (7) Exhibit D1--Copy of Edwin Shaw Hospital Certificate of Achievement of Kent Potts dated November 6, 1992.
- (8) Exhibit D2--Copy of Edwin Shaw Hospital Certificate of Achievement of Kent (Doug) Potts dated February 24, 1993.
- (9) Exhibit D3--Letter from Joyce Davidson dated October 16, 1995.
- (10) Exhibit E--Copy of Rules of Probation, Adult Probation Department, Court of Common Pleas, signed by Kent Douglas Potts on June 4, 1993.
- (11) Exhibit F--Copy of letter from Chris Pogvara dated August 10, 1995.
- (12) Exhibit G1--Copy of urine drug screen report of Kent Potts dated December 30, 1993.
- (13) Exhibit G2--Copy of urine drug screen report of Kent Potts dated February 22, 1994.
- (14) Exhibit G3--Copy of urine drug screen report of Kent Potts dated May 3, 1994.
- (15) Exhibit G4--Copy of urine drug screen report of Kent Potts dated June 16, 1994.
- (16) Exhibit G5--Copy of urine drug screen report of Kent Potts dated November 14, 1994.
- (17) Exhibit G6--Copy of urine drug screen report of Kent Potts dated November 3, 1994.
- (18) Exhibit G7--Copy of urine drug screen report of Kent Potts dated February 8, 1995.
- (19) Exhibit G8--Two-page copy of urine drug screen report of Kent Potts dated March 6, 1995.
- (20) Exhibit G9--Two-page copy of urine drug screen report of Kent Potts dated April 20, 1995.
- (21) Exhibit G10--Two-page copy of urine drug screen report of Kent Potts dated May 18, 1995.
- (22) Exhibit G11--Two-page copy of urine drug screen report of Kent Potts dated June 27, 1995.
- (23) Exhibit G12--Two-page copy of urine drug screen report of Kent Potts dated August 8, 1995.
- (24) Exhibit G13--Two-page copy of urine drug screen report of Kent Potts dated September 1, 1995.
- (25) Exhibit G14--Copy of urine drug screen report of Kent Potts dated September 25, 1995.
- (26) Exhibit G15--Copy of urine drug screen report of Kent Potts dated September 23, 1995.
- (27) Exhibit H1--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from October 20, 1993, through December 7, 1993.
- (28) Exhibit H2--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from December 8, 1993, through December 20, 1993.
- (29) Exhibit H3--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from December 26, 1993, through February 10, 1994.

- (30) Exhibit H4--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from February 14, 1994, through February 21, 1994.
- (31) Exhibit H5--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from February 23, 1994, through April 20, 1994.
- (32) Exhibit H6--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from April 17, 1994, through May 18, 1994.
- (33) Exhibit H7--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from May 24, 1994, through July 5, 1994.
- (34) Exhibit H8--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from July 6, 1994, through July 19, 1994.
- (35) Exhibit H9--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from July 25, 1994, through August 31, 1994.
- (36) Exhibit H10--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from August 31, 1994, through September 21, 1994.
- (37) Exhibit H11--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from September 22, 1994, through November 6, 1994.
- (38) Exhibit H12--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from November 9, 1994, through November 16, 1994.
- (39) Exhibit H13--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from November 18, 1994, through January 7, 1995.
- (40) Exhibit H14--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from January 7, 1995, through January 15, 1995.
- (41) Exhibit H15--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from January 22, 1995, through February 26, 1995.
- (42) Exhibit H16--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from January 22, 1995, through March 20, 1995.
- (43) Exhibit H17--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from March 22, 1995, through April 23, 1995.
- (44) Exhibit H18--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from April 26, 1995, through May 17, 1995.
- (45) Exhibit H19--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from May 21, 1995, through June 28, 1995.
- (46) Exhibit H20--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from July 4, 1995, through July 18, 1995.
- (47) Exhibit H21--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from July 21, 1995, through August 23, 1995.
- (48) Exhibit H22--Copy of Summit County Court of Common Pleas Adult Probation Department Verification Form of K. Douglas Potts dated from August 26, 1995, through September 30, 1995.
- (49) Exhibit I1--Copy of two Certificates of Appreciation of Doug Potts dated April 23, 1995, and June 4, 1995.
- (50) Exhibit I2--Copy of two Certificates of Appreciation of Doug Potts dated February 26, 1994, and April 15, 1995.
- (51) Exhibit I3--Copy of two Certificates of Appreciation of Doug Potts dated December 7, 1993, and September 22, 1994.
- (52) Exhibit J1--Copy of list of continuing education program information.

- (53) Exhibit J2--Copy of three Certifications of Continuing Pharmaceutical Education Participation of Kent Douglas Potts for programs numbered as follows: 680-202-93-065, 680-032-93-039, and 180-014-93-082.
- (54) Exhibit J3--Copy of three Certifications of Continuing Pharmaceutical Education Participation of Kent Douglas Potts for programs numbered as follows: 680-202-93-020, 680-072-93-071, and 680-043-94-014.
- (55) Exhibit J4--Copy of three Certifications of Continuing Pharmaceutical Education Participation of Kent Douglas Potts for programs numbered as follows: 689-356-94-023, 689-356-95-007, and 689-356-95-008.
- (56) Exhibit J5--Copy of three Certifications of Continuing Pharmaceutical Education Participation of Kent Douglas Potts for programs numbered as follows: 680-202-95-028, 679-105-94-16, and 180-316-91-020.
- (57) Exhibit J6--Copy of certificate of continuing pharmaceutical education of Kent Douglas Potts for program number 680-071-90-006.
- (58) Exhibit J7--Copy of three Certifications of Continuing Pharmaceutical Education Participation of Kent Douglas Potts for programs numbered as follows: 680-073-92-50, 689-356-94-016, and 692-424-94-012.
- (59) Exhibit J8--Copy of two Certifications of Continuing Pharmaceutical Education Participation of Kent Douglas Potts for programs numbered as follows: 680-038-93-019 and 679-702-94-012.
- (60) Exhibit K--Copy of letter from William T. Winsley dated February 22, 1995.
- (61) Exhibit L1--Two-page copy of Pharmacists Rehabilitation Organization, Inc. Recovering Pharmacist's Contract of Doug Potts dated December 9, 1992.
- (62) Exhibit L2--Two-page copy of Pharmacists Rehabilitation Organization Inc. Pharmacist's Recovery Contract of Kent Douglas Potts dated September 9, 1995.
- (63) Exhibit M1--Copy of letter from Charles R. Weiss dated August 31, 1995.
- (64) Exhibit M2--Copy of letter from Robert L. Kerek dated September 11, 1995.
- (65) Exhibit M3--Three-page copy of letter from Vivian Potts dated May 1, 1995.
- (66) Exhibit M4--Copy of letter from Reenie Blakney, not dated.
- (67) Exhibit M5--Copy of letter from Zia Malik dated September 6, 1995.
- (68) Exhibit M6--Copy of letter from Paul E. Sharron dated September 28, 1995.
- (69) Exhibit M7--Copy of letter from Albert I. Weinstein dated September 5, 1995.
- (70) Exhibit M8--Copy of letter from Alicia Howe dated September 12, 1995.
- (71) Exhibit M9--Copy of letter from Ernest Coffy dated August 17, 1995.
- (72) Exhibit M10--Copy of letter from Charles Bakeman, not dated.
- (73) Exhibit M11--Two-page copy of letter from Harold Schwartz dated September 2, 1995.
- (74) Exhibit M12--Copy of letter from Erin G. Conway dated September 8, 1995.
- (75) Exhibit M13--Copy of letter from Rev. Stephen M. Spisak dated September 11, 1995.
- (76) Exhibit M14--Two-page copy of letter from Louise Grundy, not dated.
- (77) Exhibit M15--Copy of letter from Donald Cook dated September 17, 1995.
- (78) Exhibit N--Copy of eight-page facsimile to Kent "Doug" Potts from Cathy Morgan of Edwin Shaw Hospital dated October 17, 1995.

FINDING 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 Board indicate that Kent Douglas Potts' license to practice pharmacy in Ohio was suspended pursuant to the Order of the Board, Docket No. D-930615-091, dated December 9, 1993; and Kent Douglas Potts has complied with the terms and stipulations of that Order.

ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of Kent Douglas Potts' pharmacist identification card, No. 03-3-11910, to practice pharmacy in the state of Ohio and places him on probation for five years, effective as of the date of the mailing of this Order, with the following conditions:

- (A) Kent Douglas Potts must continue to abide by the treatment plans with the Pharmacists Rehabilitation Organization, Inc. and Edwin Shaw Hospital, which require:

- (1) random, observed urine screens shall be conducted at least every three months. The urine drug screens must report testing of creatinine as the dilutional standard or specific gravity;
 - (2) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required during outpatient treatment and/or during aftercare;
 - (3) the treatment provider shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and
 - (4) the treatment provider shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Kent Douglas Potts 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 provider pursuant to the contract, and
 - (2) a written description of his progress towards recovery and what he has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Kent Douglas Potts' pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
 - (2) Kent Douglas Potts may not serve as a responsible pharmacist.
 - (3) Kent Douglas Potts may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) Kent Douglas Potts must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (5) Kent Douglas Potts must abide by the rules of the Ohio State Board of Pharmacy.
 - (6) Kent Douglas Potts must comply with the terms of this Order.

Kent Douglas Potts 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.