

ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-000530-060)

In The Matter Of:

**RICK J. BACHMAN, R.Ph.**  
2324 Upper Trent Way  
Vandalia, Ohio 45377  
(R.Ph. No. 03-1-12103)

INTRODUCTION

THE MATTER OF RICK J. BACHMAN CAME FOR HEARING ON NOVEMBER 7, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); 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.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

RICK J. BACHMAN WAS REPRESENTED BY TIMOTHY N. TEPE AND RALPH E. BREITFELLER, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Robert Burdick, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Rick J. Bachman, R.Ph., Respondent
- (2) Jacinta Turner, former Pharmacy Field Technician for Beeber Pharmacies
- (3) Laura Bachman, Wife of Respondent
- (4) Jeff Stamps, R.Ph.; former President of Beeber Pharmacies

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Notice of Opportunity for Hearing letter dated May 30, 2000.
- (2) Exhibit 1A--Hearing Request letter dated June 6, 2000.
- (3) Exhibit 1B--Hearing Schedule letter dated June 15, 2000.
- (4) Exhibit 1C--Notice of Appearance letter dated September 7, 2000.
- (5) Exhibit 1D--Copy of two-page Addendum Notice letter dated October 19, 2000.
- (6) Exhibit 1E--Copy of Pharmacist Front Sheet of Rick John Bachman showing original date of registration as August 10, 1977, and two-page copy of Renewal Application

For Pharmacist License Number 03-1-12103 for a license to practice pharmacy in Ohio from September 15, 1999, to September 15, 2000, of Rick J. Bachman signed and dated July 29, 1999.

- (7) Exhibit 2--Copy of Statement of Louisa Sparks signed and notarized on October 21, 1999.
- (8) Exhibit 3--Copy of two-page Statement of Lajean A. Williams signed and notarized on October 21, 1999.
- (9) Exhibit 4--Two-page copy of Discontinued Controlled Substances Accounting Record at the Gade II facility dated September 11, 1999.
- (10) Exhibit 5--Copy of five-page letter to Gina L. Timmons from Franklin Z. Wickham dated November 16, 1998; Copy of letter to Robert Cole from Gina L. Timmons dated October 28, 1997 with attached copies of the following: List of Registered Pharmacist's License Numbers and two-page list of 1997-98 Terminal Distributor of Dangerous Drug License Numbers.
- (11) Exhibit 6--Copy of Statement of Ange Rodriguez signed and notarized on October 21, 1999.
- (12) Exhibit 7--Copy of Statement of Rick Bachman signed and notarized on March 30, 2000 with attached typewritten account of events.

Respondent's Exhibits:

- (1) Exhibit A--Copy of drug screen report of Rick J. Bachman with collection date of November 12, 1999.
- (2) Exhibit B--Copy of Employment Screening Associates Drug Test Report of Rick Bachman dated October 3, 2000.
- (3) Exhibit C--Copy of two-page Destruction of Controlled Substances record at the Gade II health care facility, dated October 11, 1999.
- (4) Exhibit D--Copy of Destruction of Controlled Substances record at the Gade II health care facility, dated September 9, 1999.
- (5) Exhibit E--Copy of two-page Destruction of Controlled Substances record at the Gade II health care facility, dated August 12, 1999.
- (6) Exhibit F--Copy of three-page Destruction of Controlled Substances record at the Gade II health care facility, dated July 8, 1999.
- (7) Exhibit G--Copy of seven-page Beeber Pharmacies, Inc. Consultant Pharmacist Monthly Survey of Pharmaceutical Services at Gade Nursing Home II by Rick Bachman dated June 10, 1999 with attached copies of the following: Facility Worksheet for Gade Nursing Home II dated June 10, 1999; three Consultant Pharmacist Reports of Drug Regimen Review by Rick Bachman for patients Thelma Defoe, Mildred Overhouser, and Margaret Tetrick, dated June 10, 1999; two-page Emergency Drug Box List for Gade II facility dated May 20, 1999; three-page Beeber Pharmacies, Inc. Policy No. 97-021.1 titled "Adverse Drug Reaction (ADR) Reporting Program" effective June 1, 1997 and revised June 25, 1998; blank Adverse Drug Reaction (ADR) Detection Form; and blank two-page Adverse Drug Reaction (ADR) Classification and Probability Form.
- (8) Exhibit H--Copy of seven-page Beeber Pharmacies, Inc. Consultant Pharmacist Monthly Survey of Pharmaceutical Services at Gade Nursing Home II by Rick Bachman dated July 8, 1999 with attached copies of the following: Facility Worksheet for Gade Nursing Home II dated July 8, 1999; five Consultant Pharmacist Reports of Drug Regimen Review by Rick Bachman for patients Garold Oswald, Thelma Defoe,

Dortha Whitacre, William Hennessy, and Irma Mills, dated July 8, 1999; Fax Information Sheet for Controlled Substances, Analgesics, and Oral Antibiotics signed by Tech Kathy and dated July 8, 1999; Fax Information Sheet for Injectable Antibiotics, Anticonvulsants, Antidiarrheals, Antimetics, Antihypertensive/Cardiac, and Diabetic Supplies signed by Tech Kathy and dated July 8, 1999; Fax Information Sheet for Diuretics, Injectable Supplies, Psychotropics/Anxiety, and Respiratory signed by Tech Kathy and dated July 8, 1999; Fax Information Sheet for Miscellaneous/-Cough/Cold and Miscellaneous Medication/IV Stock signed by Tech Kathy and dated July 8, 1999; Infusion Therapy Supply List signed by Kathy and dated July 8, 1999; list of Antipsychotic Agents and Antianxiety/Sedative Drugs with indications and side effects, not dated; Inservice Sign-In Sheet for Inservice Topic "Reporting Adverse Drug Reactions" by Rick Bachman dated June 10, 1999; Fax Information Sheet for Miscellaneous/Cough/Cold and Miscellaneous Medication/IV Stock signed by Tech Kathy and dated September 9, 1999.

- (9) Exhibit I--Copy of seven-page Beeber Pharmacies, Inc. Consultant Pharmacist Monthly Survey of Pharmaceutical Services at Gade Nursing Home II by Rick Bachman dated September 9, 1999 with attached copies of the following: Facility Worksheet for Gade Nursing Home II dated September 9, 1999; seven Pharmacist's Consultation reports by Rick J. Bachman for patients Thelma Defoe, Betty Grimes, Jeanette Hensley Andrewa, Garold Oswald, Mildred Overholser, Elsie Reier, and Doris Swaney, dated September 9, 1999; Fax Information Sheet for Controlled Substances, Analgesics, and Oral Antibiotics signed by Tech Kathy and dated September 9, 1999; Fax Information Sheet for Diuretics, Injectable Supplies, Psychotropics/Anxiety, and Respiratory signed by Tech Kathy and dated September 9, 1999; Fax Information Sheet for Injectable Antibiotics, Anticonvulsants, Antidiarrheals, Antimetics, Antihypertensive/Cardiac, and Diabetic Supplies signed by Tech Kathy and dated September 9, 1999.
- (10) Exhibit J--Copy of seven-page Beeber Pharmacies, Inc. Consultant Pharmacist Monthly Survey of Pharmaceutical Services at Gade Nursing Home II by Rick Bachman dated October 11, 1999 with attached copies of the following: Facility Worksheet for Gade Nursing Home II dated October 11, 1999; six Pharmacist's Consultation reports by Rick J. Bachman for patients Thelma Defoe, Betty Grimes, Garold Oswald, Mildred Overholser, Elsie Reier, and Doris Swaney, dated October 11, 1999; Fax Information Sheet for Controlled Substances, Analgesics, and Oral Antibiotics signed by Tech Jay and dated October 11, 1999; Fax Information Sheet for Injectable Antibiotics, Anticonvulsants, Antidiarrheals, Antimetics, Antihypertensive/Cardiac, and Diabetic Supplies signed by Tech Jay and dated October 11, 1999; Fax Information Sheet for Diuretics, Injectable Supplies, Psychotropics/Anxiety, and Respiratory signed by Tech Jay and dated October 11, 1999; two IV Supplies forms for Residents Mary Puterbaugh and Getud Oscoald dated October 11, 1999; Controlled Drug Record for Cleo Ressler showing disposition of remaining doses signed by Rick Bachman and dated October 11, 1999; Controlled Drug Record for Cletus Laux showing disposition of remaining doses signed by Rick Bachman and dated October 11, 1999.
- (11) Exhibit K--Letter from Martha E. Gade dated February 15, 1999, with hand-written note on it by Tim Gade dated March 24, 1999.
- (12) Exhibit L--Copy of seven-page Beeber Pharmacies, Inc. Consultant Pharmacist Monthly Survey of Pharmaceutical Services at Shane Hill by Rick Bachman dated March 17, 2000 with attached copies of the following: Facility Worksheet for Shane

Hill dated March 17, 2000; seven Pharmacist's Consultation reports by Rick J. Bachman for patients Lucille Bollinger, Edna Cummings, Ralph Deitsch, Edna Ebbing, Essie Keopple, Dulce Oeschle, and Stanley "Sam" Watts, dated March 18, 2000; Fax Information Sheet for Controlled Substances, Analgesics, and Oral Antibiotics

signed by Tech Kathy and dated March 17, 2000; Fax Information Sheet for Injectable Antibiotics, Anticonvulsants, Antidiarrheals, Antimetics, Antihypertensive/-Cardiac, and Diabetic Supplies signed by Tech KM and dated March 17, 2000; Fax Information Sheet for Diuretics, Injectable Supplies, Psychotropics/Anxiety, and Respiratory signed by Tech KM and dated March 17, 2000; two-page Destruction of Controlled Substances record at the Shane Hill health care facility, dated March 17, 2000.

- (13) Exhibit M--Copy of hand-drawn layout of Gade Nursing Home's Nursing Station, not dated.

#### 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 State Board of Pharmacy indicate that Rick J. Bachman was originally licensed in Ohio as a pharmacist on August 10, 1977, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
- (2) Rick J. Bachman did, on or about March 17, 2000, fail to dispose of dangerous drugs which are controlled substances in accordance with Rule 4729-9-06 of the Ohio Administrative Code, to wit: while working at Shane Hill Nursing Home, Rick J. Bachman failed to destroy unwanted controlled substances in the presence of an authorized witness. Such conduct is in violation of Rule 4729-9-06 of the Ohio Administrative Code.

#### CONCLUSION 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 willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 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

Based on the foregoing Findings of Fact and Conclusion of Law, the State Board of Pharmacy hereby admonishes Rick J. Bachman for his actions in this matter.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-0).

MOTION CARRIED.

SO ORDERED.

**ORDER EFFECTIVE DECEMBER 18, 2000**