



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-990817-014)

In The Matter Of:

BRUCE A. WACHSMAN, R.Ph.

2295 Wickersham Cove

Germantown, Tennessee 38139

(R.Ph. No. 03-1-12436)

INTRODUCTION

THE MATTER OF BRUCE A. WACHSMAN, R.Ph. CAME TO BE CONSIDERED ON OCTOBER 4, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; 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.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

BRUCE A. WACHSMAN WAS NOT PRESENT, NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Timothy J. Benedict, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Notice Of Opportunity For Hearing letter dated August 17, 1999, with attached postal return receipt signed by Bruce A. Wachsman on August 20, 1999.

- (2) Exhibit 1A--Copy of Pharmacist File Front Sheet of Bruce A. Wachsman showing original date of registration as August 10, 1977, and two-page copy of Renewal Application for Pharmacist License, No. 03-1-12436, for a license to practice pharmacy in Ohio from September 15, 1998, to September 15, 1999, of Bruce A. Wachsman dated July 19, 1998.
- (3) Exhibit 2--Copy of three-page Consent Order before the Tennessee Board of Pharmacy in the matter of Bruce Wachsman dated May 8, 1996.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

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

- (1) On August 17, 1999, Bruce A. Wachsman was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) As demonstrated by return receipt of August 20, 1999, Bruce A. Wachsman received the letter of August 17, 1999, informing him of the allegations against him, and his rights.
- (3) Bruce A. Wachsman has not responded in any manner to the letter of August 17, 1999, and has not requested a hearing in this matter.
- (4) Records of the Ohio State Board of Pharmacy indicate that Bruce A. Wachsman was originally licensed in the state of Ohio on August 10, 1977, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
- (5) Bruce A. Wachsman is addicted to liquor and/or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: On May 7, 1996, a Consent Order was issued by the Tennessee Board of Pharmacy which was signed by Bruce A. Wachsman as Respondent and by his attorney. The Consent Order read, in pertinent part:

“WHEREAS, Respondent acknowledges that he has become addicted to the use of alcohol, narcotics or other drugs and has been under medical care and treatment for chemical dependency problems;”

* * *

“The Respondent shall completely abstain from the consumption of (alcohol and) controlled substances ...”

CONCLUSION OF LAW

Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) 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.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Bruce A. Wachsman:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-1-12436, held by Bruce A. Wachsman and such suspension is effective as of the date of the mailing of this Order.
 - (1) Bruce A. Wachsman, 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 Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
 - (2) Bruce A. Wachsman, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return the identification card and license to the offices of the State Board of Pharmacy within ten days after receipt of this Order. The identification card and wall certificate should be forwarded by certified mail, return receipt requested.
- (B) The Board will consider any petition filed by Bruce A. Wachsman for a hearing, pursuant to Ohio Revised Code Chapter 119., upon the question of reinstatement of his Ohio pharmacist license and, at the discretion of the Board, Bruce A. Wachsman shall personally appear before the Board.

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

MOTION CARRIED.

SO ORDERED.