



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

FAX: 614/752-4836

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

URL: <http://www.pharmacy.ohio.gov>

ORDER OF THE STATE BOARD OF PHARMACY (Docket No. D-030415-065 and D-031029-028)

In The Matter Of:

JOHN DAVID CAMPBELL, R.Ph.

2955 Kenlo Woods Drive
Nashport, Ohio 43830
(R.Ph. No. 03-1-12475)

INTRODUCTION

THE MATTER OF JOHN DAVID CAMPBELL CAME FOR HEARING ON SEPTEMBER 14, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, 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.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

JOHN DAVID CAMPBELL WAS REPRESENTED BY ELIZABETH Y. COLLIS AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. William L. Padgett, Ohio State Board of Pharmacy

Respondent's Witnesses

1. John David Campbell, R.Ph., Respondent

State's Exhibits

1. Notice of Opportunity For Hearing letter [04-15-03]
 - 1A. Addendum Notice letter [04-22-03]
 - 1B-1C. Procedurals
 - 1D. Addendum Notice letter [09-26-03]
 - 1E-1H. Procedurals
 - 1I. Summary Suspension/Notice of Opportunity For Hearing letter [10-29-03]
 - 1J-1L. Procedurals
2. Rx Inventory Tracking Log [01-24-03 to 03-03-03]
3. Statement of Norma L. Scheffler [03-03-03]
4. Statement of John D. Campbell, R.Ph. [03-03-03]
5. Dangerous Drug Distributor Inspection Report [03-03-03]; photocopy of eight tablets [03-03-03]

6. Eight Drug Accountability Statements, one each for Carisoprodol/Soma 350 mg, diazepam/Valium 10 mg, hydrocodone/APAP 5/500 mg, hydrocodone/APAP 7.5/650 mg, hydrocodone/APAP 7.5/750 mg, hydrocodone/APAP 10/500 mg, Norco 10/325 mg, and OxyContin 20 mg at Big Bear # 215 [03-05-03]
7. Indictment [05-08-03], Plea of Guilty [09-08-03], and Entry [10-31-03]; State of Ohio vs John Campbell, Case No. CR2003-0121, Muskingum County Common Pleas Court

Respondent's Exhibits

- A. Resume of John D. Campbell [Not Dated]
- B. Summary of Shepherd Hill Evaluation of John D. Campbell [03-05-04]
- C. Genesis HealthCare System Treatment Recommendation for John Campbell [04-19-04]; Evening Outpatient Treatment Contract [03-30-04]
- D. Progress Report letter from Linda Kirkbride, RN. CARN, CCDC II [08-20-04]
- E. Support Group Attendance Records [04-09-04 to 09-06-04]
- F. PRO Pharmacist's Recovery Contract for John Campbell [06-23-04]
- G. Four Letters of Support [09-07-04 to 09-10-04]

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 John David Campbell was originally licensed by the State of Ohio as a pharmacist on August 10, 1977, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended effective October 29, 2003. Records further reflect that during the relevant time periods stated herein, John David Campbell was the Responsible Pharmacist at Big Bear Pharmacy #215, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) John David Campbell did, on or about the following dates, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Big Bear Pharmacy, beyond the express or implied consent of the owner, to wit: John David Campbell has admittedly stolen the following controlled substances and dangerous drugs:

<u>Date</u>	<u>Drug</u>	<u>Qty</u>
01-23-03	Norco	82
02-02-03	Norco	104
02-06-03	hydrocodone 10/500	137
02-20-03	hydrocodone 10/500	80
02-23-03	hydrocodone 10/500	232
03-02-03	Norco	100
02-27-03 to 03-02-03	Soma	544

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (3) John David Campbell did, on or about March 3, 2003, knowingly possess and/or use a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John David Campbell

possessed 8 unit doses of hydrocodone 10/500, a Schedule III controlled substance, without a prescription. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

- (4) John David Campbell did, from October 6, 2001, through March 3, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Big Bear Pharmacy, beyond the express or implied consent of the owner, to wit: John David Campbell stole the following controlled substances and dangerous drugs:

<u>Drug</u>	<u>Strength</u>	<u>Shortage</u>
carisoprodol	350 mg	17,991
diazepam	10 mg	435
hydrocodone	APAP 5/500 mg	140
hydrocodone	APAP 7.5/650 mg	144
hydrocodone	APAP 7.5/750 mg	10,933
hydrocodone	APAP 10/500 mg	3,414
Norco	10/325	5,219
OxyContin	20 mg	33

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (5) John David Campbell did, on or about September 8, 2003, plead guilty in State of Ohio vs. John Campbell, Case No. CR-2003-0121, Muskingum County Common Pleas Court, to seven (7) counts of Theft of Dangerous Drugs, all felonies of the fourth degree under Section 2913.02(A)(1) of the Ohio Revised Code. John David Campbell was convicted and sentenced in the Common Pleas Court of Muskingum County, Ohio, to a felony drug abuse offense under Section 2913.02 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (5) of the Findings of Fact constitute being guilty of a felony and 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 paragraphs (2) through (4) 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) The State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes abusing 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.
- (4) The State Board of Pharmacy concludes that paragraph (3) 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 2925. of the Revised Code as provided in Division (A)(5) 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 David Campbell on October 29, 2003.

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. 03-1-12475, held by John David Campbell and such suspension is effective as of the date of the mailing of this Order.

- (A) John David Campbell, 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 David Campbell, 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, five years from the effective date of this Order, the Board will consider any petition filed by John David Campbell 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 David Campbell 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) Norco, hydrocodone, Soma, carisoprodol, diazepam and OxyContin must be added to the standard urine drug screen and documentation provided to show inclusion in the test panel.
 - (c) Results of all drug screens must be negative. Refusals of drug screens or diluted drug screens are equivalent to a positive result. Any positive results, including those that may have resulted from ingestion of food, but excluding false positives that 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 David Campbell 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 David Campbell must provide, at the reinstatement petition hearing, documentation of the following:
 - (1) Taking and passing, no more than one year prior to his reinstatement hearing, the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board;
 - (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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-1).

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: OCTOBER 6, 2004

CERTIFIED MAIL / Return Receipt
7003 0500 0002 4347 2627

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

WTW/lf

c: Sally Ann Steuk, Assistant Attorney General
Elizabeth Y. Collis, Attorney for Respondent; Collis, & Collis, LLC;
1650 Lake Shore Drive; Suite 180; Columbus, Ohio 43204