

STATE BOARD OF PHARMACY

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THE STATE BOARD OF PHARMACY

VS

PATRICK LEWIS KELLEY, R.Ph.

THE MATTER OF PATRICK LEWIS KELLEY, DOCKET NO. 6-94-1, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON WEDNESDAY, JANUARY 23, 1985. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that Patrick Lewis Kelley did, on or about September 5, 1984, violate the adjudication order issued by the Board of Pharmacy on August 3, 1984, to wit:
 - (a) Mr. Kelley was found guilty of violating Ohio Revised Code Section 2925.11(A) on October 4, 1984 by the Washington Court House Municipal Court.
 - (b) Mr. Kelley knowingly possessed dangerous drugs which are Schedule II, III, and IV controlled substances, in violation of Sections 2925.11 and 4729.51 of the Revised Code, to wit: Placidyl, Noctec, Nembutal, Doriden, Tepanil, Valium, Halcion, Xanax, and Ionamin were in his possession at the time he was arrested for OMVI on September 5, 1984 by the Fayette County Sheriff's Department.
- (2) From the evidence presented, the State Board of Pharmacy finds that Patrick Lewis Kelley was found guilty of violating Division (A) of Section 2925.21 of the Revised Code on August 3, 1984 by the State Board of Pharmacy; in that, he did by theft as defined in Section 2913.02 of the Revised Code obtain 17 tablets of Demerol-100mg without the consent or beyond the consent of the owner thereof: Revco Discount Drug Center, Chesapeake Shopping Center, Chesapeake, Ohio 45619.
- (3) From the evidence presented, the State Board of Pharmacy finds that Patrick Lewis Kelley is addicted to or abusing drugs to such a degree that he is unfit to practice pharmacy; in that:

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- (a) Mr. Kelley admitted to Dana Hutchison and Jack Joiner, employees of the Board, that he obtained Demerol-100mg for personal use without a prescription issued by a practitioner in the course of his/her professional practice while employed at Revco Discount Drug Center, Chesapeake Shopping Center, Chesapeake, Ohio 45619.
- (b) Mr. Kelley was arrested by the Fayette County Sheriff's Department on September 5, 1984 for driving while under the influence of alcohol and/or drugs of abuse.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) and (2) of the Findings Of Fact constitutes gross immorality.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) and (2) of the Findings Of Fact constitutes dishonesty.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (3) of the Findings Of Fact constitutes being addicted to or abusing drugs to such a degree as to render him unfit to practice pharmacy.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1)(b) and (2) of the Findings Of Fact constitutes willfully violating the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law, the State Board of Pharmacy takes the following actions concerning the pharmacist license of Patrick Lewis Kelley, R.Ph. No. 03-3-12942:

- (A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Patrick Lewis Kelley for 12 months.
- (B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Patrick Lewis Kelley for 12 months.
- (C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Patrick Lewis Kelley for 12 months.

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(D) On the basis of paragraph (4) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Patrick Lewis Kelley for 24 months.

(E) Further, the three 12-month suspensions and the 24-month suspension shall run consecutively for a total of 60 months, and Patrick Lewis Kelley shall appear before the Board during its December, 1987 meeting to determine if he has complied with the terms of this Order. The Board will, at that time, consider suspending 36 months of the suspension provided Patrick Lewis Kelley:

- (1) enrolls in and successfully completes a treatment program designed for impaired health care professionals;
- (2) submits monthly reports regarding his progress in such program with the first report due April 1, 1985;
- (3) does not use drugs except for legitimate medical reasons and pursuant to federal and state laws governing their legal distribution and submits, with the monthly reports, urine screens documenting his drug-free condition;
- (4) does not violate any drug laws of the State of Ohio, any other state, or the federal government; and
- (5) abides by the rules of the Board of Pharmacy.

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

MOTION CARRIED.

SO ORDERED.

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THE STATE BOARD OF PHARMACY

VS

PATRICK LEWIS KELLEY, R.Ph.

THE MATTER OF PATRICK LEWIS KELLEY, DOCKET NO. 6-89-2, CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON WEDNESDAY, JUNE 27, 1984. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Finding Of Fact

From the evidence presented, the State Board of Pharmacy finds that Patrick Lewis Kelley, on or about December 16, 1983 at Revco Discount Drug Center, Chesapeake Shopping Center, Chesapeake, Ohio 45619, obtained approximately 17 tablets of Demerol 100mg by theft as defined in Section 2913.02 of the Revised Code; in violation of Division (A) of Section 2925.21 of the Revised Code.

Conclusion Of Law

Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in the Finding Of Fact above constitutes gross immorality within the meaning of Section 4729.16(A) of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Finding Of Fact and Conclusion Of Law, the State Board of Pharmacy hereby takes the following actions concerning the registered pharmacist license of Patrick Lewis Kelley, No. 03-3-12942:

(A) On the basis of the Conclusion Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Patrick Lewis Kelley for 24 months, effective October 1, 1984.

(B) Further, the Board suspends the 24-month suspension on condition that Patrick Lewis Kelley abides by the terms of probation set by the Board. The terms provide that Patrick Lewis Kelley:

- (1) takes and successfully completes a jurisprudence examination offered by the Board during its September 1984 meeting;
- (2) does not violate any drug laws of the State of Ohio, any other state, or the federal government; and
- (3) abides by the rules of the Board of Pharmacy.

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

MOTION CARRIED.

SO ORDERED.