



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-050207-044)

In The Matter Of:

ROBERT WILLIAM REEVES, R.Ph.

9448 Clermont Boulevard

Powell, Ohio 43065

(R.Ph. No. 03-1-13039)

INTRODUCTION

THE MATTER OF ROBERT WILLIAM REEVES CAME FOR CONSIDERATION ON NOVEMBER 6, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: GREGORY BRAYLOCK, R.Ph. (presiding); ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; HEATHER L. PASQUALE, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; JAMES E. TURNER, R.Ph.; AND JEROME J. WIESENHAHN, R.Ph.

RICHARD F. KOLEZYNSKI, R.Ph., BOARD MEMBER, RECUSED.

ROBERT WILLIAM REEVES WAS NOT PRESENT, NOR WAS HE REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

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

Respondent's Witnesses

None

State's Exhibits

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [02-07-05]
1A-1F. Procedurals
1G. Addendum Notice [02-01-06]
1H-1M. Procedurals
2. PRO Pharmacist's Recovery Contract for Robert W. Reeves [05-22-03]
3. Compass Vision, Inc., Drug Screen Report [04-24-04]
4. Notarized Statement of Robert W. Reeves [01-12-05]
5. WorkHealth Drug Screen Results [09-24-04]
6. Compass Vision, Inc., Drug Screen Report [12-01-04]

7. Indictment, State of Ohio vs. Robert W. Reeves, Case No. 05CR038, Fairfield County Common Pleas Court [01-28-05]; Entry Granting Intervention in Lieu of Conviction [12-23-05]; Community Control Stipulations and Agreements [12-21-05]

Respondent's Exhibits

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) Records of the Board of Pharmacy indicate that Robert William Reeves was originally licensed by the State of Ohio as a pharmacist on February 21, 1978, pursuant to reciprocity, and that his license was summarily suspended on February 7, 2005.

(2) Robert William Reeves is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Robert William Reeves has admittedly stolen and abused controlled substances since 1978. Though Robert William Reeves has been involved in drug treatment, he continually tests positive for the use of controlled substances during drug testing.

(3) Robert William Reeves did, on or about April 24, 2004, knowingly obtain, possess, and/or use a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a valid prescription, Robert William Reeves used opiate drugs and tested positive for such use. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

(4) Robert William Reeves did, on or about September 20, 2004, knowingly obtain, possess, and/or use a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a valid prescription, Robert William Reeves used benzodiazepines and tested positive for such use. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

(5) Robert William Reeves did, on or about December 1, 2004, knowingly obtain, possess, and/or use a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a valid prescription, Robert William Reeves used amphetamines and benzodiazepines and tested positive for such use. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

(6) Robert William Reeves did, from December 26, 2004, through December 29, 2004, with purpose to deprive, knowingly obtain or exert control over controlled substances, the property of Kroger in Pickerington, Ohio, beyond the express or implied consent of the owner, to wit: Robert William Reeves admittedly stole 4 doses of phentermine 37.5 mg, 30 doses of hydrocodone 10/650 mg, and 10 doses of alprazolam 0.5 mg. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(7) Robert William Reeves did, from September, 2004, through November, 2004, with purpose to deprive, knowingly obtain or exert control over controlled substances, the property of Kroger in Gahanna, Ohio, beyond the express or implied consent of the

owner, to wit: Robert William Reeves admittedly stole 4 doses of phentermine 37.5 mg. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(8) On or about January 28, 2005, Robert William Reeves pled guilty to (3) three counts of Theft of Drugs, felonies of the fourth degree, under Section 2913.02 (A)(1) & (B)(6) of the Ohio Revised Code. On December 23, 2005, Robert William Reeves was granted Intervention in Lieu of Conviction. State of Ohio vs. Robert W. Reeves, Case No. 05 CR 38, Fairfield County Common Pleas Court.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (3) through (8) 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 (3) through (8) 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 (2) 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.

(4) The State Board of Pharmacy concludes that paragraphs (3) through (5) of the Findings of Fact constitute 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 Robert William Reeves on February 7, 2005.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Robert William Reeves as follows:

(A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-1-13039, held by Robert William Reeves effective as of the date of the mailing of this Order.

(B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-1-13039, held by Robert William Reeves effective as of the date of the mailing of this Order.

(C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification

card, No. 03-1-13039, held by Robert William Reeves effective as of the date of the mailing of this Order.

(D) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-1-13039, held by Robert William Reeves effective as of the date of the mailing of this Order.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-0, Recused-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 the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with 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: DECEMBER 5, 2007

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

WTW/lf

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9804 2819

c: Sally Ann Steuk, Assistant Attorney General



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ADDENDUM NOTICE

February 1, 2006

Robert William Reeves, R.Ph.

9448 Clermont Boulevard
Powell, Ohio 43065

Re: Ohio Registered Pharmacist
Number 03-1-13039

Dear Mr. Reeves:

YOU ARE HEREBY NOTIFIED that, in addition to the allegations stated in the February 7, 2005, Summary Suspension Order/Notice of Opportunity letter, the following allegations will also be considered, as numbered:

(8) On or about January 28, 2005, you pled guilty to (3) three counts of Theft of Drugs, felonies of the fourth degree, under Section 2913.02 (A)(1) & (B)(6) of the Ohio Revised Code. On December 23, 2005, you were granted Intervention in Lieu of Conviction. State of Ohio vs. Robert W. Reeves, Case No. 05 CR 38, Fairfield County Common Pleas Court. Such conduct indicates that you are guilty of a felony or gross immorality and/or addicted to or abusing drugs to such a degree as to render you unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY ADVISED that Section 4729.16 of the Ohio Revised Code states in pertinent part that:

(A) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not more than five hundred dollars, if the board finds a pharmacist or pharmacy intern:

(1) Guilty of a felony or gross immorality;

(2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;

(3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;

(4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;

(5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;

(6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;

(7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;

(8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;

(9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;

(10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

AS PREVIOUSLY NOTED IN THE SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY letter dated February 7, 2005, and with regard to your adjudication hearing scheduled for June 7, 2006, you may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

If you wish to request a continuance in this matter, such request should be sent by certified mail, return receipt requested, to the offices of the Ohio State Board of Pharmacy, 77 South High Street, 1702, Columbus, Ohio 43215-6126. However, you must submit such request prior to fourteen days from the date of the scheduled hearing on June 7, 2006. The request will be presented to the Board for consideration and you will be notified as soon as practical regarding the request. If you have any questions regarding this matter, feel free to contact the Board office.

BY ORDER OF THE STATE BOARD OF PHARMACY

William T. Winsley, M.S., R.Ph.
Executive Director

WTW:lp Docket 050207-044

CERTIFIED MAIL/Return Receipt
7001 0360 0002 4139 4774

cc: Sally Ann Steuk, Assistant Attorney General
Daniel D. Connor, Attorney for Respondent; Connor & Behal L.L.P.; Brewery District; 501
South High Street; Columbus, Ohio 43215



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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

February 7, 2005

Robert William Reeves, R.Ph.
9448 Clermont Boulevard
Powell, Ohio 43065

Re: Ohio Registered Pharmacist
Number 03-1-13039

Dear Mr. Reeves:

In accordance with Section 3719.121(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. Further, in accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on February 21, 1978, pursuant to reciprocity, and are currently licensed to practice pharmacy in the State of Ohio
- (2) You are addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have admittedly stolen and abused controlled substances since 1978. Though you have been involved in drug treatment, you continually test positive for the use of controlled substances during drug testing. Such conduct indicates that you are within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, on or about April 24, 2004, knowingly obtain, possess, and/or use a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a valid prescription, you used opiate drugs and tested positive for such use. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of

ROBERT WILLIAM REEVES, R.Ph.

pharmacy; and/or guilty of willfully violating the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

- (4) You did, on or about September 20, 2004, knowingly obtain, possess, and/or use a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a valid prescription, you used benzodiazepines and tested positive for such use. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- (5) You did, on or about December 1, 2004, knowingly obtain, possess, and/or use a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a valid prescription, you used amphetamines and benzodiazepine and tested positive for such use. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- (6) You did, from December 26, 2004, through December 29, 2004, with purpose to deprive, knowingly obtain or exert control over controlled substances, the property of Kroger in Pickerington, Ohio, beyond the express or implied consent of the owner, to wit: you admittedly stole 4 doses of phentermine 37.5 mg, 30 doses of hydrocodone 10/650 mg, and 10 doses of alprazolam 0.5 mg. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (7) You did, from September, 2004, through November, 2004, with purpose to deprive, knowingly obtain or exert control over controlled substances, the property of Kroger in Gahanna, Ohio, beyond the express or implied consent of the owner, to wit: you admittedly stole 4 doses of phentermine 37.5 mg. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(A) of the Ohio Revised Code states, in pertinent part: “any ... pharmacist, ... who is or becomes addicted to the use of controlled substances, shall be suspended by the board that authorized the person’s license, certificate, or registration...”

YOU ARE HEREBY NOTIFIED that Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

(B) If the board under which a person has been issued a license, . . . , . . . determines that there is clear and convincing evidence that continuation of the

ROBERT WILLIAM REEVES, R.Ph.

person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, . . . , . . . , without a prior hearing.

WHEREFORE, PURSUANT TO SECTIONS 3719.121(A) and (B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until an adjudicatory hearing has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;

ROBERT WILLIAM REEVES, R.Ph.

(9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;

(10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

IF YOU REQUEST A HEARING within 30 days of the time of the mailing of this notice, such will be afforded. Such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if you do not request such a hearing within thirty (30) days of the mailing of this notice, the State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

BY ORDER OF THE STATE BOARD OF PHARMACY

William T. Winsley, M.S., R.Ph.
Executive Director

WTW: (D-050207-044)

CERTIFIED MAIL/Return Receipt
7003 0500 0002 4347 4638

cc: Sally Ann Steuk, Assistant Attorney General