



OHIO STATE BOARD OF PHARMACY

65 S. FRONT STREET, ROOM 504
COLUMBUS, OHIO 43215
TELEPHONE: 614/466-4143

03-1-14924

THE STATE BOARD OF PHARMACY

vs

MICHAEL R. PENDLETON, R.Ph.

THE MATTER OF MICHAEL R. PENDLETON, DOCKET NO. 6-117-1, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON WEDNESDAY, DECEMBER 4, 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 Michael R. Pendleton did, between June 6, 1985 and July 13, 1985 at Diamond Drug Company, Rte. 22 and Springdale, Wintersville, Ohio 43952, obtain or exert control over approximately 247 tablets of Glutethimide-0.5gm and approximately 100 tablets of Tylenol #4 without the consent or beyond the consent of the owner. Such conduct is in violation of Section 2925.21(A) of the Revised Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Michael R. Pendleton did, between August, 1984 and February, 1985 at Town Square Drug Center, Inc., 15 Market Street, Cadiz, Ohio 43097, obtain or exert control over approximately 100 tablets of Glutethimide, approximately 100 tablets of Acetaminophen With Codeine (60mg), and approximately 2,000 tablets of Acetaminophen With Codeine (30mg) without the consent or beyond the consent of the owner. Such conduct is in violation of Section 2925.21(A) of the Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Michael R. Pendleton did, between February, 1984 and August, 1984 at The Medicine Shoppe, 136 N. Hollywood Boulevard, Steubenville, Ohio 43952, obtain or exert control over approximately 2,500mg of Cocaine without the consent or beyond the consent of the owner. Such conduct is in violation of Section 2925.21(A) of the Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Michael R. Pendleton did, by theft, acquire uncompleted prescription blanks while working at The Prescription Shoppe, 443 Main Street, Wellsville, Ohio 43968. Such conduct is in violation of Section 2925.23(C) of the Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Michael R. Pendleton did, between February 21, 1983 and February, 1984 at St. Johns Hospital, St. John Heights, Steubenville, Ohio 43952, obtain or exert control over approximately 118,330mg of Cocaine and an undetermined number of Methaqualone without the consent or beyond the consent of the owner. Such conduct is in violation of Section 2925.21(A) of the Revised Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that Michael R. Pendleton did, on one or more occasions between May 1, 1985 and May 12, 1985, intentionally make false or forged prescriptions. Said conduct is prohibited by Division (B)(1) of Section 2925.23 of the Revised Code.
- (7) From the evidence presented, the State Board of Pharmacy finds that Michael R. Pendleton did, on one or more occasions between May 1, 1985 and May 12, 1985, by deception as defined in Revised Code Section 2913.01, procure the dispensing of dangerous drugs. Said conduct is prohibited by Division (A) of Section 2925.22 of the Revised Code.
- (8) From the evidence presented, the State Board of Pharmacy finds that Michael R. Pendleton knowingly obtained, possessed, and used various controlled substances on numerous occasions since licensure as a pharmacy intern on August 28, 1981; in violation of Section 2925.11 of the Revised Code.
- (9) From the evidence presented, the State Board of Pharmacy finds that Michael R. Pendleton knowingly made sales, as that term is defined in Section 3719.01 of the Revised Code, of controlled substances on different occasions to several individuals; in violation of Section 2925.03 of the Revised Code.
- (10) From the evidence presented, the State Board of Pharmacy finds that Michael R. Pendleton is addicted to or abusing drugs to such a degree as to render him unfit to practice pharmacy; in that, Mr. Pendleton admitted to Dana Hutchison, an investigator for the Board, that he had taken drugs for personal use, on various occasions, while licensed as a pharmacy intern and since becoming licensed as a pharmacist on August 6, 1982.

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) through (9) 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) through (9) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (8) and (10) of the Findings Of Fact constitutes being addicted to or abusing drugs to such a degree as to render Mr. Pendleton 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) through (9) 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 Michael R. Pendleton:

- (A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Michael R. Pendleton.
- (B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Michael R. Pendleton.
- (C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Michael R. Pendleton.
- (D) On the basis of paragraph (4) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Michael R. Pendleton.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, ..., 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.

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

MOTION CARRIED.

SO ORDERED.

MICHAEL R. PENDLETON, R.Ph.

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Order of the Board

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 Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in 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 the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt

ORDER ISSUED: January 3, 1986

FZW/sb

By

Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc/John E. Breen, Assistant Attorney General