



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-031215-044)

In The Matter Of:

STEVEN RAY LILES, R.Ph.
908 Monterey Lane
Cold Spring, Kentucky 41076
(R.Ph. No. 03-1-14987)

INTRODUCTION

THE MATTER OF STEVEN RAY LILES CAME FOR HEARING ON MAY 5, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

STEVEN RAY LILES 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

None

Respondent's Witnesses

1. Steven Ray Liles, R.Ph., Respondent

State's Exhibits

1. Facsimile copy of Reinstatement Hearing Request letter from Steven Ray Liles [12-15-03]
 - 1A. Reinstatement Hearing Request letter from Elizabeth Y. Collis [12-15-03]
 - 1B-1C. Procedurals
 - 2A. Copy of State Board of Pharmacy Order in re Steven Ray Liles, R.Ph. [12-10-03]
2. Commonwealth of Kentucky Uniform Citation, Control No. C841762 [07-06-02]
3. DUI (Guilty Plea); Judgment Entry; Fine and Costs Pay Schedule; and Drug Education Program letter [08-05-02] Commonwealth of Kentucky vs. Steven Liles, Case No. 02M2158, Campbell District Court, 17th Judicial District, Second Division

Respondent's Exhibits

- A. Letter of Treatment Recommendation from Diane C. Brock, CCDC IIIe [01-02-04]
- B. Facsimile copy of Treatment Progress/Termination Report from Thomas Cox, MS, CCDC I [03-08-04]
- C. Letter from Daniel E. Kincaid, Esq. [05-04-04]
- D. Facsimile copy of Commonwealth of Kentucky Division of Substance Abuse Driving Under The Influence (DUI) Program Completion Form [10-23-02]; copy of Assessment Results for Steven Liles [08-14-02]

FINDING 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 that Steven Ray Liles has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-030910-007, effective December 10, 2003.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-1-14987, held by Steven Ray Liles to practice pharmacy in Ohio and places Steven Ray Liles on probation for one year beginning on the effective date of this Order, with the following conditions:

(1) Random, **observed** urine drug screens, through an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) approved program, shall be conducted at least once every three months.

(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) Marijuana must be added to the standard urine drug screen.

(c) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of probation.

(2) The ODADAS program shall provide copies of all drug screen reports to the Board in a timely fashion and shall immediately report to the Board any violations and/or lack of cooperation.

(3) The State Board of Pharmacy hereby declares that Steven Ray Liles' pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.

(4) Steven Ray Liles may not serve as a responsible pharmacist.

(5) Steven Ray Liles may not destroy, assist in, or witness the destruction of controlled substances.

(6) Steven Ray Liles must immediately report any violation of the ODADAS program to the Board.

(7) Steven Ray Liles must not violate the drug laws of Ohio, any other state, or the federal government.

(8) Steven Ray Liles must abide by the rules of the Ohio Board of Pharmacy.

(9) Steven Ray Liles must comply with the terms of this Order.

(10) Steven Ray Liles' license is deemed not in good standing until successful completion of the probationary period.

(11) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Steven Ray Liles is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-0).

MOTION CARRIED.

SO ORDERED.



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-030910-007)

In The Matter Of:

STEVEN RAY LILES, R.Ph.
908 Monterey Lane
Cold Spring, Kentucky 41076
(R.Ph. No. 03-1-14987)

INTRODUCTION

THE MATTER OF STEVEN RAY LILES CAME FOR CONSIDERATION ON NOVEMBER 4, 2003, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

STEVEN RAY LILES 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

State's Witnesses

1. Jesse Wimberly, Ohio State Board of Pharmacy

Respondent's Witnesses

None

State's Exhibits

1. Copy of Notice of Opportunity For Hearing letter [09-10-03]
1A-1B. Procedurals
2. Uniform Citation, Ft. Thomas (Kentucky) Police in re Steven R. Liles [07-06-02]
3. Copy of DUI Guilty Plea, Judgment Entry, Pay Schedule, and Drug Education Program Directive letter [08-05-02] Commonwealth of Kentucky vs. Steven Liles, Case No. 02M2158, Campbell District Court, 17th Judicial District, Second Division.

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) On September 10, 2003, Steven Ray Liles 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 dated September 15, 2003, Steven Ray Liles received the letter of September 10, 2003, informing him of the allegations against him, and his rights.
- (3) Steven Ray Liles, by letter of October 8, 2003, submitted his contentions in writing, and has not requested a hearing in this matter.
- (4) Records of the Board of Pharmacy indicate that Steven Ray Liles was originally licensed by the State of Ohio as a pharmacist on March 2, 1983, pursuant to examination, and that his license to practice pharmacy in Ohio is currently active.
- (5) Steven Ray Liles was arrested on or about July 6, 2002, for the offenses of 1) Driving While Under the Influence of Alcohol in violation of KRS 189A.010; 2) Assault 4 (Domestic Violence) in violation of KRS 508030; and, 3) Possession of Marijuana in violation of KRS 218A1422. Commonwealth of Kentucky vs Steven Ray Liles, Case No. 02-M-02158, Campbell District Court. On August 5, 2002, Steven Ray Liles entered guilty pleas to the charges of DUI and Possession of Marijuana. Such conduct, if having occurred in Ohio, violates Sections 2925.11 and 4511.19 of the Ohio Revised Code.
- (6) Steven Ray Liles did, on or about unknown dates over the past several years, knowingly possess and use a controlled substance when the conduct is not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Steven Ray Liles has admitted to a Board of Pharmacy agent that he used marijuana, a Schedule I controlled substance, recreationally with friends. Such conduct violates Section 2925.11 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (5) and (6) of the Findings of Fact constitute being guilty of 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 (5) and (6) 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 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 Steven Ray Liles as follows:

(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. 03-1-14987, held by Steven Ray Liles and such suspension is effective as of the date of the mailing of this Order.

(1) Steven Ray Liles, 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.

(2) Steven Ray Liles, 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.

(B) Further, the Board will consider any petition filed by Steven Ray Liles 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:

(1) Steven Ray Liles must personally appear at the hearing before the Ohio Board of Pharmacy.

(2) If reinstatement is not accomplished within three years of the effective date of this Order, Steven Ray Liles must also take and pass the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE DECEMBER 10, 2003