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OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-930430-085)

In The Matter Of:

**CHRISTOPHER JOHN PARTYKA, R.Ph.**  
4817 Briarwood Drive  
Lorain, Ohio 44503  
(R.Ph. No. 03-1-17269)

INTRODUCTION

THE MATTER OF CHRISTOPHER JOHN PARTYKA CAME TO HEARING ON OCTOBER 27, 1993, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; TIMOTHY D. MOORE, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

CHRISTOPHER JOHN PARTYKA WAS REPRESENTED BY WAYNE KEREK, AND THE STATE OF OHIO WAS REPRESENTED BY GREGG THORNTON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) James Reye, Ohio State Board of Pharmacy
- (2) Joseph Raso, R.Ph., Revco, District Manager
- (3) Tina Hydell, Revco, Loss Prevention
- (4) Gregory Taylor, Revco #35, Store Manager
- (5) Young Yu, R.Ph., Revco #35

Respondent's Witnesses:

- (1) Christopher John Partyka, Respondent
- (2) Richard Kryc, R.Ph.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Summary Suspension Order/Notice of Opportunity letter dated April 30, 1993.
- (2) Exhibit 1A - Hearing Request letter dated May 6, 1993.
- (3) Exhibit 1B - Hearing Schedule letter dated May 11, 1993.
- (4) Exhibit 1C - Hearing Schedule letter dated October 13, 1993.
- (5) Exhibit 2 - Pharmacist File Front sheet of Christopher John Partyka showing original date of registration as July 29, 1988.
- (6) Exhibit 3 - Renewal Application for Pharmacist License, No. 03-1-17269, Christopher John Partyka dated August 5, 1992.
- (7) Exhibit 4 - Order of the Ohio State Board of Pharmacy, Docket No. D-880314-147, in the matter of Christopher J. Partyka dated July 26, 1988.

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OHIO STATE BOARD OF PHARMACY

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- (8) Exhibit 5 - Two-page National Health Laboratories Urinalysis Drug Screen of Christopher J. Partyka dated November 20, 1992.
- (9) Exhibit 6 - Four-page handwritten statement of Chris Partyka signed and notarized on April 7, 1993.
- (10) Exhibit 7 - Seven-page copy of Revco #35, Loss Prevention, Report of Controlled Substance Audit dated December 28, 1992.
- (11) Exhibit 8 - Thirteen-page Revco #35, Loss Prevention, Report of Controlled Substance Audit dated April 27, 1993.
- (12) Exhibit 9 - Certified copy of Bill of Information, in the Cuyahoga County Common Pleas Court, Case No. CR 299968, of Christopher Partyka dated August 4, 1993; certified copy of Journal Entry in the Court of Common Pleas, State of Ohio, Cuyahoga County, Case No. CR-299968, in the matter of Christoph (sic Christopher) Partyka dated August 20, 1993; copy of Cuyahoga County Docket Sheet, Case No. 299968, of Christoph (sic Christopher) Partyka; and Certified Journal Entry in the Court of Common Pleas, State of Ohio, Cuyahoga County, Case No. CR-299968, of Christoph (sic Christopher) Partyka dated September 30, 1993.

Respondent's Exhibits:

- (1) Exhibit A - Copy of letter from Karen Engle dated October 15, 1993.
- (2) Exhibit B1 - Two-page copy of Shepherd Hill Hospital, Recovery Monitoring Services Agreement of Chris Partyka dated March 12, 1993.
- (3) Exhibit B2 - Copies of seven Shepherd Hill Hospital, Recovery Monitoring Services, Monitoring and Compliance Tracking Forms of Chris Partyka for the periods of: March to April, 1993; May to June, 1993; June, 1993; July, 1993; August, 1993; September, 1993; and October, 1993.
- (4) Exhibit B3 - Copies of three One Step Inc., Drug and Alcohol Consultants, Monitoring & Tracking Report of Chris Partyka for the periods of: April and May, 1993; June and July, 1993; August and September, 1993; and one copy of Shepherd Hill Hospital, Recovery Monitoring Services, Monitoring and Compliance Tracking Form of Chris Partyka for the weeks of March 25, 1993; April 15, 1993; May 13, 1993; June 17, 1993; and September 2, 1993.
- (5) Exhibit C - Copy of Shepherd Hill Hospital, Aftercare Contract for Pharmacists, of Christopher Partyka dated March 12, 1993.
- (6) Exhibit D - Copy of Lakeland Institute, Adult Continuing Care Treatment Contract of Christopher J. Partyka dated March 16, 1993.
- (7) Exhibit E - Two-page copy of Pharmacists Rehabilitation Organization, Inc., Recovering Pharmacist's Contract of Christopher Partyka dated August 28, 1993.
- (8) Exhibit F1 - Letter from Kevin Kramer dated October 18, 1993.
- (9) Exhibit F2 - Letter from Andrew Seipel dated October 14, 1993.
- (10) Exhibit F3 - Letter from Jane M. Halbedel dated October 5, 1993.
- (11) Exhibit F4 - Letter from Patricia S. Herklotz dated October 14, 1993.
- (12) Exhibit F5 - Letter from Sally Bernard dated October 5, 1993.
- (13) Exhibit G - Yellow piece of paper verifying attendance to Inner Comm of Chris P. on April 22, 1993; white piece of paper verifying attendance to Unity Hall on May 3, 1993; piece of paper with four dates: March 14, 1993, March 15, 1993, March 16, 1993, and March 22, 1993; and five pages of various AA/NA Meeting Verifications dated from March 20, 1993, through October 25, 1993.
- (14) Exhibit H1 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka, not dated, complete March 25, 1993.

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OHIO STATE BOARD OF PHARMACY

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- (15) Exhibit H2 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka, date illegible.
- (16) Exhibit H3 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka, date illegible.
- (17) Exhibit H4 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka, date illegible.
- (18) Exhibit H5 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka, date Illegible.
- (19) Exhibit H6 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated May 10, 1993.
- (20) Exhibit H7 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated May 12, 1993.
- (21) Exhibit H8 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated May 21, 1993.
- (22) Exhibit H9 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated June 1, 1993.
- (23) Exhibit H10 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated June 7, 1993.
- (24) Exhibit H11 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated June 14, 1993.
- (25) Exhibit H12 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated June 29, 1993.
- (26) Exhibit H13 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated July 9, 1993.
- (27) Exhibit H14 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated July 6, 1993.
- (28) Exhibit H15 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka, date illegible.
- (29) Exhibit H16 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated July 26, 1993.
- (30) Exhibit H17 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated August 9, 1993.
- (31) Exhibit H18 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka, date illegible.
- (32) Exhibit H19 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated August 23, 1993.
- (33) Exhibit H20 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated August 30, 1993.
- (34) Exhibit H21 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated September 2, 1993.
- (35) Exhibit H22 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated September 19, 1993.
- (36) Exhibit H23 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated September 20, 1993.
- (37) Exhibit H24 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated October 1, 1993.
- (38) Exhibit H25 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka dated October 1, 1993.
- (39) Exhibit H26 - Copy of Damon Clinical Laboratories Urinalysis Drug Screen of Chris Partyka, date illegible.
- (40) Exhibit H27 - Damon Clinical Laboratories, Drug Testing Custody and Control Form of Christopher Partyka dated October 18, 1993.

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OHIO STATE BOARD OF PHARMACY

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- (41) Exhibit I1 - Letter from Lori A. Partyka dated October 12, 1993.
- (42) Exhibit I2 - Letter from Donna and Ted Partyka, Jr. dated October 8, 1993.
- (43) Exhibit I3 - Letter from Patricia A. and William G. Heider dated October 18, 1993.
- (44) Exhibit I4 - Letter from Thomas A. Wanek dated October 18, 1993.
- (45) Exhibit I5 - Letter from David A. Niskey dated October 24, 1993.
- (46) Exhibit I6 - Letter from Mark A. Silva, not dated.
- (47) Exhibit I7 - Letter from Edward A. Hannan, Jr. dated October 23, 1993.
- (48) Exhibit I8 - Letter from Craig A. Smith, not dated.
- (49) Exhibit I9 - Letter from Jeffrey E. Rinda dated October 8, 1993.
- (50) Exhibit I10 - Letter from Richard A. Kryc dated October 3, 1993.
- (51) Exhibit I11 - Letter from Sid Fox dated October 2, 1993.
- (52) Exhibit I12 - Letter from Alan S. Fox, not dated.
- (53) Exhibit J - Four-page Revco Store Management/Professional Performance Appraisal of Chris Partyka dated October 21, 1992.
- (54) Exhibit K - Copy of Certificate of Completion of Pharmacist Recovery Network Convention of Chris Partyka dated October 23, 1993; and envelope from Pharmacist's Letter.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board indicate that Christopher John Partyka is a pharmacist registered by this Board to practice pharmacy in the state of Ohio.
- (2) On or about March 14, 1988, the Ohio State Board of Pharmacy proposed to deny Christopher John Partyka's application for examination as a pharmacist in Ohio due to the theft of drugs and/or alcohol, and his addiction to drugs and/or alcohol. On July 26, 1988, the Board permitted Christopher John Partyka to sit for the licensure examination; however, upon passing the examination, his license was to be subject to the following probationary conditions:
  - (a) Christopher John Partyka was to sign a contract with Professional Rehabilitation Organization, Inc., for a minimum period of two years. During the two year period Christopher John Partyka was to comply with all terms contained in the contract.
  - (b) Christopher John Partyka was not to violate the drug laws of the state of Ohio, any other state, or the federal government.
  - (c) Christopher John Partyka was to abide by the rules of the State Board of Pharmacy.
- (3) On or about November 20, 1992, Christopher John Partyka submitted a urine drug screen that was found to be positive for Morphine, Codeine, and Butalbital.
- (4) Christopher John Partyka did, between August, 1992, and November 20, 1992, with the purpose to deprive, knowingly obtain or exert control over drugs belonging to Revco, beyond the express or implied consent of Revco, to wit:

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OHIO STATE BOARD OF PHARMACY

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On April 7, 1993, Christopher John Partyka admitted to Agent Jim Reye of the Ohio State Board of Pharmacy that he stole the following drugs from his employer, Revco Discount Drugs #35, 388 W. Bagley Road, Berea, Ohio:

- Tylenol with Codeine and generic equivalents - all strengths
- Ativan and generic equivalents - all strengths
- Fiorinal #3
- Carisoprodol

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

- (5) On or about April 7, 1993, Christopher John Partyka admitted that he was addicted to the drugs he stole from Revco Discount Drugs #35, as described in paragraph (4) above.
- (6) Christopher John Partyka was, on or about September 30, 1993, in the Common Pleas Court of Cuyahoga County, Ohio, convicted of Theft, in violation of Section 2913.02 of the Ohio Revised Code. As a result of this felony, Christopher John Partyka was sentenced to be incarcerated for a term of eighteen months. Execution of the sentence was suspended, and Mr. Partyka was placed on probation for three years.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (4) and (6) of the Findings of Fact constitutes being guilty of a felony as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (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.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (6) of the Findings of Fact constitute being guilty of dishonesty or unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (6) of the Findings of Fact constitute 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.
- (5) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (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 any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

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OHIO STATE BOARD OF PHARMACY

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ACTION 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 April 30, 1993.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Christopher John Partyka:

(A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Christopher John Partyka 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 set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Christopher John Partyka 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 set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Christopher John Partyka 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 set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Christopher John Partyka effective as of the date of the mailing of this Order.

(E) On the basis of the Findings of Fact and paragraph (5) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Christopher John Partyka 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-5/Nay-3).

MOTION CARRIED.

SO ORDERED.

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OHIO STATE BOARD OF PHARMACY

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THE STATE BOARD OF PHARMACY  
(Docket No. D-880314-147)

In The Matter Of:

CHRISTOPHER J. PARTYKA  
1134 Brookview Drive #12  
Toledo, Ohio 43615

INTRODUCTION

THE MATTER OF CHRISTOPHER J. PARTYKA CAME TO HEARING ON APRIL 21, 1988 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: NORMAN LEIBOW, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; AND JEROME WIESENHAHN, R.Ph. BOARD MEMBER MELVIN WILCZYNSKI DISMISSED HIMSELF FROM THE HEARING.

CHRISTOPHER J. PARTYKA WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) William Bloomfield
- (2) Melvin Wilczynski
- (3) Christopher Partyka

Respondent's Witnesses:

(None)

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity dated March 14, 1988.
- (2) Exhibit B - Hearing request letter dated March 28, 1988.
- (3) Exhibit C - Hearing schedule letter dated April 6, 1988.
- (4) Exhibit 1 - Front sheet from Ohio Intern Record 06-0-01939 showing registration date as an Ohio intern being September 12, 1985.
- (5) Exhibit 2 - Application for license renewal as a pharmacy intern.
- (6) Exhibit 3 - Report of theft or loss of controlled substances dated October 20, 1986 from Lane Drug #49.
- (7) Exhibit 4 - Memo from Butch Bloomfield dated October 6, 1986.

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**OHIO STATE BOARD OF PHARMACY**

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- (8) Exhibit 5 - Statement dated October 4, 1986 from Christopher Partyka.
- (9) Exhibit 6 - Restitution statement.
- (10) Exhibit 7 - Report of theft or loss of controlled substances dated October 20, 1986 from Lane Drug #11.

Respondent's Exhibits:

- (1) Exhibit 1 - Letter received in office January 21, 1988 from Christopher Partyka.
- (2) Exhibit 2 - Letter dated January 13, 1988 from Mark J. Sikora, the Lakeland Institute.
- (3) Exhibit 3 - Letter dated January 12, 1988 from Robert J. Schlembach, Ph.D., University of Toledo College of Pharmacy.
- (4) Exhibit 4 - Letter dated January 17, 1988 from James G. Thompson, R.Ph.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that the records of the Board reflect the fact that Christopher J. Partyka has practiced pharmacy as a pharmacy intern at Lanes Drug #49, 1510 South McCord, Holland, Ohio 43528 or Lanes Drug #11, 1601 Broadway, Toledo, Ohio 43609 between the dates of January 1, 1986 and October 6, 1986.
- (2) From the evidence presented, the State Board of Pharmacy finds that Christopher J. Partyka did, between the dates of July 1, 1986 and October 6, 1986 while practicing pharmacy as an intern at Lanes Drug #49, 1510 South McCord, Holland, Ohio 43528, obtain approximately the following controlled substances and dangerous drugs by committing a theft offense as defined in Section 2913.01 of the Revised Code:

<u>Drug</u>	<u>Quantity</u>
Valium 10mg	100 tablets
Generic Diazepam 10mg	50 tablets
Librium 10mg	50 capsules
Darvocet N100	30 tablets
Librium 25mg	25 capsules
Tylenol #3	20 tablets
Valium 5mg	12 tablets
Tranxene 15mg	10 tablets
Tranxene 7.5mg	10 tablets
Generic Diazepam 5mg	10 tablets
Tylenol #4	5 tablets

Such conduct is prohibited by Division (A) of Section 2925.21 of the Revised Code.

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OHIO STATE BOARD OF PHARMACY

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- (3) From the evidence presented, the State Board of Pharmacy finds that Christopher J. Partyka did, between the dates of July 1, 1986 and October 6, 1986 while practicing pharmacy as an intern at Lanes Drug #11, 1601 Broadway, Toledo, Ohio 43609, obtain approximately the following controlled substances and dangerous drugs by committing a theft offense as defined in Section 2913.01 of the Revised Code:

<u>Drug</u>	<u>Quantity</u>
Valium 10mg	25 tablets
Generic Diazepam	20 tablets
Librium 10mg	20 capsules
Librium 25mg	12 capsules
Valium 5mg	5 tablets
Centrax 10mg	4 doses
Tranxene 15mg	3 tablets

Such conduct is prohibited by Division (A) of Section 2925.21 of the Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Christopher J. Partyka is addicted to or abusing drugs and/or alcohol to such a degree as to render him unfit to practice pharmacy, in that Christopher J. Partyka admitted that he was addicted to and abusing drugs and/or alcohol.

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

ORDER

Pursuant to Section 4729.08 of the Ohio Revised Code, the State Board of Pharmacy hereby permits Christopher J. Partyka to sit for the licensure examination in June, 1988.

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OHIO STATE BOARD OF PHARMACY

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If Christopher J. Partyka passes the June, 1988 licensure examination, he shall be granted a pharmacist identification card to practice pharmacy. Any grant of a pharmacist identification card to Christopher J. Partyka under the provisions of this Order shall be subject to the following probationary conditions:

(1) that he become signatory to a contract with Professional Rehabilitation Organization, Inc. (PRO) for a minimum period of two years. During the time that Christopher J. Partyka is subject to the PRO contract, he shall comply with all terms contained in that contract.

(2) that he does not violate the drug laws of the state of Ohio, any other state, or the federal government; and

(3) that he abides by the rules of the State Board of Pharmacy.

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

MOTION CARRIED.

SO ORDERED.