

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-030507-074)

In The Matter Of:

KAREN S. FREDERICK, R.Ph.

610 Barker Road

Fremont, Ohio 43420

(R.Ph. No. 03-1-17313)

INTRODUCTION

THE MATTER OF KAREN S. FREDERICK CAME FOR HEARING ON TUESDAY, 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.

KAREN S. FREDERICK WAS REPRESENTED BY DONALD J. RAFFERTY, 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. Karen S. Frederick, R.Ph., Respondent
2. Lisa Ramirez, R.Ph.

State's Exhibits

1. Reinstatement Hearing Request letter from Donald J. Rafferty [05-06-03]
1A-1B. Procedurals
2. Copy of State Board of Pharmacy Order in re Karen S. Frederick, R.Ph. [11-12-02]
3. Judgment Entry, State of Ohio vs. Karen Frederick, Case No. 02CR-1988, Franklin County Common Pleas Court [04-19-02]
4. Indictment [02-11-02]; Motion/Memorandum for Intervention In Lieu of Conviction [05-13-02]; and Judgment Entry [05-17-02] in State of Ohio vs. Karen S. Frederick, Case No. 02CR0021, Crawford County Common Pleas Court

Respondent's Exhibits

- A. Copy of PRO Pharmacist's Recovery Contract for Karen Frederick [11-18-02]; Copy of PRO Pharmacist's Recovery Contract for Karen Frederick [11-19-01]
- B. Copy of PRO, Inc. Client Quarterly Reports and Client Monitoring Sheets for Karen Frederick [04-01-02 to 09-30-03]; Copy of Quarterly Progress Notes for Karen Frederick [03-29-02]

- C. Copy of The Toledo Hospital Alcohol and Drug Treatment Center Patient Discharge Recommendations/Plan/Agreement for Karen Frederick [12-20-01]
- D. Copy of Progress Evaluations for Karen Frederick [04-22-02 and 07-25-02]
- E. Copy of Support Group Attendance Records [11-19-01 to 11-03-03]
- F. Copy of Drug Screen Reports [01-30-02 to 10-15-03]
- G. Copy of Restitution Documentation [04-25-02]
- H. Copy of Judgment Entry, State of Ohio vs Karen S. Frederick, Case No. 02-CR-0021, Crawford County Common Pleas Court [05-15-03]
- I. Copy of Early Termination of Probation, State of Ohio vs. Karen Frederick, Case No. 02CR-1988, Franklin County Common Pleas Court [02-03-03]; Copy of Franklin County Adult Probation Account Record for Karen Frederick [07-23-02]
- J. Copy of Receipt Letter to Karen S. Frederick for Payment In Full of Board-Imposed Monetary Penalty [07-09-03]
- K. Copy of Continuing Pharmacy Education Credits and Certificates [03-06-02 to 09-26-03]
- L. Copy of Letters of Support [10-01-03 to 10-06-03]

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Karen S. Frederick has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-020110-032, effective November 12, 2002.

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. 03-1-17313, held by Karen S. Frederick, to practice pharmacy in Ohio and places Karen S. Frederick on probation for five years beginning on the effective date of this Order, with the following conditions:

(A) Karen S. Frederick must enter into a contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office before her pharmacist identification card is issued. The contract must provide that:

(1) Random, observed urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.

(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) Adderall, Xanax, and hydrocodone 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 result, including those that may have resulted from ingestion of food but excluding false positives that resulted from medication legitimately prescribed, indicates a violation of the contract.

(2) The intervener/sponsor shall provide copies of all drug screen reports to the Board in a timely fashion.

(3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(B) Karen S. Frederick must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:

(1) The written report and documentation provided by the treatment program pursuant to the contract, and

(2) A written description of Karen S. Frederick's progress towards recovery and what Karen S. Frederick has been doing during the previous three months.

(C) Other terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that Karen S. Frederick's 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.

(2) Karen S. Frederick may not serve as a responsible pharmacist.

(3) Karen S. Frederick may not destroy, assist in, or witness the destruction of controlled substances.

(4) Karen S. Frederick must abide by the contract with her treatment provider and must immediately report any violation of the contract to the Board.

(5) Karen S. Frederick must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Karen S. Frederick must abide by the rules of the State Board of Pharmacy.

(7) Karen S. Frederick must comply with the terms of this Order.

(D) 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.

(E) If Karen S. Frederick's pharmacist identification card to practice pharmacy in Ohio is not issued within three years of the effective date of this Order, Karen S. Frederick must also take and pass the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination accepted by the Board.

Karen S. Frederick 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-8/Nay-0).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE DECEMBER 10, 2003

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-020110-032)

In The Matter Of:

KAREN S. FREDERICK, R.Ph.

610 Barker Road

Fremont, Ohio 43420

(R.Ph. No. 03-1-17313)

INTRODUCTION

THE MATTER OF KAREN S. FREDERICK CAME FOR HEARING ON OCTOBER 16, 2002, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: DIANE C. ADELMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

KAREN S. FREDERICK WAS REPRESENTED BY DONALD J. RAFFERTY AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Kevin Joseph Kinneer, Ohio State Board of Pharmacy

Respondent's Witnesses

1. Karen S. Frederick, R.Ph., Respondent
2. Lisa Katherine Ramirez, R.Ph.
3. Matthew Paul Frederick, R.Ph.

State's Exhibits

1. Copy of Summary Suspension/Notice Of Opportunity For Hearing letter [01-10-02]
 - 1A-1D. Procedurals
 - 1E. Addendum Notice [05-14-02]
 - 1F. Addendum Notice [09-10-02]
 - 1G. Procedural
2. Excel Spreadsheet for 33 prescriptions of 7 customers [03-03-01 to 10-12-01]
 - 2A. Patient Profile for Patient #1 [01-01-01 to 10-29-01]
 - 2B. Patient Profile for Patient #2 [01-01-01 to 10-25-01]
 - 2C. Patient Profile for Patient #3 [01-01-01 to 10-29-01]
 - 2D. Patient Profile for Patient #4 [01-01-01 to 10-29-01]
 - 2E. Patient Profile for Patient #5 [01-01-01 to 10-29-01]
 - 2F. Patient Profile for Patient #6 [01-01-01 to 10-29-01]
 - 3A. Rx #4425731 [03-03-01]
 - 3B. Rx #4425823 [03-14-01]
 - 3C. Rx #4425822 [03-14-01]
 - 3H. Rx #4426102 [04-23-01]
 - 3K. Rx #2202840 [05-23-01]

- 3M. Rx #2201249 [06-03-01]
- 3O. Rx #2202866 [06-18-01]
- 3P. Rx # 2202874 [06-22-01]
- 3R. Rx #4426799 [07-12-01]
- 3T. Rx #2202896 [07-16-01]
- 3V. Rx # 4426937 [07-26-01]
- 3W. Rx #6776246 [07-26-01]
- 3X. Rx #2202923 [07-31-01]
- 3Z. Rx #2202944 [08-14-01]
- 3DD. Rx #2202964 [08-28-01]
- 3EE. Rx #2202966 [09-01-01]
- 3FF. Rx #2202980 [09-10-01]
- 3GG. Rx #2203022 [10-12-01]
- 4. Patient Profile for Patient #2 [01-01-98 to 01-02-02]
- 5. Drug Audit Accountability Sheets for Hydrocodone w/apap 5/500; Ionamin 30 mg; Xanax 2 mg; Xanax 1 mg; Alprazolam 2 mg [04-30-00 to 04-30-01]
- 6. Judgment Entry, State of Ohio vs. Karen Frederick, Case No. 02CR-1988, Franklin County Common Pleas Court [04-19-02]
- 7. Indictment, State of Ohio vs. Karen S. Frederick, Case No. 02CR0021, Crawford County Common Pleas Court [02-11-02]; Motion/Memorandum For Intervention in Lieu of Conviction [05-13-02]; and Judgment Entry on Arraignment, Plea of Guilty and Placement on Intervention in Lieu of Conviction [05-17-02]

Respondent's Exhibits

- A. PRO Pharmacist's Recovery Contract for Karen Frederick [11-19-01]
- B. Drug Screen Reports [01-30-02 to 07-25-02]
- C. The Toledo Hospital Alcohol and Drug Treatment Center Patient Discharge Recommendations/Plan/Agreement for Karen Frederick [12-20-01]
- D. Progress Evaluation Forms re Karen Frederick [FEB 2002 to JUL 2002]
- E. Support Group Attendance Records [11-01-01 to 09-30-02]
- F. Letters of Support from W.B. (Bill) Kunkle, BA, BS, BS, CCDC II [09-30-02]; Marsha Bloomfield [10-02-02]; and John W. Estep [not dated]
- G. Restitution documentation: letter from John L. O'Shea [04-25-02]; copy of check to Wal-Mart [04-25-02]; Bookkeeping Trans History re Karen Frederick [06-25-02 to 07-03-02]
- H. Copy of Receipt No. 100755 from Crawford County Common Pleas Court for court costs received of Karen S. Frederick [10-01-02]
- I. Two PRO Client Monitoring Sheet/Client Reporting Sheet for Quarterly Report re Karen Frederick [07-01-02 and 10-03-02]; Quarterly Progress Notes On Karen Frederick by Lisa K. Ramirez, R.Ph. [03-29-02]

FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that Karen S. Frederick was originally licensed by the State of Ohio as a pharmacist on September 27, 1988, pursuant to reciprocity, and is currently licensed to practice pharmacy in Ohio.

(2) Karen S. Frederick is addicted to the use of controlled substances, to wit: Karen S. Frederick has admittedly filled forged prescriptions in various patient names so as to obtain Adderall, Vicodin, and Xanax. Karen S. Frederick has admitted to being addicted to Adderall, Xanax, using nine to ten or more Xanax per day and six Adderall per day. Karen S. Frederick is currently in treatment for her addiction.

(3) Karen S. Frederick did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: Karen S. Frederick created the following prescriptions to cover for her drug usage:

- (a) Rx #4425731 on March 3, 2001 for 90 alprazolam 1mg;
- (b) Rx #4425823 on March 16, 2001 for 90 alprazolam 2mg;
- (c) Rx #4425822 on March 16, 2001 for 50 hydrocodone/APAP 5/500mg;
- (d) Rx #6768676 on March 25, 2001 for 30 Zoloft 25mg;
- (e) Rx #4425731 on April 5, 2001 for 90 alprazolam 1mg;
- (f) Rx #4425822 on April 5, 2001 for 50 hydrocodone/APAP 5/500mg;
- (g) Rx #4425823 on April 9, 2001 for 90 alprazolam 2mg;
- (h) Rx #4426102 on April 23, 2001 for 100 alprazolam 2mg;
- (i) Rx #4425823 on May 7, 2001 for 90 alprazolam 2mg;
- (j) Rx #5770925 on May 7, 2001 for 30 Zoloft 25mg;
- (k) Rx #2202840 on May 23, 2001 for 60 Adderall 20mg;
- (l) Rx #4426102 on May 26, 2001 for 100 for alprazolam 2mg;
- (m) Rx #2201249 on June 3, 2001 for 30 Adderall 20mg;
- (n) Rx #4425823 on June 8, 2001 for 90 alprazolam;
- (o) Rx #2202866 on June 18, 2001 for 15 Adderall 30mg;
- (p) Rx #2202874 on June 22, 2001 for 60 Adderall 20mg;
- (q) Rx #4426102 on June 28, 2001 for 100 alprazolam 2mg;
- (r) Rx #4426799 on July 12, 2001 for 30 hydrocodone/APAP 5/500mg;
- (s) Rx #4425823 on July 12, 2001 for 90 alprazolam 2mg;
- (t) Rx #2202896 on July 16, 2001 for 60 Adderall 20mg;
- (u) Rx #4426102 for July 26, 2001 for 100 alprazolam 2mg;
- (v) Rx #4426937 on July 26, 2001 for 50 hydrocodone/APAP 5/500mg;
- (w) Rx #6776246 on July 26, 2001 for 4 Prozac 90mg;
- (x) Rx #2202923 on July 31, 2001 for 30 Adderall 20mg;
- (y) Rx #4425823 on August 13, 2001 for 90 alprazolam 2mg;
- (z) Rx #2202944 on August 14, 2001 for 30 Adderall 20mg;
- (aa) Rx #4426937 on August 18, 2001 for 50 hydrocodone/APAP 5/500mg;
- (bb) Rx #6776246 on August 18, 2001 for 4 Prozac 90mg;
- (cc) Rx #6777773 on August 18, 2001 for 84 Tri-Levlen-28;
- (dd) Rx #2202964 on August 28, 2001 for 15 Adderall 20mg;

- (ee) Rx #2202966 on September 1, 2001 for 130 Ritalin 5mg;
- (ff) Rx #2202980 on September 10, 2001 for 100 Adderall 20mg;
- (gg) Rx #2203022 on October 12, 2001 for 30 for Adderall 20mg.

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(4) Karen S. Frederick did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: Karen S. Frederick created the following prescriptions to cover for her drug usage:

- (a) Rx #4429946 on May 18, 2000 for 15 alprazolam 2mg;
- (b) Rx #6843726 on May 18, 2000 for 30 Midrin;
- (c) Rx #4429946 on June 19, 2000 for 15 alprazolam 2mg;
- (d) Rx #4429946 on July 12, 2000 for 15 alprazolam 2mg;
- (e) Rx #4429946 on August 11, 2000 for 15 alprazolam 2mg;
- (f) Rx #4429946 on September 9, 2000 for 15 alprazolam 2mg;
- (g) Rx #6855835 on September 29, 2000 for 30 Zoloft 25mg;
- (h) Rx #4432114 on December 14, 2000 for 100 alprazolam 2mg;
- (i) Rx #6862597 on December 14, 2000 for 100 erythromycin 2%;
- (j) Rx #6863469 on December 24, 2000 for 30 Estratest HS.

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(5) Karen S. Frederick did, from April 30, 2000, through April 30, 2001, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Port Clinton Wal-Mart Pharmacy, by deception, to wit: Karen S. Frederick stole the following drugs in the following quantities:

1,452	hydrocodone/APAP 5/500mg
140	lonamin 30mg
250	Xanax 2mg
250	Xanax 1mg
88	alprazolam 2mg

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

(6) Karen S. Frederick did, on or about June 19, 2000, through October 12, 2001, knowingly make a false or misleading statement or representation for use in obtaining reimbursement from the Medical Assistance Program, to wit: Karen S. Frederick submitted false prescriptions to the State of Ohio Medicaid Program in the amount of one thousand one hundred thirty-nine dollars and eighty-nine cents (\$1,139.89). Such conduct is in violation of Section 2913.40 of the Ohio Revised Code.

(7) On April 18, 2002, Karen S. Frederick pled guilty to Medicaid Fraud, a felony of the fifth degree under Section 2913.40(B) of the Ohio Revised Code. State of Ohio vs. Karen Frederick, Case No. 02CR-1988, Franklin County Common Pleas Court. Such conduct indicates that Karen S. Frederick is guilty of a felony or gross immorality within the meaning of Section 4729.16 of the Ohio Revised Code.

(8) On May 17, 2002, Karen S. Frederick pled guilty to one count of Deception To Obtain A Dangerous Drug, a felony of the fifth degree under Section 2925.22 of the Ohio Revised Code, and one count of Theft of A Dangerous Drug, a felony of the fifth degree under Section 2913.02 of the Ohio Revised Code. On the same date, Karen S. Frederick was granted intervention in lieu of conviction. State of Ohio vs. Karen S. Frederick, Case No. 02CR-0021, Crawford County Common Pleas Court. Such conduct indicates that Karen S. Frederick is guilty of a felony or gross immorality and/or addicted to or abusing drugs to such a degree as to render her unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

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 (6) 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 paragraphs (2) and (8) 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 her 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), (4), and (8) 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 Karen S. Frederick on January 10, 2002.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy takes the following actions in the matter of Karen S. Frederick:

(A) On the basis of the Findings of Fact and paragraphs (1) through (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-1-17313, held by Karen S. Frederick and such suspension is effective as of the date of the mailing of this Order.

(1) Karen S. Frederick, 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) Karen S. Frederick, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return the 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) 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 imposes a monetary penalty of two thousand five hundred dollars (\$2,500.00) on Karen S. Frederick and payment of the monetary penalty is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

Further, after July 10, 2003, the Board will consider any petition filed by Karen S. Frederick 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:

(A) Karen S. Frederick must enter into a contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, mail a copy of the contract to the Board office. The contract must provide that:

(1) Random, observed urine drug screens shall be conducted at least once each month.

(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) Adderall, Xanax, and hydrocodone must be added to the standard urine drug screen.

(c) Results of all drug screens must be negative. 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 the contract.

(2) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(B) Karen S. Frederick must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.

(C) Karen S. Frederick must provide, at the reinstatement petition hearing, documentation of the following:

(1) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);

(2) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;

(3) Compliance with the terms of this Order.

(D) If reinstatement is not accomplished within three years of the effective date of this Order, Karen S. Frederick must show successful completion of the NAPLEX examination or an equivalent examination approved by the Board.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-5/Nay-1).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE NOVEMBER 12, 2002

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

January 10, 2002

Karen S. Frederick, R.Ph.
610 Barker Road
Fremont, Ohio 43420

Re: Ohio Registered Pharmacist
Number 03-1-17313

Dear Ms. Frederick:

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 September 27, 1988, pursuant to reciprocity, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You are addicted to the use of controlled substances, to wit: you have admittedly filled forged prescriptions in various patient names so as to obtain Adderall, Vicodin, and Xanax. You have admitted to being addicted to Adderall, Xanax, using nine to ten or more Xanax per day and six Adderall per day. You are currently in treatment for your addiction.
- (3) You did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: you created the following prescriptions to cover for your drug usage:
 - (a) Rx# 4425731 on March 3, 2001 for ninety (90) alprazolam 1mg;
 - (b) Rx# 4425823 on March 16, 2001 for ninety (90) alprazolam 2mg;
 - (c) Rx# 4425822 on March 16, 2001 for fifty (50) hydrocodone/APAP 5/500mg;
 - (d) Rx# 6768676 on March 25, 2001 for thirty (30) Zoloft 25mg;
 - (e) Rx# 4425731 on April 5, 2001 for ninety (90) alprazolam 1mg;
 - (f) Rx# 4425822 on April 5, 2001 for fifty (50) hydrocodone/APAP 5/500mg;
 - (g) Rx# 4425823 on April 9, 2001 for ninety (90) alprazolam 2mg;
 - (h) Rx# 4426102 on April 23, 2001 for one hundred (100) alprazolam 2mg;
 - (i) Rx# 4425823 on May 7, 2001 for ninety (90) alprazolam 2mg;
 - (j) Rx# 5770925 on May 7, 2001 for thirty (30) Zoloft 25mg;
 - (k) Rx# 2202840 on May 23, 2001 for sixty (60) Adderall 20mg;
 - (l) Rx# 4426102 on May 26, 2001 for one hundred (100) for alprazolam 2mg;
 - (m) Rx# 2201249 on June 3, 2001 for thirty (30) Adderall 20mg;
 - (n) Rx# 4425823 on June 8, 2001 for ninety (90) alprazolam;

- (o) Rx# 2202866 on June 18, 2001 for fifteen (15) Adderall 30mg;
- (p) Rx# 2202874 on June 22, 2001 for sixty (60) Adderall 20mg;
- (q) Rx# 4426102 on June 28, 2001 for one hundred (100) alprazolam 2mg;
- (r) Rx# 4426799 on July 12, 2001 for thirty (30) hydrocodone/APAP 5/500mg;
- (s) Rx# 4425823 on July 12, 2001 for ninety (90) alprazolam 2mg;
- (t) Rx# 2202896 on July 16, 2001 for sixty (60) Adderall 20mg;
- (u) Rx# 4426102 for July 26, 2001 for one hundred (100) alprazolam 2mg;
- (v) Rx# 4426937 on July 26, 2001 for fifty (50) hydrocodone/APAP 5/500mg;
- (w) Rx# 6776246 on July 26, 2001 for four (4) Prozac 90mg;
- (x) Rx# 2202923 on July 31, 2001 for thirty (30) Adderall 20mg;
- (y) Rx# 4425823 on August 13, 2001 for ninety (90) alprazolam 2mg;
- (z) Rx# 2202944 on August 14, 2001 for thirty (30) Adderall 20mg;
- (aa) Rx# 4426937 on August 18, 2001 for fifty (50) hydrocodone/APAP 5/500mg;
- (bb) Rx# 6776246 on August 18, 2001 for four (4) Prozac 90mg;
- (cc) Rx# 6777773 on August 18, 2001 for eighty-four (84) Tri-Levlen-28;
- (dd) Rx# 2202964 on August 28, 2001 for fifteen (15) Adderall 20mg;
- (ee) Rx# 2202966 on September 1, 2001 for one hundred thirty (130) Ritalin 5mg;
- (ff) Rx# 2202980 on September 10, 2001 for one hundred (100) Adderall 20mg;
- (gg) Rx# 2203022 on October 12, 2001 for thirty (30) for Adderall 20mg.

Such conduct is in violation of Section 2925.23(B) 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 willfully violating 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 the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: you created the following prescriptions to cover for your drug usage:
 - (a) Rx# 4429946 on May 18, 2000 for fifteen (15) alprazolam 2mg;
 - (b) Rx# 6843726 on May 18, 2000 for thirty (30) Midrin;
 - (c) Rx# 4429946 on June 19, 2000 for fifteen (15) alprazolam 2mg;
 - (d) Rx# 4429946 on July 12, 2000 for fifteen (15) alprazolam 2mg;
 - (e) Rx# 4429946 on August 11, 2000 for fifteen (15) alprazolam 2mg;
 - (f) Rx# 4429946 on September 9, 2000 for fifteen (15) alprazolam 2mg;
 - (g) Rx# 6855835 on September 29, 2000 for thirty (30) Zoloft 25mg;
 - (h) Rx# 4432114 on December 14, 2000 for one hundred (100) alprazolam 2mg;
 - (i) Rx# 6862597 on December 14, 2000 for one hundred (100) erythromycin 2%;
 - (j) Rx# 6863469 on December 24, 2000 for thirty (30) Estratest HS.

Such conduct is in violation of Section 2925.23(B) 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 willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

- (5) You did, from April 30, 2000, through April 30, 2001, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Port Clinton Wal-Mart pharmacy, by deception, to wit: you stole the following drugs in the following quantities:

hydrocodone/APAP 5/500mg	1,452
lonamin 30mg	140
Xanax 2mg	250
Xanax 1mg	250
alprazolam 2mg	88

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.

- (6) You did, on or about June 19, 2000 through October 12, 2001, knowingly make a false or misleading statement or representation for use in obtaining reimbursement from the Medical Assistance Program, to wit: you submitted false prescriptions to the State of Ohio Medicaid Program in the amount of One Thousand One Hundred Thirty Nine Dollars and Eighty-Nine Cents (\$1,139.89). Such conduct is in violation of Section 2913.40 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) On April 18, 2002, you plead guilty to Medicaid Fraud, a felony of the fifth degree under Section 2913.40(B) of the Ohio Revised Code. State of Ohio vs. Karen Frederick, Case No. 02CR-1988, Franklin County Common Pleas Court. Such conduct indicates that you are guilty of felony or gross immorality within the meaning of Section 4729.16 of the Ohio Revised Code.

[paragraph added by Notice dated 05/14/02]

- (8) On May 17, 2002, you pled guilty to one (1) count of Deception To Obtain A Dangerous Drug, a felony of the fifth degree under Section 2925.22 of the Ohio Revised Code, and one (1) count of Theft of A Dangerous Drug, a felony of the fifth degree under Section 2913.02 of the Ohio Revised Code. On the same date, you were granted intervention in lieu of conviction. State of Ohio vs. Karen S. Frederick, Case No. 02CR-0021, Crawford County Common Pleas Court. Such conduct indicates that you are guilty of felony or gross immorality and/or addicted to or abusing drugs to render you unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

[paragraph added by Notice dated 09/10/02]

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 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 SECTION 3719.121(B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO ARE 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 a final adjudication order becomes effective, 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;

(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. 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 HEREBY 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.

(D-020110-032)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE JANUARY 10, 2002

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective November 12, 2002)*