



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-000208-043)

In The Matter Of:

JAY STEPHAN BELCHER, R.Ph.

1046 Westchester Way
Cincinnati, Ohio 45244
(R.Ph. No. 03-1-17435)

INTRODUCTION

THE MATTER OF JAY STEPHAN BELCHER CAME FOR HEARING ON JUNE 5, 2001, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

JAY STEPHAN BELCHER WAS REPRESENTED BY DAVID L. KERR AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) None

Respondent's Witnesses:

- (1) Jay Stephan Belcher, Respondent
(2) James Liebetrau, R.Ph.
(3) Wayne C. Miller, R.Ph.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of six-page Order of the State Board of Pharmacy,
Docket No.

- D-000208-043 in the matter of Jay Stephan Belcher, R.Ph. dated April 12, 2000.
- (2) Exhibit 1A--Hearing Request letter from David L. Kerr dated February 6, 2001.
 - (3) Exhibit 1B--Copy of two-page Hearing Schedule letter dated February 9, 2001.
 - (4) Exhibit 1C--Copy of Pharmacist computer record of Jay Stephan Belcher.
 - (5) Exhibit 2--Copy of five-page Statement of Jay S. Belcher signed and dated December 30, 1999.
 - (6) Exhibit 3--Copy of three-page Supplemental/Incident Report of Lisa L. Hearn, Case Number A99-157-0235, dated December 30, 1999.
 - (7) Exhibit 4--Copy of six-page Audit Report for Item 420169 at Store Number 157.
 - (8) Exhibit 4A--Copy of Meijer Loss Prevention Department Personal History Form of Jay S. Belcher dated December 30, 1999.
 - (9) Exhibit 5--Copy of Statement of Jay Belcher signed and dated December 30, 1999.
 - (10) Exhibit 6--Copy of six-page Miami Township Police Department Incident Report for Incident No. 01-99-020879 dated December 30, 1999.

Respondent's Exhibits:

- (1) Exhibit 1--Copy of letter from Clermont County Common Pleas Court Probation Officer Rodney Croom dated May 22, 2001.
- (2) Exhibit 2--Copy of letter from Diane Brock, CCDC Ille, Continuing Care Coordinator, Bethesda Hospital, Inc. dated February 26, 2001.
- (3) Exhibit 3--Copy of Motion For Treatment in Lieu of Conviction filed March 17, 2000; copy of two-page Entry Granting Motion For Treatment In Lieu of Conviction filed May 4, 2000; and copy of General Conditions of supervision. State of Ohio vs. Jay Belcher, Case No. 2000CR000100, Clermont County Court of Common Pleas.
- (4) Exhibit 4--Copy of Acknowledgement of Receipt of Probation Entry filed May 25, 2000, and copy of three receipts for payment of court cost. State of Ohio vs. Jay Belcher, Case No. 00-CR-0100, Clermont County Court of Common Pleas.
- (5) Exhibit 5--Copy of letter from Jay S. Belcher dated April 6, 2000; Twenty-one-page copy of First Quarter, Year 2000: Summary of Recovery of Jay S. Belcher dated April 6, 2000.
- (6) Exhibit 6--Twenty-six-page copy of Second Quarter, Year 2000: Summary of Recovery of Jay S. Belcher, not dated.
- (7) Exhibit 7--Twenty-two-page copy of Third Quarter, Year 2000: Summary of Recovery of Jay S. Belcher, not dated.
- (8) Exhibit 8--Thirty-eight-page copy of Fourth Quarter, Year 2000: Summary of Recovery of Jay S. Belcher dated January 7, 2001.
- (9) Exhibit 9--Twenty-seven-page copy of First Quarter, Year 2001: Summary of Recovery of Jay S. Belcher dated April 8, 2001.
- (10) Exhibit 10--Sixteen-page copy of Second Quarter for Year 2001 of Jay Belcher, not dated.

- (11) Exhibit 11--Twenty-nine pages of copies of continuing pharmacy education certificates of Jay Belcher.
- (12) Exhibit 12--Copy of Release of All Obligations between Meijer, Inc. and Jay S. Belcher signed and dated January 8, 2001; Copy of Release of All Obligations between ShopKo Stores, Inc. and Jay S. Belcher signed and dated November 3, 2000; Copy of Release of All Obligations between Biggs Pharmacy and Jay S. Belcher signed and dated February 6, 2001; Copy of Release of All Obligations between Fidelity Healthcare, Inc. and Jay S. Belcher signed and dated March 5, 2001; Copy of cashier's check issued to Fidelity Home Care in the amount of \$500.00 dated February 15, 2001; Copy of check number 5160 from Ritter & Randolph, Attorneys to ShopKo Stores, Inc. (Pamida) in the amount of \$2,200.00 dated October 30, 2000; Copy of check number 5175 from Ritter & Randolph, Attorneys to Super Value Pharmacies (dba Biggs Pharmacy) in the amount of \$500.00 dated December 7, 2000 and check number 5174 from Ritter & Randolph, Attorneys to Meijer's Inc. in the amount of \$1,156.00 dated December 7, 2000.
- (13) Exhibit 13--Copy of letter from Roberto Soria, M.D. dated May 30, 2001; Copy of letter from Roger S. Greene dated May 29, 2001; Copy of letter from James M. Bayless, not dated; Copy of letter from Mark Holman dated May 31, 2001; Copy of letter from Marie E. Belcher, R.Ph. dated June 3, 2001; Copy of letter from Diane Brock dated February 26, 2001.
- (14) Exhibit 14--Copy of letter from Diane Brock dated May 29, 2001.

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 Jay Stephan Belcher has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-000208-043, effective April 12, 2000.

ACTION OF THE BOARD

On the basis of the Finding of Fact set forth above, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-1-17435, held by Jay Stephan Belcher to practice pharmacy in the State of Ohio and places Jay Stephan Belcher on probation for five years from the date the identification card is issued with the following conditions:

- (A) Jay Stephan Belcher must only work with another pharmacist present during the first year of probation.
- (B) Jay Stephan Belcher must enter into a contract, signed within sixty 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 with the renewal application. The contract must provide that:

- (1) Random, observed urine drug screens 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) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.
 - (c) Results of all drug and alcohol 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 and probation.
 - (2) The intervener/sponsor shall provide copies of all drug and alcohol 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) Jay Stephan Belcher 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 Jay Stephan Belcher's progress towards recovery and what Jay Stephan Belcher 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 Jay Stephan Belcher'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) Jay Stephan Belcher may not serve as a responsible pharmacist.
- (3) Jay Stephan Belcher may not destroy, assist in, or witness the destruction of controlled substances.
- (4) Jay Stephan Belcher must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
- (5) Jay Stephan Belcher must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (6) Jay Stephan Belcher must abide by the rules of the State Board of Pharmacy.
- (7) Jay Stephan Belcher must comply with the terms of this Order.

Jay Stephan Belcher 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.

MOTION CARRIED.

SO ORDERED.



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(Docket No. D-000208-043)

In The Matter Of:

JAY STEPHAN BELCHER, R.Ph.

1046 Westchester Way
Cincinnati, Ohio 45244
(R.Ph. No. 03-1-17435)

INTRODUCTION

THE MATTER OF JAY STEPHAN BELCHER CAME TO HEARING ON MARCH 7, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JAY STEPHAN BELCHER WAS REPRESENTED BY DAVID L. KERR, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Joseph Holliday, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Jay Stephan Belcher, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of four-page Summary Suspension Order/Notice of Opportunity for Hearing letter dated February 8, 2000.
- (2) Exhibit 1A--Hearing Request letter, not dated, received February 16, 2000; and Statement of Authorization of Jay Belcher.

- (3) Exhibit 1B--Copy of Hearing Schedule letter dated February 17, 2000.
- (4) Exhibit 1C--Copy of Pharmacist File Front Sheet of Jay Stephan Belcher showing original date of registration as July 29, 1988; and two-page Renewal Application for Pharmacist License, No. 03-1-17435, for a License to Practice Pharmacy in Ohio from September 15, 1999, to September 15, 2000, of Jay Stephan Belcher dated July 6, 1999.
- (5) Exhibit 2--Copies of five pages of statements of Jay S. Belcher dated December 30, 1999.
- (6) Exhibit 3--Copy of three-page Supplemental/Incident Report of Lisa L. Hearn dated December 30, 1999, regarding Jay S. Belcher, Case No. A99-157-0235.
- (7) Exhibit 4--Copies of six pages consisting of the following: Meijer Store #157 Audit for Item 420169; two-page Meijer Store #157 Misc. Inventory Adjustments for Random Count for Product UPCs 0-51285-60202 and 3-02282-00310, report dated December 30, 1999; and three-page handwritten list of dates including October 31, through December 28, and people who worked on those dates.
- (8) Exhibit 4A--Copy of Meijer Loss Prevention Dept. Personal History Form of Jay S. Belcher dated December 30, 1999.
- (9) Exhibit 5--Copy of handwritten statement of Jay Belcher dated December 30, 1999.
- (10) Exhibit 6--Copy of six-page Miami Township Police Department Ohio Uniform Incident Report regarding Theft from Meijer's, 1082 Meijer Dr., Milford, Ohio, dated December 30, 1999, and January 4, 2000.
- (11) Exhibit 7--Copy of letter from Margaret A. Olman dated February 4, 2000.

Respondent's Exhibits:

- (1) Copy of three-page Status of the Case regarding Jay Stephan Belcher submitted by David L. Kerr on March 7, 2000.
- (2) Exhibit 1--Copy of letter from Roberto Soria dated February 28, 2000.
- (3) Exhibit 2--Copy of letter from Linda Castle dated February 24, 2000.
- (4) Exhibit 3--Two-page copy of Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Jay Belcher dated February 15, 2000.
- (5) Exhibit 4--Two-page copy of front covers of eight study materials as follows: *Chemical Dependency: An Acceptable Disease*; *How To Get The Most Out Of Group Therapy*; *A Look At Cross-Addiction*; two copies of *Relapse And The Addict*; *When You Go Back To Work*; *Step 1-The Foundation of Recovery*; and *Finding Your Strengths*.
- (6) Exhibit 4A--Two-page copy of Alcohol and Drug Treatment of Jay S. Belcher dated March 1, 2000.
- (7) Exhibit 5--Copies of four Goos (*sic* Good) Samaritan Hospital urine drug screen reports of Jay Belcher dated January 6, 2000; January 18, 2000; January 25, 2000; and February 4, 2000.

- (8) Exhibit 6--Two-page copy of AA/NA Meeting Verification Calendar for January/February 2000, and February/March 2000.
- (9) Exhibit 7--Two-page copy of list of NA Meetings for Winter 1999 held Monday through Friday.
- (10) Exhibit 7A--Copy of Record of Meeting Attendance of Jay Belcher dated from February 6, 2000, through February 28, 2000.
- (11) Exhibit 8--Two-page copy of brochure for Eastside Center, Batavia, Ohio, AA and Al-Anon Meeting Schedule and Information.
- (12) Exhibit 9--Bethesda Hospital Medical Records of Jay S. Belcher as follows: Discharge Instructions of Jay Belcher dated January 3, 2000; Copy of Explanation of Patients' Financial Responsibilities dated December 31, 1999; Discharge Instructions regarding Home Medication, not dated; Special Chemical Dependency Benefit Conditions Regarding Financial Responsibilities dated January 4, 2000; Patients' Responsibilities dated January 4, 2000; Patients' Rights dated January 4, 2000; Statement of Payment Responsibilities Related To Insurance Coverage dated January 4, 2000; Consent to Treat and Coordinate Care dated January 4, 2000; Rights and Responsibilities as a Patient; Oak Outpatient Services Schedule, Intervention Plan Objectives 2, 7, and 12; and three-page Relapse Prevention.
- (13) Exhibit 10--Copies of the following: Stress Scale dated January 26, 2000; Listing of "Symptoms of Stress", "Symptoms of Post-Acute Withdrawal Syndrome"; and "To Reduce the Intensity of Stress and PAWS"; pages 3 through 6 of Leisure Time Planning Exer.-Cont. Recreation is Where You Find It.
- (14) Exhibit 11--Copy of patient prescription information for Meijer #148 prescription number 6696078.
- (15) Exhibit 12--Copy of nineteen 12 Step Reaction Sheets of Jay Belcher dated from January 14, 2000, through February 28, 2000.
- (16) Exhibit 13--Copy of letter from The Rev. Roger S. Greene dated February 26, 2000.
- (17) Exhibit 14--Copy of letter from Marie E. Belcher dated March 2, 2000.

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 Jay Stephan Belcher was originally licensed in the state of Ohio on July 29, 1988, pursuant to examination, and on February 8, 2000, Jay Stephan Belcher's license was summarily suspended pursuant to Divisions (A) and (B) of Section 3719.121 of the Ohio Revised Code.
- (2) Jay Stephan Belcher is addicted to liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Jay Stephan Belcher admitted to stealing drugs from his employers for personal use; in his estimation, Jay Stephan Belcher has stolen approximately 35 stock bottles

containing 100 unit doses of acetaminophen #4 with codeine from August, 1999, to December, 1999; Jay Stephan Belcher has ingested 10-18 Acetaminophen #4 with codeine per day; and, Jay Stephan Belcher admitted having a codeine addiction for approximately 8-9 years. Such conduct indicates that Jay Stephan Belcher falls within the ambit of Sections 3719.121(A), 3719.121(B), and 4729.16(A)(3) of the Ohio Revised Code.

- (3) Jay Stephan Belcher did, from on or about August, 1999, to December, 1999, with purpose to deprive, knowingly obtain or exert control over controlled substances, the property of Meijer Pharmacy #157 in Milford, Ohio beyond the express or implied consent of the owner, to wit: Jay Stephan Belcher stole 3,310 unit doses of acetaminophen #4 with codeine from his employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Jay Stephan Belcher did, on or about December 30, 1999, with purpose to deprive, knowingly obtain or exert control over controlled substances, the property of Meijer Pharmacy #157 in Milford, Ohio beyond the express or implied consent of the owner, to wit: Jay Stephan Belcher stole a stock bottle containing 100 unit doses of acetaminophen/codeine #4 from his employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) and (4) 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.
- (2) Upon consideration of the record as a whole, 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.

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 February 8, 2000, to Jay Stephan Belcher.

Pursuant to Section 4729.16 of the Ohio Revised Code, and 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. 03-1-17435, held by Jay Stephan Belcher and such suspension is effective as of the date of the mailing of this Order.

- (A) Jay Stephan Belcher, 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 Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Jay Stephan Belcher, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return the identification card and wall certificate to the office of the State Board of Pharmacy within ten days after receipt of this Order. The identification card and wall certificate should be forwarded by certified mail, return receipt requested.

Further, April 1, 2001, or thereafter, the Board will consider any petition filed by Jay Stephan Belcher 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) Jay Stephan Belcher must enter into a contract, 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, submit a copy of the contract to the Board office. The contract must provide:
 - (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 screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but the test must be conducted by an appropriately certified individual within twelve hours of notification.
 - (c) Results of all drug and alcohol 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) Regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required.

- (3) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Jay Stephan Belcher must provide, at the reinstatement petition hearing, documentation of the following:
- (1) Compliance with the contract required in paragraph (A) above (e.g.-copies of all urine screen reports, copies of meeting attendance records, treatment program reports, etc.);
 - (2) Compliance with the continuing pharmacy education requirements as set forth in Chapter 4729-7 of the Ohio Administrative Code (if applicable);
 - (3) Evidence of having made restitution to all employers.
 - (4) Compliance with the terms of this Order.
- (C) If reinstatement is not accomplished within three years of the effective date of this Order, Jay Stephan Belcher must successfully complete the NAPLEX examination or an equivalent examination approved by the Board.

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

MOTION CARRIED.

SO ORDERED.



OHIO STATE BOARD OF PHARMACY

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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

February 8, 2000

Jay Stephan Belcher, R.Ph.
1046 Westchester Way
Cincinnati, Ohio 45244

Re: Ohio Registered Pharmacist
Number 03-1-17435

Dear Mr. Belcher:

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 July 29, 1988, pursuant to examination and are currently licensed to practice pharmacy in the state of Ohio.
- (2) You are addicted to liquor or drugs or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you admitted to stealing drugs from your employers for personal use; in your estimation, you have stolen approximately 35 stock bottles containing 100 unit doses of acetaminophen #4 with codeine from August, 1999, to December, 1999; you have ingested 10-18 Acetaminophen #4 with codeine per day; and, you admitted having a codeine addiction for approximately 8-9 years. Such conduct indicates that you fall within the ambit of Sections 3719.121(A), 3719.121(B), and 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, from on or about August, 1999, to December, 1999, with purpose to deprive, knowingly obtain or exert control over controlled substances, the property of Meijer Pharmacy #157 in Milford, Ohio beyond the express or implied consent of the owner, to-wit: you stole 3,310 unit doses of acetaminophen #4 with codeine from your employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (4) You did, on or about December 30, 1999, with purpose to deprive, knowingly obtain or exert control over controlled substances, the property of Meijer Pharmacy #157 in Milford, Ohio beyond the express or implied consent of the owner, to-wit: you stole a stock bottle containing 100 unit doses of acetaminophen/codeine #4 from your employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) You did, from on or about May 26, 1999, to February 2, 2000, with purpose to deprive, knowingly obtain or exert control over controlled substances, the property of Meijer Pharmacy #157 in Milford, Ohio beyond the express or implied consent of the owner, to-wit: you stole 2094 unit doses of acetaminophen/codeine #3 from your employer. Such conduct is in violation of Section 2913.02 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..." Additionally, Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

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 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, 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.

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, 17th Floor, Columbus, Ohio 43266-0320. 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