



# 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](mailto:exec@bop.state.oh.us)

FAX: 614/752-4836

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-961203-020)

In The Matter Of:

**DAVID SCOTT BLAZY, R.Ph.**

14516 Williams Street

Maple Heights, Ohio 44137

(R.Ph. No. 03-1-17436)

### INTRODUCTION

THE MATTER OF DAVID SCOTT BLAZY CAME TO HEARING ON SEPTEMBER 10, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: AMONTE B. LITTLEJOHN, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; JOSEPH J. MASLAK, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

DAVID SCOTT BLAZY WAS REPRESENTED BY MICHAEL E. BANTA, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Joseph Miskevics, Revco (CVS) Loss Prevention
- (2) Detective Greg Whitney, Cleveland Police Department, Narcotics Unit
- (3) Lynn Mudra, Ohio State Board of Pharmacy
- (4) James Reye, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) David Scott Blazy, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Summary Suspension Order/Notice of Opportunity for Hearing letter dated December 3, 1996.
- (2) Exhibit 1A--Request for Hearing letter dated January 2, 1997.
- (3) Exhibit 1B--Hearing Schedule letter dated January 3, 1997.

- (4) Exhibit 1C--Addendum Notice dated May 15, 1997.
- (5) Exhibit 1D--Continuance Request letter dated May 29, 1997.
- (6) Exhibit 1E--Hearing Schedule letter dated June 3, 1997.
- (7) Exhibit 1F--Hearing Schedule letter dated June 5, 1997.
- (8) Exhibit 1G--Continuance Request letter dated July 30, 1997.
- (9) Exhibit 1H--Hearing Schedule letter dated August 5, 1997.
- (10) Exhibit 1I--Pharmacist File Front sheet of David Scott Blazy showing original date of registration as July 29, 1988; and Renewal Application for Pharmacist License, No. 03-1-17346, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997, of David Scott Blazy dated July 22, 1996.
- (11) Exhibit 2--Olympus microcassette tape recorded interview of David Blazy taken on December 3, 1996.
- (12) Exhibit 3--Copy of three-page handwritten statement of David Blazy dated November 22, 1996.
- (13) Exhibit 4--Three-page handwritten statement of Bennie J. Gentry signed and notarized on November 26, 1996.
- (14) Exhibit 4A--Handwritten statement of Deborah Harris signed and notarized on November 26, 1996.
- (15) Exhibit 5--Cleveland Division of Police - Forensic Lab Unit sealed evidence bag containing one amber vial with Revco label, prescription number 1803-166713 dated October 9, 1996, stating 100 units of Hydrocodone 7.5mg/APAP 750mg; however, vial actually contained 100 units of Vicodin ES. *(This exhibit is in the possession of Cleveland Division of Police.)*
- (16) Exhibit 6--Cleveland Division of Police - Forensic Lab Unit sealed evidence bag containing four clear vials, with one Revco label, prescription number 1803-172838 dated November 9, 1996, each containing one Stadol Nasal Spray 10mg/ml. *(This exhibit is in the possession of Cleveland Division of Police.)*
- (17) Exhibit 6A--Copy of Cleveland, Ohio Police Department Forensic Laboratory Report, No. 349811, regarding evidence submitted by Cowger 87 on December 13, 1996.
- (18) Exhibit 7--Sealed Record--Ten-page Revco Prescription Access Link Patient Medical Profile dated from January 1, 1996, to November 22, 1996, beginning with prescription number 1803-172838.
- (19) Exhibit 8--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #1106 for Stadol NS dated January 31, 1997.
- (20) Exhibit 9--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #1106 for Valium 5mg dated January 31, 1997.
- (21) Exhibit 10--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #1106 for Valium 10mg dated January 31, 1997.
- (22) Exhibit 11--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #1106 for Vicodin ES dated January 31, 1997.
- (23) Exhibit 12--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #1106 for Vicodin dated January 31, 1997.
- (24) Exhibit 13--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #1106 for Hydrocodone 5mg/APAP 500mg dated January 31, 1997.
- (25) Exhibit 14--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #1106 for Hydrocodone 7.5mg/APAP 750mg dated January 31, 1997.
- (26) Exhibit 15--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #1106 for Diazepam 5mg dated January 31, 1997.
- (27) Exhibit 16--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #1106 for Diazepam 10mg dated January 31, 1997.
- (28) Exhibit 17--Letter from Wayne Korte dated February 7, 1989; and copy of handwritten statement of David Blazy dated January 28, 1989.

- (29) Exhibit 18--Three-page copy of Cleveland Police Department Offense/Incident Report, Service No. 89007253-00, dated January 28, 1989.

Respondent's Exhibits:

- (1) None

#### 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 David Scott Blazy was originally licensed to practice pharmacy in the state of Ohio on July 29, 1988. On December 3, 1996, David Scott Blazy's license was summarily suspended in accordance with Section 3719.121(B) of the Ohio Revised Code.
- (2) David Scott Blazy did, on or about November 15, 1996, knowingly sell or offer to sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, the drug being a schedule III controlled substance, to wit: David Scott Blazy sold Hydrocodone with APAP without a prescription and not for a legitimate medical purpose to John Brown. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
- (3) David Scott Blazy did, on or about November 22, 1996, knowingly sell or offer to sell a controlled substance in an amount greater than bulk but less than five times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, the drug being a schedule III controlled substance, to wit: David Scott Blazy sold 100 units of Vicodin ES without a prescription and not for a legitimate medical purpose to John Brown. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
- (4) David Scott Blazy did, on or about November 15, 1996, and again on November 22, 1996, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Revco Discount Drug Center #1803, 7965 Euclid Avenue, Cleveland, Ohio, beyond the express or implied consent of the owner, to wit: on each date, David Scott Blazy stole 4 bottles of Stadol Nasal Spray, a dangerous drug; on November 15 David Scott Blazy stole an unknown quantity of Hydrocodone with APAP; and, on November 22 David Scott Blazy stole 100 units of Vicodin ES, schedule III controlled substances. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) David Scott Blazy did, on or about November 22, 1996, knowingly make or affix a false and/or forged label to a package or receptacle containing dangerous drugs, to wit: David Scott Blazy placed a false label on a vial containing Vicodin ES, a schedule III controlled substance, and on a bottle of Stadol Nasal Spray, when selling the drugs to John Brown in order to make the vial appear legitimate. Such conduct is in violation of Section 2925.23(D) of the Ohio Revised Code.
- (6) David Scott Blazy did, on or about November 15, 1996, sell at retail dangerous drugs when the conduct was not in accordance with Chapters 3719., 4729., and

4731. of the Ohio Revised Code, to wit: David Scott Blazy sold 4 bottles of Stadol Nasal Spray without a prescription and not for a legitimate medical purpose to John Brown. Such conduct is in violation of Section 4729.51(C)(1) of the Ohio Revised Code.

- (7) David Scott Blazy did, on or about November 22, 1996, sell at retail dangerous drugs when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: David Scott Blazy sold 4 bottles of Stadol Nasal Spray without a prescription and not for a legitimate medical purpose to John Brown. Such conduct is in violation of Section 4729.51(C)(1) of the Ohio Revised Code.
- (8) David Scott Blazy did, from June 28, 1995, through November 26, 1996, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Revco #1106, 6512 Franklin Blvd., Cleveland, Ohio, beyond the express or implied consent of Revco, to wit: David Scott Blazy stole the following drugs from his place of employment while engaged in the practice of pharmacy:

<u>Drug</u>	<u>Quantity</u>
Stadol Nasal Spray 2.5ml	56
Valium 5mg	345
Valium 10mg	543
Vicodin ES	2,846
Vicodin	637
Hydrocodone 5mg/APAP 500mg	3,038
Hydrocodone 7.5mg/APAP 750mg	3,245
Diazepam 5mg	990
Diazepam 10mg	1,861

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

- (9) David Scott Blazy did, on or about January 28, 1989, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: David Scott Blazy sold the following drugs without prescriptions and not for a legitimate medical purpose:

<u>Drug</u>	<u>Quantity</u>
Darvocet N-100	39
Diazepam 10mg	100
Fastin	5

Such conduct is in violation of Section 2925.03(A)(1) 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 (2) through (9) 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 paragraphs (2), (3), (5) through (7), and (9) of the Findings of Fact

constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of Chapter 2925. or 4729. of the Revised Code as provided in Division (A)(5) 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 December 3, 1997.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of David Scott Blazy:

- (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, No. 03-1-17436, held by David Scott Blazy 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, No. 03-1-17436, held by David Scott Blazy effective as of the date of the mailing of this Order.

Pursuant to paragraph (E) of Rule 4729-9-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby requires that David Scott Blazy may not make application to the Board for issuance of a new license for thirty (30) years.

Division (B) of Section 4729.16 of the Ohio Revised Code provides: "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.

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

MOTION CARRIED.

SO ORDERED.