



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-020405-050)

In The Matter Of:

**PATTY JANE BAXTER, R.Ph.**

2058 State Route 45, Apt. #3  
Austinburg, Ohio 44010

(R.Ph. No. 03-1-17642)

### INTRODUCTION

THE MATTER OF PATTY JANE BAXTER CAME FOR HEARING ON MAY 12, 2003, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: DIANE C. ADELMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, 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.

PATTY JANE BAXTER WAS NOT REPRESENTED BY COUNSEL 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. Patty Jane Baxter, R.Ph., Respondent
2. Susan Robinson
3. Walter Hubish, R.Ph.

#### State's Exhibits

1. Reinstatement Hearing Request letter from Patty J. Baxter [04-01-02]  
1A-1F. Procedurals
2. Copy of State Board of Pharmacy Order in re Patty Jane Baxter, R.Ph. [04-05-01]
3. Copy of State Board of Pharmacy Settlement Agreement in re Patty Jane Baxter, R.Ph. [03-08-99]
4. Copy of Statement of Patty J. Baxter [08-26-98]
5. Copy of Notarized Statement of Patty J. Baxter [09-02-98]
6. Copy of Above Average Controlled Drug Purchases Report for Stadol at Rite Aid Store #2654 [08-13-98]
7. Rite Aid Pharmacy Customer History Report for Patient #1 [01-01-97 to 08-27-98]

8. Rx #44994, Rx 44996 [07-16-97]; Rx #49784, Rx #49785 [10-07-97]; Rx #59794, Rx #59795 [02-21-98]
9. Rite Aid Pharmacy Customer History Report for Patient #2 [01-01-97 to 08-27-98]
10. Rx #43692, Rx #43693 [06-23-97]; Rx #48388, Rx #48389 [09-15-97]; Rx #53687, Rx #53688 [12-03-97]; Rx #33976, Rx #33978 [02-22-97]; Rx #38396, Rx #38397 [03-21-97]; Rx #53687, Rx #53688 [01-19-98]; Rx #57395, Rx #57396 [01-23-98]
11. Rite Aid Pharmacy Customer History Report for Patient #3 [01-01-97 to 09-02-98]
12. Rx #36091, Rx #36092 [02-07-97]; Rx #41871, Rx #41872 [05-20-97 & 07-29-97]; Rx #46497, Rx #46498 [08-13-97]; Rx #52576, Rx #52577 [11-17-97]
13. Rite Aid Pharmacy Customer History Report for Patient #4 [01-01-97 to 08-27-98]
14. Rx #31290, Rx #31291, Rx #31293 [12-23-96]; Rx #35878, Rx #35879, Rx #35880 [02-03-97]; Rx #70194, Rx #70195, Rx #70196 [06-22-98]; Rx #70898, Rx #70899, Rx #70900 [06-27-98]; Rx #49493, Rx #49494, Rx #49495 [10-03-97]; Rx #49494, Rx #49495 [03-06-98]; Rx #63067 [04-03-98]; Rx #43140, Rx #43141, Rx #43142 [06-13-97]; Rx #63065 [04-03-98]
15. Rite Aid Pharmacy Customer History Report for Patient #5 [01-01-97 to 08-27-98]
16. Rx #38193, Rx #38194 [03-18-97]; Rx #44294 [07-03-97]; Rx #48961 [09-25-97] Rx #44293 [07-03-97]; Rx #48960 [09-25-97]; Rx #58995, Rx #58996 [03-12-98]; Rx #68329, Rx #68330 [06-03-98 & 07-07-98]; Rx #75177, Rx #75178 [08-07-98]
17. Rite Aid Pharmacy Customer History Report for Patty J. Windler [01-01-95 to 10-16-98]
18. Copy of Notarized Statement of Paula Schaffer-Polakof, M.D. [10-28-98]
19. Copy of Notarized Statement of Azzamn Ahmed, M.D. [11-07-98]
20. Rx #11483, Rx #11485 [08-22-95]; Rx #12031 [09-05-95]; Rx #16157 [12-11-95]; Rx #16158 [12-11-95]; Rx #20981 [03-22-96]; Rx #22393 [04-23-96]; Rx #25620 [07-03-96]; Rx #29183, Rx #29184 [09-20-96]; Rx #37346 [03-03-97]; Rx #39257 [04-05-97 & 07-02-97]; Rx #44820 [07-12-97]; Rx #46034 [08-04-97 & 10-27-97]; Rx #46035 [08-04-97 & 10-27-97]; Rx #51110, Rx #51111, Rx #51115 [10-27-97]; Rx #53078 [11-24-97]
21. Indictment, State of Ohio vs Patty J. Baxter, Case No. 98-CR000111, Geauga County Common Pleas Court [11-20-98]
22. Order (Granting treatment in lieu of conviction) [01-15-99]
23. Indictment, State of Ohio vs Patty J. Baxter-Windler, Case No. 98CR369995, Cuyahoga County Common Pleas Court [12-17-98]
24. Journal Entry (Plea) [03-03-99]
25. Journal Entry (Sentencing) [03-31-99]
26. Copy of Notarized Letter from David F. Merk [06-02-02]
27. Internal Theft Form [10-01-98]

#### Respondent's Exhibits

- A. Copy of State Board of Pharmacy Settlement Agreement in re Patty Jane Baxter, R.Ph. [03-08-99]; Copy of State Board of Pharmacy Order in re Patty Jane Baxter, R.Ph. [04-05-01]
- B. Copy of PRO Pharmacist's Recovery Contract for Patty J. Baxter [12-09-98]; Copy of PRO Pharmacist's Recovery Contract for Patty J. Baxter [10-11-00]
- C. Drug Screen Reports [02-17-99 to 07-25-02]; Compass Vision, Inc. Licensee Summary Report [07-25-02 to 03-28-03]; Adult Parole Authority Individual Specimen Reports [06-17-99 to 02-18-00]
- D. Support Group Attendance Records [12-02-98 to 05-10-03]; Certificates of Appreciation and Merit [10-31-99 to 01-02-03]

- E. Copy of Treatment Compliance letter from Pamela R. D'Angelo, CCDC III [09-27-00], Glenbeigh Health Sources Discharge Summary re Patty Windler [02-18-99]; Copy of Treatment Compliance letter from Pat Weston-Hall, MSSA, LISW and Pamela R. D'Angelo, CCDC III [02-26-01]; Kaiser Permanente Alcohol/Chemical Dependency Program Treatment Contracts of Patty Baxter [06-26-01 to 06-11-02]; Copy of Treatment Compliance letter from Tony Serna, MA, LSW, CCDC III [08-21-02]; Copy of letter from James Welch, CCDC III E [08-19-02]; Copy of letter from Bill Williams, CCDC-3-E [08-29-02]
- F. Copy of letter from Tom Warmouth, State Parole/Probation Officer [04-18-03], Order, State of Ohio vs. Patty J. Baxter, Case No. 98C000111, Geauga County Common Pleas Court [01-15-99]; Plea Agreement [01-07-99]; State of Ohio Adult Parole Authority Conditions of Supervision [01-07-99]; Judgment Entry, [10-27-00]; Copy of restitution letter from Patty J. Baxter [06-28-02]; Copy of Promissory Note re Patty J. Baxter [05-02-03]; Fax cover sheet from Rite Aid Corporation [05-07-03], Fax cover sheet from Jewish Family Service Association [05-07-03], Copies of restitution letters from Dawn Kreiger [07-25-02 to 05-01-03], Copies of restitution money orders and checks [06-28-02 to 05-09-03]
- G. Letters from Deborah Ewing-Wilson, D.O. [04-21-03, 08-15-02], Donald J. Goddard, M.D. [09-28-00]
- H. Twenty-four Letters of Support [09-13-00 to 05-05-03]
- G. Copy of Continuing Pharmacy Education Credits and Certificates [04-23-96 to 05-09-03]

#### 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 Patty Jane Baxter has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-000406-056, effective April 5, 2001.

#### 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. 03-1-17642, held by Patty Jane Baxter and places Patty Jane Baxter on probation for five years effective as of the date of the mailing of this Order, with the following conditions:

- (A) Patty Jane Baxter 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, submit 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 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) Alcohol and butorphanol (Stadol) 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 that may have resulted from ingestion of food, but excluding false positives that resulted from medication legitimately prescribed, indicate a violation of probation.
  - (d) Refusals of urine screens or diluted urine screens are equivalent to a positive result and indicate a violation of 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) Patty Jane Baxter 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 Patty Jane Baxter's progress towards recovery and what Patty Jane Baxter 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 Patty Jane Baxter'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) Patty Jane Baxter may not serve as a responsible pharmacist.
  - (3) Patty Jane Baxter may not destroy, assist in, or witness the destruction of controlled substances.
  - (4) Patty Jane Baxter must, during the first six months of practice, work only with a pharmacist whose license is in good standing.
  - (5) Patty Jane Baxter may not, during the first six months of practice, work in a pharmacy more than 25 hours per week. Patty Jane Baxter may not begin working full-time until a performance evaluation has been conducted and states that Patty Jane Baxter is ready to move to full-time.
  - (6) Patty Jane Baxter must make full restitution to Rite Aid Discount Pharmacy #2654. Failing to make restitution before the end of her probation

indicates a violation of probation and Patty Jane Baxter must appear before the Board.

(7) Patty Jane Baxter must abide by the contract with her treatment provider and must immediately report any violation of the contract to the Board.

(8) Patty Jane Baxter must not violate the drug laws of Ohio, any other state, or the federal government.

(9) Patty Jane Baxter must abide by the rules of the State Board of Pharmacy.

(10) Patty Jane Baxter 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.

Patty Jane Baxter 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 JUNE 5, 2003**



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-000406-056)

In The Matter Of:

**PATTY JANE BAXTER, R.Ph.**

2058 State Route 45, Apt. 3

Austinburg, Ohio 44010

(R.Ph. No. 03-1-17642)

### INTRODUCTION

THE MATTER OF PATTY JANE BAXTER CAME FOR HEARING ON MARCH 5, 2001, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); 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.

PATTY JANE BAXTER WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### (A) Testimony

State's Witnesses:

- (1) Frank Bodi, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Theresa Schwentker, Pharmacists Rehabilitation Organization (PRO) Sponsor
- (2) Carolyn McCormick
- (3) Patty Jane Baxter, Respondent
- (4) David Merk, PRO Regional Director/Coordinator

#### (B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of sixteen-page Settlement Agreement effective March 8, 1999.
- (2) Exhibit 1A--Hearing Request letter dated March 29, 2000.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated April 6, 2000.
- (4) Exhibit 1C--Copy of Hearing Schedule letter dated June 30, 2000.

- (5) Exhibit 1D--Copy of Hearing Schedule letter dated September 15, 2000.
- (6) Exhibit 1E--Copy of Hearing Request letter dated October 4, 2000.
- (7) Exhibit 1F--Copy of two-page Board Decision/Hearing Schedule letter dated October 19, 2000.
- (8) Exhibit 1G--Copy of Pharmacist computer record of Patty Jane Baxter dated February 15, 2001.
- (9) Exhibit 2--Copy of two-page Rite Aid Corporation Written Statement Form of Patty Baxter dated August 26, 1998.
- (10) Exhibit 3--Copy of two-page Ohio State Board of Pharmacy Statement of Patty J. Baxter dated September 2, 1998.
- (11) Exhibit 4--Copy of two Rite Aid Above Average Controlled Drug Purchases Reports for Store No. 2654 dated August 13, 1998, and September 10, 1998, and copy of Procedure To Run A Drug Utilization Report from the Rite Aid Dispensing System.
- (12) Exhibit 5--Copy of RAP-Water Street Customer History Report for January 1, 1997, to August 27, 1998 of Charley Horner dated August 27, 1998.
- (13) Exhibit 5A--Two pages of copies of Rite Aid prescriptions for Charles Horner numbered 02654 49784, 02654 49785, 0265444994, 0265444996, 0265459794, and 0265459795.
- (14) Exhibit 6--Copy of two-page RAP-Water Street Customer History Report for January 1, 1997, to August 27, 1998 of Constance Shaw dated August 27, 1998.
- (15) Exhibit 6A--Three pages of copies of Rite Aid prescriptions for Constance Shaw numbered 0265443692, 0265443693, 0265448388, 0265448389, 02654 53687, 02654 53688, 02654 33976, 02654 33978, 0265438396, 0265438397, 02654 57395, and 02654 57396.
- (16) Exhibit 7--Copy of two-page RAP-Water Street Customer History Report for January 1, 1997 to September 2, 1998 of Toni Mason dated September 3, 1998.
- (17) Exhibit 7A--Two pages of copies of Rite Aid prescriptions for Toni Mason numbered 0265436091, 0265436093, 0265441871, 0265441872, 0265446497, 0265446498, 02654 52576, and 02654 52577.
- (18) Exhibit 8--Copy of three-page RAP-Water Street Customer History Report for January 1, 1997, to August 27, 1998 of Edward Lambert dated August 27, 1998.
- (19) Exhibit 8A--Five pages of copies of Rite Aid prescriptions for Edward Lambert numbered 0265435878, 0265435879, 0265435880, 02654 70898, 02654 70899, 02654 70900, 02654 49493, 02654 49494, 02654 49495, 02654 63067, 02654-43140, 0265443141, 0265443142, and 02654 63065.
- (20) Exhibit 9--Copy of two-page RAP-Water Street Customer History Report for January 1, 1997, to August 27, 1998 of Stacy Griggs dated August 27, 1998.
- (21) Exhibit 9A--Three pages of copies of Rite Aid prescriptions for Stacy Griggs numbered 0265438193, 0265438194, 0265444293, 0265444294, 02654 48960, 02654 48961, 02654 68329, 02654 68330, 02654 75177, and 02654 75178.
- (22) Exhibit 10--Copy of seven-page Rite Aid-Water Street Customer History Report for January 1, 1995, to October 16, 1998 of Patty J. Windler dated October 8, 1998.
- (23) Exhibit 10A--Copy of Statement of Paula Schaffer-Polakof, M.D. signed and notarized on October 28, 1998.
- (24) Exhibit 10B--Copy of Statement of Azzam N. Ahmed, M.D. signed and notarized on November 7, 1998.
- (25) Exhibit 10C--Five pages of copies of Rite Aid prescriptions for Patty J. Windler numbered 02654 11483, 02654 11485, 02654 12031, 02654 16157, 02654 16158, 02654 20981, 02654 22393, 02654 25620, 02654 29183, 02654 29184, 02654-39257, 0265446034, 0265446035, 02654 51110, 02654 51111, 02654 51115, and 02654 53078.

- (26) Exhibit 11--Copy of three-page Indictment in the Geauga County Common Pleas Court, State of Ohio vs. Patty J. Baxter, Case No. 98C000111, dated November 20, 1998.
- (27) Exhibit 11A--Copy of two-page Order in the Geauga County Common Pleas Court, State of Ohio vs. Patty J. Baxter, Case No. 98 C 000111, dated January 15, 1999.
- (28) Exhibit 12--Copy of forty-one pages of court records in the Cuyahoga County Common Pleas Court, State of Ohio vs. Patty J. Baxter-Windler, Case No. CR 369995, as follows: thirty-seven-count Indictment dated December 21, 1998; Journal Entry of Plea dated March 3, 1999; Journal Entry of Sentencing; and two-page Disposition and Sentencing Report dated April 21, 1999.

Respondent's Exhibits:

- (1) Exhibit A--Three-ring binder containing copies of the following: (A) Two-page letter from Michael T. Judy dated December 31, 1998; two-page letter from Michael T. Judy dated January 8, 1999; letter from David L. Rowland dated January 4, 1999; sixteen-page Settlement Agreement between the Ohio State Board Of Pharmacy and Patty Jane Baxter, R.Ph. effective March 8, 1999; two-page letter from Patty J. Baxter dated November 9, 1999; Ohio State Board of Pharmacy Hearing Schedule letter dated June 30, 2000; Ohio State Board Of Pharmacy Change of Address form from Patty J. Baxter dated September 1, 2000; Hearing Request letter from Patty J. Baxter dated March 29, 2000; Ohio State Board Of Pharmacy Hearing Schedule letter dated April 6, 2000; cover letter from Sally Ann Steuk dated October 2, 2000 with fax cover sheet and two letters from Donald J. Goddard, M.D., both dated September 28, 2000; Hearing Request letter from Patty J. Baxter dated October 4, 2000; two-page Board Decision/Hearing Schedule letter dated October 19, 2000. (B) Two-page PRO Pharmacist's Recovery Contract of Patty J. Baxter dated October 11, 2000. (C) Eight pages of Glenbeigh Health Sources patient records of Patty J. Baxter-Windler dated from December 1, 1998 to September 27, 2000. (D) two-page Order in the Geauga County Common Pleas Court, State of Ohio vs. Patty J. Baxter, Case No. 98 C 000111, dated January 15, 1999; two-page fax from Adult Probation Department of computer record printout for Patty J. Baxter-Windler, Case No. 369995, dated September 22, 2000; Plea Agreement in the Geauga County Common Pleas Court, State of Ohio vs. Patty J. Baxter, Case No. 98C111 dated January 7, 1999; Cuyahoga County Court of Common Pleas Probation Department Rules of Probation and Community Control for Patty J. Baxter-Windler, dated March 31, 1999; two State of Ohio Adult Parole Authority Supervision Plan sheets for Patty Baxter, one dated April 19, 2000, and one not dated; State of Ohio Adult Parole Authority Conditions of Supervision dated January 7, 1999; Court Community Service Agreement/Waiver of Liability of Patty J. Baxter-Windler dated April 19, 1999; Ashtabula-Geauga Training and Employment Consortium Bi-Weekly Time Sheet of Patty J. Windler dated May 13, 1999; time card of Patty Windler for May 3 through May 7; letter from Kevin D. Shelley fax-dated September 22, 2000; three-page Cuyahoga County Court of Common Pleas Probation Department Supervision Record of Patty J. Baxter-Windler dated March 26, 1999 through September 5, 2000; Notation, not dated; Cuyahoga three pages of receipts of Patty Baxter-Windler dated from November 2, 1999 to May 2, 2000; Judgment Entry in the Geauga County Common Pleas Court, State of Ohio vs. Patty J. Baxter, Case No. 98C000111, dated October 27, 2000. (E) Fifty-nine pages of drug screen records of Patty J. Baxter-Windler dated from February 18, 1999 to February 16, 2001. (F) Twenty-three pages of meeting attendance records of Patty J. Baxter-Windler dated from December 2, 1998 to March 3, 2001; Certificate of Sobriety of Patty dated September 13th; five pages of seven Guest Speaker certificates of Patty Baxter dated from October 31, 1999 to February 7, 2001. (G) Two letters from

Donald J. Goddard, M.D., both dated September 28, 2000. (H) Letters from the following: Terry Schwentker dated February 26, 2001; Michele A. Clarkin dated February 28, 2001; Carolyn A. McCormick, not dated; Susan J. Diskin dated February 28, 2001; Amy Goldman dated February 19, 2001; Brynna Fish and Jill Morris, not dated; Jennifer Soto dated February 19, 2001; Jeffrey Morris dated February 20 2001; Linda Bowmer dated February 20, 2001; Kenneth W. Coulson dated February 26, 2001; Pat Weston-Hall and Pamela R. D'Angelo dated February 26, 2001; K. Stephens dated February 25, 2001; Donald J. Reis dated February 20, 2001; Todd R. Jaros dated September 21, 2000; Emil G. Dontenville dated September 13, 2000; Bob Tschinkel dated September 26, 2000; and two-page letter from Terry Schwentker, not dated. (I) Seven pages of continuing pharmacy education certificates of Patty J. Baxter dated from April 23, 1996 to February 21, 2001; and letter from Elizabeth M. Hartranft dated March 2, 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 Patty Jane Baxter has not complied with the terms set forth in the Settlement Agreement with the State Board of Pharmacy, Docket No. D-980911-014, effective March 8, 1999, and as re-stated in the Board's decision, Resolution No. 2001-043, on October 2, 2000.

#### ACTION OF THE BOARD

On the basis of the Finding of Fact set forth above, the State Board of Pharmacy hereby denies the reinstatement petition of Patty Jane Baxter. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Patty Jane Baxter may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during suspension.

Further, after twelve months from the effective date of this Order, the Board will consider any petition filed by Patty Jane Baxter 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 have been met:

(A) Compliance with the conditions set forth in paragraph (D)(1) of the Settlement Agreement effective March 8, 1999, as follows:

(1) Patty Jane Baxter must enter into a contract with a limited treatment provider acceptable to the Board for a period of not less than five (5) years from the effective date of this Agreement and, upon signing, submit a copy of the contract to the Board office. The contract must provide:

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

(i) The urine sample must be given within twelve (12) hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

(ii) Alcohol and butorphenol (Stadol) 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.

(iii) Results of urine 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.

(b) Regular attendance, at least three (3) times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meetings, and at meetings of a professional support group, is required during outpatient treatment and/or during aftercare; and

(c) The program shall immediately report to the Board of Pharmacy any positive urine screens and/or other violations of the contract.

(B) Patty Jane Baxter 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 and alcohol 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.

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

MOTION CARRIED.

SO ORDERED.

**ORDER EFFECTIVE APRIL 5, 2001**



# OHIO STATE BOARD OF PHARMACY

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## SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-980911-014)

In The Matter Of:

**PATTY JANE BAXTER, R.Ph.**

4900 Oakridge Drive

Rome, Ohio 44085-9650

(R.Ph. No. 03-1-17642)

This Settlement Agreement is entered into by and between Patty Jane Baxter and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Patty Jane Baxter enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues contained herein.

Patty Jane Baxter is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against her and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Patty Jane Baxter's license to practice pharmacy in the state of Ohio, this Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

- (A) The Ohio State Board of Pharmacy is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card, or impose a monetary penalty on the license holder for violation of any of the enumerated grounds.
- (B) Patty Jane Baxter neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing dated December 17, 1998; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same:
  - (1) Records of the Board indicate that Patty Jane Baxter was originally licensed to practice pharmacy in the state of Ohio on February 24, 1989, pursuant to examination.
  - (2) Patty Jane Baxter is addicted to liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Patty Jane Baxter admitted stealing controlled substances such as Stadol NS, Tylenol with Codeine #3, and Xanax 0.25mg from your employer; Patty Jane Baxter admitted falsifying written call-in prescriptions using fictitious patients to cover for her theft of drugs; Patty Jane Baxter admitted that she is addicted to Stadol, and Ms. Baxter admitted using drugs while practicing pharmacy. 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) Patty Jane Baxter did, from June 22, 1995, through August 17, 1998, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property Rite Aid Discount Pharmacy #2654 beyond the express or implied consent of the owner and/or by deception, to wit: on each occasion Patty Jane Baxter stole the following drugs:

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
8/22/95	11483	1	Stadol NS 10ml
8/22/95	11485	2	Imitrex .5ml
8/31/95	11483	1	Stadol NS 10ml
9/5/95	12031	9	Imitrex tablets
9/19/95	11483	1	Stadol NS 10ml
9/19/95	12031	9	Imitrex tablets
10/11/95	11483	1	Stadol NS 10mg
10/11/95	12031	9	Imitrex tablets
11/4/95	11483	1	Stadol NS 10mg
11/4/95	12031	9	Imitrex tablets
11/18/95	11483	1	Stadol NS 10mg
11/18/95	11485	2	Imitrex .5ml
12/11/95	16157	1	Stadol NS 10mg
12/11/95	16158	9	Imitrex tablets
1/4/96	16157	1	Stadol NS 10mg
1/4/96	16158	9	Imitrex tablets
1/26/96	11485	2	Imitrex .5ml
1/26/96	16157	1	Stadol NS 10mg
1/26/96	16158	9	Imitrex tablets
2/10/96	16158	9	Imitrex .5ml
2/23/96	16157	1	Stadol NS 10mg
2/23/96	16158	9	Imitrex tablets
2/23/96	19619	2	Imitrex .5ml
3/14/96	16157	1	Stadol NS 10mg
3/14/96	16158	9	Imitrex tablets
3/22/96	20981	9	Imitrex tablets
4/5/96	16157	1	Stadol NS 10mg
4/5/96	20981	9	Imitrex tablets
4/23/96	19619	2	Imitrex .5ml
4/23/96	20981	9	Imitrex tablets
4/23/96	22393	1	Stadol NS 10mg
5/17/96	20981	9	Imitrex tablets
5/17/96	22393	1	Stadol NS 10mg
6/5/96	20981	9	Imitrex tablets
6/5/96	22393	1	Stadol NS 10mg
6/14/96	20981	9	Imitrex tablets
7/3/96	22393	1	Stadol NS 10mg
7/3/96	25620	9	Imitrex tablets
7/12/96	25620	9	Imitrex tablets
7/30/96	25620	9	Imitrex tablets

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
8/9/96	22393	1	Stadol NS 10mg
8/9/96	25620	9	Imitrex tablets
8/15/96	19619	2	Imitrex .5mg
8/24/96	25620	9	Imitrex tablets
9/6/96	25620	9	Imitrex tablets
9/20/96	29183	9	Imitrex tablets
9/20/96	29184	1	Imitrex .5mg
10/10/96	29183	9	Imitrex tablets
11/30/96	29184	1	Imitrex .5mg
12/19/96	29184	1	Imitrex .5mg
1/6/97	29183	9	Imitrex tablets
1/6/97	33084	1	Stadol NS 2.5ml
1/10/97	29184	1	Imitrex .5mg
1/24/97	33978	1	Stadol NS 2.5ml
2/3/97	35878	2	Stadol NS 2.5ml
2/4/97	29184	1	Imitrex .5mg
2/7/97	36091	1	Stadol NS 2.5ml
2/17/97	33084	1	Stadol NS 2.5ml
2/22/97	29183	9	Imitrex tablets
2/22/97	29184	1	Imitrex .5mg
2/22/97	33978	1	Stadol NS 2.5ml
3/3/97	29183	9	Imitrex tablets
3/3/97	36091	1	Stadol NS 2.5ml
3/3/97	37346	1	Imitrex syringe
3/7/97	35878	2	Stadol NS 2.5ml
3/18/97	38193	1	Stadol NS 2.5ml
3/21/97	38396	1	Stadol NS 2.5ml
3/26/97	36091	1	Stadol NS 2.5ml
4/4/97	35878	2	Stadol NS 2.5ml
4/5/97	29183	9	Imitrex tablets
4/5/97	39257	1	Imitrex .5mg
4/16/97	38396	1	Stadol NS 2.5ml
4/19/97	36091	1	Stadol NS 2.5ml
4/29/97	38193	1	Stadol NS 2.5ml
5/3/97	38396	1	Stadol NS 2.5ml
5/7/97	29183	9	Imitrex tablets
5/7/97	35878	2	Stadol NS 2.5ml
5/11/97	39257	1	Imitrex .5mg
5/20/97	41871	1	Stadol NS 2.5ml
5/31/97	29183	9	Imitrex tablets
6/1/97	38193	1	Stadol NS 2.5ml
6/9/97	39257	1	Imitrex .5mg
6/9/97	41871	1	Stadol NS 2.5ml
6/13/97	43140	2	Stadol NS 2.5ml
6/18/97	39257	1	Imitrex .5mg
6/23/97	43692	1	Stadol NS 2.5ml
7/2/97	29183	9	Imitrex tablets
7/2/97	39257	1	Imitrex .5mg
7/3/97	44293	1	Stadol NS 2.5ml
7/7/97	41871	1	Stadol NS 2.5ml
7/11/97	42692	1	Stadol NS 2.5ml
7/12/97	44829	18	Imitrex tablets

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
7/16/97	44994	1	Stadol NS 2.5ml
7/21/97	43140	2	Stadol NS 2.5ml
7/29/97	41871	1	Stadol NS 2.5ml
7/31/97	44293	1	Stadol NS 2.5ml
8/4/97	43692	1	Stadol NS 2.5ml
8/4/97	46034	3	Imitrex .5mg
8/4/97	46035	18	Imitrex tablets
8/8/97	43140	2	Stadol NS 2.5ml
8/13/97	46498	1	Stadol NS 2.5ml
8/18/97	44994	1	Stadol NS 2.5ml
8/23/97	44293	1	Stadol NS 2.5ml
9/1/97	46034	3	Imitrex .5mg
9/1/97	46035	18	Imitrex tablets
9/1/97	46498	1	Stadol NS 2.5ml
9/5/97	43140	2	Stadol NS 2.5ml
9/11/97	44994	1	Stadol NS 2.5ml
9/15/97	48388	1	Stadol NS 2.5ml
9/20/97	46034	3	Imitrex .5mg
9/20/97	46035	18	Imitrex tablets
9/25/97	48960	1	Stadol NS 2.5ml
9/29/97	46498	1	Stadol NS 2.5ml
10/3/97	49493	2	Stadol NS 2.5ml
10/7/97	49785	1	Stadol NS 2.5ml
10/18/97	48388	1	Stadol NS 2.5ml
10/27/97	46498	1	Stadol NS 2.5ml
10/27/97	51110	3	Imitrex .5mg
10/27/97	51111	18	Imitrex tablets
11/1/97	48388	1	Stadol NS 2.5ml
11/5/97	49493	2	Stadol NS 2.5ml
11/15/97	48960	1	Stadol NS 2.5ml
11/17/97	52576	1	Stadol NS 2.5ml
11/28/97	49785	1	Stadol NS 2.5ml
12/3/97	53687	1	Stadol NS 2.5ml
12/12/97	52676	1	Stadol NS 2.5ml
12/13/97	54397	1	Stadol NS 2.5ml
12/26/97	49785	1	Stadol NS 2.5ml
12/28/97	52576	1	Stadol NS 2.5ml
1/4/98	11485	2	Imitrex .5ml
1/14/98	53687	1	Stadol NS 2.5ml
1/19/98	53687	1	Stadol NS 2.5ml
1/23/98	57396	1	Stadol NS 2.5ml
1/28/98	49493	2	Stadol NS 2.5ml
1/28/98	57761	3	Imitrex .5mg
2/2/98	54397	1	Stadol NS 2.5ml
2/11/98	58995	1	Stadol NS 2.5ml
2/11/98	60394	1	Stadol NS 2.5ml
2/16/98	57396	1	Stadol NS 2.5ml
2/21/98	59794	1	Stadol NS 2.5ml
3/6/98	49493	2	Stadol NS 2.5ml
3/12/98	57761	3	Imitrex .5mg
3/12/98	58995	1	Stadol NS 2.5ml
3/26/98	60394	1	Stadol NS 2.5ml

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
4/3/98	63066	2	Stadol NS 2.5ml
4/18/98	58794	1	Stadol NS 2.5ml
5/1/98	60394	1	Stadol NS 2.5ml
5/11/98	57396	1	Stadol NS 2.5ml
5/16/98	63066	2	Stadol NS 2.5ml
5/30/98	60394	1	Stadol NS 2.5ml
6/3/98	68330	1	Stadol NS 2.5ml
6/12/98	59794	1	Stadol NS 2.5ml
6/27/98	70898	2	Stadol NS 2.5ml
7/1/98	71278	1	Stadol NS 2.5ml
7/7/98	68330	1	Stadol NS 2.5ml
7/10/98	70898	2	Stadol NS 2.5ml
7/25/98	71278	1	Stadol NS 2.5ml
8/7/98	75178	1	Stadol NS 2.5ml
8/13/98	71278	1	Stadol NS 2.5ml
8/17/98	70898	2	Stadol NS 2.5ml

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

- (4) Patty Jane Baxter did, from July 3, 1996, through March 12, 1998, knowingly make a false statement in a prescription or order required by Chapter 4729. of the Revised Code, to wit: while practicing pharmacy at Rite Aid #2654, Patty Jane Baxter falsified written call-in prescriptions for Stadol NS 2.5ml and Imitrex, both dangerous drugs, using fictitious patient names to cover for her theft of drugs:

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
7/3/96	22393	1	Stadol NS 10mg
7/3/96	25620	9	Imitrex tablets
7/12/96	25620	9	Imitrex tablets
7/30/96	25620	9	Imitrex tablets
8/9/96	22393	1	Stadol NS 10mg
8/9/96	25620	9	Imitrex tablets
8/15/96	19619	2	Imitrex .5mg
8/24/96	25620	9	Imitrex tablets
9/6/96	25620	9	Imitrex tablets
9/20/96	29183	9	Imitrex tablets
9/20/96	29184	1	Imitrex .5mg
10/10/96	29183	9	Imitrex tablets
11/30/96	29184	1	Imitrex .5mg
12/19/96	29184	1	Imitrex .5mg
1/6/97	29183	9	Imitrex tablets
1/6/97	33084	1	Stadol NS 2.5ml
1/10/97	29184	1	Imitrex .5mg
1/24/97	33978	1	Stadol NS 2.5ml
2/3/97	35878	2	Stadol NS 2.5ml
2/4/97	29184	1	Imitrex .5mg
2/7/97	36091	1	Stadol NS 2.5ml
2/17/97	33084	1	Stadol NS 2.5ml
2/22/97	29183	9	Imitrex tablets
2/22/97	29184	1	Imitrex .5mg
2/22/97	33978	1	Stadol NS 2.5ml
3/3/97	29183	9	Imitrex tablets

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
3/3/97	36091	1	Stadol NS 2.5ml
3/3/97	37346	1	Imitrex syringe
3/7/97	35878	2	Stadol NS 2.5ml
3/18/97	38193	1	Stadol NS 2.5ml
3/21/97	38396	1	Stadol NS 2.5ml
3/26/97	36091	1	Stadol NS 2.5ml
4/4/97	35878	2	Stadol NS 2.5ml
4/5/97	29183	9	Imitrex tablets
4/5/97	39257	1	Imitrex .5mg
4/16/97	38396	1	Stadol NS 2.5ml
4/19/97	36091	1	Stadol NS 2.5ml
4/29/97	38193	1	Stadol NS 2.5ml
5/3/97	38396	1	Stadol NS 2.5ml
5/7/97	29183	9	Imitrex tablets
5/7/97	35878	2	Stadol NS 2.5ml
5/11/97	39257	1	Imitrex .5mg
5/20/97	41871	1	Stadol NS 2.5ml
5/31/97	29183	9	Imitrex tablets
6/1/97	38193	1	Stadol NS 2.5ml
6/9/97	39257	1	Imitrex .5mg
6/9/97	41871	1	Stadol NS 2.5ml
6/13/97	43140	2	Stadol NS 2.5ml
6/18/97	39257	1	Imitrex .5mg
6/23/97	43692	1	Stadol NS 2.5ml
7/2/97	29183	9	Imitrex tablets
7/2/97	39257	1	Imitrex .5mg
7/3/97	44293	1	Stadol NS 2.5ml
7/7/97	41871	1	Stadol NS 2.5ml
7/11/97	42692	1	Stadol NS 2.5ml
7/12/97	44829	18	Imitrex tablets
7/16/97	44994	1	Stadol NS 2.5ml
7/21/97	43140	2	Stadol NS 2.5ml
7/29/97	41871	1	Stadol NS 2.5ml
7/31/97	44293	1	Stadol NS 2.5ml
8/4/97	43692	1	Stadol NS 2.5ml
8/4/97	46034	3	Imitrex .5mg
8/4/97	46035	18	Imitrex tablets
8/8/97	43140	2	Stadol NS 2.5ml
8/13/97	46498	1	Stadol NS 2.5ml
8/18/97	44994	1	Stadol NS 2.5ml
8/23/97	44293	1	Stadol NS 2.5ml
9/1/97	46034	3	Imitrex .5mg
9/1/97	46035	18	Imitrex tablets
9/1/97	46498	1	Stadol NS 2.5ml
9/5/97	43140	2	Stadol NS 2.5ml
9/11/97	44994	1	Stadol NS 2.5ml
9/15/97	48388	1	Stadol NS 2.5ml
9/20/97	46034	3	Imitrex .5mg
9/20/97	46035	18	Imitrex tablets
9/25/97	48960	1	Stadol NS 2.5ml
9/29/97	46498	1	Stadol NS 2.5ml
10/3/97	49493	2	Stadol NS 2.5ml

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
10/7/97	49785	1	Stadol NS 2.5ml
10/18/97	48388	1	Stadol NS 2.5ml
10/27/97	46498	1	Stadol NS 2.5ml
10/27/97	51110	3	Imitrex .5mg
10/27/97	51111	18	Imitrex tablets
1/4/98	11485	2	Imitrex .5ml
1/28/98	57761	3	Imitrex .5mg
3/12/98	57761	3	Imitrex .5mg

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

- (5) Patty Jane Baxter did, from February 2, 1997, through August 17, 1998, intentionally make and/or knowingly possess a false or forged prescription, to wit: while practicing pharmacy at Rite Aid #2654, Patty Jane Baxter admitted falsifying written call-in prescriptions using fictitious patient names and/or she created prescriptions in the computer using fictitious patient names for Stadol NS 2.5ml and Alprazolam, schedule IV controlled substances, to cover for her theft of drugs:

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
2/7/97	36092	30	Alprazolam
3/26/97	36092	30	Alprazolam
3/30/97	36092	30	Alprazolam
4/19/97	36092	30	Alprazolam
5/20/97	41872	30	Alprazolam
6/9/97	41872	30	Alprazolam
7/7/97	41872	30	Alprazolam
7/29/97	41872	30	Alprazolam
8/13/97	46497	30	Alprazolam
9/1/97	46497	30	Alprazolam
9/29/97	46497	30	Alprazolam
10/27/97	46497	30	Alprazolam
11/17/97	52577	30	Alprazolam
12/12/97	52577	30	Alprazolam
12/28/97	52577	30	Alprazolam
2/11/98	52577	30	Alprazolam
3/2/98	60395	30	Alprazolam
3/26/98	60395	30	Alprazolam
5/1/98	60395	30	Alprazolam
5/30/98	60395	30	Alprazolam
7/1/98	71282	30	Alprazolam
7/25/98	71282	30	Alprazolam
8/13/98	71282	30	Alprazolam
11/1/97	48388	1	Stadol NS 2.5ml
11/5/97	49493	2	Stadol NS 2.5ml
11/15/97	48960	1	Stadol NS 2.5ml
11/17/97	52576	1	Stadol NS 2.5ml
11/28/97	49785	1	Stadol NS 2.5ml
12/3/97	53687	1	Stadol NS 2.5ml
12/12/97	52676	1	Stadol NS 2.5ml
12/13/97	54397	1	Stadol NS 2.5ml
12/26/97	49785	1	Stadol NS 2.5ml
12/28/97	52576	1	Stadol NS 2.5ml

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
1/14/98	53687	1	Stadol NS 2.5ml
1/19/98	53687	1	Stadol NS 2.5ml
1/23/98	57396	1	Stadol NS 2.5ml
1/28/98	49493	2	Stadol NS 2.5ml
2/2/98	54397	1	Stadol NS 2.5ml
2/11/98	58995	1	Stadol NS 2.5ml
2/11/98	60394	1	Stadol NS 2.5ml
2/16/98	57396	1	Stadol NS 2.5ml
2/21/98	59794	1	Stadol NS 2.5ml
3/6/98	49493	2	Stadol NS 2.5ml
3/12/98	58995	1	Stadol NS 2.5ml
3/26/98	60394	1	Stadol NS 2.5ml
4/3/98	63066	2	Stadol NS 2.5ml
4/18/98	58794	1	Stadol NS 2.5ml
5/1/98	60394	1	Stadol NS 2.5ml
5/11/98	57396	1	Stadol NS 2.5ml
5/16/98	63066	2	Stadol NS 2.5ml
5/30/98	60394	1	Stadol NS 2.5ml
6/3/98	68330	1	Stadol NS 2.5ml
6/12/98	59794	1	Stadol NS 2.5ml
6/27/98	70898	2	Stadol NS 2.5ml
7/1/98	71278	1	Stadol NS 2.5ml
7/7/98	68330	1	Stadol NS 2.5ml
7/10/98	70898	2	Stadol NS 2.5ml
7/25/98	71278	1	Stadol NS 2.5ml
8/7/98	75178	1	Stadol NS 2.5ml
8/13/98	71278	1	Stadol NS 2.5ml
8/17/98	70898	2	Stadol NS 2.5ml

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

- (6) Patty Jane Baxter did, from January 6, 1997, through August 17, 1998, knowingly make a false statement in a prescription or order required by Chapter 4729. of the Revised Code, to wit: while practicing pharmacy at Rite Aid #2654, on each occasion Patty Jane Baxter created prescriptions in the computer system using fictitious patient names:

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
1/6/97	30852	30	Propranolol
1/24/97	33976	30	Amitriptyline
2/3/97	35879	100	Depakote
2/3/97	35880	30	Ultram
2/7/97	33350	60	Prednisone
2/17/97	30852	30	Propranolol
2/22/97	33976	30	Amitriptyline
3/3/97	33350	60	Prednisone
3/7/97	35879	100	Depakote
3/7/97	35880	30	Ultram
3/18/97	38194	30	Propranolol
3/21/97	38397	30	Amitriptyline
3/27/97	38721	60	Prednisone
4/4/97	35880	30	Ultram

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
4/4/97	35879	100	Depakote
4/16/97	38397	30	Amitriptyline
4/19/97	38721	60	Prednisone
4/29/97	38194	30	Propranolol
5/3/97	38397	30	Amitriptyline
5/7/97	35879	100	Depakote
5/7/97	35880	30	Ultram
5/20/97	38721	60	Prednisone
6/1/97	38194	30	Propranolol
6/13/97	43142	30	Ultram
6/13/97	43141	100	Depakote
6/23/97	43693	30	Amitriptyline
7/3/97	44294	30	Propranolol
7/7/97	44444	60	Prednisone
7/11/97	43693	30	Amitriptyline
7/16/97	44996	30	Nortriptyline
7/21/97	43141	100	Depakote
7/21/97	43142	30	Ultram
7/29/97	44444	60	Prednisone
7/31/97	44294	30	Propranolol
8/4/97	43693	30	Amitriptyline
8/8/97	43142	30	Ultram
8/8/97	43141	100	Depakote
8/18/97	44996	30	Nortriptyline
8/23/97	44294	30	Propranolol
9/1/97	44444	60	Prednisone
9/5/97	43141	100	Depakote
9/5/97	43142	30	Ultram
9/11/97	44996	30	Nortriptyline
9/15/97	48389	30	Amitriptyline
9/25/97	48961	30	Propranolol
9/29/97	49205	30	Dexamethasone
10/3/97	49494	30	Ultram
10/3/97	49495	100	Depakote
10/7/97	49784	30	Nortriptyline
10/18/97	48389	30	Amitriptyline
10/22/97	48961	30	Propranolol
10/27/97	49205	30	Dexamethasone
11/1/97	48389	30	Amitriptyline
11/5/97	49494	30	Ultram
11/5/97	49495	100	Depakote
11/15/97	48961	30	Propranolol
11/28/97	49784	30	Nortriptyline
12/3/97	53688	30	Amitriptyline
12/12/97	49205	30	Dexamethasone
12/13/97	54399	30	Propranolol
12/26/97	49784	30	Nortriptyline
1/11/98	56417	12	Phenergan Sup.
1/14/98	53688	30	Amitriptyline
1/19/98	53688	30	Amitriptyline
1/23/98	57395	30	Amitriptyline
1/28/98	49495	100	Depakote

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
1/28/98	49494	30	Ultram
2/2/98	54399	30	Propranolol
2/11/98	58996	30	Propranolol
2/16/98	57395	30	Amitriptyline
2/21/98	59798	30	Nortriptyline
3/2/98	60396	30	Dexamethasone
3/6/98	49494	30	Ultram
3/6/98	49495	100	Depakote
3/12/98	58996	30	Propranolol
3/26/98	60396	30	Dexamethasone
4/3/98	63065	100	Depakote
4/3/98	63067	30	Ultram
4/18/98	59798	30	Nortriptyline
5/1/98	60396	30	Dexamethasone
5/11/98	57395	30	Amitriptyline
5/16/98	63065	100	Depakote
5/16/98	63067	30	Ultram
5/30/98	60396	30	Dexamethasone
6/3/98	68329	30	Propranolol
6/12/98	59798	30	Nortriptyline
6/27/98	70900	100	Depakote
6/27/98	70899	30	Ultram
7/1/98	71280	30	Dexamethasone
7/7/98	68329	30	Propranolol
7/10/98	70899	30	Ultram
7/10/98	70900	100	Depakote
7/25/98	71280	30	Dexamethasone
8/7/98	75177	30	Propranolol
8/13/98	71280	30	Dexamethasone
8/17/98	70900	100	Depakote
8/17/98	70899	30	Ultram

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

- (7) Patty Jane Baxter did, from January 27, 1995, through August 12, 1995, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property Rite Aid Discount Pharmacy #3131 beyond the express or implied consent of the owner and/or by deception, to wit: on each occasion Patty Jane Baxter stole one bottles of Stadol NS 2.5ml:

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
1/27/95	12401	1	Stadol NS 2.5ml
2/14/95	12401	1	Stadol NS 2.5ml
3/17/95	17266	1	Stadol NS 2.5ml
3/26/95	17266	1	Stadol NS 2.5ml
4/8/95	17266	1	Stadol NS 2.5ml
4/14/95	20156	1	Stadol NS 2.5ml
4/22/95	20156	1	Stadol NS 2.5ml
5/5/95	20156	1	Stadol NS 2.5ml
5/13/95	23133	1	Stadol NS 2.5ml
5/20/95	23133	1	Stadol NS 2.5ml
5/30/95	23133	1	Stadol NS 2.5ml

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
6/9/95	23133	1	Stadol NS 2.5ml
6/18/95	23133	1	Stadol NS 2.5ml
6/22/95	26975	2	Stadol NS 2.5ml
7/5/95	26975	2	Stadol NS 2.5ml
7/11/95	23133	1	Stadol NS 2.5ml
7/20/95	26975	2	Stadol NS 2.5ml
7/30/95	26975	2	Stadol NS 2.5ml
8/12/95	31644	2	Stadol NS 2.5ml

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

- (8) Patty Jane Baxter did, from January 27, 1995, through August 12, 1995, knowingly make a false or forged prescription for a dangerous drug, to wit: while practicing pharmacy at Rite Aid #3131, Patty Jane Baxter falsified written call-in prescriptions for Stadol NS 2.5ml using fictitious patient names to cover for her theft of drugs:

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
1/27/95	12401	1	Stadol NS 2.5ml
2/14/95	12401	1	Stadol NS 2.5ml
3/17/95	17266	1	Stadol NS 2.5ml
3/26/95	17266	1	Stadol NS 2.5ml
4/8/95	17266	1	Stadol NS 2.5ml
4/14/95	20156	1	Stadol NS 2.5ml
4/22/95	20156	1	Stadol NS 2.5ml
5/5/95	20156	1	Stadol NS 2.5ml
5/13/95	23133	1	Stadol NS 2.5ml
5/20/95	23133	1	Stadol NS 2.5ml
5/30/95	23133	1	Stadol NS 2.5ml
6/9/95	23133	1	Stadol NS 2.5ml
6/18/95	23133	1	Stadol NS 2.5ml
6/22/95	26975	2	Stadol NS 2.5ml
7/5/95	26975	2	Stadol NS 2.5ml
7/11/95	23133	1	Stadol NS 2.5ml
7/20/95	26975	2	Stadol NS 2.5ml
7/30/95	26975	2	Stadol NS 2.5ml
8/12/95	31644	2	Stadol NS 2.5ml

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.

- (9) Patty Jane Baxter did, from August 22, 1995, through June 14, 1996, knowingly make a false or forged prescription for a dangerous drug, to wit: while practicing pharmacy at Rite Aid #2654, Patty Jane Baxter falsified written call-in prescriptions for Stadol NS 2.5ml and Imitrex .5ml using fictitious patient names to cover for her theft of drugs:

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
8/22/95	11483	1	Stadol NS 10ml
8/22/95	11485	2	Imitrex .5ml
8/31/95	11483	1	Stadol NS 10ml
9/5/95	12031	9	Imitrex tablets
9/19/95	11483	1	Stadol NS 10ml
9/19/95	12031	9	Imitrex tablets

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
10/11/95	11483	1	Stadol NS 10mg
10/11/95	12031	9	Imitrex tablets
11/4/95	11483	1	Stadol NS 10mg
11/4/95	12031	9	Imitrex tablets
11/18/95	11483	1	Stadol NS 10mg
11/18/95	11485	2	Imitrex .5ml
12/11/95	16157	1	Stadol NS 10mg
12/11/95	16158	9	Imitrex tablets
1/4/96	16157	1	Stadol NS 10mg
1/4/96	16158	9	Imitrex tablets
1/26/96	11485	2	Imitrex .5ml
1/26/96	16157	1	Stadol NS 10mg
1/26/96	16158	9	Imitrex tablets
2/10/96	16158	9	Imitrex .5ml
2/23/96	16157	1	Stadol NS 10mg
2/23/96	16158	9	Imitrex tablets
2/23/96	19619	2	Imitrex .5ml
3/14/96	16157	1	Stadol NS 10mg
3/14/96	16158	9	Imitrex tablets
3/22/96	20981	9	Imitrex tablets
4/5/96	16157	1	Stadol NS 10mg
4/5/96	20981	9	Imitrex tablets
4/23/96	19619	2	Imitrex .5ml
4/23/96	20981	9	Imitrex tablets
4/23/96	22393	1	Stadol NS 10mg
5/17/96	20981	9	Imitrex tablets
5/17/96	22393	1	Stadol NS 10mg
6/5/96	20981	9	Imitrex tablets
6/5/96	22393	1	Stadol NS 10mg
6/14/96	20981	9	Imitrex tablets

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Patty Jane Baxter knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) The removal of the Summary Suspension Order issued September 11, 1998, pursuant to Sections 3719.121(A) and 3719.121(B) of the Ohio Revised Code.
- (B) Indefinite suspension of her pharmacist identification card, No. 03-1-17642, beginning with the date of the Summary Suspension Order of September 11, 1998, a minimum of two (2) years subject to Paragraph (D) herein. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Patty Jane Baxter 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.
- (C) Division (B) of Section 4729.16 of the Revised Code provides 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 the notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

- (D) September 11, 2000, or thereafter, the Board will reinstate her license to practice pharmacy only if the following conditions have been met:
- (1) Patty Jane Baxter must enter into a contract with a limited treatment provider acceptable to the Board for a period of not less than five (5) years from the effective date of this Agreement and, upon signing, submit a copy of the contract to the Board office. The contract must provide:
    - (a) Random, **observed** urine drug screens shall be conducted at least once a month.
      - (i) The urine sample must be given within twelve (12) hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
      - (ii) Alcohol and butorphenol (Stadol) must be added to the standard urine drug screen. Testing for alcohol must be conducted within forty-eight hours from the time the sample is given. 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.
      - (iii) Results of urine 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.
    - (b) Regular attendance, at least three (3) times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meetings, and at meetings of a professional support group, is required during outpatient treatment and/or during aftercare; and
    - (c) The program shall immediately report to the Board of Pharmacy any positive urine screens and/or other violations of the contract.
- (E) Patty Jane Baxter must provide a report from her physician that outlines her treatment for headaches.
- (F) This Agreement, when signed by Patty Jane Baxter, shall constitute her full consent to any and all health care providers, licensed health professionals, treatment programs, or other entities or individuals, to release directly to the Board her medical and/or drug and alcohol treatment records. This release shall be in effect until such time as Patty Jane Baxter has completed the terms of this Agreement.

Patty Jane Baxter 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 shall revoke probation for any violation of the terms of this Agreement occurring during the probation period.

If, in the judgment of the Board, Patty Jane Baxter appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, revoke probation, modify the conditions of probation, and reduce or extend the period of probation, and/or the Board may institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Patty Jane Baxter acknowledges that she has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

Patty Jane Baxter waives any and all claims or causes of action she may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Patty Jane Baxter waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

In the event the Board, in its discretion, does not adopt this Agreement as its Adjudication, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. Patty Jane Baxter agrees that should the Board reject this Agreement and if this case proceeds to hearing, she will assert no claim that the Board was prejudiced by its review and discussion of this Agreement or of any information relating thereto.

This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of Board President's signature below.

**SIGNED AND EFFECTIVE MARCH 8, 1999**



# 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

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

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## SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

September 11, 1998

**Patty Jane Baxter, R.Ph.**  
4900 Oakridge Drive  
Rome, Ohio 44085-9650

Re: Ohio Registered Pharmacist  
Number 03-1-17642

Dear Pharmacist:

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 and/or your method of distributing controlled substances 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 indicate that you were originally licensed to practice pharmacy in the state of Ohio on February 24, 1989, pursuant to examination.
- (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 stealing controlled substances such as Stadol NS, Tylenol with Codeine #3, and Xanax 0.25mg from your employer; you admitted falsifying written call-in prescriptions using fictitious patients to cover for your theft of drugs; you admitted that you are addicted to Stadol, and you admitted using drugs while practicing pharmacy. 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 June 22, 1995, through August 17, 1998, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property Rite Aid Discount Pharmacy #2654 beyond the express or implied consent of the owner and/or by deception, to wit: on each occasion you stole the following drugs:

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
8/22/95	11483	1	Stadol NS 10ml
8/22/95	11485	2	Imitrex .5ml
8/31/95	11483	1	Stadol NS 10ml
9/5/95	12031	9	Imitrex tablets
9/19/95	11483	1	Stadol NS 10ml

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
9/19/95	12031	9	Imitrex tablets
10/11/95	11483	1	Stadol NS 10mg
10/11/95	12031	9	Imitrex tablets
11/4/95	11483	1	Stadol NS 10mg
11/4/95	12031	9	Imitrex tablets
11/18/95	11483	1	Stadol NS 10mg
11/18/95	11485	2	Imitrex .5ml
12/11/95	16157	1	Stadol NS 10mg
12/11/95	16158	9	Imitrex tablets
1/4/96	16157	1	Stadol NS 10mg
1/4/96	16158	9	Imitrex tablets
1/26/96	11485	2	Imitrex .5ml
1/26/96	16157	1	Stadol NS 10mg
1/26/96	16158	9	Imitrex tablets
2/10/96	16158	9	Imitrex .5ml
2/23/96	16157	1	Stadol NS 10mg
2/23/96	16158	9	Imitrex tablets
2/23/96	19619	2	Imitrex .5ml
3/14/96	16157	1	Stadol NS 10mg
3/14/96	16158	9	Imitrex tablets
3/22/96	20981	9	Imitrex tablets
4/5/96	16157	1	Stadol NS 10mg
4/5/96	20981	9	Imitrex tablets
4/23/96	19619	2	Imitrex .5ml
4/23/96	20981	9	Imitrex tablets
4/23/96	22393	1	Stadol NS 10mg
5/17/96	20981	9	Imitrex tablets
5/17/96	22393	1	Stadol NS 10mg
6/5/96	20981	9	Imitrex tablets
6/5/96	22393	1	Stadol NS 10mg
6/14/96	20981	9	Imitrex tablets
7/3/96	22393	1	Stadol NS 10mg
7/3/96	25620	9	Imitrex tablets
7/12/96	25620	9	Imitrex tablets
7/30/96	25620	9	Imitrex tablets
8/9/96	22393	1	Stadol NS 10mg
8/9/96	25620	9	Imitrex tablets
8/15/96	19619	2	Imitrex .5mg
8/24/96	25620	9	Imitrex tablets
9/6/96	25620	9	Imitrex tablets
9/20/96	29183	9	Imitrex tablets
9/20/96	29184	1	Imitrex .5mg
10/10/96	29183	9	Imitrex tablets
11/30/96	29184	1	Imitrex .5mg
12/19/96	29184	1	Imitrex .5mg
1/6/97	29183	9	Imitrex tablets
1/6/97	33084	1	Stadol NS 2.5ml
1/10/97	29184	1	Imitrex .5mg
1/24/97	33978	1	Stadol NS 2.5ml
2/3/97	35878	2	Stadol NS 2.5ml
2/4/97	29184	1	Imitrex .5mg
2/7/97	36091	1	Stadol NS 2.5ml

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
2/17/97	33084	1	Stadol NS 2.5ml
2/22/97	29183	9	Imitrex tablets
2/22/97	29184	1	Imitrex .5mg
2/22/97	33978	1	Stadol NS 2.5ml
3/3/97	29183	9	Imitrex tablets
3/3/97	36091	1	Stadol NS 2.5ml
3/3/97	37346	1	Imitrex syringe
3/7/97	35878	2	Stadol NS 2.5ml
3/18/97	38193	1	Stadol NS 2.5ml
3/21/97	38396	1	Stadol NS 2.5ml
3/26/97	36091	1	Stadol NS 2.5ml
4/4/97	35878	2	Stadol NS 2.5ml
4/5/97	29183	9	Imitrex tablets
4/5/97	39257	1	Imitrex .5mg
4/16/97	38396	1	Stadol NS 2.5ml
4/19/97	36091	1	Stadol NS 2.5ml
4/29/97	38193	1	Stadol NS 2.5ml
5/3/97	38396	1	Stadol NS 2.5ml
5/7/97	29183	9	Imitrex tablets
5/7/97	35878	2	Stadol NS 2.5ml
5/11/97	39257	1	Imitrex .5mg
5/20/97	41871	1	Stadol NS 2.5ml
5/31/97	29183	9	Imitrex tablets
6/1/97	38193	1	Stadol NS 2.5ml
6/9/97	39257	1	Imitrex .5mg
6/9/97	41871	1	Stadol NS 2.5ml
6/13/97	43140	2	Stadol NS 2.5ml
6/18/97	39257	1	Imitrex .5mg
6/23/97	43692	1	Stadol NS 2.5ml
7/2/97	29183	9	Imitrex tablets
7/2/97	39257	1	Imitrex .5mg
7/3/97	44293	1	Stadol NS 2.5ml
7/7/97	41871	1	Stadol NS 2.5ml
7/11/97	42692	1	Stadol NS 2.5ml
7/12/97	44829	18	Imitrex tablets
7/16/97	44994	1	Stadol NS 2.5ml
7/21/97	43140	2	Stadol NS 2.5ml
7/29/97	41871	1	Stadol NS 2.5ml
7/31/97	44293	1	Stadol NS 2.5ml
8/4/97	43692	1	Stadol NS 2.5ml
8/4/97	46034	3	Imitrex .5mg
8/4/97	46035	18	Imitrex tablets
8/8/97	43140	2	Stadol NS 2.5ml
8/13/97	46498	1	Stadol NS 2.5ml
8/18/97	44994	1	Stadol NS 2.5ml
8/23/97	44293	1	Stadol NS 2.5ml
9/1/97	46034	3	Imitrex .5mg
9/1/97	46035	18	Imitrex tablets
9/1/97	46498	1	Stadol NS 2.5ml
9/5/97	43140	2	Stadol NS 2.5ml
9/11/97	44994	1	Stadol NS 2.5ml
9/15/97	48388	1	Stadol NS 2.5ml

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
9/20/97	46034	3	Imitrex .5mg
9/20/97	46035	18	Imitrex tablets
9/25/97	48960	1	Stadol NS 2.5ml
9/29/97	46498	1	Stadol NS 2.5ml
10/3/97	49493	2	Stadol NS 2.5ml
10/7/97	49785	1	Stadol NS 2.5ml
10/18/97	48388	1	Stadol NS 2.5ml
10/27/97	46498	1	Stadol NS 2.5ml
10/27/97	51110	3	Imitrex .5mg
10/27/97	51111	18	Imitrex tablets
11/1/97	48388	1	Stadol NS 2.5ml
11/5/97	49493	2	Stadol NS 2.5ml
11/15/97	48960	1	Stadol NS 2.5ml
11/17/97	52576	1	Stadol NS 2.5ml
11/28/97	49785	1	Stadol NS 2.5ml
12/3/97	53687	1	Stadol NS 2.5ml
12/12/97	52676	1	Stadol NS 2.5ml
12/13/97	54397	1	Stadol NS 2.5ml
12/26/97	49785	1	Stadol NS 2.5ml
12/28/97	52576	1	Stadol NS 2.5ml
1/4/98	11485	2	Imitrex .5ml
1/14/98	53687	1	Stadol NS 2.5ml
1/19/98	53687	1	Stadol NS 2.5ml
1/23/98	57396	1	Stadol NS 2.5ml
1/28/98	49493	2	Stadol NS 2.5ml
1/28/98	57761	3	Imitrex .5mg
2/2/98	54397	1	Stadol NS 2.5ml
2/11/98	58995	1	Stadol NS 2.5ml
2/11/98	60394	1	Stadol NS 2.5ml
2/16/98	57396	1	Stadol NS 2.5ml
2/21/98	59794	1	Stadol NS 2.5ml
3/6/98	49493	2	Stadol NS 2.5ml
3/12/98	57761	3	Imitrex .5mg
3/12/98	58995	1	Stadol NS 2.5ml
3/26/98	60394	1	Stadol NS 2.5ml
4/3/98	63066	2	Stadol NS 2.5ml
4/18/98	58794	1	Stadol NS 2.5ml
5/1/98	60394	1	Stadol NS 2.5ml
5/11/98	57396	1	Stadol NS 2.5ml
5/16/98	63066	2	Stadol NS 2.5ml
5/30/98	60394	1	Stadol NS 2.5ml
6/3/98	68330	1	Stadol NS 2.5ml
6/12/98	59794	1	Stadol NS 2.5ml
6/27/98	70898	2	Stadol NS 2.5ml
7/1/98	71278	1	Stadol NS 2.5ml
7/7/98	68330	1	Stadol NS 2.5ml
7/10/98	70898	2	Stadol NS 2.5ml
7/25/98	71278	1	Stadol NS 2.5ml
8/7/98	75178	1	Stadol NS 2.5ml
8/13/98	71278	1	Stadol NS 2.5ml
8/17/98	70898	2	Stadol NS 2.5ml

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.  
[paragraph amended by Notice dated 12/17/98]

- (4) You did, from July 3, 1996, through March 12, 1998, knowingly make a false statement in a prescription or order required by Chapter 4729. of the Revised Code, to wit: while practicing pharmacy at Rite Aid #2654, you falsified written call-in prescriptions for Stadol NS 2.5ml and Imitrex, both dangerous drugs, using fictitious patient names to cover for your theft of drugs:

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
7/3/96	22393	1	Stadol NS 10mg
7/3/96	25620	9	Imitrex tablets
7/12/96	25620	9	Imitrex tablets
7/30/96	25620	9	Imitrex tablets
8/9/96	22393	1	Stadol NS 10mg
8/9/96	25620	9	Imitrex tablets
8/15/96	19619	2	Imitrex .5mg
8/24/96	25620	9	Imitrex tablets
9/6/96	25620	9	Imitrex tablets
9/20/96	29183	9	Imitrex tablets
9/20/96	29184	1	Imitrex .5mg
10/10/96	29183	9	Imitrex tablets
11/30/96	29184	1	Imitrex .5mg
12/19/96	29184	1	Imitrex .5mg
1/6/97	29183	9	Imitrex tablets
1/6/97	33084	1	Stadol NS 2.5ml
1/10/97	29184	1	Imitrex .5mg
1/24/97	33978	1	Stadol NS 2.5ml
2/3/97	35878	2	Stadol NS 2.5ml
2/4/97	29184	1	Imitrex .5mg
2/7/97	36091	1	Stadol NS 2.5ml
2/17/97	33084	1	Stadol NS 2.5ml
2/22/97	29183	9	Imitrex tablets
2/22/97	29184	1	Imitrex .5mg
2/22/97	33978	1	Stadol NS 2.5ml
3/3/97	29183	9	Imitrex tablets
3/3/97	36091	1	Stadol NS 2.5ml
3/3/97	37346	1	Imitrex syringe
3/7/97	35878	2	Stadol NS 2.5ml
3/18/97	38193	1	Stadol NS 2.5ml
3/21/97	38396	1	Stadol NS 2.5ml
3/26/97	36091	1	Stadol NS 2.5ml
4/4/97	35878	2	Stadol NS 2.5ml
4/5/97	29183	9	Imitrex tablets
4/5/97	39257	1	Imitrex .5mg
4/16/97	38396	1	Stadol NS 2.5ml
4/19/97	36091	1	Stadol NS 2.5ml
4/29/97	38193	1	Stadol NS 2.5ml
5/3/97	38396	1	Stadol NS 2.5ml
5/7/97	29183	9	Imitrex tablets
5/7/97	35878	2	Stadol NS 2.5ml
5/11/97	39257	1	Imitrex .5mg
5/20/97	41871	1	Stadol NS 2.5ml

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
5/31/97	29183	9	Imitrex tablets
6/1/97	38193	1	Stadol NS 2.5ml
6/9/97	39257	1	Imitrex .5mg
6/9/97	41871	1	Stadol NS 2.5ml
6/13/97	43140	2	Stadol NS 2.5ml
6/18/97	39257	1	Imitrex .5mg
6/23/97	43692	1	Stadol NS 2.5ml
7/2/97	29183	9	Imitrex tablets
7/2/97	39257	1	Imitrex .5mg
7/3/97	44293	1	Stadol NS 2.5ml
7/7/97	41871	1	Stadol NS 2.5ml
7/11/97	42692	1	Stadol NS 2.5ml
7/12/97	44829	18	Imitrex tablets
7/16/97	44994	1	Stadol NS 2.5ml
7/21/97	43140	2	Stadol NS 2.5ml
7/29/97	41871	1	Stadol NS 2.5ml
7/31/97	44293	1	Stadol NS 2.5ml
8/4/97	43692	1	Stadol NS 2.5ml
8/4/97	46034	3	Imitrex .5mg
8/4/97	46035	18	Imitrex tablets
8/8/97	43140	2	Stadol NS 2.5ml
8/13/97	46498	1	Stadol NS 2.5ml
8/18/97	44994	1	Stadol NS 2.5ml
8/23/97	44293	1	Stadol NS 2.5ml
9/1/97	46034	3	Imitrex .5mg
9/1/97	46035	18	Imitrex tablets
9/1/97	46498	1	Stadol NS 2.5ml
9/5/97	43140	2	Stadol NS 2.5ml
9/11/97	44994	1	Stadol NS 2.5ml
9/15/97	48388	1	Stadol NS 2.5ml
9/20/97	46034	3	Imitrex .5mg
9/20/97	46035	18	Imitrex tablets
9/25/97	48960	1	Stadol NS 2.5ml
9/29/97	46498	1	Stadol NS 2.5ml
10/3/97	49493	2	Stadol NS 2.5ml
10/7/97	49785	1	Stadol NS 2.5ml
10/18/97	48388	1	Stadol NS 2.5ml
10/27/97	46498	1	Stadol NS 2.5ml
10/27/97	51110	3	Imitrex .5mg
10/27/97	51111	18	Imitrex tablets
1/4/98	11485	2	Imitrex .5ml
1/28/98	57761	3	Imitrex .5mg
3/12/98	57761	3	Imitrex .5mg

Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code.  
*[paragraph amended by Notice dated 12/17/98]*

- (5) You did, from February 2, 1997, through August 17, 1998, intentionally make and/or knowingly possess a false or forged prescription, to wit: while practicing pharmacy at Rite Aid #2654, you admitted falsifying written call-in prescriptions using fictitious patient names and/or you created prescriptions in the computer using fictitious

patient names for Stadol NS 2.5ml and Alprazolam, schedule IV controlled substances, to cover for your theft of drugs:

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
2/7/97	36092	30	Alprazolam
3/26/97	36092	30	Alprazolam
3/30/97	36092	30	Alprazolam
4/19/97	36092	30	Alprazolam
5/20/97	41872	30	Alprazolam
6/9/97	41872	30	Alprazolam
7/7/97	41872	30	Alprazolam
7/29/97	41872	30	Alprazolam
8/13/97	46497	30	Alprazolam
9/1/97	46497	30	Alprazolam
9/29/97	46497	30	Alprazolam
10/27/97	46497	30	Alprazolam
11/17/97	52577	30	Alprazolam
12/12/97	52577	30	Alprazolam
12/28/97	52577	30	Alprazolam
2/11/98	52577	30	Alprazolam
3/2/98	60395	30	Alprazolam
3/26/98	60395	30	Alprazolam
5/1/98	60395	30	Alprazolam
5/30/98	60395	30	Alprazolam
7/1/98	71282	30	Alprazolam
7/25/98	71282	30	Alprazolam
8/13/98	71282	30	Alprazolam
11/1/97	48388	1	Stadol NS 2.5ml
11/5/97	49493	2	Stadol NS 2.5ml
11/15/97	48960	1	Stadol NS 2.5ml
11/17/97	52576	1	Stadol NS 2.5ml
11/28/97	49785	1	Stadol NS 2.5ml
12/3/97	53687	1	Stadol NS 2.5ml
12/12/97	52676	1	Stadol NS 2.5ml
12/13/97	54397	1	Stadol NS 2.5ml
12/26/97	49785	1	Stadol NS 2.5ml
12/28/97	52576	1	Stadol NS 2.5ml
1/14/98	53687	1	Stadol NS 2.5ml
1/19/98	53687	1	Stadol NS 2.5ml
1/23/98	57396	1	Stadol NS 2.5ml
1/28/98	49493	2	Stadol NS 2.5ml
2/2/98	54397	1	Stadol NS 2.5ml
2/11/98	58995	1	Stadol NS 2.5ml
2/11/98	60394	1	Stadol NS 2.5ml
2/16/98	57396	1	Stadol NS 2.5ml
2/21/98	59794	1	Stadol NS 2.5ml
3/6/98	49493	2	Stadol NS 2.5ml
3/12/98	58995	1	Stadol NS 2.5ml
3/26/98	60394	1	Stadol NS 2.5ml
4/3/98	63066	2	Stadol NS 2.5ml
4/18/98	58794	1	Stadol NS 2.5ml
5/1/98	60394	1	Stadol NS 2.5ml
5/11/98	57396	1	Stadol NS 2.5ml

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
5/16/98	63066	2	Stadol NS 2.5ml
5/30/98	60394	1	Stadol NS 2.5ml
6/3/98	68330	1	Stadol NS 2.5ml
6/12/98	59794	1	Stadol NS 2.5ml
6/27/98	70898	2	Stadol NS 2.5ml
7/1/98	71278	1	Stadol NS 2.5ml
7/7/98	68330	1	Stadol NS 2.5ml
7/10/98	70898	2	Stadol NS 2.5ml
7/25/98	71278	1	Stadol NS 2.5ml
8/7/98	75178	1	Stadol NS 2.5ml
8/13/98	71278	1	Stadol NS 2.5ml
8/17/98	70898	2	Stadol NS 2.5ml

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.  
*[paragraph amended by Notice dated 12/17/98]*

- (6) You did, from January 6, 1997, through August 17, 1998, knowingly make a false statement in a prescription or order required by Chapter 4729. of the Revised Code, to wit: while practicing pharmacy at Rite Aid #2654, on each occasion you created prescriptions in the computer system using fictitious patient names:

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
1/6/97	30852	30	Propranolol
1/24/97	33976	30	Amitriptyline
2/3/97	35879	100	Depakote
2/3/97	35880	30	Ultram
2/7/97	33350	60	Prednisone
2/17/97	30852	30	Propranolol
2/22/97	33976	30	Amitriptyline
3/3/97	33350	60	Prednisone
3/7/97	35879	100	Depakote
3/7/97	35880	30	Ultram
3/18/97	38194	30	Propranolol
3/21/97	38397	30	Amitriptyline
3/27/97	38721	60	Prednisone
4/4/97	35880	30	Ultram
4/4/97	35879	100	Depakote
4/16/97	38397	30	Amitriptyline
4/19/97	38721	60	Prednisone
4/29/97	38194	30	Propranolol
5/3/97	38397	30	Amitriptyline
5/7/97	35879	100	Depakote
5/7/97	35880	30	Ultram
5/20/97	38721	60	Prednisone
6/1/97	38194	30	Propranolol
6/13/97	43142	30	Ultram
6/13/97	43141	100	Depakote
6/23/97	43693	30	Amitriptyline
7/3/97	44294	30	Propranolol
7/7/97	44444	60	Prednisone
7/11/97	43693	30	Amitriptyline
7/16/97	44996	30	Nortriptyline

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
7/21/97	43141	100	Depakote
7/21/97	43142	30	Ultram
7/29/97	44444	60	Prednisone
7/31/97	44294	30	Propranolol
8/4/97	43693	30	Amitriptyline
8/8/97	43142	30	Ultram
8/8/97	43141	100	Depakote
8/18/97	44996	30	Nortriptyline
8/23/97	44294	30	Propranolol
9/1/97	44444	60	Prednisone
9/5/97	43141	100	Depakote
9/5/97	43142	30	Ultram
9/11/97	44996	30	Nortriptyline
9/15/97	48389	30	Amitriptyline
9/25/97	48961	30	Propranolol
9/29/97	49205	30	Dexamethasone
10/3/97	49494	30	Ultram
10/3/97	49495	100	Depakote
10/7/97	49784	30	Nortriptyline
10/18/97	48389	30	Amitriptyline
10/22/97	48961	30	Propranolol
10/27/97	49205	30	Dexamethasone
11/1/97	48389	30	Amitriptyline
11/5/97	49494	30	Ultram
11/5/97	49495	100	Depakote
11/15/97	48961	30	Propranolol
11/28/97	49784	30	Nortriptyline
12/3/97	53688	30	Amitriptyline
12/12/97	49205	30	Dexamethasone
12/13/97	54399	30	Propranolol
12/26/97	49784	30	Nortriptyline
1/11/98	56417	12	Phenergan Sup.
1/14/98	53688	30	Amitriptyline
1/19/98	53688	30	Amitriptyline
1/23/98	57395	30	Amitriptyline
1/28/98	49495	100	Depakote
1/28/98	49494	30	Ultram
2/2/98	54399	30	Propranolol
2/11/98	58996	30	Propranolol
2/16/98	57395	30	Amitriptyline
2/21/98	59798	30	Nortriptyline
3/2/98	60396	30	Dexamethasone
3/6/98	49494	30	Ultram
3/6/98	49495	100	Depakote
3/12/98	58996	30	Propranolol
3/26/98	60396	30	Dexamethasone
4/3/98	63065	100	Depakote
4/3/98	63067	30	Ultram
4/18/98	59798	30	Nortriptyline
5/1/98	60396	30	Dexamethasone
5/11/98	57395	30	Amitriptyline
5/16/98	63065	100	Depakote

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
5/16/98	63067	30	Ultram
5/30/98	60396	30	Dexamethasone
6/3/98	68329	30	Propranolol
6/12/98	59798	30	Nortriptyline
6/27/98	70900	100	Depakote
6/27/98	70899	30	Ultram
7/1/98	71280	30	Dexamethasone
7/7/98	68329	30	Propranolol
7/10/98	70899	30	Ultram
7/10/98	70900	100	Depakote
7/25/98	71280	30	Dexamethasone
8/7/98	75177	30	Propranolol
8/13/98	71280	30	Dexamethasone
8/17/98	70900	100	Depakote
8/17/98	70899	30	Ultram

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

- (7) You did, from January 27, 1995, through August 12, 1995, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property Rite Aid Discount Pharmacy #3131 beyond the express or implied consent of the owner and/or by deception, to wit: on each occasion you stole one bottles of Stadol NS 2.5ml:

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
1/27/95	12401	1	Stadol NS 2.5ml
2/14/95	12401	1	Stadol NS 2.5ml
3/17/95	17266	1	Stadol NS 2.5ml
3/26/95	17266	1	Stadol NS 2.5ml
4/8/95	17266	1	Stadol NS 2.5ml
4/14/95	20156	1	Stadol NS 2.5ml
4/22/95	20156	1	Stadol NS 2.5ml
5/5/95	20156	1	Stadol NS 2.5ml
5/13/95	23133	1	Stadol NS 2.5ml
5/20/95	23133	1	Stadol NS 2.5ml
5/30/95	23133	1	Stadol NS 2.5ml
6/9/95	23133	1	Stadol NS 2.5ml
6/18/95	23133	1	Stadol NS 2.5ml
6/22/95	26975	2	Stadol NS 2.5ml
7/5/95	26975	2	Stadol NS 2.5ml
7/11/95	23133	1	Stadol NS 2.5ml
7/20/95	26975	2	Stadol NS 2.5ml
7/30/95	26975	2	Stadol NS 2.5ml
8/12/95	31644	2	Stadol NS 2.5ml

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

*[paragraph added by Notice dated 12/17/98]*

- (8) You did, from January 27, 1995, through August 12, 1995, knowingly make a false or forged prescription for a dangerous drug, to wit: while practicing pharmacy at Rite Aid #3131, you falsified written call-in prescriptions for Stadol NS 2.5ml using fictitious patient names to cover for your theft of drugs:

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
1/27/95	12401	1	Stadol NS 2.5ml
2/14/95	12401	1	Stadol NS 2.5ml
3/17/95	17266	1	Stadol NS 2.5ml
3/26/95	17266	1	Stadol NS 2.5ml
4/8/95	17266	1	Stadol NS 2.5ml
4/14/95	20156	1	Stadol NS 2.5ml
4/22/95	20156	1	Stadol NS 2.5ml
5/5/95	20156	1	Stadol NS 2.5ml
5/13/95	23133	1	Stadol NS 2.5ml
5/20/95	23133	1	Stadol NS 2.5ml
5/30/95	23133	1	Stadol NS 2.5ml
6/9/95	23133	1	Stadol NS 2.5ml
6/18/95	23133	1	Stadol NS 2.5ml
6/22/95	26975	2	Stadol NS 2.5ml
7/5/95	26975	2	Stadol NS 2.5ml
7/11/95	23133	1	Stadol NS 2.5ml
7/20/95	26975	2	Stadol NS 2.5ml
7/30/95	26975	2	Stadol NS 2.5ml
8/12/95	31644	2	Stadol NS 2.5ml

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.  
*[paragraph added by Notice dated 12/17/98]*

- (9) You did, from August 22, 1995, through June 14, 1996, knowingly make a false or forged prescription for a dangerous drug, to wit: while practicing pharmacy at Rite Aid #2654, you falsified written call-in prescriptions for Stadol NS 2.5ml using fictitious patient names to cover for your theft of drugs:

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
8/22/95	11483	1	Stadol NS 10ml
8/22/95	11485	2	Imitrex .5ml
8/31/95	11483	1	Stadol NS 10ml
9/5/95	12031	9	Imitrex tablets
9/19/95	11483	1	Stadol NS 10ml
9/19/95	12031	9	Imitrex tablets
10/11/95	11483	1	Stadol NS 10mg
10/11/95	12031	9	Imitrex tablets
11/4/95	11483	1	Stadol NS 10mg
11/4/95	12031	9	Imitrex tablets
11/18/95	11483	1	Stadol NS 10mg
11/18/95	11485	2	Imitrex .5ml
12/11/95	16157	1	Stadol NS 10mg
12/11/95	16158	9	Imitrex tablets
1/4/96	16157	1	Stadol NS 10mg
1/4/96	16158	9	Imitrex tablets
1/26/96	11485	2	Imitrex .5ml
1/26/96	16157	1	Stadol NS 10mg
1/26/96	16158	9	Imitrex tablets
2/10/96	16158	9	Imitrex .5ml
2/23/96	16157	1	Stadol NS 10mg
2/23/96	16158	9	Imitrex tablets
2/23/96	19619	2	Imitrex .5ml

<u>Date</u>	<u>Rx No.</u>	<u>Quantity</u>	<u>Drug</u>
3/14/96	16157	1	Stadol NS 10mg
3/14/96	16158	9	Imitrex tablets
3/22/96	20981	9	Imitrex tablets
4/5/96	16157	1	Stadol NS 10mg
4/5/96	20981	9	Imitrex tablets
4/23/96	19619	2	Imitrex .5ml
4/23/96	20981	9	Imitrex tablets
4/23/96	22393	1	Stadol NS 10mg
5/17/96	20981	9	Imitrex tablets
5/17/96	22393	1	Stadol NS 10mg
6/5/96	20981	9	Imitrex tablets
6/5/96	22393	1	Stadol NS 10mg
6/14/96	20981	9	Imitrex tablets

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.  
*[paragraph added by Notice dated 12/17/98]*

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:

(B) If the board under which a person has been issued a license, certificate or evidence of registration determines that there is clear and convincing evidence that continuation of the person's professional practice or method of distributing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, certificate, or registration without a 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 him 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 sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending his name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy; or
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, a practitioner or any owner, manager, or employee of a health care facility, residential care facility, or nursing home.

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.

(D-980911-014)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE SEPTEMBER 11, 1998

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.  
(Settlement Agreement Effective March 8, 1999)*