



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

FAX: 614/752-4836

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

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

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-950505-059)

In The Matter Of:

CHRISTOPHER W. GOOD, R.Ph.

3512 Schwartze Avenue

Cincinnati, Ohio 45211

(R.Ph. No. 03-1-19032)

INTRODUCTION

THE MATTER OF CHRISTOPHER W. GOOD CAME TO HEARING ON SEPTEMBER 21, 1995, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: PAUL F. LAMPING, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

CHRISTOPHER W. GOOD WAS REPRESENTED BY STEPHAN D. MADDEN, AND THE STATE OF OHIO WAS REPRESENTED BY LAWRENCE D. PRATT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) None

Respondent's Witnesses:

- (1) Robert J. Weyman, Intervener, Pharmacists Rehabilitation Organization
- (2) Christopher W. Good, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Order of the State Board of Pharmacy, Docket No. D-940128-042, in the matter of Christopher W. Good dated October 31, 1994.
- (2) Exhibit 2--Hearing Request letter dated May 1, 1995.
- (3) Exhibit 3--Hearing Schedule letter dated May 5, 1995.
- (4) Exhibit 4--Notice of Representation letter dated May 3, 1995.
- (5) Exhibit 5--Hearing Schedule letter dated May 10, 1995, and copy of Hearing Schedule letter dated May 5, 1995.

Respondent's Exhibits:

- (1) Exhibit A--Copy of letter from Molly E. Fitzgerald dated August 29, 1995.
- (2) Exhibit B--Two-page letter from Nora L. Quinn dated August 31, 1995.
- (3) Exhibit C--Letter from Jeff Emerson dated September 7, 1995.
- (4) Exhibit D--Copy of letter from Nora L. Quinn dated March 23, 1995.
- (5) Exhibit E--Copies of eight continuing education certificates numbered as follows: 67930093002, 67930092024, 67930093012, 67930093036, 67930093014, 67930093020, 67930093001, and 67930093009.
- (6) Exhibit F--Thirteen-page copy of AA/NA attendance verifications of Christopher W. Good dated from December 17, 1993, through June 28, 1995.
- (7) Exhibit G--Two-page copy of Pharmacists Rehabilitation Organization, Inc. Recovering Pharmacist's Contract of Christopher Good dated November 10, 1994.
- (8) Exhibit H--Urine drug screen report of Chris Good dated July 14, 1994; Client Reporting Sheet/Client Monitoring Sheet, Client Case No. 91, dated January 18, 1995; urine drug screen report of Chris Good dated November 17, 1994; urine drug screen report of Chris Good dated December 20, 1994; two-page copy of AA/NA attendance verifications dated from November 14, 1994, through January 15, 1995; Client Reporting Sheet/Client Monitoring Sheet, Client Case No. 91, dated April 24, 1995; urine drug screen report of Chris Good dated January 27, 1995; urine drug screen report of Chris Good dated March 3, 1995; urine drug screen report of Chris Good dated April 7, 1995; three-page copy of AA/NA attendance verifications dated from December 17, 1994, through April 6, 1995; two-page Client Reporting Sheet/Client Monitoring Sheet, Client Case No. 91, dated July 6, 1995; urine drug screen report of Chris Good dated April 27, 1995; urine drug screen report of Chris Good dated May 20, 1995; urine drug screen report of Chris Good dated June 24, 1995; and four-page copy of AA/NA attendance verifications dated from March 19, 1995, through June 28, 1995.

FINDING OF FACT

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

- (1) Records of the Board indicate that Christopher W. Good's license to practice pharmacy in Ohio was suspended pursuant to the Order of the Board, Docket No. D-940128-042, dated October 31, 1994; and Christopher W. Good has complied with all the stipulations of that Order.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby approves the reinstatement of Christopher W. Good's pharmacist identification card, No. 03-1-19032, to practice pharmacy in the state of Ohio and places his pharmacist identification card on probation for five years, effective as of the date of the mailing of this Order, with the following conditions:

- (A) Christopher W. Good must provide evidence that he has entered into a new contract with an alcohol and/or drug addiction treatment provider acceptable to the Board, for a period of not less than five years. The contract must provide that:

- (1) random, **observed** urine screens shall be conducted at least every three months. The urine drug screens must include reporting of specific gravity;
 - (2) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required during outpatient treatment and/or during aftercare;
 - (3) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and
 - (4) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Christopher W. Good must submit a copy of the signed contract to the Board prior to reinstatement of his license.
- (C) Christopher W. Good 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 his progress towards recovery and what he has been doing during the previous three months.
- (D) Other terms of probation are as follows:
- (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Christopher W. Good's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
 - (2) Christopher W. Good may not serve as a responsible pharmacist.
 - (3) Christopher W. Good may not destroy, or may not assist in or witness the destruction of, controlled substances while on probation.
 - (4) Christopher W. Good must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (5) Christopher W. Good must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (6) Christopher W. Good must abide by the rules of the Ohio State Board of Pharmacy.
 - (7) Christopher W. Good must comply with the terms of this Order.

Christopher W. Good 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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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-940128-042)

In The Matter Of:

CHRISTOPHER W. GOOD, R.Ph.

3512 Schwartze Avenue

Cincinnati, Ohio 45211

(R.Ph. No. 03-1-19032)

INTRODUCTION

THE MATTER OF CHRISTOPHER W. GOOD CAME TO HEARING ON SEPTEMBER 28, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

CHRISTOPHER W. GOOD WAS REPRESENTED BY MERLYN D. SHIVERDECKER, AND THE STATE OF OHIO WAS REPRESENTED BY AVA SERRANO, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) H. Leonard Stallo, Thriftway, Pharmacy Supervisor
- (2) Kim Lamping, Thriftway, Assistant Director of Security
- (3) Officer George Rudemiller, Cincinnati Police Division
- (4) Michael E. Cluxton, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Christopher W. Good, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Summary Suspension Order/Notice of Opportunity for Hearing letter dated January 28, 1994.
- (2) Exhibit 1A - Hearing Request letter dated February 22, 1994.
- (3) Exhibit 1B - Hearing Schedule letter dated February 25, 1994.

- (4) Exhibit 1C - Pharmacist File Front Sheet of Christopher Good showing original date of registration as July 29, 1991; and Renewal Application for Pharmacist License, No. 03-1-19032, of Christopher W. Good dated July 14, 1993.
- (5) Exhibit 2 - Unlabeled amber vial containing 18 units of Diazepam 10mg, 11 units of Ativan, 1 unit of Prozac, and 1 unit of Clonopin.
- (6) Exhibit 2A - Unlabeled amber bottle containing 2oz of Tussionex syrup.
- (7) Exhibit 3 - Thirty surveillance video tape "still shots" (photographs) taken on December 8, 1993, and attached video tape review concerning Christopher Good by Kim Lamping.
- (8) Exhibit 4 - Micro-cassette tape recorded interview of Christopher Good on December 15, 1993.
- (9) Exhibit 5 - Letter from Len Stallo dated January 12, 1994, and attached list of controlled drug shortages of Thriftway Food and Drug #74 from June 27, 1993, to December 10, 1993.

Respondent's Exhibits:

- (1) Exhibit A - Copy of Request for Treatment in Lieu of Conviction in the Court of Common Pleas Criminal Division, Hamilton County, Ohio of Christopher Good dated February 18, 1994.
- (2) Exhibit B - Two-page copy of Entry Finding Defendant Eligible for Treatment in Lieu of Conviction, Staying Proceedings, and Ordering Period of Rehabilitation in the State of Ohio, Hamilton County Court of Common Pleas of Christopher Good dated May 16, 1994.
- (3) Exhibit C - Copy of letter from Nora L. Quinn and Ivan Faske dated March 17, 1994.
- (4) Exhibit D - Letter from Nora L. Quinn dated September 15, 1994; copy of two-page Progressive Clinical Services Discharge Summary of Christopher Good, dated April 11, 1994.
- (5) Exhibit E - Two-page letter from Robert Weyman dated September 23, 1994.
- (6) Exhibit F1 - Two-page handwritten letter from Jeff Emerson, not dated.
- (7) Exhibit F2 - Typed copy of handwritten letter from Jeff Emerson, not dated.

FINDINGS OF FACT

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

- (1) Records of the Board indicate that Christopher W. Good was originally licensed to practice pharmacy in the state of Ohio on July 29, 1991, and his license was summarily suspended on January 28, 1994, in accordance with Section 3719.121(B) of the Ohio Revised Code.
- (2) Christopher W. Good is addicted to or abusing controlled substances to such a degree as to render him unfit to practice pharmacy, to wit: Christopher W. Good admitted stealing drugs, abusing drugs, and being addicted to drugs.
- (3) Christopher W. Good did, on or about December 9, 1993, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of another beyond the express or implied consent of the owner, Thriftway Food and Drug, to wit: Christopher W. Good was arrested with the following drugs in his possession after having stolen them on this date:

<u>Drug</u>	<u>Quantity</u>
Diazepam 10mg	18
Ativan	11
Prozac	1
Klonopin	1
Tussionex	2oz

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

- (4) Christopher W. Good did, from June 27, 1993, to December 10, 1993, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of another beyond the express or implied consent of the owner, Thriftway Food and Drug, to wit: Christopher W. Good stole the following drugs during this time period while working as a pharmacist at Thriftway Food and Drug:

<u>Drug</u>	<u>Quantity</u>
APAP/Codeine #3 tablets	553
Ativan 1mg tablets	300
Chlordiazepoxide 10mg capsules	250
Klonopin 1mg tablets	20
Klonopin 2mg tablets	11
Clorazepate Dipotassium 15mg tablets	6
Dalmane 15mg capsules	10
Darvocet-N 100 tablets	40
Diphenoxylate HCl/Atropine tablets	85
Diazepam 5mg tablets	81
Diazepam 10mg tablets	568
Fiorinal w/Codeine #3 capsules	20
Flurazepam 15mg capsules	41
Fioricet w/Codeine capsules	31
Hydrocodone/APAP 7.5/500mg tablets	87
Hydrocodone/APAP 5/500mg tablets	87
Hydrocodone/APAP 7.5/750mg tablets	309
Lorazepam 1mg tablets	91
Lorazepam 2mg tablets	87
Lorcet Plus tablets	136
Lorcet 10/650 tablets	241
Lortab 7.5mg tablets	43
Synalgos DC capsules	6
Tussionex Suspension	1250cc
Tylenol/Codeine #4 tablets	47
Vicodin ES tablets	119
Xanax .25mg tablets	240
Xanax .5mg tablets	199

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 and 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.
- (3) 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 willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

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 January 28, 1994.

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

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Christopher W. Good indefinitely and such suspension is effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Christopher W. Good 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) After September 1, 1995, the Board will consider any petition filed by Christopher W. Good for a hearing, pursuant to Revised Code Chapter 119., upon the question of the reinstatement of his license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met:
 - (1) Christopher W. Good must enter into a new contract, from the effective date of this Order, with the Pharmacists Rehabilitation Organization, Inc. or similar treatment provider acceptable to the Board, for a period of not less than one year and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:
 - (a) random, **observed** urine screens shall be conducted at least every three months. The urinalysis drug screens must include reporting of specific gravity;
 - (b) regular attendance, at least three 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;
 - (c) the intervener shall provide copies of all urine screens to the Board of Pharmacy in a timely fashion; and

- (d) the program shall immediately report to the Board of Pharmacy any violations of the contract.
- (2) Christopher W. Good must provide, at the time of petitioning the Board for reinstatement, written documentation from his treatment provider regarding compliance with the program pursuant to the contract.

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.

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

MOTION CARRIED.

SO ORDERED.