



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-020104-028)

In The Matter Of:

MICHAEL SCOTT GLADIEUX, R.Ph.

7195 Winding Brook Road

Perrysburg, Ohio 43551

(R.Ph. No. 03-1-19036)

INTRODUCTION

THE MATTER OF MICHAEL SCOTT GLADIEUX CAME FOR HEARING ON MAY 6, 2002, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

MICHAEL SCOTT GLADIEUX WAS REPRESENTED BY RICHARD A. PAPURT 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. Michael Scott Gladieux, R.Ph., Respondent
2. Virginia M. Gladieux
3. Michael D. Quigley

State's Exhibits:

1. Hearing Request for Reinstatement letter from Michael S. Gladieux [12-31-2001]
1A-1C. Procedurals
2. Order of the State Board of Pharmacy In Re Michael Scott Gladieux [10-06-2000]
- 2A. Order of the State Board of Pharmacy In Re Michael Scott Gladieux [11-07-2001]
3. Accountability Statement for Hydrocodone/APAP 5/500 [05-03-1999 to 02-11-2000]
4. Accountability Statement for Hydrocodone/APAP 7.5/750 [05-03-1999 to 02-11-2000]
5. Accountability Statement for Hydrocodone/APAP 10/500 [05-03-1999 to 02-11-2000]
6. Accountability Statement for Hydrocodone/APAP 10/650 [05-03-1999 to 02-11-2000]

7. Accountability Statement for Vicodin ES [05-03-1999 to 02-11-2000]
8. Accountability Statement for Vicodin HP [05-33-1999 to 02-11-2000]
9. Accountability Statement for Hydrocodone/APAP 10/325 [08-03-1998 to 11-28-1999]
10. Schedule Drug Worksheet, Store #115 [05-20-1999 to 02-24-2000]
11. Schedule Drug Worksheet, Store #118 [05-07-1999 to 02-24-2000]
12. Schedule Drug Worksheet, Store #117 [05-18-1999 to 02-24-2000]
13. Schedule Drug Worksheet, Store #116 [05-14-1999 to 02-24-2000]
14. Judgment Entry/Arraignment and Plea Order on Motion in Treatment in Lieu of Conviction, State of Ohio vs. Michael Gladioux(sic), Case No. 00CR066, Wood County Common Pleas Court [03-27-2000]
15. Order, State of Ohio v. Michael Gladioux, Case No. G-4801-CR-0200001708, Lucas County Common Pleas Court [08-23-2000]
16. Release and Wood County Hospital Urine Drug Screen Report [02-10-2000]

Respondent's Exhibits:

- A1-A4. Recovery Progress letters from Jody C. Storer [04-16-2002]; William J. Peters [09-06-2000]; W.B. (Bill) Kunkle [04-22-2002]; Freddie Jordan [04-23-2002]
- A5. Treatment in Lieu of Conviction Termination Request for Michael Gladioux [09-24-2001]
- A6. Letter from Ann M. Garcia [04-02-2002]
- A7-A8. Judgment Entry/Order Terminating Intervention In Lieu, State of Ohio vs. Michael Gladioux, Case No. 00CR066, Wood County Common Pleas Court [02-20-2002]
- A9-A11. Copy of pages 6-8, Order of the Board [10-06-2000]
- A12. Copy of page 3, Order of the Board [11-07-2001]
- A13. Hearing Schedule letter for Michael Scott Gladioux [01-04-2002]
- A14-15. Promissory Note to Meijer, Inc. from Michael S. Gladioux [not dated]
- A16-A21. Continuing Pharmaceutical Education Certificates [02-01-2002 to 04-29-2002]
- A22-A30. Drug Screen Reports [10-02-2001 to 04-23-2002]
- A31-A44. Support Group Attendance Records [09-14-01 to 05-04-02]
- B1-B9. Letters from Ginny Gladioux [not dated], Jody C. Storer [09-21-2001], Gary F. Gladioux, M.D. [09-26-2001], William F. Hayes [09-25-2001], Dolores Gladioux [not dated], Ann M. Garcia [09-13-2001 and 09-25-2001], W. B. (Bill) Kunkle, [09-24-2001], Freddie Jordan [09-26-2001]
- B10-B12. Copy of pages 6-8, Order of the Board [10-06-2000]
- B13-B14. Pharmacist's Recovery Contract of Michael Gladioux [01-07-2001]
- B15-B29. Continuing Pharmaceutical Education Certificates [08-01-1997 to 07-10-2001]
- B30-B36. Drug Screen Reports [02-10-2001 to 09-17-2001]
- B37-B55. Support Group Attendance Records [03-04-2000 to 09-10-2001]

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 Michael Scott Gladioux has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-000307-049, effective October 6, 2000.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-1-19036, held by Michael Scott Gladioux to practice pharmacy in the state of Ohio and places Michael Scott

Gladieux on probation for five years from the date the identification card is issued, with the following conditions:

- (A) Michael Scott Gladieux must enter into a contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office with the renewal application. The contract must provide that:
 - (1) **Random, observed** urine drug screens shall be conducted each month for the first twelve months 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) Results of all drug screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.
 - (2) The intervener/sponsor shall provide copies of all drug screen reports to the Board in a timely fashion.
 - (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Michael Scott Gladieux 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 Michael Scott Gladieux's progress towards recovery and what he has been doing during the previous three months.
- (C) Other terms of probation are as follows:
 - (1) Michael Scott Gladieux must, within three months from the date the identification card is issued, provide written documentation to the Board of his efforts for providing restitution to CVS/pharmacy #4434.
 - (2) Michael Scott Gladieux must, with his probation report of April 2003, provide written documentation to the Board of his total payments made to Meijer, Inc.

- (3) The State Board of Pharmacy hereby declares that Michael Scott Gladieux'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.
- (4) Michael Scott Gladieux may not serve as a responsible pharmacist.
- (5) Michael Scott Gladieux may not destroy, assist in, or witness the destruction of controlled substances.
- (6) Michael Scott Gladieux must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
- (7) Michael Scott Gladieux must not violate the drug laws of the State of Ohio, any other state, or the federal government.
- (8) Michael Scott Gladieux must abide by the rules of the State Board of Pharmacy.
- (9) Michael Scott Gladieux must comply with the terms of this Order.

Michael Scott Gladieux 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 10, 2002



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-010713-004)

In The Matter Of:

MICHAEL SCOTT GLADIEUX, R.Ph.

7195 Winding Brook Road

Perrysburg, Ohio 43551

(R.Ph. No. 03-1-19036)

INTRODUCTION

THE MATTER OF MICHAEL SCOTT GLADIEUX CAME FOR HEARING ON OCTOBER 2, 2001, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

MICHAEL SCOTT GLADIEUX 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) None

Respondent's Witnesses:

- (1) Michael Quigley
- (2) Michael Scott Gladieux, R.Ph., Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Hearing Request letter from Michael S. Gladieux dated July 5, 2001.
- (2) Exhibit 1A--Copy of Hearing Schedule letter dated June 12, 2001.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated July 13, 2001.
- (4) Exhibit 1C--Copy of Hearing Schedule letter dated July 27, 2001.
- (5) Exhibit 1D--Copy of Ohio Pharmacist Computer Record of Michael Scott Gladieux.

- (6) Exhibit 2--Copy of eight-page Order of the State Board of Pharmacy, Docket No. D-000307-049 in the matter of Michael Scott Gladieux, R.Ph. dated October 6, 2000.
- (7) Exhibit 3--Copy of Meijer Pharmacy #156 Accountability Statement for Hydrocodone/APAP 5/500mg tablets dated February 14, 2000.
- (8) Exhibit 4--Copy of Meijer Pharmacy #156 Accountability Statement for Hydrocodone/APAP 7.5/750mg tablets dated February 14, 2000.
- (9) Exhibit 5--Copy of Meijer Pharmacy #156 Accountability Statement for Hydrocodone/APAP 10/500mg tablets dated February 14, 2000.
- (10) Exhibit 6--Copy of Meijer Pharmacy #156 Accountability Statement for Hydrocodone/APAP 10/650mg tablets dated February 14, 2000.
- (11) Exhibit 7--Copy of Meijer Pharmacy #156 Accountability Statement for Vicodin ES tablets dated February 14, 2000.
- (12) Exhibit 8--Copy of Meijer Pharmacy #156 Accountability Statement for Vicodin HP tablets dated February 14, 2000.
- (13) Exhibit 9--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of CVS/pharmacy #4434 for Norco Tabs dated February 29, 2000.
- (14) Exhibit 10--Copy of Meijer Store 115 Schedule Drug Worksheet covering May 20, 1999 to February 24, 2000.
- (15) Exhibit 11--Copy of Meijer Store 118 Schedule Drug Worksheet covering May 7, 1999 to February 24, 2000.
- (16) Exhibit 12--Copy of Meijer Store 117 Schedule Drug Worksheet covering May 18, 1999 to February 24, 2000.
- (17) Exhibit 13--Copy of Meijer Store 116 Schedule Drug Worksheet covering May 14, 1999 to February 24, 2000.
- (18) Exhibit 14--Copy of five-page Judgment Entry/Arrest and Plea Order on Motion in Treatment in Lieu of Conviction, State of Ohio vs. Michael Gladieux, (sic) Case No. 00CR066, Wood County Common Pleas Court dated March 27, 2000.
- (19) Exhibit 15--Copy of Order, State of Ohio v. Michael Gladieux, (sic) Case No. G-4801-CR-0200001708, Lucas County Common Pleas Court dated August 23, 2000.
- (20) Exhibit 16--Copy of Bowling Green Police Division Written Statement Requesting Release of Records To Wood County Hospital re Michael S. Gladieux dated February 11, 2000/Response Form from Linda Cox dated February 16, 2000; Copy of two-page Wood County Hospital urine drug screen report of Michael S. Gladieux dated February 13, 2000.

Respondent's Exhibits:

- (1) Exhibit A1--Letter from Ginny Gladieux, not dated.
- (2) Exhibit A2--Letter from Jody C. Storer dated September 21, 2001.
- (3) Exhibit A3--Letter from Gary F. Gladieux, M.D. dated September 26, 2001.
- (4) Exhibit A4--Two-page letter from William F. Hayes dated September 25, 2001.
- (5) Exhibit A5--Letter from Dolores Gladieux, not dated.
- (6) Exhibit A6--Letter from Ann M. Garcia dated September 13, 2001.
- (7) Exhibit A7--Letter from Ann Garcia dated September 25, 2001.
- (8) Exhibit A8--Letter from W. B. (Bill) Kunkle, BA, BS, BS, CCDC II dated September 24, 2001.
- (9) Exhibit A9--Letter from Freddie Jordan, M.Ed., LPC, Clinical Therapist dated September 26, 2001.
- (10) Exhibit A10-A12--Pages 6, 7, and 8 of the Order of the State Board of Pharmacy in the matter of Michael Scott Gladieux, R.Ph. dated October 6, 2000.
- (11) Exhibit A13-A14--Two-page PRO Inc. Pharmacist's Recovery Contract of Michael Gladieux dated January 7, 2001.

- (12) Exhibit A15-A29--Eighteen pages of Continuing Pharmacy Education Certificates dated from August 1, 1997 to July 10, 2001.
- (13) Exhibit A30-A36--Copy of nine pages of Quest Diagnostics drug screen reports for samples collected from Michael Gladieux on February 10, 2001, March 10, 2001, April 29, 2001, May 21, 2001, June 25, 2001, July 30, 2001, August 15, 2001, and September 17, 2001.
- (14) Exhibit A37-A55--Two hundred three slips of support group attendance records dated from March 4, 2000 to September 10, 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 Michael Scott Gladieux has not complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-000307-049, effective October 6, 2000, nor has he demonstrated satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

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 Michael Scott Gladieux. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Michael Scott Gladieux 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, at the Board's May 2002 meeting or thereafter, the Board will consider any petition presented by Michael Scott Gladieux, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if Michael Scott Gladieux provides documentation of continuous compliance with the Board's October 6, 2000 Order and demonstrates satisfactory proof that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-1).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE NOVEMBER 7, 2001



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-000307-049)

In The Matter Of:

MICHAEL SCOTT GLADIEUX, R.Ph.

7195 Winding Brook Road

Perrysburg, Ohio 43551

(R.Ph. No. 03-1-19036)

INTRODUCTION

THE MATTER OF MICHAEL SCOTT GLADIEUX CAME FOR HEARING ON SEPTEMBER 7, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (acting chairperson); SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

MICHAEL SCOTT GLADIEUX 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) Dale R. Fritz, Jr., Ohio State Board of Pharmacy
- (2) Detective Jason Stanley, Bowling Green Police Department

Respondent's Witnesses:

- (1) Michael S. Gladieux, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of four-page Summary Suspension Order/Notice of Opportunity for Hearing letter dated March 7, 2000.
- (2) Exhibit 1A--Hearing Request letter dated March 31, 2000.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated April 6, 2000.
- (4) Exhibit 1C--Copy of four-page Addendum Notice dated April 19, 2000.
- (5) Exhibit 1D--Letter from Joanne M. Elmore dated April 21, 2000.
- (6) Exhibit 1E--Continuance Request letter dated May 1, 2000.
- (7) Exhibit 1F--Copy of Hearing Schedule letter dated May 2, 2000.

- (8) Exhibit 1G--Copy of Pharmacist File Front Sheet of Michael Scott Gladieux showing date of registration as July 29, 1991; and two-page copy of Renewal Application for Pharmacist License, No. 03-1-19036, for a license to practice pharmacy in Ohio from September 15, 1999, to September 15, 2000, of Michael Scott Gladieux dated July 24, 1999.
- (9) Exhibit 1H--Letter from Jay E. Feldstein dated August 21, 2000.
- (10) Exhibit 2--VHS video tape for Case No. 00-1192 regarding Michael Gladieux, R.Ph.
- (11) Exhibit 3--Copy of Accountability Statement of Meijer Pharmacy #156 for Hydrocodone/APAP 5/500 tablets dated February 14, 2000.
- (12) Exhibit 4--Copy of Accountability Statement of Meijer Pharmacy #156 for Hydrocodone/APAP 7.5/750 tablets dated February 14, 2000.
- (13) Exhibit 5--Copy of Accountability Statement of Meijer Pharmacy #156 for Hydrocodone/APAP 10/500 tablets dated February 14, 2000.
- (14) Exhibit 6--Copy of Accountability Statement of Meijer Pharmacy #156 for Hydrocodone/APAP 10/650 tablets dated February 14, 2000.
- (15) Exhibit 7--Copy of Accountability Statement of Meijer Pharmacy #156 for Vicodin ES tablets dated February 14, 2000.
- (16) Exhibit 8--Copy of Accountability Statement of Meijer Pharmacy #156 for Vicodin HP tablets dated February 14, 2000.
- (17) Exhibit 9--Copy of Accountability Statement of CVS Pharmacy #4434 for Hydrocodone/APAP 10/325 tablets dated February 29, 2000.
- (18) Exhibit 10--Copy of Schedule Drug Worksheet for Store 115 with a date range from May 20, 1999, to February 24, 2000, for the following drugs: Hydrocodone/APAP 5/500; Hydrocodone/APAP 7.5/750; Hydrocodone/APAP 7.5/650; Hydrocodone/APAP 10/650; Vicoprofen; Vicodin HP; and Vicodin HP generic.
- (19) Exhibit 11--Copy of Schedule Drug Worksheet for Store 118 with a date range from May 7, 1999, to February 24, 2000, for the following drugs: Vicodin ES 7.5/750; Hydrocodone/APAP 7.5/650; Hydrocodone/APAP 10/500; Vicoprofen; Lorcet 10/650; and Hydrocodone/APAP 10/650.
- (20) Exhibit 12--Copy of Schedule Drug Worksheet of Store 117 with a date range from May 18, 1999, to February 24, 2000, for the following drugs: Vicodin 5/500; Hydrocodone/APAP 7.5/750; Hydrocodone/APAP 10/500; and Hydrocodone/APAP 10/650.
- (21) Exhibit 13--Copy of Schedule Drug Worksheet of Store 116 with a date range from May 14, 1999, to February 24, 2000, for the following drugs: Hydrocodone/APAP 5/500; Hydrocodone/APAP 7.5/650; Hydrocodone/APAP 10/500; Lorcet 10/650; Hydrocodone/APAP 10/650; and Vicoprofen.
- (22) Exhibit 14--Certified copy of five-page Judgement Entry, Arraignment and Plea Order on Motion in Treatment in Lieu of Conviction, in the Wood County Common Pleas Court, State of Ohio vs. Michael Gladieux (sic Gladieux), Case No. 00CR066, dated March 27, 2000.
- (23) Exhibit 15--Copy of Order in the Lucas County Common Pleas Court, State of Ohio v. Michael Gladieux (sic Gladieux), Case No. G-4801-CR-0200001708, dated August 23, 2000.
- (24) Exhibit 16--Copy of Bowling Green Police Division Written Statement Requesting the Release of Records in the matter of Michael S. Gladieux dated February 11, 2000; and two-page copy of urine drug screen of Michael S. Gladieux, test dated February 10, 2000.

Respondent's Exhibits:

- (1) Exhibit A--Copy of letter from William J. Peters dated September 6, 2000.
- (2) Exhibit B--Copy of letter from Del D. Reynolds, not dated.
- (3) Exhibit C--Copy of letter from Marco Pescara dated September 6, 2000.

- (4) Exhibit D--Copy of letter from Bilal Salim dated September 5, 2000.
- (5) Exhibit E--Copy of letter from Richard A. Papurt dated August 30, 2000.
- (6) Exhibit F--Letter from Ginny Gladieux, not dated.
- (7) Exhibit G--Copy of page 1 of urine drug screen of Michael S. Gladieux, test dated February 10, 2000.
- (8) Exhibit H--Copy of page 2 of urine drug screen of Michael S. Gladieux, test dated February 10, 2000.
- (9) Exhibit I--Copy of eight AA/NA meeting attendance verifications of Michael S. Gladieux dated from August 21, 2000, through September 6, 2000.
- (10) Exhibit J--Copy of eight AA/NA meeting attendance verifications of Michael S. Gladieux dated from July 31, 2000, through August 19, 2000.
- (11) Exhibit K--Copy of eight AA/NA meeting attendance verifications of Michael S. Gladieux dated from July 8, 2000, through July 29, 2000.
- (12) Exhibit L--Copy of eight AA/NA meeting attendance verifications of Michael S. Gladieux dated from June 10, 2000, through July 5, 2000.
- (13) Exhibit M--Copy of eight AA/NA meeting attendance verifications of Michael S. Gladieux dated from May 17, 2000, through June 12, 2000.
- (14) Exhibit N--Copy of eight AA/NA meeting attendance verifications of Michael S. Gladieux dated from April 19, 2000, through May 10, 2000.
- (15) Exhibit O--Copy of seven AA/NA meeting attendance verifications of Michael S. Gladieux dated from March 4, 2000, through April 15, 2000.

FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that Michael Scott Gladieux was originally licensed in the state of Ohio on July 29, 1991, pursuant to examination, and his license to practice pharmacy in the state of Ohio was summarily suspended on March 7, 2000, pursuant to Section 3719.121(B) of the Ohio Revised Code.
- (2) Michael Scott Gladieux did, on February 9, 2000, knowingly obtain, possess, or use a controlled substance, to wit: Michael Scott Gladieux stole and ingested, while practicing pharmacy, 67 unit doses of Hydrocodone Bitartrate 5mg/APAP 500mg, a Schedule III controlled substance, without a prescription and/or without a legitimate medical purpose. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (3) Michael Scott Gladieux did, on February 10, 2000, knowingly obtain, possess, or use a controlled substance, to wit: Michael Scott Gladieux stole and ingested, while practicing pharmacy, 43 unit doses of Hydrocodone Bitartrate 5mg/APAP 500mg, a Schedule III controlled substance, without a prescription and/or without a legitimate medical purpose. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (4) Michael Scott Gladieux did, from on or about December 9, 1999, through February 10, 2000, with purpose to deprive, knowingly obtain or exert control over controlled substances, the property of Meijer Pharmacy #156, beyond the express or implied consent of the owner, to wit: Michael Scott Gladieux stole the following Schedule III controlled substances from his employer:

<u>Drug</u>	<u>Quantity</u>	<u>% of Stock</u>
Hydrocodone 5mg/APAP 500mg	177	4%
Hydrocodone 7.5mg/APAP 750mg	167	11%
Hydrocodone 10mg/APAP 500mg	111	56%
Hydrocodone 10mg/APAP 650mg	127	14%
Vicodin ES 7.5mg/750mg	73	7%
Vicodin HP 10mg/660mg	166	24%

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

- (5) Michael Scott Gladieux did, from on or about August 3, 1998, through November 28, 1999, with purpose to deprive, knowingly obtain or exert control over controlled substances, the property of CVS/pharmacy #4434, beyond the express or implied consent of the owner, to wit: Michael Scott Gladieux stole 10,797 unit doses of Norco (Hydrocodone 10mg/APAP 325mg), a Schedule III controlled substance, from his employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) Michael Scott Gladieux did, from on or about May 20, 1999, through February 24, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Meijer Pharmacy #115, 1391 Conant St., Maumee, Ohio beyond the express or implied consent of the owner and/or by deception, to wit: Michael Scott Gladieux stole the following controlled substances from his employer:

<u>Drug</u>	<u>Quantity</u>
Hydrocodone 10mg/APAP 660mg	229
Vicoprofen 7.5/200	176
Hydrocodone 7.5mg/APAP 750mg	148
Hydrocodone 10mg/APAP 650mg	40
Vicodin Hp Tablets	34
Hydrocodone 7.5mg/APAP 650 mg	20

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

- (7) Michael Scott Gladieux did, from on or about May 7, 1999, through February 24, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Meijer Pharmacy #118, 1500 E. Alexis Road, Toledo, Ohio beyond the express or implied consent of the owner and/or by deception, to wit: Michael Scott Gladieux stole the following controlled substances from his employer:

<u>Drug</u>	<u>Quantity</u>
Hydrocodone 7.5mg/APAP 650mg	203
Lorcet 10/650	160
Hydrocodone 10mg/APAP 650mg	152
Hydrocodone 10mg/APAP 500mg	82
Vicoprofen	26

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

- (8) Michael Scott Gladieux did, from on or about May 18, 1999, through February 24, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Meijer Pharmacy #117, 7240 West Central Avenue, Toledo, Ohio beyond the express or implied consent of the owner and/or by deception, to

wit: Michael Scott Gladieux stole the following controlled substances from his employer:

<u>Drug</u>	<u>Quantity</u>
Vicodin	96
Hydrocodone 10mg/APAP 500mg	82
Hydrocodone 10mg/APAP 650mg	24

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

- (9) Michael Scott Gladieux did, from on or about May 14, 1999, through February 24, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Meijer Pharmacy #116, 1725 S. Wheeling Street, Oregon, Ohio beyond the express or implied consent of the owner and/or by deception, to wit: Michael Scott Gladieux stole the following controlled substances from his employer:

<u>Drug</u>	<u>Quantity</u>
Hydrocodone 10mg/APAP 500mg	169
Hydrocodone 10mg/APAP 650mg	113
Lorcet 10/650	97
Hydrocodone 5mg/APAP 500mg	39
Hydrocodone 7.5mg/APAP 650mg	18

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 (2) through (9) of the Findings of Fact constitute being guilty of a felony as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (9) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

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 to Michael Scott Gladieux on March 7, 2000.

Pursuant to Section 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-1-19036 held by Michael Scott Gladieux and such suspension is effective as of the date of the mailing of this Order.

- (A) Michael Scott Gladieux, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Michael Scott Gladieux, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return the identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, one year after the effective date of this Order, the Board will consider any petition filed by Michael Scott Gladieux for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (A) Michael Scott Gladieux must enter into a contract within ninety 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, send a copy of the contract to the Board office. The contract must provide that:
 - (1) Random, observed urine drug screens shall be conducted at least once each month.
 - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Results of all drug screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
 - (2) Attendance is required, a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (3) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Michael Scott Gladieux 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 12 hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);
 - (2) Compliance with the continuing pharmacy education requirements as set forth in Chapter 4729-7 of the Ohio Administrative Code (if applicable);

- (3) Compliance with the terms of this Order.
- (C) If reinstatement is not accomplished within three years of the effective date of this Order, Michael Scott Gladieux must successfully complete the NAPLEX examination or an equivalent examination approved by the Board.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-0).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE OCTOBER 6, 2000



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>

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

March 7, 2000

Michael Scott Gladeiux, R.Ph.
7195 Winding Brook Road
Perrysburg, Ohio 43551

Re: Ohio Registered Pharmacist
Number 03-1-19036

Dear Mr. Gladeiux:

In accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on July 29, 1991, pursuant to examination and are currently licensed to practice pharmacy in the state of Ohio.
- (2) You did, on February 9, 2000, knowingly obtain, possess, or use a controlled substance, to-wit: you stole and ingested, while practicing pharmacy, 67 unit doses of Hydrocodone Bitartrate 5mg/APAP 500mg, a Schedule III controlled substance, without a prescription and/or without a legitimate medical purpose. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (3) You did, on February 10, 2000, knowingly obtain, possess, or use a controlled substance, to-wit: you stole and ingested, while practicing pharmacy, 43 unit doses of Hydrocodone Bitartrate 5mg/APAP 500mg, a Schedule III controlled substance, without a prescription and/or without a legitimate medical purpose. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (4) You did, from on or about December 9, 1999, through February 10, 2000, with purpose to deprive, knowingly obtain or exert control over controlled substances, the property of Meijer Pharmacy #156, beyond the express or implied consent of the owner, to-wit: you stole the following Schedule III controlled substances from your employer:

<u>Drug</u>	<u>Quantity</u>	<u>% of Stock</u>
Hydrocodone 5mg/APAP 500mg	177	4%
Hydrocodone 7.5mg/APAP 750mg	167	11%
Hydrocodone 10mg/APAP 500mg	111	56%

Hydrocodone 10mg/APAP 650mg	127	14%
Vicodin ES 7.5mg/750mg	73	7%
Vicodin HP 10mg/660mg	166	24%

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

- (5) You did, from on or about August 3, 1998, through November 28, 1999, with purpose to deprive, knowingly obtain or exert control over controlled substances, the property of CVS/pharmacy #4434, beyond the express or implied consent of the owner, to-wit: you stole 10, 797 Norco (Hydrocodone 10mg/APAP 325mg), a Schedule III controlled substance, from your employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) You did, from on or about May 7, 1999, through February 24, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Meijer Pharmacy #142, 4702 Milan Road, Sandusky, Ohio beyond the express or implied consent of the owner and/or by deception, to wit: you stole 49 tablets of Vicoprofen 7.5/200 from your employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code; and, if proven, constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

[paragraph added by Notice dated 04/19/00]

- (7) You did, from on or about May 20, 1999, through February 24, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Meijer Pharmacy #115, 1391 Conant St., Maumee, Ohio beyond the express or implied consent of the owner and/or by deception, to wit: you stole the following controlled substances from your employer:

<u>Drug</u>	<u>Quantity</u>
Hydrocodone 10mg/APAP 660mg	229
Vicoprofen 7.5/200	176
Hydrocodone 7.5mg/APAP 750mg	148
Hydrocodone 10mg/APAP 650mg	40
Vicodin Hp Tablets	34
Hydrocodone 7.5mg/APAP 650 mg	20

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code; and, if proven, constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

[paragraph added by Notice dated 04/19/00]

- (8) You did, from on or about May 7, 1999, through February 24, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Meijer Pharmacy #118, 1500 E. Alexis Road, Toledo, Ohio beyond the express or

implied consent of the owner and/or by deception, to wit: you stole the following controlled substances from your employer:

<u>Drug</u>	<u>Quantity</u>
Hydrocodone 7.5mg/APAP 650mg	203
Lorcet 10/650	160
Hydrocodone 10mg/APAP 650mg	152
Hydrocodone 10mg/APAP 500mg	82
Vicoprofen	26

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code; and, if proven, constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

[paragraph added by Notice dated 04/19/00]

- (9) You did, from on or about May 18, 1999, through February 24, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Meijer Pharmacy #117, 7240 West Central Avenue, Toledo, Ohio beyond the express or implied consent of the owner and/or by deception, to wit: you stole the following controlled substances from your employer:

<u>Drug</u>	<u>Quantity</u>
Vicodin	96
Hydrocodone 10mg/APAP 500mg	82
Hydrocodone 10mg/APAP 650mg	24

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code; and, if proven, constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

[paragraph added by Notice dated 04/19/00]

- (10) You did, from on or about May 14, 1999, through February 24, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Meijer Pharmacy #116, 1725 S. Wheeling Street, Oregon, Ohio beyond the express or implied consent of the owner and/or by deception, to wit: you stole the following controlled substances from your employer:

<u>Drug</u>	<u>Quantity</u>
Hydrocodone 10mg/APAP 500mg	169
Hydrocodone 10mg/APAP 650mg	113
Lorcet 10/650	97
Hydrocodone 5mg/APAP 500mg	39
Hydrocodone 7.5mg/APAP 650mg	18

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code; and, if proven, constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

[paragraph added by Notice dated 04/19/00]

YOU ARE HEREBY NOTIFIED that Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

- (B) If the board under which a person has been issued a license, . . . , . . . determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, . . . , . . . , without a prior hearing.

WHEREFORE, PURSUANT TO SECTION 3719.121(B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO 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 a final adjudication order becomes effective, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

- (A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter,

sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;

- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code.

IF YOU REQUEST A HEARING within 30 days of the time of the mailing of this notice, such will be afforded. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE HEREBY ADVISED that if you do not request such a hearing within thirty (30) days of the mailing of this notice, the State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

(D-000307-049)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE MARCH 7, 2000

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective October 6, 2000)*



OHIO STATE BOARD OF PHARMACY

77 South High Street, 17th Floor; Columbus, Ohio 43266-0320

-Equal Opportunity Employer and Service Provider-

PHONE: 614/466-4143

FAX: 614/752-4836

E-MAIL: exec@bop.state.oh.us

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

URL: <http://www.state.oh.us/pharmacy/>

ADDENDUM NOTICE

April 19, 2000

Michael Scott Gladieux, R.Ph.
7195 Winding Brook Road
Perrysburg, Ohio 43551

Re: Ohio Registered Pharmacist
Number 03-1-19036

Dear Pharmacist:

YOU ARE HEREBY NOTIFIED that, in addition to the allegations stated in the March 7, 2000, Summary Suspension Order/Notice of Opportunity letter, the following allegations will also be considered, as numbered:

- (6) You did, from on or about May 7, 1999, through February 24, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Meijer Pharmacy #142, 4702 Milan Road, Sandusky, Ohio beyond the express or implied consent of the owner and/or by deception, to wit: you stole 49 tablets of Vicoprofen 7.5/200 from your employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code; and, if proven, constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- (7) You did, from on or about May 20, 1999, through February 24, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Meijer Pharmacy #115, 1391 Conant St., Maumee, Ohio beyond the express or implied consent of the owner and/or by deception, to wit: you stole the following controlled substances from your employer:

<u>Drug</u>	<u>Quantity</u>
Hydrocodone 10mg/APAP 660mg	229
Vicoprofen 7.5/200	176
Hydrocodone 7.5mg/APAP 750mg	148
Hydrocodone 10mg/APAP 650mg	40

<u>Drug</u>	<u>Quantity</u>
Vicodin Hp Tablets	34
Hydrocodone 7.5mg/APAP 650 mg	20

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code; and, if proven, constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

- (8) You did, from on or about May 7, 1999, through February 24, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Meijer Pharmacy #118, 1500 E. Alexis Road, Toledo, Ohio beyond the express or implied consent of the owner and/or by deception, to wit: you stole the following controlled substances from your employer:

<u>Drug</u>	<u>Quantity</u>
Hydrocodone 7.5mg/APAP 650mg	203
Lorcet 10/650	160
Hydrocodone 10mg/APAP 650mg	152
Hydrocodone 10mg/APAP 500mg	82
Vicoprofen	26

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code; and, if proven, constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

- (9) You did, from on or about May 18, 1999, through February 24, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Meijer Pharmacy #117, 7240 West Central Avenue, Toledo, Ohio beyond the express or implied consent of the owner and/or by deception, to wit: you stole the following controlled substances from your employer:

<u>Drug</u>	<u>Quantity</u>
Vicodin	96
Hydrocodone 10mg/APAP 500mg	82
Hydrocodone 10mg/APAP 650mg	24

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code; and, if proven, constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

- (10) You did, from on or about May 14, 1999, through February 24, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Meijer Pharmacy #116, 1725 S. Wheeling Street, Oregon, Ohio beyond the express or implied consent of the owner and/or by deception, to wit: you stole the following controlled substances from your employer:

<u>Drug</u>	<u>Quantity</u>
Hydrocodone 10mg/APAP 500mg	169
Hydrocodone 10mg/APAP 650mg	113
Lorcet 10/650	97
Hydrocodone 5mg/APAP 500mg	39
Hydrocodone 7.5mg/APAP 650mg	18

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code; and, if proven, constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY ADVISED that Section 4729.16 of the Ohio Revised Code states in pertinent part that:

- (A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:
- (1) Guilty of a felony or gross immorality;
 - (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
 - (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
 - (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
 - (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
 - (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
 - (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
 - (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner,

manager, or employee of a health care facility, residential care facility, or nursing home;

- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code.

IN ACCORDANCE WITH THE SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY letter dated March 7, 2000, and pursuant to your adjudication hearing scheduled June 12, 2000 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.

If you wish to request a continuance in this matter, such request should be sent by certified mail, return receipt requested, to the offices of the Ohio State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320. However, you must submit such request prior to thirty days from the date of the scheduled hearing. The request will be presented to the Board for consideration and you will be notified as soon as practical regarding the request. If you have any questions regarding this matter, feel free to contact the Board office.

BY ORDER OF THE STATE BOARD OF PHARMACY

William T. Winsley, M.S., R.Ph.
Executive Director