



OHIO STATE BOARD OF PHARMACY

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-Equal Opportunity Employer and Service Provider-

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-020827-005)

In The Matter Of:

RAYMOND FREDERICK STRAHLEY, JR., R.Ph.

205 Jefferson Street, S.E.

Hartville, Ohio 44632

(R.Ph. No. 03-1-20621)

INTRODUCTION

THE MATTER OF RAYMOND FREDERICK STRAHLEY, JR. CAME FOR HEARING ON AUGUST 5, 2003, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, 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.

RAYMOND FREDERICK STRAHLEY, JR. WAS REPRESENTED BY JEFFREY W. LARGENT 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. Raymond F. Strahley, Jr., R.Ph., Respondent
2. Thomas Foti, R.Ph.
3. Wayne Miller, R.Ph.
4. Bernadette Charles
5. James Martin
6. Darrell Timar

State's Exhibits

1. Reinstatement Hearing Request letter from Jeffrey W. Largent [08-26-02]
1A-1D. Procedurals
2. Copy of State Board of Pharmacy Order in re Raymond Frederick Strahley, Jr., R.Ph.
[09-11-00]
- 3.
- 4.

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- 6.
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- 9.
- 10.
11. Copy of Notarized Statement of Ruben Nepomuceno, M.D. [01-05-00]
- 12.
- 13.

Respondent's Exhibits

- A. Witness List [not dated]
- B. Copy of letter from Bernadette Charles, LISW CCDCIII-E [03-21-03]
- C. Copy of letter from John R. Tomko (Randy) [03-21-03]
- D. Copy of letter from Kimberly S. Bray, LISW [03-27-03]
- E. Copy of letter from Maria Braucher [not dated]
- F. Copy of Dr. Deramo Medical Records for Raymond Strahley [09-11-00 to 11-10-00]
- G. Copy of Konstantine Pantelides, D.D.S. Medical Records for Raymond Strahley [01-24-03 to 04-02-03]
- H.
- I. Rx #000427 [04-08-02]; Rx #000428 [04-08-02]; Rx #000432 [not dated]
- J. Copy of Mercy Medical Center Medical Records for Raymond Strahley [06-18-01 to 03-02-03]
- K.
- L.
- M. Impact Program Calendar [03-00 to 04-03]
- N. Support Group Attendance Records [08-21-00 to 03-28-03]
- O. Continuing Pharmaceutical Education Credits and Certificates [12-28-00 to 09-17-01]
- P. Certificates of Appreciation [12-05-01 to 06-13-02]
- Q. Drug Screen Reports [01-23-01 02-11-03]
- R. Letter from Michael D. Quigley, R.Ph. [07-11-03]; Copy of PRO Pharmacist's Recovery Contract for Raymond F. Strahley, Jr. [10-16-00]
- S. Letter from Janice Kellogg [07-16-03]; Drug Screen Reports [01-28-02 to 07-08-03]
- T. Impact Program Calendar [03-03 to 07-03]
- U. Certificate of Appreciation [04-16-03]
- V. Two Continuing Pharmaceutical Education Certificates [04-28-02 and 04-27-03]
- W. Copy of Letter from Francis M. Turocy, M.D. [07-15-03]
- X. Copy of Letter from Agatha Chukwumerije, M.D. [07-14-03]
- Y. Copy of Rx for Panlor SS for Raymond Strahley [03-29-03]
- Z. Copy of letter from Robert F. Tschinkel [07-21-03]
- AA. Copy of Mercy Health Center Medical Record for Carrie Strahley [04-21-03]
- BB. Support Group Attendance Records [02-17-03 to 07-30-03]
- CC. Drug Screen Report [07-29-03]
- DD. Specimen Custody and Control Form [08-04-03]

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

Raymond Frederick Strahley, Jr. has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-991214-037, effective September 11, 2000.

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. 03-1-20621, held by Raymond Frederick Strahley, Jr. to practice pharmacy in Ohio and places Raymond Frederick Strahley, Jr. on probation for five years beginning on the effective date of this Order with the following conditions:

(A) Raymond Frederick Strahley, Jr. 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 before his pharmacist identification card is issued. 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) Results of all drug 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.

(c) 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 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) Raymond Frederick Strahley, Jr. 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 Raymond Frederick Strahley, Jr.'s progress towards recovery and what Raymond Frederick Strahley, Jr. 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 Raymond Frederick Strahley, Jr.'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) Raymond Frederick Strahley, Jr. may not serve as a responsible pharmacist.

(3) Raymond Frederick Strahley, Jr. may not destroy, assist in, or witness the destruction of controlled substances.

(4) Raymond Frederick Strahley, Jr. must, during the first twelve months of practice, work only with a pharmacist whose license is in good standing.

(5) Raymond Frederick Strahley, Jr. may not work in a pharmacy more than 40 hours per week during the first twelve months of practice.

(6) Raymond Frederick Strahley, Jr. must report his continuing education hours to the Board.

(7) Raymond Frederick Strahley, Jr. must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.

(8) Raymond Frederick Strahley, Jr. must not violate the drug laws of Ohio, any other state, or the federal government.

(9) Raymond Frederick Strahley, Jr. must abide by the rules of the State Board of Pharmacy.

(10) Raymond Frederick Strahley, Jr. 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.

Raymond Frederick Strahley, Jr. 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-6/Nay-2).

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or

registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with both the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: SEPTEMBER 10, 2003

CERTIFIED MAIL / Return Receipt
#7099 3400 0013 9263 8956

WTW/lf

By: _____
William T. Winsley, M.S., R.Ph., Executive Director

c: Sally Ann Steuk, Assistant Attorney General
Jeffrey W. Largent, Attorney for Respondent; Largent, Berry, Preston & Jamison Co., L.P.A.;
232 North Court Street; Medina, Ohio 44256



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-991214-037)

In The Matter Of:

RAYMOND FREDERICK STRAHLEY, JR., R.Ph.

205 Jefferson Street, S.E.

Hartville, Ohio 44632

(R.Ph. No. 03-1-20621)

INTRODUCTION

THE MATTER OF RAYMOND FREDERICK STRAHLEY, JR. CAME TO HEARING ON AUGUST 7, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

RAYMOND FREDERICK STRAHLEY, JR. WAS REPRESENTED BY JEFFREY W. LARGENT, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) David Gallagher, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Raymond Frederick Strahley, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of four-page Summary Suspension Order/Notice of Opportunity for Hearing letter dated December 14, 1999.
- (2) Exhibit 1A--Hearing Request letter dated January 3, 2000.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated January 7, 2000.
- (4) Exhibit 1C--Copy of Hearing Schedule letter dated February 10, 2000.

RAYMOND FREDERICK STRAHLEY, JR., R.Ph.

Order of the Board

- (5) Exhibit 1D--Copy of eight-page Amendment/Addendum Notice dated February 18, 2000.
- (6)
- (7) Exhibit 1F--Copy of Hearing Schedule letter dated May 2, 2000.
- (8) Exhibit 1G--Copy of Pharmacist File Front Sheet of Raymond Frederick Strahley, Jr. showing original date of registration as July 28, 1994.
- (9) Exhibit 1H--Two-page copy of Renewal Application for Pharmacist License, No. 03-1-20621, for a license to practice pharmacy in Ohio from September 15, 1999, to September 15, 2000, signed and dated July 29, 1999.

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RAYMOND FREDERICK STRAHLEY, JR., R.Ph.
Order of the Board

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Respondent's Exhibits:

- (1) Exhibit A--Copy of letter from Bernadette Charles dated July 27, 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 Ohio State Board of Pharmacy indicate that Raymond Frederick Strahley, Jr. was originally licensed in the state of Ohio on July 28, 1994, pursuant to examination. Raymond Frederick Strahley, Jr.'s license was summarily suspended on December 14, 1999, in accordance with Sections 3719.121(A) and 3719.121(B) of the Ohio Revised Code.

RAYMOND FREDERICK STRAHLEY, JR., R.Ph.

Order of the Board

(2) Raymond Frederick Strahley, Jr. is addicted to liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: on or about November 29, 1999, Raymond Frederick Strahley, Jr. confessed to a Pharmacy Board agent that he realized that he needed help because he has "a problem" with Codeine cough syrup. Raymond Frederick Strahley, Jr. admitted that he has "developed an addiction" and his work-time use was "getting out of control". Raymond Frederick Strahley, Jr. admitted that he consumed 120cc to 180cc per day while practicing pharmacy to calm him down due to stress at work and in his personal life. Such conduct indicates that Raymond Frederick Strahley, Jr. falls within the ambit of Sections 3719.121(A), 3719.121(B), and 4729.16(A)(3) of the Ohio Revised Code.

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CONCLUSIONS OF LAW

(1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (8) of the Findings of Fact constitutes gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

RAYMOND FREDERICK STRAHLEY, JR., R.Ph.

Order of the Board

- (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 paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (5) and (7) through (9) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. or 3719. 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 Raymond Frederick Strahley, Jr.:

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. 03-1-20621, held by Raymond Frederick Strahley, Jr. and such suspension is effective as of the date of the mailing of this Order.

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

Further, 30 months from the effective date of this Order, the Board will consider any petition filed by Raymond Frederick Strahley, Jr. 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) Raymond Frederick Strahley, Jr. must enter into a contract, after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide:
 - (1) **Random, observed** urine drug screens shall be conducted at least once each month.

RAYMOND FREDERICK STRAHLEY, JR., R.Ph.

Order of the Board

- (a) The urine sample must be given within twelve hours of notification. The urine screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Carisoprodol and Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but the test must be conducted by an appropriately certified individual within twelve hours of notification.
 - (c) Results of all drug and alcohol screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
- (2) Regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required.
- (3) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Raymond Frederick Strahley, Jr. must provide, at the reinstatement petition hearing, documentation of the following:
- (1) Compliance with the contract required in paragraph (B)(1) above (e.g.-copies of all urine screen reports, copies of meeting attendance records, treatment program reports, etc.);
 - (2) Compliance with the continuing pharmacy education requirements as set forth in Chapter 4729-7 of the Ohio Administrative Code (if applicable);
 - (3) Compliance with the terms of this Order.
- (C) If reinstatement is not accomplished within three years of the effective date of this Order, Raymond Frederick Strahley, Jr. 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-8/Nay-0).

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common

RAYMOND FREDERICK STRAHLEY, JR., R.Ph.

Order of the Board

pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with both the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: SEPTEMBER 11, 2000

By: _____
William T. Winsley, M.S., R.Ph., Executive Director

CERTIFIED MAIL

Return Receipt

#Z

c: Sally Ann Steuk, Assistant Attorney General
Jeffrey W. Largent, Attorney for Respondent; Largent, Berry, Comstock, Preston & Jamison
Co., L.P.A.; 125 North Elmwood Avenue, Medina, Ohio 44256