



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-071121-017)

In The Matter Of:

MARK ALAN BREMICK, R.Ph.

261 N. Chillicothe Street

Plain City, Ohio 43064

(R.Ph. No. 03-1-20673)

INTRODUCTION

THE MATTER OF MARK ALAN BREMICK CAME FOR HEARING ON FEBRUARY 6, 2008, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: GREGORY BRAYLOCK, R.Ph. (presiding); ELIZABETH I. GREGG, R.Ph.; RICHARD F. KOLEZYNSKI, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; HEATHER L. PASQUALE, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; JAMES E. TURNER, R.Ph.; AND JEROME J. WIESENHAHN, R.Ph.

MARK ALAN BREMICK WAS REPRESENTED BY HARRY R. REINHART. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL AND ANDREA L. VINCENT, PHARM.D., LEGAL INTERN.

SUMMARY OF EVIDENCE

State's Witness

1. Robert Amiet, Jr., R.Ph., Ohio State Board of Pharmacy

Respondent's Witness

1. Mark Alan Bremick, R.Ph., Respondent

State's Exhibits

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [11-21-07]
1A-1C. Procedurals
2. Indictment, State of Ohio vs. Mark Bremick, Case No. 07CR 04-2573, Franklin County Common Pleas Court [04-10-07]
3. Entry for Intervention in Lieu of Conviction [09-11-07]
4. C-II Safe list of hydromorphone signed out [09-02-04 to 03-30-06]
5. Delivery Signature Receipt for Location Pharmacy [11-26-05]

Respondent's Exhibits

- A. Treatment Letter from Dominick Assante, Narconon Stone Hawk Rehabilitation Center [05-14-07]
- B-G. Six Narconon Stone Hawk Rehabilitation Center Certificates of Achievement Issued to Mark Bremick [04-28-06 to 09-29-06]

Mark Alan Bremick, R.Ph.

- H. Ohio State University Official Academic Transcript of Mark Alan Bremick [07-07-07]
- I. Support Group Attendance Records [12-26-07 to 01-31-08]
- J. Focus Health Care Client Status Report for Mark Bremick [01-30-08]
- K. Franklin County Common Pleas Court Evaluation of Mark Alan Bremick [not dated]

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 Mark Alan Bremick was originally licensed by the State of Ohio as a pharmacist on July 28, 1994, pursuant to examination, and that his license to practice pharmacy in Ohio lapsed on September 15, 2006. Further, Mark Alan Bremick's license was summarily suspended on November 21, 2007.
- (2) Mark Alan Bremick did, on or about September 17, 2007, plead guilty to a felony drug abuse offense, to wit: Mark Alan Bremick pled guilty in the Common Pleas Court of Franklin County, Ohio, to ten (10) counts of Theft of Drugs in violation of Section 2913.02 of the Ohio Revised Code, felonies of the fourth degree. State of Ohio vs. Mark A. Bremick, Case No. 07 CR 002573, Franklin County Common Pleas Court.
- (3) Mark Alan Bremick did, from September 2, 2004, through March 20, 2006, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of St. Ann's Hospital, by deception, to wit: Mark Alan Bremick admittedly stole hydromorphone injections on 88 different occasions from his employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Mark Alan Bremick is abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Mark Alan Bremick has admittedly stolen controlled substances for his personal abuse; he has admitted to abusing controlled substances; he has admittedly entered himself into a residential treatment program. Such conduct indicates that Mark Alan Bremick is within the ambit of Section 4729.16(A)(3) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (2) and (3) 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) The State Board of Pharmacy concludes that paragraph (4) 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.

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DECISION 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 Mark Alan Bremick on November 21, 2007.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-1-20673, held by Mark Alan Bremick and such suspension is effective as of the date of the mailing of this Order.

- (A) Mark Alan Bremick, 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) Mark Alan Bremick, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his 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, after April 1, 2009, the Board will consider any petition filed by Mark Alan Bremick 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) Mark Alan Bremick must enter into a **new** 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. 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. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. 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) The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

Mark Alan Bremick, R.Ph.

- (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) Mark Alan Bremick must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
- (C) Mark Alan Bremick 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 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.
- (D) If reinstatement is not accomplished within three years of the effective date of this Order, Mark Alan Bremick must also show successful completion of the NAPLEX examination.
- (E) Upon such time as the Board may consider reinstatement, Mark Alan Bremick will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

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 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 the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with 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.

Mark Alan Bremick, R.Ph.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: March 6, 2008

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

WTW/lf

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9804 3724

c: Sally Ann Steuk, Assistant Attorney General
Harry R. Reinhart, Attorney for Respondent; One Americana; 400 South Fifth Street,
Suite 301; Columbus, Ohio 43215-5430



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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

November 21, 2007

Mark Alan Bremick, R.Ph.
22 East Southington
Worthington, Ohio 43085

Re: Ohio Registered Pharmacist
Number 03-1-20673

Dear Mr. Bremick:

Records of the Board indicate that you are a pharmacist registered by this Board to practice pharmacy in the State of Ohio.

In accordance with Section 2929.24 of the Ohio Revised Code, the office of the Prosecuting Attorney of Franklin County, Ohio, has submitted to this Board information which indicates that on September 17, 2007, you pled guilty in the Common Pleas Court of Franklin County, Ohio, to a felony drug abuse offense under Section 2913.02 of the Ohio Revised Code. State of Ohio vs. Mark A. Bremick, Case No. 07 CR 002573, Franklin Common Pleas Court.

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

(C) On receiving notification pursuant to Section 2929.24 or 3719.12 of the Revised Code, the Board under which a person has been issued a license, . . . immediately shall suspend the license, . . . of that person on a plea of guilty to, a finding by a jury or court of the person's guilt of, or conviction of a felony drug abuse offense . . .

WHEREFORE, PURSUANT TO SECTION 3719.121(C) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO ARE 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 is held by the Board under Chapter 119. of the Revised Code, during which time you may not engage in the practice of pharmacy.

Additionally, you are hereby notified that you have the right to a hearing on the following allegations:

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- (1) Records of the State Board of Pharmacy indicate that you were originally licensed in the State of Ohio on July 28, 1994, pursuant to examination, and your license to practice pharmacy in the State of Ohio lapsed on September 15, 2006.
- (2) You did, on or about September 17, 2007, plead guilty to a felony drug abuse offense, to wit: you pled guilty in the Common Pleas Court of Franklin County, Ohio, to ten counts of Theft of Drugs in violation of Section 2913.02 of the Ohio Revised Code, felonies of the fourth degree. State of Ohio vs. Mark A. Bremick, Case No. 07 CR 002573, Franklin County Common Pleas Court.
- (3) You did, from September 2, 2004, through March 20, 2006, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of St. Ann's Hospital, by deception, to wit: you admittedly stole hydromorphone injection on 88 different occasions from your employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) You are abusing drugs and/or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have admittedly stolen controlled substances for your personal abuse; you have admitted to abusing controlled substances; you have admittedly entered yourself into a residential treatment program. Such conduct indicates that you are within the ambit of Section 4729.16(A)(3) of the Ohio Revised Code.

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, limit, 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 this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;

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- (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;
- (10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30TH) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. 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 there is no request for such a hearing received by the Board on or prior to the thirtieth (30th) day following the mailing of this notice, the Ohio 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.

BY ORDER OF THE STATE BOARD OF PHARMACY

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