



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-070111-023)

In The Matter Of:

AARON CRAIG LINK, R.Ph.

12180 Quail Woods Drive

Chardon, Ohio 44024

(R.Ph. No. 03-1-22513)

INTRODUCTION

THE MATTER OF AARON CRAIG LINK CAME FOR HEARING ON JUNE 6, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; HEATHER L. PASQUALE, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

AARON CRAIG LINK WAS REPRESENTED BY STEVEN B. AYERS. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Frank J. Bodi, Ohio State Board of Pharmacy
2. John C. Whittington, D.O., R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses

1. Marie Link, R.Ph.
2. Aaron Craig Link, R.Ph., Respondent

State's Exhibits

1. Notice of Opportunity For Hearing letter [01-11-07]
1A-1C. Procedurals
2. Notarized Statement of Teresa M. Zienka [10-02-06]
3. Notarized Statement of Aaron Link [10-04-06]
4. Notarized Statement of Cathy Whitely, RN [10-05-06]
5. Patient Information Sheet for Marie A. Link [09-29-06]
6. Rx #750695 [09-29-06]
7. Walgreens Patient Prescription Profile for Marie A. Link [10-02-06]

Respondent's Exhibits

- A. Case Inquiry Report at Walgreens #4317 [10-25-06]

- B. Rx #840683 [10-09-06]
- C1-C5. Five Letters of Recommendation [05-31-07 to 06-04-07]
- D. Decision, Ohio State Board of Pharmacy, Poppe Case No. CA87-08-065, Court of Appeals of Ohio, Twelfth Appellate District, Clermont County [05-31-88]
- E. Decision, The State of Ohio, Appellate, v. Friedman, Appellee, Case No. 91AP-515, Court of Appeals of Ohio, Tenth Appellate District, Franklin County [12-31-91]

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 Aaron Craig Link was originally licensed by the State of Ohio as a pharmacist on August 13, 1997, pursuant to examination, and is currently licensed to practice pharmacy in Ohio. Records further reflect during the relevant time periods stated herein, Aaron Craig Link was the Responsible Pharmacist at Walgreens #4317, 9400 Mentor Avenue, Mentor Ohio, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.

(2) Aaron Craig Link did, on or about September 29, 2006, intentionally create a false or forged prescription, to wit: Aaron Craig Link created Rx #750695 for his wife as the patient for 21 tablets of methylprednisolone 4 mg Dosepak, a dangerous drug. Aaron Craig Link did not have permission from an authorized prescriber for the medication. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(3) Aaron Craig Link did, on or about September 29, 2006, sell a dangerous drug when the conduct was not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: without a prescription from an authorized prescriber, Aaron Craig Link gave to his wife methylprednisolone 4 mg Dosepak, a dangerous drug. Such conduct is in violation of Section 4729.51(C) of the Ohio Revised Code.

The Board further finds:

This case is not about the medical treatment for bee stings. Rather, it directly concerns Aaron Craig Link's action of creating a prescription and giving a dangerous drug to a patient without authorization from a prescriber. Though much ado was made by Link's wife, his witness at the hearing, about medical treatment using oral steroids for allergic reactions, (about which, contrary to her assertion, this Board believes she was incompetent to make), the testimony is unrefuted that a prescription was required but was not authorized by a physician.

By writing the name of a nurse with whom he was acquainted on the prescription as a prescriber's agent, even though he admittedly knew that said nurse was not the one with whom he was speaking, Link exhibited his knowledge of the falsity of the prescription, and he did so knowing that it would make the document appear to be legitimate even though it clearly was not, and is not, legitimate. Of further importance is the fact that Link, when portraying the phone call to the Board, did not indicate that there was a pause on the phone during the conversation with the nurse who he indicates "authorized" the prescription. This clearly means to any pharmacist that the nurse did not ask permission from any prescriber to issue the appropriate authorization.

Link cites State v Friedman for the proposition that a pharmacist may dispense drugs without a prescription in the bona fide treatment of a patient. The unrefuted testimony in this matter shows this concept inapplicable. As Link himself testified, he used poor judgment. His actions were detrimental to the health and safety of an individual, albeit his own consenting wife. This conduct demands the Board's finding that his conduct is unprofessional as is herein found.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) 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 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.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Aaron Craig Link as follows:

(A) Based on the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy hereby reprimands Aaron Craig Link for his conduct in this matter.

(B) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes on Aaron Craig Link a monetary penalty of one thousand dollars (\$1,000.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

(C) Aaron Craig Link must obtain, within six months from the effective date of this Order, two hours (0.2 CEUs) of Board approved continuing pharmacy education in jurisprudence, which may not also be used for license renewal.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-5/Nay-4).

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.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: July 12, 2007

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

WTW/lf

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9804 1782

c: Sally Ann Steuk, Assistant Attorney General
Steven B. Ayers, Attorney for Respondent; Crabbe, Brown & James LLP; 500 South Front
Street, Suite 1200; Columbus, Ohio 43215