ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-030716-002)

In The Matter Of:

MICHELLE M. SOLNOSKY, R.Ph.
944 East 245th  
Euclid, Ohio 44123  
(R.Ph. No. 03-1-22531)

INTRODUCTION


MICHELLE M. SOLNOSKY WAS NOT REPRESENTED BY COUNSEL 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. Michelle M. Solnosky, R.Ph., Respondent

State’s Exhibits

1. Facsimile copy of Reinstatement Hearing Request letter from Michelle Solnosky [07-15-03]  
1A-1D. Procedurals
2. Copy of Ohio State Board of Pharmacy Report of Investigation re Interview of Michelle Margaret Solnosky [11-21-00]  
2A. Copy of State Board of Pharmacy Order in re Michelle M. Solnosky, R.Ph. [02-08-02]  
3. Drug Audit Accountability Sheet for Alprazolam 0.25 mg at Medic #709 [12-11-00]  
4. Drug Audit Accountability Sheet for Diazepam 10 mg at Medic #709 [12-11-00]  
5. Drug Audit Accountability Sheet for Ambien 10 mg at Medic #709 [12-12-00]  
6. Copy of Notarized Statement of Michelle A. Parrise [11-15-00]  
7. Waiver of Indictment with Counsel, State of Ohio vs. Michelle M. Solnosky, Case No. CR-402372, Cuyahoga County Common Pleas Court [not dated]  
8. Bill of Information [03-09-01]  
9. Journal Entry [05-21-01]
Respondent's Exhibits

A. Copy of letter to the Board members from Michelle Solnosky [not dated]
B. Compliance and Progress letter from John Heather, M.D. [02-18-04]
C. Copy of Multistate Pharmacy Jurisprudence Examination (MPJE) Results letter to Michelle M. Solnosky [01-12-04]
D. Continuing Pharmaceutical Education Statements of Credit [02-12-01 to 02-25-04]
E. Three letters of Support [02-23-04 to 03-05-04]

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witness, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Michelle M. Solnosky has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-010903-042 and D-010413-063, effective February 8, 2002.

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. 03-1-22531, held by Michelle M. Solnosky to practice pharmacy in Ohio and places Michelle M. Solnosky on probation for one year beginning on the effective date of this Order, with the following conditions:

(A) Michelle M. Solnosky must take and pass three hours (0.3 CEUs) of Board-approved continuing pharmacy education in Jurisprudence before her pharmacist identification card will be issued. The CEUs may not also be used for her license renewal requirement.

(B) Michelle M. Solnosky must continue treatment with a licensed counselor. The counselor must provide an initial status report, which includes the recommended treatment plan, to the Board within 60 days after the effective date of this Order. Ms. Solnosky may request the Board to lift the requirement for treatment if, in the judgment of the attending counselor, treatment is no longer necessary. The counselor must also provide a final report at the end of probation or treatment, whichever comes first.

(C) Michelle M. Solnosky may not work in a pharmacy more than 40 hours per week.

(D) Other terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that Michelle M. Solnosky'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) Michelle M. Solnosky may not serve as a responsible pharmacist.

(3) Michelle M. Solnosky may not destroy, assist in, or witness the destruction of controlled substances.

(4) Michelle M. Solnosky must not violate the drug laws of Ohio, any other state, or the federal government.

(5) Michelle M. Solnosky must abide by the rules of the State Board of Pharmacy.

(6) Michelle M. Solnosky must comply with the terms of this Order.

(E) 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.

(F) Michelle M. Solnosky's license is deemed to be not in good standing until successful completion of the probationary period.

Michelle M. Solnosky 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-0). MOTION CARRIED.
SO ORDERED.

ORDER EFFECTIVE APRIL 8, 2004
ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-010309-042 and D-010413-063) 

In The Matter Of:  

MICHELLE M. SOLNOSKY, R.Ph.  
22031 Morris Avenue  
Euclid, Ohio 44123  
(R.Ph. No. 03-1-22531)  

INTRODUCTION  


MICHELLE M. SOLNOSKY WAS REPRESENTED BY REGIS E. McGANN AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.  

SUMMARY OF EVIDENCE  

(A) Testimony  

State's Witnesses:  

(1) Mark Kabat, Ohio State Board of Pharmacy  

Respondent's Witnesses:  

(1) Michelle M. Solnosky, R.Ph., Respondent  

(B) Exhibits  

State's Exhibits:  

(2) Exhibit 1A--Hearing Request letter from Michelle M. Solnosky, not dated.  
(5) Exhibit 1D--Copy of Ohio State Board Of Pharmacy Certificate Of Mailing for Michelle M. Solnosky dated April 24, 2001; Copy of Ohio State Board Of Pharmacy mailing envelope for Michelle M. Solnosky postage meter-dated April 24, 2001; Copy of Hearing Schedule letter dated March 29, 2001.  
(6) Exhibit 1E--Copy of Letter of Representation from Regis E. McGann dated April 17, 2001.
Respondent's Exhibits:

(1) Exhibit A--Copy of Motion To Terminate Probation And/Or Community Control, *State of Ohio vs. Michelle M. Solnosky*, Case No. CR 402372, Cuyahoga County Common Pleas Court, not dated.
(3) Exhibit C--Letter from Michelle Solnosky, 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 Michelle M. Solnosky was originally licensed by the State of Ohio on July 24, 1997, pursuant to examination, and that her license to practice pharmacy in the state of Ohio was summarily suspended effective April 13, 2001. Further, the records indicate that Michelle M. Solnosky was the Responsible Pharmacist at Medic Discount Drug; 709 East 185th Street, Cleveland, Ohio 44119 pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
(2) Michelle M. Solnosky did, on or about February, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Medic Discount Drug, beyond the express or implied consent of the owner, to wit: Michelle M. Solnosky admittedly stole approximately 15 to 20 doses of Alprazolam 0.25mg, a Schedule IV controlled substance, for her personal use without a prescription. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(3) Michelle M. Solnosky did, on or about August, 2000, through September, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Medic Discount Drug, beyond the express or implied consent of the owner, to wit: Michelle M. Solnosky admittedly stole approximately 20 doses of Diazepam 10mg, a Schedule IV controlled substance, for her personal use without a prescription. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(4) Michelle M. Solnosky did, on or about September, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Medic Discount Drug, beyond the express or implied consent of the owner, to wit: Michelle M. Solnosky admittedly stole approximately 21 doses of Prozac 20mg, a dangerous drug, for her personal use without a prescription. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(5) Michelle M. Solnosky did, on or about March, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Medic Discount Drug, beyond the express or implied consent of the owner, to wit: Michelle M. Solnosky admittedly stole approximately 20 doses of Sonata 10mg, a Schedule IV controlled substance, for her personal use without a prescription. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(6) Michelle M. Solnosky did, on or about February, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Medic Discount Drug, beyond the express or implied consent of the owner, to wit: Michelle M. Solnosky admittedly stole approximately 20 doses of Ambien 10mg, a Schedule IV controlled substance, for her personal use without a prescription. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(7) Michelle M. Solnosky did, on or about May, 1997, through October, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Medic Discount Drug, beyond the express or implied consent of the owner, to wit: Michelle M. Solnosky admittedly stole approximately eight doses of Prilosec 20mg, a dangerous drug, for her personal use without a prescription. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(8) Michelle M. Solnosky did, on or about October, 1998, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Medic Discount Drug, beyond the express or implied consent of the owner, to wit: Michelle M. Solnosky admittedly stole approximately two doses of Roxicet 5/325mg, a Schedule II controlled substance, for her personal use without a prescription. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
(9) Michelle M. Solnosky did, on or about May, 1997, through October, 2000, knowingly use the property of Medic Discount Drug, without the consent of the owner, to wit: Michelle M. Solnosky admittedly took Prilosec, a dangerous drug, for her personal use from the drug stock of the pharmacy, yet she replaced it the next day with Prilosec that was located at her residence that had been dispensed to her. Such conduct is in violation of Section 2913.04 of the Ohio Revised Code.

(10) Michelle M. Solnosky did, on or about October, 1998, knowingly use the property of Medic Discount Drug, without the consent of the owner, to wit: Michelle M. Solnosky admittedly took Roxicet 5/325mg, a Schedule II controlled substance, for her personal use from the drug stock of the pharmacy, yet she replaced it the next day with Roxicet that was located at her residence that had been dispensed to her. Such conduct is in violation of Section 2913.04 of the Ohio Revised Code.

(11) Michelle M. Solnosky did, on or about July, 1998, attempt to furnish another a sample drug, to wit: Michelle M. Solnosky admittedly placed approximately 20 to 30 physician sample doses of Detrol 2mg, a dangerous drug, into the drug stock for dispensing at Medic Discount Drug. The expiration date of the samples had passed before the drugs were dispensed to patients. Such conduct is in violation of Section 2923.02 of the Ohio Revised Code as it relates to Section 2925.36 of the Ohio Revised Code.

(12) Michelle M. Solnosky did, on or about July, 1998, attempt to furnish another a sample drug, to wit: Michelle M. Solnosky admittedly placed approximately 20 physician sample doses of Depakote 250mg, a dangerous drug, into the drug stock for dispensing at Medic Discount Drug. The expiration date of the samples had passed before the drugs were dispensed to patients. Such conduct is in violation of Section 2923.02 of the Ohio Revised Code as it relates to Section 2925.36 of the Ohio Revised Code.

(13) Michelle M. Solnosky did, on or about July, 1998, attempt to furnish another a sample drug, to wit: Michelle M. Solnosky admittedly placed approximately 50 to 60 physician sample doses of Tegretol 200mg, a dangerous drug, into the drug stock for dispensing at Medic Discount Drug. The expiration date of the samples had passed before the drugs were dispensed to patients. Such conduct is in violation of Section 2923.02 of the Ohio Revised Code as it relates to Section 2925.36 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 (13) 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (13) 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 (11), (12), and (13) 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 Michelle M. Solnosky on April 13, 2001.

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. 03-1-22531, held by Michelle M. Solnosky and such suspension is effective as of the date of the mailing of this Order.

(A) Michelle M. Solnosky, 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) Michelle M. Solnosky, 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, after twelve months from the effective date of this Order, the Board will consider any petition filed by Michelle M. Solnosky 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) Michelle M. Solnosky must obtain, within sixty days after the effective date of this Order, a full psychiatric or psychological evaluation by a licensed psychiatrist or psychologist and must abide by the treatment plan as designed by that psychiatrist or psychologist. The psychiatrist or psychologist must provide an initial status report, which includes the recommended treatment plan, to the Board within ten days after completing the assessment.

(B) Michelle M. Solnosky must provide, at the reinstatement petition hearing, documentation of the following:

1. Compliance with the licensed psychiatrist's or psychologist's recommended treatment plan;

2. A report by the licensed psychiatrist or psychologist regarding Michelle M. Solnosky's fitness for readmission into the practice of pharmacy;
(3) Successful completion of the Multistate Pharmacy Jurisprudence Examination, or an equivalent examination approved by the Board. If Michelle M. Solnosky has not successfully completed the examination prior to the reinstatement petition hearing, her license will remain under suspension until this condition has been achieved.

(4) 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;

(5) Compliance with the terms of this Order.

(C) If reinstatement is not accomplished within three years of the effective date of this Order, Michelle M. Solnosky must show successful completion of 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 FEBRUARY 8, 2002
SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

April 13, 2001

Michelle M. Solnosky, R.Ph.
22031 Morris Avenue
Euclid, Ohio 44123

Re: Ohio Registered Pharmacist
Number 03-1-22531

Dear Ms. Solnosky:

In accordance with Section 2929.24 of the Ohio Revised Code, the office of the Prosecuting Attorney of Cuyahoga County, Ohio, has submitted to this Board information which indicates that on Wednesday, March 28, 2001, you pled guilty in the Common Pleas Court of Cuyahoga County, Ohio, to ten counts of a felony drug abuse offense under Section 2913.02 of the Ohio Revised Code.

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 POS-SESS 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.

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 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;

(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.

You need not request a hearing pursuant to this notice. The matter will be heard on the previously scheduled date, Wednesday, September 12, 2001 at 1:00 P.M. 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.

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-010413-063) BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE APRIL 13, 2001

This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective February 8, 2002)