



# 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](mailto: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>

---

## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-040123-002)

In The Matter Of:

**MATTHEW DONAVON NOURSE, R.Ph.**

1054 Graham Lane  
Lucasville, Ohio 45648  
(R.Ph. No. 03-1-22575)

### INTRODUCTION

THE MATTER OF MATTHEW DONAVON NOURSE CAME FOR HEARING ON DECEMBER 8, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, 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.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

MATTHEW DONAVON NOURSE WAS REPRESENTED BY SHANE A. TIEMAN 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. Matthew Donavon Nourse, R.Ph., Respondent
2. Steven A. Goldblatt, R.Ph.
3. Don Nourse

#### State's Exhibits

1. Reinstatement Hearing Request letter from Matt Nourse [01-21-04]  
1A-1D. Procedurals
2. Statement of Shirley R. Leslie [07-17-02]
- 2A. State Board of Pharmacy Order in re Matthew Donavon Nourse, R.Ph. [07-21-03]
3. Sixteen Accountability Statements completed at Rite Aid #4708 for the following drugs: hydrocodone bit./APAP 10/650 mg, hydrocodone bit./APAP 5/500 mg, hydrocodone bit./APAP 7.5/500 mg, hydrocodone bit./APAP 7.5/750 mg, Vicodin ES 7.5/750 mg, Vicoprofen 7.5/200 mg, lorazepam 0.5 mg, lorazepam 1 mg, lorazepam 2 mg, Xanax 1 mg, alprazolam 1 mg, diazepam 10 mg, diazepam 2 mg, diazepam 5 mg, Valium 10 mg, and Valium 5 mg [05-13-03]; Audit Summary of Drugs Mr. Nourse Admitted To Stealing [not dated]

4. Summary of Unauthorized Prescriptions for Matthew Nourse [09-14-99 to 01-17-02]; Rx # 40875 [09-14-99]; Rx # 41719 [09-27-99]; Rx # 43201 [10-16-99]; Rx # 48198 [01-03-00]; Rx # 48878 [01-12-00]; Rx # 48879 [01-12-00]; Rx # 60266 [07-04-00]; Rx # 63323 [08-22-00]; Rx # 66607 [10-08-00]; Rx # 70745 [12-04-00]; Rx # 79286 [03-26-01]; Rx # 81299 [04-23-01], Rx # 82565 [05-11-01], Rx # 98619 [01-09-02]; Rx # 98814 [01-09-02]; Rx # 99315 [01-17-02]
5. Statement of Matt Nourse [04-15-99]
6. Letter from Dr. James Baber, M.D. to Wal-Mart Corporation [07-22-02], Drug Screen Report re Matthew Nourse [04-02-99]
7. DEA Report of Theft of Loss of Controlled Substances of Wal-Mart Pharmacy 10-1564 [05-10-99]
8. Official Report, New Boston Police Department, Report No. OR 04-15-991497 [04-15-99]
9. Village of New Boston Case Worksheet for WalMart vs. Nourse, Matthew D., Case No. 99CRB76A [04-26-99]
10. Restitution Note from Matthew D. Nourse to Wal-Mart Stores, Inc. [04-15-99]
11. Indictment, State of Ohio vs. Matthew Nourse(sic), Case No. 203CR03, Pike County Common Pleas Court [11-26-03]; Warrant to Arrest on Indictment or Information [12-03-03]; Judgment Entry on Defendant's Request for Treatment in Lieu of Conviction [11-16-04]

#### Respondent's Exhibits

- A. PRO Pharmacist's Recovery Contract for Matt Nourse [08-07-03]
- B. Support Group Attendance Records [07-30-02 to 11-24-04]
- C. Compass Vision Licensee Summary Report for Matt Nourse [01-16-03 to 10-26-04]; two Chain of Custody forms [11-18-04]; Compass Vision Drug Panel 3 Listing of Drugs [not dated]
- D. Two Psychological Evaluation and Consultation Reports from Joseph M. Carver, Ph.D. [09-26-03 and 07-14-04]
- E. Intensive Outpatient Group Certificate of Completion for Matthew Nourse [09-24-02]; Letter from R. Drew Hunter, RC, MS [07-23-03]
- F. Copy of letter from Shane A. Tieman, Esquire to Bill Crosley [11-15-04]; Sixteen Accountability Statements completed at Rite Aid #4708 for the following drugs: hydrocodone bit./APAP 10/650 mg, hydrocodone bit./APAP 5/500 mg, hydrocodone bit./APAP 7.5/500 mg, hydrocodone bit./APAP 7.5/750 mg, Vicodin ES 7.5/750 mg, Vicoprofen 7.5/200 mg, lorazepam 0.5 mg, lorazepam 1 mg, lorazepam 2 mg, Xanax 1 mg, alprazolam 1 mg, diazepam 10 mg, diazepam 2 mg, diazepam 5 mg, Valium 10 mg, and Valium 5 mg [05-13-03]
- G. State of Ohio vs. Matthew Nourse(sic), Case No. 203CR03, Pike County Common Pleas Court Indictment [11-26-03]; Plea of No Contest [10-27-04]; Judgment Entry on Defendant's Request for Treatment in Lieu of Conviction [11-16-04]
- H. Three letters of support [02-23-04 and 04-27-04]
- I. Nine letters of support [05-05-03 to 12-02-04]
- J. Two Summary Reports of Continuing Pharmacy Education Credits [04-27-03 to 05-10-04]

#### 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 Matthew Donavon Nourse has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-020806-003, effective July 21, 2003.

## 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. 03-1-22575, held by Matthew Donavon Nourse to practice pharmacy in Ohio and places Matthew Donavon Nourse on probation for five years beginning on the effective date of this Order, with the following conditions:

- (A) Matthew Donavon Nourse 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 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) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.
    - (c) Results of all drug and alcohol screens must be negative. Refusals of urine screens or diluted urine screens are equivalent to a positive result. 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.
  - (2) The intervener/sponsor shall provide copies of all drug and alcohol 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) Matthew Donavon Nourse 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 Matthew Donavon Nourse's progress towards recovery and what Matthew Donavon Nourse 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 Matthew Donavon Nourse'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) Matthew Donavon Nourse may not serve as a responsible pharmacist.
- (3) Matthew Donavon Nourse may not destroy, assist in, or witness the destruction of controlled substances.
- (4) Matthew Donavon Nourse may not, during the first six months of practice, work in a pharmacy more than 40 hours per week.
- (5) Matthew Donavon Nourse may not dispense prescriptions for himself or for any member of his family.
- (6) Matthew Donavon Nourse must, during the first six months of practice, work only with a pharmacist whose license is in good standing.
- (7) Matthew Donavon Nourse must continue efforts of payment for restitution.
- (8) Matthew Donavon Nourse must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
- (9) Matthew Donavon Nourse must not violate the drug laws of Ohio, any other state, or the federal government.
- (10) Matthew Donavon Nourse must abide by the rules of the State Board of Pharmacy.
- (11) Matthew Donavon Nourse 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.

Matthew Donavon Nourse 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-7/Nay-0).

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the preceding 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: JANUARY 6, 2005

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



# 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](mailto: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>

---

## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-020806-003)

In The Matter Of:

**MATTHEW DONAVON NOURSE, R.Ph.**

1054 Graham Lane  
Lucasville, Ohio 45648  
(R.Ph. No. 03-1-22575)

### INTRODUCTION

THE MATTER OF MATTHEW DONAVON NOURSE CAME FOR HEARING ON JUNE 3, 2003, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: DIANE C. ADELMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, 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.

MATTHEW DONAVON NOURSE WAS REPRESENTED BY DAVID W. GRAUER AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### State's Witnesses

1. Todd Zevchik, R.Ph., Ohio State Board of Pharmacy

#### Respondent's Witnesses

1. Matthew Donavon Nourse, R.Ph., Respondent

#### State's Exhibits

1. Copy of Summary Suspension Order/Notice of Opportunity For Hearing letter [08-06-02]  
1A-1F. Procedurals
2. Written Statement of Shirley R. Leslie [07-17-02]
3. Sixteen Accountability Statements completed at Rite Aid #4708 for the following drugs: hydrocodone bit./APAP 10/650 mg, hydrocodone bit./APAP 5/500 mg, hydrocodone bit./APAP 7.5/500 mg, hydrocodone bit./APAP 7.5/750 mg, Vicodin ES 7.5/750 mg, Vicoprofen 7.5/200 mg, lorazepam 0.5 mg, lorazepam 1 mg, lorazepam 2 mg, Xanax 1 mg, alprazolam 1 mg, diazepam 10 mg, diazepam 2 mg, diazepam 5 mg, Valium 10 mg, and Valium 5 mg [05-13-03]

4. Summary of Unauthorized Prescriptions for Matthew Nourse, Rx # 40875 [09-14-99]; Rx # 41719 [09-27-99]; Rx # 43201 [10-16-99]; Rx # 48198 [01-03-00]; Rx # 48878 [01-12-00]; Rx # 48879 [01-12-00]; Rx # 60266 [07-04-00]; Rx # 63323 [08-22-00]; Rx # 66607 [10-08-00]; Rx # 70745 [12-04-00]; Rx # 79286 [03-26-01]; Rx # 81299 [04-23-01], Rx # 82565 [06-11-01], Rx # 98619 [01-09-02]; Rx # 98814 [01-09-02]; Rx # 99315 [01-17-02]
5. Copy of Statement of Matt Nourse [04-15-99].
6. Copy of letter from Dr. James Baber, M.D. to Wal-Mart Corporation [07-22-99], Drug Screen Report re Matthew Nourse [04-02-99]
7. DEA Report of Theft of Loss of Controlled Substances of Wal-Mart Pharmacy 10-1564 [05-10-99]
8. Official Report, New Boston Police Department, Report No. OR 04-15-991497 [04-16-99]
9. Village of New Boston Case Worksheet for WalMart vs. Nourse, Matthew D., Case No. 99CRB76A [04-26-99]
10. Restitution Note from Matthew D. Nourse to Wal-Mart Stores, Inc. [04-15-99]

#### Respondent's Exhibits

- A. Copy of PRO Pharmacist's Recovery Contract for Matthew D. Nourse [09-09-02]
- B. Copy of Support Group Attendance Records [07-30-02 to 05-01-03]
- C. Copy of Drug Screen Reports [12-20-02 to 05-20-03]
- D. Letter from Steven R. Welton, R.Ph. [05-14-03]
- E. Letter from William Basedow, D.O. [05-04-03]
- F. Letter from James R. Mullins, M.D. [12-19-02]
- G. Letter from Kevin Gahm, R.Ph. [05-13-03]
- H. Letter from Sean Higbee, R.Ph. [05-05-03]
- I. Copy of Certificate of Completion for Matthew Nourse [09-24-02]
- J. Letter from Adam Kennard, CCDC I [05-27-03]

#### 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 Matthew Donavon Nourse was originally licensed by the State of Ohio as a pharmacist on August 20, 1997, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended effective August 6, 2002.
- (2) Matthew Donavon Nourse 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 July 16, 2002, while working at Rite Aid Pharmacy #4708, Matthew Donavon Nourse was observed slurring his words, swaying back and forth while standing, and having difficulty keeping his eyes open. A technician stated Matthew Donavon Nourse had made several mistakes processing prescription medication orders, and that he was moving very slowly and seemed extremely tired. Matthew Donavon Nourse admitted that his problems with drugs and alcohol began approximately two years ago, and that he had a drug dependency problem and wanted to get some help. Matthew Donavon Nourse admitted that he had consumed six Vicodin 5/500 mg tablets, an unknown amount of Darvocet-N 100 mg, and one Ativan 0.5 mg tablet. Such conduct indicates that Matthew Donavon

Nurse is addicted to the use of controlled substances within the meaning of Section 3719.121 of the Ohio Revised Code.

- (3) Matthew Donavon Nourse did, on or about July 16, 2002, while employed as a pharmacist for Rite Aid Pharmacy #4708, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rite Aid Pharmacy #4708, beyond the express or implied consent of the owner, to wit: Matthew Donavon Nourse has admittedly stolen 6 Vicodin 5/500 mg tablets and an unknown amount of Darvocet-N 100 mg tablets. Such conduct violates Section 2913.02 of the Ohio Revised Code.
- (4) Matthew Donavon Nourse was convicted, on or about April 30, 1999, of Petty Theft. Walmart vs. Nourse, Matthew D., Case No. 99CRB76A, Village of New Boston Mayor's Court. Such conduct indicates that Matthew Donavon Nourse falls within the ambit of Section 4729.16(A)(4) 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 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 (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) The State Board of Pharmacy concludes that paragraph (4) of the Findings of Fact constitutes being convicted of a misdemeanor related to, or committed in, the practice of pharmacy as provided in Division (A)(4) of Section 4729.16 of the Ohio Revised Code.

#### 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 Matthew Donavon Nourse on August 6, 2002.

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. 03-1-22575, held by Matthew Donavon Nourse and such suspension is effective as of the date of the mailing of this Order.

- (A) Matthew Donavon Nourse, 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) Matthew Donavon Nourse, 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 July 31, 2004, the Board will consider any petition filed by Matthew Donavon Nourse 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) Matthew Donavon Nourse 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) Matthew Donavon Nourse 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, upon signing, mail 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) 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) 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 Board any violations of the contract and/or lack of cooperation.
- (C) Matthew Donavon Nourse must demonstrate 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.

- (D) Matthew Donavon Nourse must provide, at the reinstatement petition hearing, documentation of the following:
- (1) Payment of any outstanding restitution or have an approved payment plan.
  - (2) Notify his current employer of his addiction to drugs and alcohol and have his employer respond to the Board of receiving such notification.
  - (3) Compliance with the licensed psychiatrist's or psychologist's recommended treatment plan;
  - (4) A report by the licensed psychiatrist or psychologist regarding Matthew Donavon Nourse's fitness for readmission into the practice of pharmacy;
  - (5) Compliance with the contract required above (e.g.-proof of giving the urine sample within twelve hours of notification and copies of all drug and alcohol urine screen reports, meeting attendance records, treatment program reports, etc.);
  - (6) 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;
  - (7) Compliance with the terms of this Order.
- (E) If reinstatement is not accomplished within three years of the effective date of this Order, Matthew Donavon Nourse must also 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-8/Nay-0).  
MOTION CARRIED.  
SO ORDERED.

**ORDER EFFECTIVE JULY 21, 2003**



# 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](mailto: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

August 6, 2002

**Matthew Donavon Nourse, R.Ph.**

1054 Graham Lane  
Lucasville, Ohio 45648

Re: Ohio Registered Pharmacist  
Number 03-1-22575

Dear Mr. Nourse:

In accordance with Section 3719.121(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. Further, 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 August 20, 1997, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You are addicted to liquor or drugs or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: on July 16, 2002, while working at the Rite-Aid Pharmacy #4708, you were observed slurring your words, swaying back and forth while standing, and having difficulty keeping your eyes open. A technician stated you had made several mistakes processing prescription medication orders, and that you were moving very slowly and seemed extremely tired. You admitted that your problems with drugs and alcohol began approximately 2 years ago, and that you had a drug dependency problem and wanted to get some help. You admitted that you had consumed 6 Vicodin 5/500 mg tablets and unknown amount of Darvocet-N 100 mg, and 1 Ativan 0.5 mg tablets. Such conduct indicates that you are addicted to the use of controlled substances within the meaning of Section 3719.121 of the Ohio Revised Code; and that you are addicted to or abusing controlled substances to such a degree as to render you unfit to practice pharmacy; guilty of a felony or gross immorality and/ guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (3) You did, on or about July 16, 2002, while employed as a pharmacist for Rite-Aid Pharmacy #4708, with purpose to deprive, knowingly obtain or exert control over danger-

ous drugs, the property of Rite-Aid Pharmacy #4708, beyond the express or implied consent of the owner, to wit: you have admittedly stolen 6 Vicodin 5/500 mg tablets and an unknown amount of Darvocet-N 100 mg tablets. Such conduct violates Section 2913.02 of the Ohio Revised Codes, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(A) of the Ohio Revised Code states, in pertinent part: "any ... pharmacist, ... who is or becomes addicted to the use of controlled substances, shall be suspended by the board that authorized the person's license, certificate, or registration..."

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 SECTIONS 3719.121(A) and (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 until an adjudicatory hearing has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, 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, 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 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;
- (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 REQUEST A HEARING within 30 days of the time of the mailing of this notice, such will be afforded. Such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. 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 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-020806-003)

BY ORDER OF THE STATE BOARD OF PHARMACY

**SUMMARY SUSPENSION EFFECTIVE AUGUST 6, 2002**

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.  
(Order Effective July 21, 2003)*