



OHIO STATE BOARD OF PHARMACY

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

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-061207-015)

In The Matter Of:

MARK CHRISTOPHER CARRINGTON R.Ph.

3684 McDermott Pond Creek Road

McDermott, Ohio 45652

(R.Ph. No. 03-1-22586)

INTRODUCTION

THE MATTER OF MARK CHRISTOPHER CARRINGTON CAME FOR HEARING ON DECEMBER 3, 2007, 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 CHRISTOPHER CARRINGTON WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Kevin J. Kinneer, Ohio State Board of Pharmacy
2. Mark Christopher Carrington, R.Ph., Respondent

Respondent's Witnesses

None

State's Exhibits

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [12-07-06]
1A-1E. Procedurals
2. Notarized Statement of Mark Carrington [12-06-06]
3. Northwest Toxicology Drug Screen Report [11-16-06]
4. Seven Drug Accountability Statements at Rite Aid Pharmacy #1897 for hydrocodone/APAP 7.5/325 mg, hydrocodone/APAP 7.5/750 mg, hydrocodone/APAP 5/500 mg, hydrocodone/APAP 7.5/650 mg, Vicodin ES 7.5/750 mg, Norco 10/325 mg, Ambien 10 mg [12-12-06]
5. State Board of Pharmacy Order In Re Mark Christopher Carrington [09-19-05]
6. State Board of Pharmacy Order In Re Mark Christopher Carrington [04-07-06]

7. Docket Sheet, State of Ohio vs. Mark Christopher Carrington, Case No. 04CR001236, Scioto County Common Pleas Court [11-15-04 to 10-15-07]
8. Indictment, State of Ohio vs. Mark C. Carrington, Case No. 07CR048, Scioto County Common Pleas Court [01-19-07]; Judgment Entry [05-09-07]

Respondent's Exhibits

- A1. Letter from Russell A. Hopper, CADC to Michael D. Quigley, R.Ph. [03-20-07]
- A2. Drug Screen Results [03-13-06 to 11-09-07]
- A3. Support Group Attendance Records [09-06-07 to 11-30-07]

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 Board of Pharmacy indicate that Mark Christopher Carrington was originally licensed by the State of Ohio as a pharmacist on July 24, 1997, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended effective December 7, 2006. Records further reflect that Mark Christopher Carrington was previously suspended on September 19, 2005 and his license was reinstated on April 21, 2006.

(2) Mark Christopher Carrington is addicted to the use of controlled substances, to wit: Mark Christopher Carrington has admitted to a Board Agent that he has an active addiction and he has tested positive for opiates and barbiturates. Such conduct indicates that Mark Christopher Carrington falls within the ambit of Sections 3719.121 and 4729.16(A)(3) of the Ohio Revised Code.

(3) Mark Christopher Carrington did, on or about the following date, violate his Board-imposed probation, to wit: Mark Christopher Carrington tested positive for opiates and barbiturates on November 16, 2006.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes being guilty of gross immorality, and indicates a violation of Mark Christopher Carrington's probation in the practice of pharmacy as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

(2) The State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes being guilty of dishonesty and unprofessional conduct, and indicates a violation of Mark Christopher Carrington's probation 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, and indicates a violation of Mark Christopher Carrington's probation as provided in Division (A)(3) 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 Mark Christopher Carrington on December 7, 2006.

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 Mark Christopher Carrington as follows:

(A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-1-22586, held by Mark Christopher Carrington effective as of the date of the mailing of this Order.

(B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-1-22586, held by Mark Christopher Carrington effective as of the date of the mailing of this Order.

(C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-1-22586, held by Mark Christopher Carrington effective as of the date of the mailing of this Order.

Pursuant to Section 4729.16(B) of the Ohio Revised Code, Mark Christopher Carrington 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.

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.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: January 11, 2008

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

WTW/lf

CERTIFIED MAIL/Return Receipt

c: Sally Ann Steuk, Assistant Attorney General



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-051004-037)

In The Matter Of:

MARK CHRISTOPHER CARRINGTON, R.Ph.

3684 McDermott Pond Creek

McDermott, Ohio 45652

(R.Ph. No. 03-1-22586)

INTRODUCTION

THE MATTER OF MARK CHRISTOPHER CARRINGTON CAME FOR HEARING ON MARCH 7, 2006 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE R. EASTMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

MARK CHRISTOPHER CARRINGTON WAS REPRESENTED BY DANIEL D. CONNOR. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witnesses

1. Mark Christopher Carrington, R.Ph., Respondent
2. Thomas Scott, R.Ph.

State's Exhibits

1. Reinstatement Hearing Request letter from Daniel D. Connor [08-10-05]
1A-1D. Procedurals
2. State Board of Pharmacy Order In Re Mark Christopher Carrington [09-19-05]
3. Notarized Statement of Mark Christopher Carrington [09-13-04]
4. Two Statements of Rory Phillips, R.Ph. [09-03-04 and 9-13-04]
5. Indictment, State of Ohio vs. Mark Christopher Carrington, Case No. 04-CR-1236, Scioto County Common Pleas Court [11-15-04]; Judgment Entry on Defendant's Request for Treatment in Lieu of Conviction [03-11-05]

Respondent's Exhibits

- A1. PRO Pharmacist's Recovery Contract for Mark Carrington [09-29-05]
- A2. Letter of Completion from The Counseling Center [06-29-05]
- A3. Copy of National City Personal Money Order #641689302 to Southern Ohio Medical Center [04-04-05]
- A4. Northwest Toxicology Drug Screen Reports [09-14-05 to 02-17-06]; Drug Panel [not dated]
- A5. Scioto County Adult Probation Department Drug Tests [03-28-04 to 02-13-06]
- A6. Support Group Attendance Records [08-01-05 to 02-24-06]
- A7. C.P.E. Report Form [not dated]; Twenty-nine Continuing Pharmaceutical Education Credits and Certificates [05-01-05 to 02-23-06]
- A8. Letter of Reference from Fred Meenach, President [02-18-06]
- A9. Three Letters of Support [07-22-05 to 02-22-06]
- B. Two Letters of Support [08-09-05 and 03-02-06]

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 that Mark Christopher Carrington has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-040916-024, effective September 19, 2005.

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. 03-1-22586, held by Mark Christopher Carrington to practice pharmacy in Ohio and places Mark Christopher Carrington on probation for five years beginning on the effective date of this Order, with the following conditions:

(A) Mark Christopher Carrington 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 with the renewal application. 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. Refusal of a urine screen or a diluted urine 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 to the Board reports, 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.

(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 Christopher Carrington 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 Mark Christopher Carrington's progress towards recovery and what he 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 Mark Christopher Carrington'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) Mark Christopher Carrington may not serve as a responsible pharmacist.

(3) Mark Christopher Carrington may not destroy, assist in, or witness the destruction of controlled substances.

(4) Mark Christopher Carrington must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.

(5) Mark Christopher Carrington must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Mark Christopher Carrington must abide by the rules of the State Board of Pharmacy.

(7) Mark Christopher Carrington 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.

Mark Christopher Carrington 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 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: APRIL 7, 2006

CERTIFIED MAIL / Return Receipt
7001 0360 0002 4139 6990

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



OHIO STATE BOARD OF PHARMACY

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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

December 7, 2006

Mark Christopher Carrington, R.Ph.

3684 McDermott Pond Creek

McDermott, Ohio 45652

Re: Ohio Registered Pharmacist
Number 03-1-22586

Dear Mr. Carrington:

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. 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 July 24, 1997, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio. Records further reflect that you were previously suspended on September 16, 2004 and your licensed was reinstated on April 21, 2006.
- (2) You are addicted to the use of controlled substances, to wit: you have admitted to a Board Agent that you have an active addiction and you have tested positive for opiates and barbiturates. Such conduct indicates that you fall within the ambit of Sections 3719.121 and 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, on or about the following date, violate your Board-imposed probation, to wit: you tested positive for opiates and barbiturates on November 16, 2006. Such conduct, if proven, indicates that you violated your probation and/or are 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..."

WHEREFORE, PURSUANT TO SECTION 3719.121(A) 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 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



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-040916-024)

In The Matter Of:

MARK CHRISTOPHER CARRINGTON, R.Ph.

3684 McDermott Pond Creek

McDermott, Ohio 45652

(R.Ph. No. 03-1-22586)

INTRODUCTION

THE MATTER OF MARK CHRISTOPHER CARRINGTON CAME FOR HEARING ON AUGUST 9, 2005, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE R. EASTMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER.

MARK CHRISTOPHER CARRINGTON WAS REPRESENTED BY DANIEL D. CONNOR. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

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

Respondent's Witness

1. Mark Christopher Carrington, R.Ph., Respondent

State's Exhibits

1. Copy of Summary Suspension Order/Notice of Opportunity For Hearing Letter [09-16-04]
1A-1C. Procedurals
1D. Addendum Notice Letter [02-02-05]
1E-1F. Procedurals
2. Notarized Statement of Mark Christopher Carrington [09-13-04]
2A. Two Statements of Rory Phillips, R.Ph. [09-03-04 and 09-13-04]
3. Clinical Reference Laboratory Drug Screen Report [09-11-04]
4. Drug Audit Summary Report [not dated]; Drug Accountability Statement at Southern Ohio Medical Center for Hydrocodone/Apap 10/500 mg [09-21-04]; Drug Accountability Statement at Southern Ohio Medical Center for Hydrocodone/Apap 7.5/500 mg [09-21-

04]; Drug Accountability Statement at Southern Ohio Medical Center for Hydrocodone/Apap 5/500 mg [09-21-04]; Drug Accountability Statement at Southern Ohio Medical Center for Butalbital/Apap/Caffeine 50/325/40 mg [09-21-04]; Drug Accountability Statement at Southern Ohio Medical Center for Ambien™ (Zolpidem) 10 mg [09-21-04]; Drug Accountability Statement at Southern Ohio Medical Center for Ambien™ (Zolpidem) [Audit Control] 5 mg [09-21-04]

5. Indictment, State of Ohio vs. Mark Christopher Carrington, Case No. 04CR1236, Scioto County Common Pleas Court [11-15-04]
6. Judgment Entry [01-24-05]
7. Judgment Entry on Defendant's Request for Treatment in Lieu of Conviction [03-11-05]

Respondent's Exhibits

- A1. PRO Pharmacist's Recovery Contract for Mark Carrington [01-18-05]
- A2. Two Treatment Compliance letters from Veronica Mershon, CCDCI [06-27-05 and 06-29-05]
- A3. The Counseling Center, Inc. Treatment Records for Mark C. Carrington [11-11-04 to 06-29-05]
- A4. Scioto Darby Adult Probation Department Drugs Screens [03-28-04 to 08-01-05]; Support Group Attendance Records [02-28-05 to 07-28-05]
- A5. Copy of Restitution Money Order No. 641689302, payable to Southern Ohio Medical Center [04-04-05]
- A6. Compass Vision Licensee Summary Report [03-24-05 to 07-07-05]
- A7. Support Group Attendance Records [12-06-04 to 07-28-05]
- A8. Five letters of Support [07-20-05 to 07-29-05]
- B. Letter from J.C. Carrington [08-09-05]

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 Board of Pharmacy indicate that Mark Christopher Carrington was originally licensed by the State of Ohio as a pharmacist on July 24, 1997, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended on September 16, 2004.

(2) Mark Christopher Carrington is addicted to the use of controlled substances, to wit: Mark Christopher Carrington has admittedly stolen and abused hydrocodone/APAP, Ambien, and butalbital/APAP; Mark Christopher Carrington has admitted that he is psychologically dependent on hydrocodone; and, Mark Christopher Carrington has tested positive for the use of barbiturates. Such conduct indicates that Mark Christopher Carrington falls within the ambit of Sections 3719.121 and 4729.16(A)(3) of the Ohio Revised Code.

(3) Mark Christopher Carrington did, on or about September 2, 2004, and dates previous, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Southern Ohio Medical Center pharmacy, beyond the express or implied consent of the owner, to wit: Mark Christopher Carrington has admittedly

stolen hydrocodone/APAP, Ambien, pseudoephedrine products, and butalbital/APAP for your own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(4) On January 19, 2005, Mark Christopher Carrington pled guilty to five (5) counts of Theft of Drugs, felonies of the fourth degree under Section 2913.02(A)(1)/(B)(6) of the Ohio Revised Code. State of Ohio vs. Mark Christopher Carrington, Case No. 04-CR-1236, Scioto County Common Pleas Court. Such conduct indicates that Mark Christopher Carrington is guilty of a felony or gross immorality, dishonesty or unprofessional conduct in the practice of pharmacy, and/or addicted to or abusing drugs to render him unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraph (4) of the Findings of Fact constitutes 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 (3) and (4) 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.

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 Christopher Carrington on September 16, 2004.

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. 03-1-22586, held by Mark Christopher Carrington and such suspension is effective as of the date of the mailing of this Order.

(A) Mark Christopher Carrington, 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 Christopher Carrington, 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 February 6, 2006, the Board will consider any petition filed by Mark Christopher Carrington 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 Christopher Carrington 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) approved 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 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. (hydrocodone?)

(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) 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.

(B) Mark Christopher Carrington 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 Christopher Carrington 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 Christopher Carrington must also show successful completion of the NAPLEX examination or an equivalent examination approved by the Board.

(E) Upon such time as the Board may consider reinstatement, Mark Christopher Carrington 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-7/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 filing 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

Signed and Effective **September 19, 2005**