



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-970821-003)

In The Matter Of:

**KENNETH DONALD DANIELS, R.Ph.**

812 Lauren Pratt Court  
Henderson, Nevada 89014  
(D.O.B. 7/4/54)

### INTRODUCTION

THE MATTER OF KENNETH DONALD DANIELS CAME ON FOR CONSIDERATION ON DECEMBER 9, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: AMONTE B. LITTLEJOHN, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; JOSEPH J. MASLAK, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

KENNETH DONALD DANIELS WAS NOT PRESENT, NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Timothy J. Benedict, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of Notice of Opportunity for a Hearing letter dated August 21, 1997, with the following attachments: fourteen-page certified copy of Accusation before the Nevada State Board of Pharmacy, Case No. 8803013APH, in the matter of Kenneth D. Daniels, R.Ph. dated December 18, 1989, with attached three-page certified copy of an attachment regarding the Sixth Cause of Action labeled Exhibit 1; four-page certified copy of Stipulation and Order before the Nevada State Board of Pharmacy, Case No. 88-03013A-

RPH-S, in the matter of Kenneth Daniels dated April 27, 1990; and certified copy of letter from Keith W. Macdonald dated May 1, 1992.

- (2) Exhibit 1A--Four-page National Association of Boards of Pharmacy® Official Application for Transfer of Pharmaceu<sup>TM</sup>tic Licensure to the state of Ohio of Kenneth Donald Daniels notarized on June 9, 1997; and attached statement regarding the "Record of Charges, Convictions, and Fines Imposed on Applicant" section of the application, not signed or dated.

Respondent's Exhibits:

- (1) None

#### FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) On August 21, 1997, Kenneth Donald Daniels was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) As demonstrated by return receipt of August 25, 1997, Kenneth Donald Daniels received the letter of August 21, 1997, informing him of the allegations against him, and his rights.
- (3) Kenneth Donald Daniels has not responded in any manner to the letter of August 21, 1997, and has not requested a hearing in this matter.
- (4) Records of the Board indicate that on or about June 10, 1997, Kenneth Donald Daniels submitted a NABP Official Application For Transfer Of Pharmaceu<sup>TM</sup>tic Licensure to the state of Ohio.
- (5) Records further indicate that Kenneth Donald Daniels is a registered pharmacist in the state of Nevada.
- (6) On or about December 18, 1989, the Nevada State Board of Pharmacy issued an Accusation against Kenneth Donald Daniels. Attached hereto and incorporated herein as Appendix A is the Accusation with attachment, Case No. 8803013APH, before the Nevada State Board of Pharmacy
- (7) On or about April 27, 1990, the Nevada State Board of Pharmacy issued a Stipulation and Order against Kenneth Donald Daniels' license. Attached hereto and incorporated herein as Appendix B is the Stipulation and Order, Case No. 88-0313A-RPH-S, before the Nevada State Board of Pharmacy.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (6) and (7) of the Findings of Fact constitute not being of good moral character and habits as provided in Paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.

- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (6) and (7) of the Findings of Fact constitute having been disciplined by the Nevada State Board of Pharmacy as provided in Paragraph (F) of Rule 4729-5-04 of the Ohio Administrative Code.

#### ACTION OF THE BOARD

Pursuant to Section 4729.09 of the Ohio Revised Code, the State Board of Pharmacy hereby approves the issuance of a certificate of registration or an identification card, and therefore approves the NABP Official Application For Transfer of Pharmaceutic Licensure submitted by Kenneth Donald Daniels with the following stipulations:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby places the pharmacist identification card of Kenneth Donald Daniels on probation for one year, effective as of the date of issuance. The terms of probation are as follows:
- (1) Kenneth Donald Daniels must not violate the drug laws of the state of Ohio, any other state, or the federal government.
  - (2) Kenneth Donald Daniels must abide by the rules of the Ohio State Board of Pharmacy.
  - (3) Kenneth Donald Daniels must comply with the terms of this Order.
- (B) 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-5/Nay-2).

MOTION CARRIED.

SO ORDERED.

ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-971003-008)

In The Matter Of:

**ARCH JOSEPH WEBER, R.Ph.**  
8700 Ashford Lake NW  
Pickerington, Ohio 43147  
(R.Ph. No. 03-3-14610)

INTRODUCTION

THE MATTER OF ARCH JOSEPH WEBER CAME TO HEARING ON DECEMBER 10, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: AMONTE B. LITTLEJOHN, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; JOSEPH J. MASLAK, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

ARCH JOSEPH WEBER WAS REPRESENTED BY WILLIAM J. MOONEY, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) None

Respondent's Witnesses:

- (1) George Perdue, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (2) Bruce Franken, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (3) Steve Harris, R.Ph. Pharmacists Rehabilitation Organization, Inc.
- (4) Arch Joseph Weber, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of six-page Order of the State Board of Pharmacy, Docket No. D-960123-035, in the matter of Arch Joseph Weber, R.Ph. dated July 1, 1996.
- (2) Exhibit 1A--Hearing Request letter dated September 28, 1997.
- (3) Exhibit 1B--Copy of two-page Hearing Schedule letter dated October 3, 1997.
- (4) Exhibit 1C--Letter from William J. Mooney dated October 24, 1997.
- (5) Exhibit 1D--Copy of Hearing Schedule letter dated October 28, 1997.

Respondent's Exhibits:

- (1) Exhibit A--Bound copies separated as follows: Tab 1 (RMS Contract) - Shepherd Hill Letters Verifying Treatment: Letter from Chris Lindskog dated October 27, 1997; letter from Christine Lindskog dated November 24, 1997; two letters from Mary Spain dated June 5, 1996, and July 2, 1996; and four urine drug screen reports of Arch Weber dated

from June 8, 1996, through June 27, 1996. Tab 2 (PRO Contract) - Two-page Shepherd Hill Hospital Recovery Monitoring Services Agreement of Arch Joseph Weber dated April 10, 1996; Intervenor Information form; two-page Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Arch Weber dated March 10, 1996. Tab 3 (Drug Screens) - 105 pages consisting of sixty-four urine drug screen reports of Arch Weber dated from March 28, 1996; letter from Chris Lindskog dated July 3, 1997; three letters from Mary Spain dated October 7, 1996, January 10, 1997, and April 10, 1997; and one AA Attendance sheet of Arch Weber dated October 13 through November 11, 1997. Tab 4 (AA Attendance) - twenty-nine pages of meeting attendance verification sheets of Arch Weber dated from February 27, 1996, through December 8, 1997. Tab 5 (Probation Compliance) - Disbursement Release in the Court of Common Pleas of Fairfield County, Ohio, Case No. 96CR0203, of Arch Joseph Weber, date illegible; Fairfield County Common Pleas Court, Receipt No. 57734, for money received of Arch Weber dated July 7, 1997; and letter from Bruce A. Oatney dated November 6, 1997. Tab 6 (Continuing Education) - eleven pages consisting of twenty-three continuing education certificates of Arch Weber dated from November 1, 1996, through October 7, 1997.

#### FINDING OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Arch Joseph Weber is in compliance with the Order of the Board, Docket No. D-960123-035, dated July 1, 1996.

#### ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card of Arch Joseph Weber to practice pharmacy in the state of Ohio and places him on probation for five years from the date his identification card is issued, with the following conditions:

- (A) Arch Joseph Weber must enter into a new contract, after the effective date of this Order, with 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 screens shall be conducted at least once every three months. The urine drug screens must report proper testing for alcohol. The urine drug screens must also report testing for creatinine as the dilutional standard or specific gravity and the results of such testing must be within normal limits;
  - (2) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required during outpatient treatment and/or during aftercare;
  - (3) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and

- (4) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Arch Joseph Weber 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 his progress towards recovery and what he has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that the pharmacist identification card of Arch Joseph Weber is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
  - (2) Arch Joseph Weber may not serve as a responsible pharmacist.
  - (3) Arch Joseph Weber may not destroy, assist in, or witness the destruction of controlled substances.
  - (4) Arch Joseph Weber must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
  - (5) Arch Joseph Weber must not violate the drug laws of the state of Ohio, any other state, or the federal government.
  - (6) Arch Joseph Weber must abide by the rules of the Ohio State Board of Pharmacy.
  - (7) Arch Joseph Weber must comply with the terms of this Order.

Arch Joseph Weber 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.