



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-001206-025)

In The Matter Of:

RANDY R. JONES

112 Beechwood Avenue
Wheatland, Pennsylvania 16161
(D.O.B. 04/25/75)

INTRODUCTION

THE MATTER OF RANDY R. JONES CAME TO HEARING ON JUNE 5, 2001, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE NEUBER, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER AND JAMES E. TURNER, R.Ph.

RANDY R. JONES WAS REPRESENTED BY JERRY O. PITTS, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Joann Predina, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Randy R. Jones, Respondent
- (2) Randolph Jones, Father of Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of two-page Proposal to Deny/Notice of Opportunity For Hearing letter of Randy R. Jones dated December 6, 2000.
- (2) Exhibit 1A--Hearing request letter from Randy Jones, not dated.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated December 22, 2000.
- (4) Exhibit 1C--Copy of Continuance Request Response letter dated February 26, 2001.
- (5) Exhibit 1D--Copy of Intern computer record of Randy Rodriguez Jones.

- (6) Exhibit 2--Letter from Randy Jones dated February 13, 1998.
- (7) Exhibit 3--Two-page letter, unsigned, received April 6, 1998.
- (8) Exhibit 4--Copy of Ohio State Board of Pharmacy Application For Examination As A Pharmacist of Randy Rodriguez Jones, signed and notarized September 30, 2000.
- (9) Exhibit 5--Copy of eight pages of court records for State of Ohio vs. Randy R. Jones, Case No. 972025-CRI, Hardin County Common Pleas Court.
- (10) Exhibit 5A--Copy of Baldwin's Ohio Revised Code Annotated of Section 2903.12 Aggravated Assault, not dated.
- (11) Exhibit 5B--Two-page copy of Baldwin's Ohio Revised Code Annotated of Section 2923.11 Definitions, not dated.
- (12) Exhibit 6--Ten-page copy of Ada Police Department Offense Report of Randy R. Jones, dated March 14, 1997.
- (13) Exhibit 7--Copy of Ada Police Department Witness Statement of Eric Kloepfel, signed and notarized March 14, 1997.
- (14) Exhibit 8--Copy of two-page Ada Police Department Witness Statement of Ray Emlinger, signed and notarized March 14, 1997.
- (15) Exhibit 9--Copy of Ada Police Department Witness Statement of Holly Williams, signed and notarized March 14, 1997.

Respondent's Exhibits:

- (1) Exhibit A--Copy of letter to Ohio State Board of Pharmacy from Randy Jones dated February 13, 1998.
- (2) Exhibit B--Copy of two-page letter to Ohio State Board of Pharmacy, not signed, received April 6, 1998.
- (3) Exhibit C--Copy of Application For Examination As A Pharmacist of Randy Rodriguez Jones, signed and notarized September 30, 2000.
- (4) Exhibit D--Copy of two-page Bill of Particulars, State of Ohio vs. Randy R. Jones, Case No. 972025-CRI, Hardin County Common Pleas Court.
- (5) Exhibit E--Copy of letter to Lora Manon dated September 26, 1997; copy of five-page Plea of Guilty, State of Ohio vs. Randy R. Jones, Case No. 972025-CRI, Hardin County Common Pleas Court.
- (6) Exhibit F--Copy of Statement regarding Telephone Conference Call on May 31, 2001.
- (7) Exhibit G--Copy of nineteen-page report of interview of Ben Snell by Jim Wingate, Wingate Investigations.
- (8) Exhibit H--Copy of fax cover sheet and Patient Note of Randy Jones from Dr. Howard Hall dated May 30, 2001.
- (9) Exhibit I--Copy of ASTOP, Inc. Discharge Summary, signed and dated September 15, 1997; Copy of Conditions for Reinstatement of Driving Privileges of Randy R. Jones dated December 30, 1996.
- (10) Exhibit J--Fourteen pages of copies of letters from the following: Brittney S. Strayer dated March 12, 2001; Zoe Wagner, R.Ph. dated April 24, 2001; Joe Awais, R.Ph. dated April 24, 2001; Ziad Mazloun dated April 23, 2001; David Woychik, R.Ph. dated May 26, 2001; Raymond P. Myers, R.Ph. dated March 16, 2001; Carla M. DiMauro, R.Ph. dated April 19, 2001; Vicki Vlahos Klaus, R.Ph., not dated; Martin L. Klaus, R.Ph., not dated; Ben Grilliot R.Ph., not dated; Stephanie Svetina dated April 25, 2001; Marcinda Franks dated April 24, 2001; Amanda R. Smith, CPhT dated April 20, 2001; Steve Barney, R.Ph. dated April 27, 2001.

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 Randy R. Jones submitted an application for examination as a pharmacist on or about October 4, 2000. Records further indicate that Randy R. Jones was originally licensed to practice as a pharmacy intern in the State of Ohio on May 5, 1998, is currently licensed as an intern, and has passed an examination to become a pharmacist.
- (2) Randy R. Jones did, on or about February 13, 1998, and again on or about October 4, 2000, knowingly make a false statement with purpose to secure the issuance by a governmental agency of a license or registration, to wit: Randy R. Jones falsified his pharmacy intern application and his pharmacist examination application when describing his past legal history. Specifically, Randy R. Jones lied in his application about the events that led to his conviction for Aggravated Assault, a felony of the third degree. State of Ohio vs. Randy R. Jones, Case No. 972025-CRI, Hardin County Common Pleas Court. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes having been convicted of a felony as set forth in paragraph (A) 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 paragraph (2) of the Findings of Fact constitutes not being of good moral character and habits as set forth in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.

ACTION OF THE BOARD

Pursuant to Section 4729.08 of the Ohio Revised Code, and upon consideration of the record as a whole, the State Board of Pharmacy hereby approves the issuance of a certificate of registration as a pharmacist.

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 the pharmacist license of Randy R. Jones for six months from the date of the mailing of this Order.

- (A) Randy R. Jones is not prohibited by Rule 4729-9-01(F) of the Ohio Administrative Code from being employed by or working in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) After six months from the effective date of this Order, the Board will issue Randy R. Jones' identification card and license to practice pharmacy provided that Randy R.

Jones has attended at least one Adjudication Hearing of the Board per month during the six-month suspension.

(1) Randy R. Jones' license will be placed on probation for five years effective as of the date the identification card to practice pharmacy is issued. The terms of probation are as follows:

(a) The State Board of Pharmacy hereby declares that Randy R. Jones' 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.

(b) Randy R. Jones may not serve as a responsible pharmacist.

(c) Randy R. Jones must not violate the drug laws of the state of Ohio, any other state, or the federal government.

(d) Randy R. Jones must abide by the rules of the State Board of Pharmacy.

(e) Randy R. Jones must comply with the terms of this Order.

(2) Randy R. Jones 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.

MOTION CARRIED.

SO ORDERED.