



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

PHONE: 614/466-4143

FAX: 614/752-4836

E-MAIL: exec@bop.state.oh.us

TTY/TDD Ohio Relay Service: 1-800/750-0750

URL: <http://www.state.oh.us/pharmacy/>

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

May 15, 2001

Kevin Chakos, R.Ph.
1316 West 108th Street
Cleveland, Ohio 44102

Re: Ohio Registered Pharmacist
Number 03-1-24288

Dear Mr. Chakos:

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 September 1, 2000, pursuant to examination, and are currently licensed to practice pharmacy in the state of Ohio.
- 2) You are addicted to the use of controlled substances, to wit: you have admitted to Board agents that you are addicted to the use of controlled substances; you have admitted stealing drugs while practicing pharmacy; and, you have admitted to forging prescriptions to obtain controlled substances. Such conduct indicates that you are addicted to controlled substances within the meaning of Section 3719.121 of the Ohio Revised Code and/or abusing dangerous drugs to such an extent as to render you unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- 3) You did, on or about July 23, 2000, while employed as a pharmacy resident at the Metro Health System, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Metro Health System, beyond the express or implied consent of the owner, to wit: you have admittedly stolen from 1 to 5 cc of morphine from the pharmacy's IV room. Such conduct violates Section 2913.02 of the Ohio Revised Code, 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.
- 4) You did, between June 26, 2000, and February 2, 2001, by theft, acquire three uncompleted, preprinted prescription blanks used for writing prescriptions, to wit: as a pharmacy resident at Metro Health System, you stole three blank prescriptions for the purpose of creating false prescriptions to obtain drugs. Such conduct violates Section

2925.2(C) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

- 5) You did, from March 12, 2001, through April 27, 2001, while employed as a pharmacist at Tops Pharmacy, knowingly obtain or exert control over dangerous drugs, the property of Tops Pharmacy, beyond the express or implied consent of the owner, to wit: you have admittedly stolen 47 tablets of hydrocodone 10mg / APAP 500mg. Such conduct violates Section 2913.02 of the Ohio Revised Code, 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.
- 6) You did, from April 23, 2001, through April 27, 2001, while employed as a pharmacist at Tops Pharmacy, knowingly obtain or exert control over dangerous drugs, the property of Tops Pharmacy, beyond the express or implied consent of the owner, to wit: you have admittedly stolen the following:
 - a) 30 tablets of hydrocodone 5mg / APAP 500mg
 - b) 12 tablets of hydrocodone 7.5mg / APAP 750mg
 - c) 13 tablets of Vicodin
 - d) 4 tablets of Vicodin ES

Such conduct violates Section 2913.02 of the Ohio Revised Code, 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.

- 7) You did, on or about April 27, 2001, while employed as a pharmacist at Tops Pharmacy, knowingly obtain or exert control over dangerous drugs, the property of Tops Pharmacy, beyond the express or implied consent of the owner, to wit: you have admittedly stolen 10 tablets of clonidine hydrochloride 0.2mg and 10 tablets of furosemide 40mg. Such conduct violates Section 2913.02 of the Ohio Revised Code, 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.
- 8) You did, on or about March 31, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: you forged prescription number 2053013, using your own name as the patient, on a stolen prescription blank, to obtain 10 tablets of OxyContin 40mg, a Schedule II controlled substance. Such conduct violates Section 2925.23(B) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- 9) You did, on or about April 2, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: you forged telephone prescription number 3053046, using your girlfriend's name as the patient, to obtain 50 tablets of hydrocodone 10mg /APAP 650mg. Such conduct violates Section 2925.23(B) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy;

and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

- 10) You did, on or about April 4, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: you forged telephone prescription number 6053194, using your own name as the patient, to obtain 25 tablets of atenolol 25mg. Such conduct violates Section 2925.23(B) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
 - 11) You did, on or about April 5, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: you forged prescription number 2053199, using a fictitious name as the patient, on a stolen prescription blank, to obtain 10 tablets of OxyContin 40mg, a Schedule II controlled substance. Such conduct violates Section 2925.23(B) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
 - 12) You did, on or about April 17, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: you forged prescription number 2127039, using your own name as the patient, on a stolen prescription blank, to obtain 28 tablets of OxyContin 20mg, a Schedule II controlled substance. Such conduct violates Section 2925.23(B) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
 - 13) You did, on or about April 25, 2001, knowingly possess or use a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: during a traffic stop by the Ravenna Police Department, you were found in possession of, attempting to hide, 2.12 grams of marijuana, a Schedule I controlled substance. Such conduct violates Section 2925.11 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or willfully violating the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
 - 14) You did, on various occasions during 2001, fail to provide effective and approved controls and procedures to detect theft and diversion of dangerous drugs, to wit: while being the sole pharmacist on duty at Tops Pharmacy, you left the pharmacy premises unattended and unsecured. You were warned about such conduct by the store's Responsible Pharmacist; however, you ignored such warnings. Such conduct violates Rule 4729-9-05 of the Ohio Administrative Code as amplified by Rule 4729-9-11 of the Ohio Administrative Code, and if proven constitutes 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 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 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, 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.

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.

BY ORDER OF THE STATE BOARD OF PHARMACY

William T. Winsley, M.S., R.Ph.
Executive Director