



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-031209-043)

In The Matter Of:

VENUBABU TALASILA, R.Ph.

5822 Gaelic Court

Dublin, Ohio 43016

(R.Ph. No. 03-1-24354)

INTRODUCTION

THE MATTER OF VENUBABU TALASILA CAME FOR HEARING ON JUNE 22, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, 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.

VENUBABU TALASILA WAS REPRESENTED BY DANIEL D. CONNOR AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Christopher Reed, Ohio State Board of Pharmacy

Respondent's Witnesses

1. Venubabu Talasila, R.Ph., Respondent
2. Jhansi Talasila
3. aNikki Thomas
4. Nathan Menaged

State's Exhibits

1. Copy of Summary Suspension Order/Notice of Opportunity For Hearing letter [12-09-03]
1A-1D. Procedurals
2. Notarized Statement of Venubabu Talasila [11-14-03]
3. Clear plastic bag containing marijuana

Respondent's Exhibits

- A1. PRO Pharmacist's Recovery Contract for Venubabu Talasila [11-18-03]

- A2 Letter from Edna Jones, M.D. [06-01-04]
- A3. Three letters from The Woods At Parkside treatment counselors [04-19-04 to 06-08-04]
- A4. Parkside Medical Records for Venubabu Talasila [11-24-03 to 05-21-04]
- A5. Compass Vision Drug Screen Reports [01-13-04 to 05-12-04]
- A6. Support Group Attendance Records [11-18-03 to 06-14-04]
- A7A-A7D. Letters of Support [05-05-04 to 06-15-04]
- B. Compass Vision Drug Screen Report [06-10-04]
- C. Support Group Attendance Records [03-01-04 to 03-31-04]

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 Venubabu Talasila was originally licensed by the State of Ohio as a pharmacist on October 10, 2000, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended effective December 9, 2003
- (2) Venubabu Talasila is abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: while practicing pharmacy, Venubabu Talasila was observed leaving the building and smoking marijuana; Venubabu Talasila has admitted to doing this routinely; and, Venubabu Talasila has admitted to beginning to engage in this activity because of job stress. Such conduct indicates that Venubabu Talasila falls within the ambit of Sections 3719.121(A) and 4729.16(A)(3) of the Ohio Revised Code.
- (3) Venubabu Talasila did, on or about November 14, 2003, knowingly possess a controlled substance when the conduct was not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: Venubabu Talasila possessed a plastic bag in his automobile which contained marijuana, a Schedule I controlled substance. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (4) Venubabu Talasila did, on or about November 14, 2003, knowingly make a false statement when made with purpose to mislead a public official in performing his official function, to wit: Venubabu Talasila lied to Board agents who were investigating his marijuana-smoking activities. Venubabu Talasila maintained that he was smoking cigarettes rather than marijuana both verbally and by showing the agents a cigarette package. When the agents searched his automobile and found marijuana, Venubabu Talasila yelled that it had been "planted." Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraph (3) 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 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 (3) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) 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 Venubabu Talasila on December 9, 2003.

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 adjudicates the matter of Venubabu Talasila as follows:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-1-24354, held by Venubabu Talasila to practice pharmacy in Ohio and places Venubabu Talasila on probation for five years beginning on the effective date of this Order, with the following conditions:
 - (1) Venubabu Talasila 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 Venubabu Talasila's pharmacist identification card is issued. The contract must provide that:
 - (a) 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.
 - (i) 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.
 - (ii) Marijuana must be added to the standard urine drug screen.
 - (iii) Results of all drug 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.

- (b) The intervener/sponsor shall provide copies of all drug screen reports to the Board in a timely fashion.
 - (c) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (d) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (2) Venubabu Talasila 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:
- (a) The written report and documentation provided by the treatment program pursuant to the contract, and
 - (b) A written description of Venubabu Talasila's progress towards recovery and what Venubabu Talasila has been doing during the previous three months.
- (3) Other terms of probation are as follows:
- (a) The State Board of Pharmacy hereby declares that Venubabu Talasila'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.
 - (b) Venubabu Talasila may not serve as a responsible pharmacist.
 - (c) Venubabu Talasila may not destroy, assist in, or witness the destruction of controlled substances.
 - (d) Venubabu Talasila must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
 - (e) Venubabu Talasila must not violate the drug laws of Ohio, any other state, or the federal government.
 - (f) Venubabu Talasila must abide by the rules of the State Board of Pharmacy.
 - (g) Venubabu Talasila must comply with the terms of this Order.
 - (h) Venubabu Talasila's license is deemed not in good standing until successful completion of the probationary period.

(4) 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.

(B) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes on Venubabu Talasila a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

Venubabu Talasila 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-1).

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: JULY 13, 2004

CERTIFIED MAIL / Return Receipt
7003 0500 0002 4347 2573

WTW/lp

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

c: Sally Ann Steuk, Assistant Attorney General
Daniel D. Connor, Attorney for Respondent; Connor & Behal L.L.P.; Courthouse Square;
501 South High Street; Columbus, Ohio 43215



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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

December 9, 2003

Venubabu Talasila, R.Ph.
5822 Gaelic Court
Dublin, Ohio 43016

Re: Ohio Registered Pharmacist
Number 03-1-24354

Dear Mr. Talasila:

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 actions 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 October 10, 2000, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You are abusing drugs or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: while practicing pharmacy, you were observed leaving the building and smoking marijuana; you have admitted to doing this routinely; and, you have admitted to beginning to engage in this activity because of job stress. Such conduct, if proven, indicates that you fall within the ambit of Sections 3719.121(A) and Section 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, on or about November 14, 2003, knowingly possess a controlled substance when the conduct was not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: you possessed a plastic bag in your automobile which contained marijuana, a Schedule I Controlled Substance. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code, and if proven constitutes being guilty of 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.
- (4) You did, on or about November 14, 2003, knowingly make a false statement when made with purpose to mislead a public official in performing his official function, to wit: you lied to Board agents who were investigating your marijuana-smoking activities. You maintained that you were smoking cigarettes rather than marijuana both verbally and by showing the agents a cigarette package. When the agents searched

your automobile and found marijuana, you yelled that it had been "planted." Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of 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(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 SECTION 3719.121(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 a final adjudication order becomes effective, 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 thirty (30) days of the time of the mailing of this notice, such will be afforded. 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 HEREBY 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 (10) days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

(D-031209-043)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE DECEMBER 9, 2003

This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.