



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-020429-051)

In The Matter Of:

CHARLES R. MOHR

6526 Burdett Road
Wadsworth, Ohio 44281
(D.O.B. 02/02/1957)

INTRODUCTION

THE MATTER OF CHARLES R. MOHR CAME FOR HEARING ON NOVEMBER 5, 2002, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: DIANE C. ADELMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, 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.

CHARLES R. MOHR WAS REPRESENTED BY TIMOTHY H. CHAMPION AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Joann Predina, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses

1. Kim Snodgrass
2. Charles R. Mohr, Respondent

State's Exhibits

1. Copy of Proposal to Deny/Notice of Opportunity for Hearing [04-29-02]
1A-1E. Procedurals
1F.
2. Copy of State Board of Pharmacy Order in re Charles R. Mohr [05-04-00]
3. Copy of State Board of Pharmacy Order in re Charles R. Mohr [10-08-97]
4. Copy of State Board of Pharmacy Order in re Charles R. Mohr, R.Ph. [08-15-94]
5. Akron General Medical Center Discharge Summary re Charles Mohr [05-08-93]
- 6.
- 7.
- 8.
9. Notarized Statement of Rebecca Infantino, R.Ph. [09-02-93]
10. Notarized Statement of Donald Gale, R.Ph. [09-02-93]

Respondent's Exhibits

- A. PRO Inc. Pharmacist's Recovery Contract for Charles R. Mohr [05-30-02]
- B. Drug Screen Collection Procedure; Drug Screen Reports [02-22-00 to 06-18-02]
- C. Support Group Attendance Records [05-03-00 to 11-01-02]
- D. Five Letters of Support [01-31-02 to 10-17-02]; Earnings Statement for Charles R. Mohr [09-30-02]; Letter from David J. Abbott [11-04-02]; Letter from Michael D. Quigley, R.Ph. [11-04-02]
- E. Continuing Pharmaceutical Education Certificates [05-16-99 to 04-29-01]

DECISION OF THE BOARD

Pursuant to Sections 4729.08 and 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy takes the following actions in the matter of Charles R. Mohr:

- (A) The State Board of Pharmacy hereby approves the issuance of a pharmacist identification card to Charles R. Mohr to practice pharmacy in Ohio and, therefore, accepts the Application For Examination As A Pharmacist submitted by Charles R. Mohr.
- (B) The State Board of Pharmacy hereby places Charles R. Mohr on probation for five years from the effective date of this Order, with the following conditions:
 - (1) Charles R. Mohr must, before taking the licensure examination, work in a pharmacy for a minimum of 500 hours under the direct supervision of a pharmacist whose license is in good standing.
 - (2) Charles R. Mohr must enter into a 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. The contract must provide that:
 - (a) Random, observed urine drug screens shall be conducted each month for the first twelve months 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) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.

- (iii) Results of all drug and alcohol screens must be negative. 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 the contract and probation.
 - (iv) Refusals of urine screens or diluted urine screens are equivalent to a positive result and indicate a violation of probation.
 - (b) The intervener/sponsor shall provide copies of all drug and alcohol 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.
- (3) Charles R. Mohr 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 Mr. Mohr's progress towards recovery and what he has been doing during the previous three months.
- (4) Other terms of probation are as follows:
 - (a) The State Board of Pharmacy hereby declares that Charles R. Mohr'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) Charles R. Mohr may not serve as a responsible pharmacist.
 - (c) Charles R. Mohr may not destroy, assist in, or witness the destruction of controlled substances.
 - (d) Charles R. Mohr must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (e) Charles R. Mohr must not violate the drug laws of Ohio, any other state, or the federal government.

- (f) Charles R. Mohr must abide by the rules of the State Board of Pharmacy.
- (g) Charles R. Mohr must comply with the terms of this Order.
- (5) 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.

Charles R. Mohr 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.

ORDER EFFECTIVE DECEMBER 5, 2002



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-991228-039)

In The Matter Of:

CHARLES R. MOHR

6526 Burdett Road

Wadsworth, Ohio 44281

(D.O.B. 2/2/57)

INTRODUCTION

THE MATTER OF CHARLES R. MOHR CAME TO HEARING ON APRIL 3, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, 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.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

CHARLES R. MOHR WAS REPRESENTED BY TIMOTHY H. CHAMPION, 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) Charles R. Mohr, Respondent
- (2) Albert Weinstein, Pharmacists Rehabilitation Organization
- (3) Kim Snodgrass, Alcoholics Anonymous Sponsor

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Proposal to Deny Exam Application/Notice of Opportunity for a Hearing letter dated December 28, 1999.
- (2) Exhibit 1A--Hearing Request letter dated January 6, 2000.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated January 14, 2000.

- (4)
- (5) Exhibit 1D--Copy of Pharmacist File Front Sheet of Charles Richard Mohr showing original date of registration as March 1, 1984.
- (6)
- (7)
- (8) Exhibit 2--Copy of Akron General Medical Center Discharge Summary of Charles Mohr for the period May 2, 1993, to May 8, 1993.
- (9) Exhibit 2A--Copy of six-page Order of the State Board of Pharmacy, Docket No. D-940201-043, effective August 15, 1994.
- (10) Exhibit 3--Copy of four-page Order of the State Board of Pharmacy, Docket No. D-970117-026, effective October 8, 1997.
- (11)
- (12)
- (13) Exhibit 7--Copy of three-page statement of Rebecca Infantino, R.Ph. dated September 2, 1993.
- (14) Exhibit 8--Statement of Donald Gale, R.Ph. dated September 2, 1993.

Respondent's Exhibits:

Spiral-bound folder with Table of Contents and tabbed dividers marked A through F containing the following:

- (1) Exhibit A1--Copy of two-page Pharmacist's Recovery Contract for Charles R. Mohr dated January 9, 1997.
- (2) Exhibit B1--Copy of letter from John M. Surso dated August 4, 1997.
- (3) Exhibit B2--Copy of Drug Screen Collection Procedure signed by John M. Surso, M.D.
- (4) Exhibits B2A through B53--Copies of Urine Drug Screen Reports of Charles R. Mohr for collection dates: March 6, 2000; February 22, 2000; January 25, 2000; December 16, 1999; November 11, 1999; October 27, 1999; September 28, 1999; September 10, 1999; August 27, 1999; July 26, 1999; June 30, 1999; May 25, 1999; April 20, 1999; March 26, 1999; February 16, 1999; January 27, 1999; December 31, 1998; November 12, 1998; October 26, 1998; September 23, 1998; August 4, 1998; July 17, 1998; June 29, 1998; May 27, 1998; April 28, 1998; March 25, 1998; February 26, 1998; January 28, 1998; December 19, 1997; November 17, 1997; October 16, 1997; September 26, 1997; July 22, 1997; May 27, 1997; March 13, 1997; January 27, 1997; December 5, 1996; October 15, 1996; September 17, 1996; August 29, 1996; June 25, 1996; May 25, 1996; February 28, 1996; November 27, 1995; September 27, 1995; August 28, 1995; July 1, 1995; May 1, 1995; March 20, 1995; February 13, 1995; December 16, 1994; November 30, 1994; and March 28, 1996.
- (5) Exhibits C1 through C28--Copy of twenty-eight pages of Meeting Attendance Verification sheets with dates from June 1, 1994, through March 28, 2000.
- (6) Exhibit D1--Copy of letter from John Bukovesky dated March 15, 2000.
- (7) Exhibit D2--Copy of Earnings Statement of Charles R. Mohr at Inflatable Survival Systems, Inc. for the pay period ending March 15, 2000.
- (8) Exhibit D3--Copy of letter from Robert C. Burns dated March 30, 2000.
- (9) Exhibit D4--Copy of letter from David P. Tenley dated March 30, 2000.
- (10) Exhibits D5 and D6--Copy of two-page letter from Kim K. Snodgrass dated August 14, 1997.
- (11) Exhibit D7--Copy of unfinished letter not signed dated August 6, 1997.

- (12) Exhibits D8 and D9--Copy of two-page letter from Rev. J. Norman Riley dated August 9, 1997.
- (13) Exhibit D10--Copy of letter from Doug Potts dated August 10, 1997.
- (14) Exhibit D11--Copy of letter from Albert Weinstein dated August 11, 1997.
- (15) Exhibit D12--Copy of letter from Bernadette Skoula dated August 18, 1997.
- (16) Exhibit D13--Copy of letter from Michael F. Cassidy not dated.
- (17) Exhibit D14--Copy of letter from Dave Tenley dated August 23, 1997.
- (18) Exhibit D15--Copy of letter from Theron R. Brayman dated August 22, 1997.
- (19)
- (20)
- (21)
- (22)
- (23) Exhibits F1 through F15--Fifteen pages of copies of continuing pharmacy education certificates of Charles R. Mohr for programs numbered and dated as follows: 036-106-99-004-L01 and 036-106-99-005-L03-J dated May 16, 1999; 751-000-99-010-L01 dated May 7, 1999; 129-000-97-003-H01 and 129-000-97-004-H01 dated March 11, 1999; 424-000-98-014-H01 dated January 20, 1999; 036-162-98-001-J dated March 8, 1998; 129-000-96-001-H01, 129-000-96-002-H01, 129-000-96-003-H01, 129-000-96-004-H01, 129-000-96-005-H01, 129-000-96-006-H01, 129-000-97-005-H01, 129-000-97-006-H01, and 129-000-97-007-H01 dated August 6, 1997; 129-000-96-007-H01, 129-000-96-008-H01, 129-000-96-009-H01, 129-000-96-010-H01, and 129-000-97-001-H01 dated August 11, 1997; 057-999-97-048-H04 dated October 1, 1997; 202-000-98-094-H01 dated September 1998; 810-000-96-001-L04 dated October 23, 1996; 802-000-95-010-L04 dated April 10, 1996; two numbered 129-000-96-047-L04 dated November 1, 1996; 692-424-94-019 dated April 3, 1995; Drug-Nutrient Interactions (program number illegible) dated April 3, 1995; 180-029-92-005 dated August 16, 1993; 189-761-92-009 dated July 19, 1993; and 680-026-91-032 dated June 1993.

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 Charles R. Mohr submitted an application for examination as a pharmacist on or about December 23, 1999.
- (2) Records further indicate that Charles R. Mohr was originally licensed to practice pharmacy in the state of Ohio on March 1, 1984. Charles R. Mohr's license was summarily suspended on February 1, 1994. A hearing was held in accordance with Chapter 119. of the Ohio Revised Code on April 15, 1994, and reconvened on June 27, 1994.
- (3) On or about August 15, 1994, the Board found the following to be fact:
 - (a) Charles R. Mohr was originally registered to practice pharmacy in the state of Ohio on March 1, 1984, pursuant to examination, and his pharmacist identification card was summarily suspended on February 1, 1994.
 - (b) .
 - (c)

- (d) Charles R. Mohr was addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Charles R. Mohr admitted to having two previous problems with abuse of Xanax, in 1987, and again in 1989; he admitted to having a first and second relapse in his drug usage after drug treatment.

The Board concluded that Charles R. Mohr was guilty of dishonesty and unprofessional conduct in the practice of pharmacy; addicted to and abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy; and guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapters 2925., 3719., or 4729. of the Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code. The Board revoked Charles R. Mohr's license, No. 03-2-15404, to practice pharmacy in the state of Ohio.

- (4) Records of the Board further indicate that Charles R. Mohr submitted an Application for Examination as a Pharmacist on or about October 15, 1996; and on or about October 8, 1997, for the reasons stated in paragraph (3) above, his application was denied.

CONCLUSIONS OF LAW

- (1)
- (2)
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3)(b) through (3)(d) of the Findings of Fact constitute not being of good moral character and habits as provided in paragraph (C) of Rule 4729-5-04 the Ohio Administrative Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (3)(d) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs as provided in paragraph (D) of Rule 4729-5-04 of the Ohio Administrative Code.
- (5) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes having been disciplined by the Ohio State Board of Pharmacy pursuant to Section 4729.16 of the Revised Code as provided in paragraph (E) 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 Rule 4729-5-04 of the Ohio Administrative Code, and on the basis of the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy hereby denies the issuance of a certificate of registration or an identification card to practice pharmacy and, therefore, denies the Application for Examination as a Pharmacist submitted by Charles R. Mohr.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-4/Nay-3).

MOTION CARRIED.

SO ORDERED.



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-970117-026)

In The Matter Of:

CHARLES R. MOHR

6526 Burdett Road
Wadsworth, Ohio 44281
(D.O.B. 2/2/57)
INTRODUCTION

THE MATTER OF CHARLES R. MOHR CAME TO HEARING ON SEPTEMBER 8, 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.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

CHARLES R. MOHR WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

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

Respondent's Witnesses:

- (1) Charles R. Mohr, Respondent
(2) Doug Potts, Pharmacists Rehabilitation Organization, Inc.
(3) Harold Schwartz, Pharmacists Rehabilitation Organization, Inc.
(4) Lynn Mohr, Wife of Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity letter dated January 17, 1997.
(2) Exhibit 1A--Copy of three-page facsimile dated June 4, 1997, as follows: two-page letter from Charles R. Mohr dated February 13, 1997, and copy of Domestic Return Receipt No. P 083 486 967.
(3) Exhibit 1B--Hearing Schedule letter dated June 10, 1997.

- (4)
- (5) Exhibit 3--Copy of six-page Order of the State Board of Pharmacy, Docket No. D-940201-043, in the matter of Charles R. Mohr dated August 15, 1994.
- (6) Exhibit 4--Two-page copy of Pharmacists Rehabilitation Organization, Inc. Recovering Pharmacist's Contract of Charles R. Mohr dated September 16, 1993.

Respondent's Exhibits:

- (1) Exhibit A--Copy of the following: A1-Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Charles R. Mohr dated December 16, 1996.
- (2) Exhibit B--Copies of the following: B1-Letter from John M. Surso, M.D. dated August 4, 1997; B2-Drug Screen Collection Procedure of John M. Surso, M.D., not dated; B3-Letter from John M. Surso, M.D. dated September 15, 1995; and B4 through B24-Urine drug screen reports of Charles Mohr dated from December 2, 1994, through July 24, 1997.
- (3) Exhibit C--Copies of the following: C1 through C14-AA Attendance Verification sheets of Charles R. Mohr dated from June 1, 1994, through August 22, 1997; and C15-AA Attendance Verification Contact Phone Numbers.
- (4) Exhibit D--Copies of the following: D1-Letter from John Bukovesky, not dated; D2-Earnings statement of Charles R. Mohr dated August 15, 1997; D3a and D3b-Two-page letter from Kim K. Snodgrass dated August 14, 1997; D4-Letter from Marie L. Cowden dated August 6, 1997; D5a and D5b-Two-page letter from Rev. J. Norman Riley dated August 9, 1997; D6-Letter from Doug Potts dated August 10, 1997; D7-Letter from Albert Weinstein dated August 11, 1997; D8-Letter from Bernadette Skoula dated August 18, 1997; D9-Letter from Michael F. Cassidy, not dated; D11-Letter from Dave Tenley dated August 23, 1997; and D12-Letter from Theron R. Brayman dated August 22, 1997.
- (5)
- (6) Exhibit F--Copies of the following: F1 through F6-Eight certificates of continuing pharmaceutical education of Charles R. Mohr dated from August 2, 1993, through December 16, 1996.

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) Records of the Board indicate that Charles R. Mohr submitted an Application for Examination as a Pharmacist on or about October 15, 1996.
- (2) Records further indicate that on or about August 15, 1994, the Board found the following to be fact:
 - (a) Charles R. Mohr was originally registered to practice pharmacy in the state of Ohio on March 1, 1984, pursuant to examination, and his pharmacist identification card was summarily suspended on February 1, 1994.
 - (b)
 - (c)
 - (d) Charles R. Mohr was addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy,

The Board concluded that Charles R. Mohr was guilty of dishonesty and unprofessional conduct in the practice of pharmacy; addicted to and abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy; and guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapters 2925., 3719., or 4729. of the Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code. For these reasons, the Board revoked Charles R. Mohr's license, No. 03-2-15404, to practice pharmacy in the state of Ohio.

CONCLUSIONS OF LAW

- (1)
- (2)
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2)(b) through (2)(d) of the Findings of Fact constitutes not being of good moral character and habits as provided in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2)(d) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs as provided in paragraph (D) of Rule 4729-5-04 of the Ohio Administrative Code.
- (5) 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 disciplined by the Ohio State Board of Pharmacy pursuant to Section 4729.16 of the Revised Code as provided in paragraph (E) 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 the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy hereby denies the issuance of a certificate of registration or an identification card, and therefore denies the Application for Examination as a Pharmacist submitted by Charles R. Mohr.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-991228-039)

In The Matter Of:

CHARLES R. MOHR

6526 Burdett Road

Wadsworth, Ohio 44281

(R.Ph. No. 03-2-15404)

INTRODUCTION

THE MATTER OF CHARLES R. MOHR CAME TO HEARING ON APRIL 15, 1994, AND RE-CONVENED ON JUNE 27, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; TIMOTHY D. MOORE, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

CHARLES R. MOHR WAS REPRESENTED BY WAYNE L. KEREK, AND THE STATE OF OHIO WAS REPRESENTED BY GREGG THORNTON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

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

Respondent's Witnesses:

- (1) Thomas Hamilton
(2) Mrs. Joyce Rafferty
(3) Charles Mohr, Respondent
(4) Rev. Ronald J. Bullock
(5) Michael Ferguson
(6) Richard Wise

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Summary Suspension letter dated February 1, 1994.
(2) Exhibit 1A - Two-page hearing request letter dated February 15, 1994.

- (3) Exhibit 1B - Hearing Schedule letter dated February 18, 1994.
- (4) Exhibit 1C - Hearing Schedule letter dated February 22, 1994.
- (5) Exhibit 1D - Addendum Notice dated April 5, 1994.
- (6) Exhibit 1E - Hearing Schedule letter dated April 22, 1994.
- (7) Exhibit 1F - Hearing Schedule letter dated April 29, 1994.
- (8) Exhibit 2 - Pharmacist File Front Sheet of Charles Richard Mohr showing original date of registration as March 1, 1984; and Renewal Application for Pharmacist License, No. 03-2-15404, for a license to practice pharmacy in Ohio from September 15, 1993, to September 15, 1994, dated August 8, 1993.
- (9)
- (10)
- (11)
- (12)
- (13)
- (14) Exhibit 7 - Three-page statement of Rebecca Infantino, R.Ph. signed and notarized on September 2, 1993.
- (15) Exhibit 8 - Statement of Donald Gale, R.Ph. signed and notarized on September 2, 1993.

Respondent's Exhibits:

- (1)
- (2) Exhibit B - Copy of Akron General Medical Center Discharge Summary of Charles Mohr, discharged on May 8, 1993.
- (3) Exhibit C - Two-page copy of Edwin Shaw Hospital Discharge Summary of Charles Mohr, discharged on May 28, 1993.
- (4) Exhibit D - Copy of Edwin Shaw Hospital Adult Aftercare/Family Relapse Prevention/Intervention Plan of Chuck Mohr dated May 28, 1993.
- (5) Exhibit E1 - Copy of Edwin Shaw Hospital Progress Notes of Charles Mohr dated June 30, 1993.
- (6) Exhibit E2 - Letter from Joyce Rafferty dated July 8, 1993.
- (7) Exhibit E3 - Letter from Joyce Rafferty dated August 25, 1993.
- (8) Exhibit E4 - Letter from Joyce Rafferty dated September 28, 1993.
- (9) Exhibit E5 - Letter from Joyce Rafferty dated October 26, 1993.
- (10) Exhibit E6 - Edwin Shaw Hospital Aftercare Progress Report of Charles Mohr dated January 19, 1994.
- (11) Exhibit F - Copy of Edwin Shaw Hospital Aftercare/Family and Support Group Attendance dated from June 7, 1993, through December 28, 1993.
- (12) Exhibit G1 - AA/NA meeting verification sheet of Charles Mohr dated from June 16, 1993, to July 12, 1993.
- (13) Exhibit G2 - AA/NA meeting verification sheet of Charles Mohr dated from July 14, 1993, to August 9, 1993.
- (14) Exhibit G3 - AA/NA meeting verification sheet of Charles Mohr dated from August 10, 1993, to September 12, 1993.
- (15) Exhibit G4 - AA/NA meeting verification sheet of Charles Mohr dated from September 14, 1993, to October 5, 1993.
- (16) Exhibit G5 - AA/NA meeting verification sheet of Charles Mohr dated from October 7, 1993, to November 5, 1993.
- (17) Exhibit G6 - AA/NA meeting verification sheet of Charles Mohr dated from November 8, 1993, to December 8, 1993.
- (18) Exhibit G7 - AA/NA meeting verification sheet of Charles Mohr dated from December 10, 1993, to February 6, 1994.

- (19) Exhibit G8 - AA/NA meeting verification sheet of Charles Mohr dated from February 7, 1994, to March 13, 1994.
- (20) Exhibit G9 - AA/NA meeting verification sheet of Charles Mohr dated from March 14, 1994, to April 9, 1994.
- (21) Exhibit H - Two-page copy of Pharmacists Rehabilitation Organization, Inc. Recovering Pharmacist's Contract of Charles R. Mohr dated September 16, 1993.
- (22) Exhibit I1 - Urine Drug Profile Report of Chuck Mohr dated June 23, 1993.
- (23) Exhibit I2 - Copy of Urine Drug Screen Request Results of Charles Mohr dated June 28, 1993.
- (24) Exhibit I3 - Copy of Urine Drug Screen Request Results of Charles Mohr dated July 6, 1993.
- (25) Exhibit I4 - Copy of Urine Drug Screen Request Results of Charles Mohr dated July 12, 1993.
- (26) Exhibit I5 - Copy of Urine Drug Screen Request Results of Charles Mohr dated July 26, 1993.
- (27) Exhibit I6 - Copy of Urine Drug Screen Request Results of Charles Mohr dated August 2, 1993.
- (28) Exhibit I7 - Copy of Urine Drug Screen Request Results of Charles Mohr dated September 2, 1993.
- (29) Exhibit I8 - Copy of Urinalysis Referral Results of Charles Mohr dated September 3, 1993.
- (30) Exhibit I9 - Copy of Urine Drug Screen Request Results of Charles Mohr dated October 22, 1993.
- (31) Exhibit I10 - Copy of Urine Drug Screen Request Results of Charles Mohr dated December 7, 1993.
- (32) Exhibit I11 - Copy of Urine Drug Screen Request Results of Charles Mohr dated December 21, 1993.
- (33) Exhibit I12 - Copy of Urinalysis Referral Results of Charles Mohr dated February 2, 1994.
- (34) Exhibit I13 - Copy of Urinalysis Referral Results of Charles Mohr dated March 1, 1994.
- (35) Exhibit I14 - Copy of Urinalysis Referral Results of Charles Mohr dated March 18, 1994.
- (36) Exhibit J1 - Letter from Dana Pulk dated March 28, 1994.
- (37) Exhibit J2 - Letter from David J. Haramis, not dated.
- (38) Exhibit J3 - Three-page letter from Loretta (Lorrie) Bertilsen dated March 29, 1994.
- (39)
- (40) Exhibit J5 - Letter from Louise E. Marek dated February 20, 1994.
- (41) Exhibit J6 - Copy of letter from Rev. Mr. Ronald J. Volek dated October 26, 1993.
- (42)
- (43) Exhibit J8 - Letter from Richard Brown, not dated.
- (44) Exhibit J9 - Two-page letter from Mary Winkler dated March 21, 1994.
- (45) Exhibit J10 - Two-page letter from Pamela J. Allen dated February 19, 1994.
- (46) Exhibit J11 - Copy of letter from Richard C. Wise dated October 19, 1993.
- (47) Exhibit J12 - Three-page letter from Mary Ann Dziedzicki dated March 1, 1994.
- (48) Exhibit J13 - Letter from Patrick Rall, not dated.
- (49) Exhibit J14 - Letter from Kathryn R. Rall dated February 21, 1994.
- (50) Exhibit J15 - Letter from Robert L. Kerek dated April 2, 1994.
- (51) Exhibit J16 - Letter from Marianne Tomei dated March 28, 1994.

- (52) Exhibit J17 - Letter from John W. Gatsios dated April 6, 1994.
- (53) Exhibit J18 - Letter from Karen A. Konet dated April 12, 1994.
- (54) Exhibit J19 - Letter from Steve and Barb Vetter dated April 8, 1994.
- (55) Exhibit J20 - Two-page letter from Kathy Ferguson, not dated.
- (56) Exhibit J21 - Copy of two-page letter from Thomas F. Hamilton, not dated.
- (57)
- (58) Exhibit L - Edwin Shaw Hospital Chemical Dependency Treatment Unit Program Participation Schedule of Chuck Mohr dated from May 13 to May 28.

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) Records of the Board indicate that Charles R. Mohr was originally registered to practice pharmacy in the state of Ohio on March 1, 1984, pursuant to examination, and his pharmacist identification card was summarily suspended on February 1, 1994.
- (2)
- (3)
- (4) Charles R. Mohr is addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy

again in 1989; Charles R. Mohr has had drug treatment on at least two separate occasions; and, Charles R. Mohr admitted to having a first and a second relapse in his drug usage after drug treatment.

CONCLUSIONS OF LAW

- (1)
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (3) the Findings of Fact constitutes 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (4) 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.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION 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 February 1, 1994. Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Charles R. Mohr:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03-2-15404, held by Charles R. Mohr, 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 set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03-2-15404, held by Charles R. Mohr, 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 set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03-2-15404, held by Charles R. Mohr, effective as of the date of the mailing of this Order.
- (D) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03-2-15404, held by Charles R. Mohr, effective as of the date of the mailing of this Order.

Division (B) of Section 4729.16 of the Revised Code provides 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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.