



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-050310-047)

In The Matter Of:

JARROD WARREN GROSSMAN
1583 Presidential Drive, Apt. A4
Columbus, Ohio 43212
03-1-27183

INTRODUCTION

THE MATTER OF JARROD WARREN GROSSMAN CAME FOR HEARING ON JUNE 8, 2005, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

JARROD WARREN GROSSMAN WAS REPRESENTED BY DANIEL D. CONNOR. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

1. Christopher Reed, Ohio State Board of Pharmacy

Respondent's Witnesses

1. Jarrod Grossman, Respondent
2. James Scott Patton, R.Ph.
3. Kenneth Michael Hale, R.Ph., Ph.D.

State's Exhibits

1. Notice of Opportunity For Hearing letter [03-10-05]
1A-1C. Procedurals
2. Notarized Statement of Sandra S. Clowes [06-19-03]
3. Notarized Statement of Jarrod W. Grossman [06-19-03]
4. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Adderall 5 mg tablets [06-20-03]
5. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Adderall 12.5 mg tablets [06-20-03]
6. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Adderall 20 mg tablets [06-20-03]

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7. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Adderall 30 mg tablets [06-20-03]
8. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Adderall XR 5 mg capsules [06-20-03]
9. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Adderall XR 10 mg capsules [06-20-03]
10. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Adderall XR 15 mg capsules [06-20-03]
11. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Adderall XR 20 mg capsules [06-20-03]
12. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for amphetamine salt 10 mg tablets [06-20-03]
13. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Concerta 54 mg tablets [06-20-03]
14. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for dextroamphetamine SR 5 mg tablets [06-20-03]
15. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for dextroamphetamine SR 10 mg capsules [06-20-03]
16. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Methylin 5 mg tablets [06-20-03]
17. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Methylin 10 mg tablets [06-20-03]
18. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Methylin 20 mg tablets 20 mg [06-20-03]
19. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for hydrocodone/APAP 5/500 mg tablets [06-20-03]
20. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for hydrocodone/APAP 7.5/500 mg tablets [06-20-03]
21. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for hydrocodone/APAP 7.5/750 mg tablets [06-20-03]
22. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for hydrocodone/APAP 10/325 mg tablets [06-20-03]
23. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for hydrocodone/APAP 10/500 mg tablets [06-20-03]
24. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for hydrocodone /Ibuprofen tablets 7.5/200 mg [06-20-03]
25. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Lortab 5/500 mg tablets [06-20-03]
26. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Lortab 7.5/500 mg tablets [06-20-03]
27. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Lortab 10/500 mg tablets [06-20-03]
28. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Norco 10/325 mg tablets [06-20-03]
29. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for phentermine HCL 37.5 mg tablets [06-20-03]
30. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for propoxyphene-N 100 mg tablets [06-20-03]
31. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Provigil 100 mg tablets [06-20-03]
32. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Provigil 200 mg tablets [06-20-03]

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33. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Vicodin 5/500 mg tablets [06-20-03]
34. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Vicoprofen 7.5/200 tablets [06-20-03]
35. Drug Accountability Statement at Kroger Sav-On Pharmacy N-966 for Zydone 10/400 mg tablets [06-20-03]

Respondent's Exhibits

- A1. PRO Pharmacist's Recovery Contract for Jarrod Grossman [09-16-03]
- A2. Ohio State University Hospitals East Treatment Records for Jarrod Grossman [12-11-03]
- A3. Ohio Pharmacists Rehabilitation Organization Inc. Licensee Summary Report [12-09-03 to 04-01-05]
- A4. Support Group Attendance Records [07-02-03 to 05-22-05]
- A5. Letter of Restitution Payment Plan from Jarrod Grossman to Diana Pierce [02-28-05]
- A6. Netcare Evaluation Report of Jarrod W. Grossman [03-01-05]
- A7. Thirteen Letters of Support [04-23-05 to 05-25-05]
- B. Support Group Attendance Record [10-01-03 to 10-28-03]

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 Jarrod Warren Grossman was originally licensed by the State of Ohio as a pharmacy intern on September 26, 2001 and holds a current license (06-0-03458) to practice as an intern.
- (2) Jarrod Warren Grossman is addicted to or abusing liquor or drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Jarrod Warren Grossman has admitted to Board agents that he stole numerous types of controlled substances during his employment as an intern for his personal abuse. Jarrod Warren Grossman was observed while practicing as an intern to have several tablets that appeared to be Darvocet-N 100 fall out of his pockets. Jarrod Warren Grossman has admitted to stealing Schedules II, III, and IV controlled substances from his employer by placing them into his pockets. Jarrod Warren Grossman admitted to abusing approximately 40 mg of hydrocodone daily, escalating to 100 mg daily, combined with other stimulant drugs. Jarrod Warren Grossman stated that he stole large quantities of narcotics along with smaller quantities of stimulants in order to relieve anxiety while working to "improve his work performance."
- (3) Jarrod Warren Grossman did, from July 4, 2002, through June 20, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger N-966, by deception, to wit: Jarrod Warren Grossman stole the following controlled substances:

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Schedule II Controlled Substances:

<u>Drug</u>	<u>Shortage</u>
Adderall 5 mg	29 tablets
Adderal 12.5 mg	100 tablets
Adderal 20 mg	3 tablets
Adderal 30 mg	1 tablet
Adderal XR 5 mg	100 capsules
Adderall XR 10 mg	9 capsules
Adderall XR 15 mg	4 capsules
Adderall XR 20 mg	21 capsules
amphetamine Salts 10 mg	32 tablets
Concerta 54 mg	11 tablets
dextroamphetamine SR 5 mg	30 tablets
dextroamphetamine SR 10 mg	60 capsules
Methylin 5 mg	2 tablets
Methylin 10 mg	34 tablets
Methylin 20 mg	38 tablets

Schedules III and IV Controlled Substances:

<u>Drug</u>	<u>Shortage</u>
hydrocodone/APAP 5/500	701 tablets
hydrocodone/APAP 7.5/500	149 tablets
hydrocodone/APAP 7.5/750	85 tablets
hydrocodone/APAP 10/325	1,062 tablets
hydrocodone/APAP 10/500	113 tablets
hydrocodone/Ibuprofen 7.5/200	35 tablets
Lortab 5/500	17 tablets
Lortab 7.5/500	612 tablets
Lortab 10/500	112 tablets
Norco 10/325	632 tablets
phentermine HCL 37.5 mg	325 tablets
propoxyphene-N 100 mg	69 tablets
Provigil 100 mg	206 tablets
Provigil 200 mg	608 tablets
Vicodin 5/500	51 tablets
Vicoprofen 7.5/200	1,197 tablets
Zydone 10/400	980 tablets

Such conduct is in violation of Section 2913.02 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 paragraph (3) of 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) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute 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.

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- (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 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby places Jarrod Warren Grossman on probation for the remainder of his internship. The terms of probation are as follows:

- (A) Jarrod Warren Grossman 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, upon signing, submit a copy of the contract to the Board office. The contract must provide that:
- (1) Random, observed urine drug screens shall be conducted at least once each month.
 - (a) 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.
 - (b) Hydrocodone must be included in the standard urine drug screen.
 - (c) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
 - (2) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Jarrod Warren Grossman must not violate the drug laws of Ohio, any other state, or the federal government.
- (C) Jarrod Warren Grossman must abide by the rules of the State Board of Pharmacy.
- (D) Jarrod Warren Grossman must comply with the terms of this Order.
- (E) 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.

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Jarrod Warren Grossman 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-8/Nay-0).

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 filing the original Notice of Appeal with the State Board of Pharmacy and a copy with 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 14, 2005**

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

WTW/lf

CERTIFIED MAIL / Return Receipt
7003 0500 0002 4340 8442

cc: Sally Ann Steuk, Assistant Attorney General
Daniel D. Connor, Attorney for Respondent; Connor Behal L.L.P.; Brewery District; 501
South High Street, Columbus, Ohio 43215