

ORDER OF THE STATE BOARD OF PHARMACY

Case Number 2014-1396

In The Matter Of:

Christopher D. Baker
9235 Coopermill Rd.
Hopewell, OH 43746
License no. 03-132263

INTRODUCTION

The Matter of Christopher D. Baker came for hearing on December 4, 2023, before the following members of the State of Ohio Board of Pharmacy (Board): Trina Buettner, RPh, *Presiding*; Mindy Ferris, RPh, Vice President; Anthony Buchta, Sr., RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christine Pfaff, RPh.

Jason George, RPh; Absent.

Christopher D. Baker was not represented by counsel and appeared *pro se*. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. None

Respondent's Witnesses:

1. Christopher D. Baker

State's Exhibits:

1. Original Notice Letter, with Proof of Service
2. Board Order

Respondent's Exhibits:

- A. Certified Addictionologist Letter
- B. Ohio Pharmacist Rehabilitation Organization (OHPRO) Contract
- C. OHPRO Urine Drug Screen Results
- D. OHPRO Participant Summary Report

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- E. OHPRO Recommendation Letter
- F. OHPRO Quarterly Reports
- G. NAPLEX and MPJE Test Results
- H. Urine Drug Screen Chain of Custody Copies (Under Seal)
- I. NA Meeting Attendance Sheets
- J. Character Reference Letters

FINDINGS OF FACT & DECISION OF THE BOARD

After hearing the testimony, observing the demeanor of the witnesses, considering the evidence, and weighing the credibility of each, the Board finds that Christopher D. Baker has substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case No. 2014-1396 dated November 12, 2014.

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby approves the reinstatement of the pharmacist license no. 03-132263, held by Christopher D. Baker to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

1. Christopher D. Baker must enter into and adhere to the terms of a **new** contract, signed within thirty days after the effective date of this Order, with a Board approved treatment monitor for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Christopher D. Baker should also submit to the Board documentation demonstrating compliance with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider, if applicable. Failure to adhere to the terms of the treatment contract and/or monitoring contract will be considered a violation of the Board's Order and subject Christopher D. Baker to potential sanctions up to and including revocation of license. The monitoring contract must provide that:
 - a. Random, observed urine drug screens shall be conducted at least once each month.
 - b. 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.
 - c. Alcohol and Ethyl Glucuronide (ETG) must be added to the standard urine drug screen.
 - d. 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.
 - e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of Christopher D. Baker in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.

- f. Christopher D. Baker must meet the daily check-in requirements of the testing center or check-in requirements as otherwise proscribed by the treatment monitor.
- 2. The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
 - a. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - b. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- 3. Christopher D. Baker shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the Board's Order and request Christopher D. Baker reappear before the Board for possible additional sanctions, including and up to revocation of license.
- 4. Christopher D. Baker shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of probation. The Board shall treat any such refusal as a violation of the Board's Order and request Christopher D. Baker reappear before the Board for possible additional sanctions, including and up to revocation of license.
- 5. Christopher D. Baker 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 Christopher D. Baker's progress towards recovery and what Christopher D. Baker has been doing during the previous three months, and
 - c. Proof of compliance with all terms of probation, the monitoring contract, including all terms in OAC Rule 4729:4-1-04, and proof of compliance with treatment, if applicable.
- 6. Christopher D. Baker must provide copies of the board order or settlement agreement to all employers or prospective employers, all licensing authorities in which Christopher D. Baker holds a professional license or applies for a professional license, and all persons who provide Christopher D. Baker chemical dependency treatment or monitoring, during the effective period of this order or agreement.

7. Other terms of probation are as follows:

- a. Christopher D. Baker must meet at least annually with the Board's Probation Committee, the first meeting to be held December 9, 2024. Additional periodic appearances may be requested.
- b. The State of Ohio Board of Pharmacy hereby declares that Christopher D. Baker's pharmacist license is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraphs (K) and (O) of Rule 4729:2-1-01 of the OAC.
- c. Christopher D. Baker must obtain prior approval of the board or the board's probation committee of departures or absences in excess of ten days from the country. Periods of departure or absence shall not change the probationary term, unless otherwise determined by motion of the board or the board's probation committee. For absences of three months or longer, the board or its probation committee may toll the length of probation, other than in instances where the board or its probation committee can be assured that probationary monitoring is otherwise being performed.
- d. Christopher D. Baker may not serve as a responsible pharmacist or a designated representative in a dispensary or for home medical equipment.
- e. Christopher D. Baker may not engage in a consult agreement, unless approved by the board.
- f. Christopher D. Baker may not destroy, assist in, or witness the destruction of controlled substances.
- g. Christopher D. Baker may not work in a pharmacy more than 40 hours per week or 80 hours over a two-week period.
- h. Christopher D. Baker must not violate the drug laws of Ohio, any other state, or the federal government.
- i. Christopher D. Baker must abide by the rules of the State of Ohio Board of Pharmacy.
- j. Christopher D. Baker must comply with the terms of this Order.
- k. Christopher D. Baker's license is deemed not in good standing until successful completion of the probationary period.
- l. Christopher D. Baker must provide continuing authorization for disclosure by the monitor and treatment provider (when applicable) to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their duties.

8. When deemed appropriate by the Board, Christopher D. Baker must submit to a psychiatric evaluation, and, where appropriate, continued treatment acceptable to the Board.

9. Christopher D. Baker may not request modifications to probationary terms for at least three years, however, limited, isolated deviations may be granted with approval by the Board, in exceptional circumstances.
10. Christopher D. Baker must immediately report any violation of the terms of this probation to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Christopher D. Baker to possible additional sanctions, including and up to revocation of license.
11. Any violation of probation or this Board's Order may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code, including and up to revocation of Christopher D. Baker's license.
12. Periods during which Christopher D. Baker is not in compliance with all probationary terms shall toll the length of time of probation, or the Board may implement additional disciplinary action in addition to or instead of tolling probation.

At the conclusion of the probationary period, the Board will issue a letter indicating whether probation has been successfully completed. If the Board determines probation has not been successfully completed, it will issue a notice of opportunity for hearing to Christopher D. Baker.

Further, upon stipulation of the parties, the Board hereby seals Exhibit H.

Mindy Ferris moved for Findings of Fact; Jeff Huston seconded the motion. Motion passed (Yes-7/No-0).

Mindy Ferris moved for the Decision of the Board; Jeff Huston seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

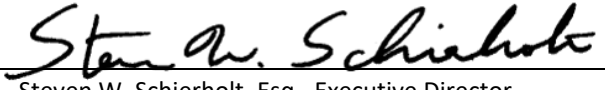
It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

TIME AND METHOD TO PERFECT AN APPEAL

Any party desiring to appeal shall file a Notice of Appeal with the State of Ohio Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, OH 43215, setting forth the order appealed from and stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal shall also be filed by the appellant in the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If the appellant is not a resident of and has no place of business in this state, the party may appeal to the court of common pleas of Franklin County. Such notices of appeal shall be filed within fifteen (15) days after the service of the notice of the State of Ohio Board of Pharmacy's Order as provided in Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: **December 14, 2023**

By: 
Steven W. Schierholt, Esq., Executive Director

SWS/sam/kl



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2014-1396)

In The Matter Of:

Christopher Durand Baker, R.Ph.

6845 Stamer Lane

Nashport, Ohio 43830

(R.Ph. Number 03-1-32263)

INTRODUCTION

The Matter of Christopher Durand Baker came for hearing on October 8, 201, before the following members of the Board: Michael A. Moné, R.Ph. (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Richard F. Kolezynski, R.Ph.; Fred M. Weaver, R.Ph. and Kilee S. Yarosh, R.Ph.

~~Christopher Durand Baker was not represented by Counsel. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.~~

Margaret A. Huwer, R.Ph., Absent.

Megan E. Marchal, R.Ph., Absent.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Thomas Miksch, Ohio State Board of Pharmacy
2. Christopher Durand Baker, R.Ph., Respondent

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|-------|--|---------------------------|
| 1. | Notice of Opportunity for Hearing | 04-25-14 |
| 1A-C. | Procedurals | |
| 2. | Video Surveillance | 04-01-14 |
| 3. | Notarized Statement of Christopher Durand Baker, R.Ph. | 04-16-14 |
| 4. | DEA 106 form for Kroger Pharmacy N-891 | 05-06-14 |
| 5. | Kroger Pharmacy On Hand Sheets | 01-16-14 through 04-15-14 |

Respondent's Exhibits:

None

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 Board of Pharmacy indicate that Christopher Durand Baker was originally licensed in the State of Ohio on July 25, 2012, pursuant to examination, and his license to practice pharmacy was summarily suspended effective April 25, 2014.
- (2) Christopher Durand Baker is addicted to or abusing drugs or alcohol and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Christopher Durand Baker has admitted that he is addicted to the use of controlled substances

(3)

(4)

(5)

(6)

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (3) through (5) of the Findings of Fact constitutes being guilty of a 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) through (6) 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 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) Further, as a result of the evidence and testimony presented, the State Board of Pharmacy concludes that paragraph (6) 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 Chapters 4729, 3719, and 2925 of the Ohio Revised Code and Chapter 4729 of the Ohio Administrative 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 Christopher Durand Baker on April 25, 2014.

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 suspends indefinitely the pharmacist identification card, No. 03-1-32263, held by Christopher Durand Baker and such suspension is effective as of the date of the mailing of this Order.

(A) Christopher Durand Baker, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

(B) Christopher Durand Baker, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his license to practice (pocket ID card) and registration (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of

this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after two (2) years from the effective date of this Order, the Board will consider any petition filed by Christopher Durand Baker for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

(A) Christopher Durand Baker must obtain, within sixty days after the effective date of this Order, a full chemical dependency evaluation by a certified addictionologist and must abide by the treatment plan as designed by that addictionologist. The addictionologist must provide an initial status report, which includes the recommended treatment plan, to the Board within ten days after completing the assessment.

(B) Christopher Durand Baker must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) 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) 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.

(c) Results of all drug and alcohol screens must be negative. Refusal of a urine screen or a diluted urine 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) The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

(3) Attendance is required a minimum of three times per calendar week (Sunday through Saturday), at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(C) Christopher Durand Baker must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

(D) Christopher Durand Baker must provide, at the reinstatement petition hearing, documentation of the following:

- (1) Compliance with the certified addictionologist's recommended treatment plan;
- (2) A report by the certified addictionologist regarding Christopher Durand Baker's fitness for readmission into the practice of pharmacy;
- (3) Compliance with the contract required above (e.g.-proof of giving the urine sample within twelve hours of notification and copies of all drug and alcohol urine screen reports, meeting attendance records, treatment program reports, etc.);
- (4) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
- (5) Compliance with the terms of this Order.

(E) If reinstatement is not accomplished within three years of the effective date of this Order, Respondent must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board.

Richard Kolezynski moved for Findings of Fact; Fred Weaver seconded the motion. Motion passed (Aye-5/Nay-0).

Kilee Yarosh moved for Conclusions of Law; Melinda Ferris seconded the motion. Motion passed (Aye-5/Nay-0).

Melinda Ferris moved for Action of the Board; Kilee Yarosh seconded the motion. Motion passed (Aye-5/Nay-0).

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

Christopher Durand Baker, R.Ph.

Page 6

Order of the Board

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 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: November 12, 2014

By: _____

Eric A. Griffin, Interim Executive Director

EAG/rlc

Certified Mail / Return Receipt

7011 2970 0004 0908 0619

c: Charissa D. Payer, Assistant Attorney General