



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-910801-007)

In The Matter Of:

EUGENE A. BARON, R.Ph.
3507 Woodley Court
Toledo, Ohio 43606
(R.Ph. No. 03-2-04300)

Introduction

THE MATTER OF EUGENE A. BARON CAME TO HEARING ON OCTOBER 21, 1991 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: BETTY J. NICHOL, R.Ph. (presiding); PAUL F. LAMPING, R.Ph.; NORMAN D. LEIBOW, R.Ph.; RUTH A. PLANT, R.Ph.; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

EUGENE A. BARON WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Eugene A. Baron, Respondent
- (2) Richard L. Rob, Blue Cross/Blue Shield of Ohio
- (3) Dale Fritz, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated August 1, 1991.
- (2) Exhibit B - Hearing Request letter dated August 19, 1991.
- (3) Exhibit C - Hearing Schedule letter dated September 3, 1991.
- (4) Exhibit D - Hearing Schedule letter dated September 5, 1991.
- (5) Exhibit 1 - Pharmacist File Front Sheet of Eugene A. Baron showing original date of licensure as July 18, 1949.

- (6) Exhibit 2 - Renewal Application for Annual License as a Terminal Distributor of Dangerous Drugs of Baron's Pharmacy, Inc. showing Eugene A. Baron as Responsible Pharmacist dated November 7, 1987.
- (7) Exhibit 2A - Written Notice of Discontinuing Business of Baron's Pharmacy signed by Eugene A. Baron on August 4, 1990.
- (8) Exhibit 3 - Board Order, Docket No. D-890209-099, of Baron's Pharmacy, Eugene S. Baron, dated June 30, 1989.
- (9) Exhibit 3A - Seven-page copy of Opinion and Judgment Entry, Case No. 89-2628, in the Court of Common Pleas of Lucas County, Ohio in the matter of Baron's Pharmacy, Inc., etc. signed by Richard W. Knepper, Judge on May 22, 1990.
- (10) Exhibit 4 - Three-page Criminal Docket Sheet, Common Pleas Court, Lucas County, Ohio, Trial Docket Orders and Motion Docket Entries of Eugene Baron, Case No. 89-7464, and Certification Of Document dated April 12, 1990.
- (11) Exhibit 5 - Prescription No. 569374.
- (12) Exhibit 6 - Prescription No. 569397.
- (13) Exhibit 7 - Prescription No. 569906.
- (14) Exhibit 8 - Prescription No. 569912.
- (15) Exhibit 9 - Prescription No. 569917.
- (16) Exhibit 10 - Prescription No. 570038.
- (17) Exhibit 11 - Prescription No. 570128.
- (18) Exhibit 12 - Prescription No. 572048.
- (19) Exhibit 13 - Prescription No. 572133.
- (20) Exhibit 14 - Prescription No. 600412.
- (21) Exhibit 15 - Prescription No. 600675.
- (22) Exhibit 16 - Prescription No. 600728.
- (23) Exhibit 17 - Amber vial, Prescription No. 569374, dated September 15, 1988.
- (24) Exhibit 18 - Amber vial, Prescription No. 569374, hand-written date of October 17, 1988.
- (25) Exhibit 19 - Amber vial, Prescription No. 569374, dated December 15, 1988.
- (26) Exhibit 20 - Amber vial, Prescription No. 569374, dated January 26, 1989.
- (27) Exhibit 21 - Silver ointment tube, Prescription No. 569397, dated September 15, 1988.
- (28) Exhibit 22 - Silver ointment tube, Prescription No. 569397, hand-written date of October 3, 1988.
- (29) Exhibit 23 - Amber vial, Prescription No. 569906, dated October 6, 1988.
- (30) Exhibit 24 - Amber vial, Prescription No. 569906, dated October 21, 1988.
- (31) Exhibit 25 - Amber vial, Prescription No. 569906, dated December 21, 1988.
- (32) Exhibit 26 - Amber vial, Prescription No. 569906, dated January 10, 1989.
- (33) Exhibit 27 - Amber vial, Prescription No. 569912, dated October 6, 1988.
- (34) Exhibit 28 - Amber vial, Prescription No. 569912, hand-written date of October 17, 1988.

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Order of the Board

- (35) Exhibit 29 - Amber vial, Prescription No. 569917, dated October 6, 1988.
- (36) Exhibit 30 - Amber vial, Prescription No. 569917, dated December 2, 1988.
- (37) Exhibit 31 - Amber vial, Prescription No. 569917, dated December 27, 1988.
- (38) Exhibit 32 - Amber vial, Prescription No. 569917, dated February 1, 1989.
- (39) Exhibit 33 - Silver ointment tube, Prescription No. 570038, dated October 11, 1988.
- (40) Exhibit 34 - Silver ointment tube, Prescription No. 570038, dated November 4, 1988.
- (41) Exhibit 35 - Silver ointment tube, Prescription No. 570038, dated December 9, 1988.
- (42) Exhibit 36 - Silver ointment tube, Prescription No. 570038, dated January 20, 1989.
- (43) Exhibit 37 - Amber vial, Prescription No. 570128, dated October 14, 1988.
- (44) Exhibit 38 - Amber vial, Prescription No. 570128, dated October 25, 1988.
- (45) Exhibit 39 - Amber vial, Prescription No. 570993, dated November 18, 1988.
- (46) Exhibit 40 - Amber vial, Prescription No. 570993, dated December 15, 1988.
- (47) Exhibit 41 - Amber vial, Prescription No. 570993, dated January 12, 1989.
- (48) Exhibit 42 - Amber vial, Prescription No. 570993, dated February 16, 1989.
- (49) Exhibit 43 - Amber vial, Prescription No. 571025, dated November 18, 1988.
- (50) Exhibit 44 - Amber vial, Prescription No. 571025, dated December 14, 1988.
- (51) Exhibit 45 - Amber vial, Prescription No. 571025, dated January 9, 1989.
- (52) Exhibit 46 - Amber vial, Prescription No. 571536, dated December 9, 1988.
- (53) Exhibit 47 - Amber vial, Prescription No. 571536, dated January 20, 1989.
- (54) Exhibit 48 - Amber vial, Prescription No. 571761, dated December 20, 1988.
- (55) Exhibit 49 - Amber vial, Prescription No. 571761, dated January 19, 1989.
- (56) Exhibit 50 - Amber vial, Prescription No. 572048, dated January 3, 1989.
- (57) Exhibit 51 - Amber vial, Prescription No. 572133, dated January 5, 1989.
- (58) Exhibit 52 - Amber vial, Prescription No. 600412, dated February 17, 1989.
- (59) Exhibit 53 - Amber vial, Prescription No. 600619, dated February 22, 1989.
- (60) Exhibit 54 - Amber vial, Prescription No. 600669, dated February 23, 1989.

- (61) Exhibit 55 - Amber vial, Prescription No. 600675, dated February 23, 1989.
- (62) Exhibit 56 - Amber vial, Prescription No. 600728, dated February 15, 1989.
- (63) Exhibit 57 - Amber vial, Prescription No. 600971, dated March 3, 1989.
- (64) Exhibit 58 - Two-page Ohio State Board of Pharmacy receipt for prescriptions from Baron's Pharmacy dated May 24, 1990.
- (65) Exhibit 59 - Copy of letter from Richard L. Rob and W. Douglas Fowler, Blue Cross/Blue Shield of Ohio (BCBSO), computing losses by BCBSO dated January 24, 1990.
- (66) Exhibit 60 - Copy of letter from Susan Stalder, Probation Officer, Lucas County Court of Common Pleas dated June 28, 1990.
- (67) Exhibit 61 - Two-page letter from Susan Stalder, Probation Officer, Lucas County Court of Common Pleas dated February 19, 1991.
- (68) Exhibit 62 - Unsigned copy of letter from James C. Rowe, Prescription Drug Service Program, dated March 11, 1985.
- (69) Exhibit 63 - Unsigned copy of letter from Sue Foust, Senior Pharmacy Auditor, dated March 13, 1987.
- (70) Exhibit 64 - Unsigned copy of letter from Sue Foust, Senior Pharmacy Auditor, dated October 1, 1987.
- (71) Exhibit 65 - Six 3"x 3" snapshots of the following drugs: Mylan Doxycycline Hyclate and Pfizer Vibramycin Doxycycline Hyclate; Schein Amitriptyline Hydrochloride and Goldline Amitriptyline HCl; Goldline Logen and Searle Lomotil; Dista Keflex and Goldline Cephalexin; Goldline Sulfatrim Suspension and Septra Suspension; and Goldline Sulfatrim Suspension.
- (72) Exhibit 66 - Two pages of Dangerous Drug Distributor Inspection Report sheets of Baron's Pharmacy, Inc. dated May 23, 1990.

Respondent's Exhibits:

- (1) Exhibit A - Three photographs of the following: Two 8"x 10" shots of the pharmacy area of Baron's Pharmacy, Inc.; and one 3"x 5" of the entrance to the pharmacy.
- (2) Exhibit B - Copy of Journal Entry of Eugene Baron, Case No. 89-7464, in the Court Of Common Pleas Of Lucas County, regarding Restoration of Rights signed by Judge Lanzinger (not dated).

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Eugene A. Baron was originally licensed in the state of Ohio on July 18, 1949, pursuant to examination, and was the owner and responsible pharmacist pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code at Baron's Pharmacy, 3030 Sylvania Ave., Toledo, Ohio 43613 from the year 1949 to August 31, 1990.

- (2) From the evidence presented, the State Board of Pharmacy finds that, on April 4, 1989, the Board found:
- (a) On or about February 29, 1988, Eugene Baron was the owner and responsible pharmacist at Baron's Pharmacy pursuant to Section 4729.27 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
 - (b) On or about February 29, 1988, Baron's Pharmacy held and/or offered for sale drugs that were misbranded pursuant to Section 3715.64 of the Ohio Revised Code or adulterated pursuant to Section 3715.63 of the Ohio Revised Code, to wit: held in stock in the pharmacy were the following misbranded or adulterated drugs:
 - (i) one vial labeled "Chlordiazepoxide 100mg" containing 290 black and blue capsules inscribed "C-10", one orange triangular pill, two black tablets inscribed "CAN", and one purple tablet inscribed "012 PST HAIR";
 - (ii) one vial labeled "Chlordiazepoxide 100" containing 414 black and blue capsules inscribed "R 3488" and 2 orange triangular tablets;
 - (iii) one vial labeled "Chlordiazepoxide 100" containing 155 black and blue capsules inscribed "R 3488";
 - (iv) one vial labeled "Constant T 300mg" containing 14 blue tablets inscribed "GEIGY 133 57";
 - (v) one vial labeled "Docusate 100" containing 89 red gelatin capsules;
 - (vi) one vial labeled "Choledyl 200" containing 128 yellow tablets inscribed "PD 211";
 - (vii) one vial labeled "Probenecid 500 containing 195 white scored tablets;
 - (viii) one vial labeled "Probenecid 500" containing 56 white scored tablets;
 - (ix) one vial labeled "Probenecid 500" containing 57 white scored tablets;
 - (x) one vial labeled "Docusate 100" containing 115 red gelatin capsules, some of which inscribed "247";
 - (xi) one vial labeled "Neptazane 50" containing 90 white scored tablets inscribed "LL 1/10";
 - (xii) one vial labeled "Hydralazine 50mg" containing 120 peach colored tablets inscribed "555/065";

- (xiii) one vial labeled "Hydralazine 50mg" containing 60 peach colored tablets inscribed "555/065";
- (xiv) one vial labeled "Colchicine .6" containing 117 white tablets inscribed "944" and one yellow tablet inscribed "5507 DAN";
- (xv) one vial labeled "Sumycin 250" containing 22 pink capsules inscribed "Squibb 665";
- (xvi) one vial labeled "Probenecid 500mg, Expired November, 1988, Quantity 60 yellow caplets inscribed "Z-2190";
- (xvii) one vial labeled "Dantrium 25mg" containing 121 orange/cream capsules inscribed "SAMPLE" and "Easton 030";
- (xviii) one vial labeled "Sinequan 25mg capsules" containing 47 pink and blue capsules inscribed "Pfizer 535";
- (xix) one vial labeled "Hydralazine 50mg tabs, A.B. Wilhemi, Dr. Wm. Cather, V.A., 12/4/87" containing 58 tablets;
- (xx) one unlabeled vial containing 24 capsules inscribed "Cinobac caps 500, Dista";
- (xxi) one unlabeled vial containing 18 white and clear capsules inscribed "Fisons-Crt 200";
- (xxii) one unlabeled vial containing 55 brown tablets inscribed "MSD 964";
- (xxiii) one labeled vial containing 77 light blue scored tablets;
- (xxiv) one unlabeled vial containing 41 tan specked caplets inscribed "Wallace 713";
- (xxv) one unlabeled vial containing 2 capsules inscribed "Novafed" and 9 capsules inscribed "Dow 106";
- (xxvi) one unlabeled vial containing 149 purple and clear capsules inscribed "TCL 1221";
- (xxvii) one unlabeled vial containing 64 pink and white capsules inscribed "Wyeth Serax 10";
- (xxviii) one unlabeled vial containing 150 tablets inscribed "Upjohn 701 Orinase";
- (xxxix) one unlabeled vial containing 138 white tablets inscribed "LL/N1";

- (xxx) one unlabeled vial containing 14 blue capsules inscribed "Pfizer 430 Minizide";
 - (xxxi) one unlabeled vial containing 36 tablets inscribed "PD 181" and a paper label marked "Pyridium 200mg Sample not to be sold";
 - (xxxii) one unlabeled vial containing 36 units of Robaxin 750mg inscribed "professional sample";
 - (xxxiii) two bottles of Minoxidil Preparation not bearing a label containing an accurate statement of the quantity of the contents nor a lot number and expiration date.
- (c) Eugene A. Baron did, on or about March 28, 1988, dispense some form of dangerous drug pursuant to prescription number 565478 without having affixed to the container a label bearing the proprietary or generic name of the drug dispensed and its strength. Such conduct is in violation of Rule 4729-5-16 of the Ohio Administrative Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that the Board concluded that:
- (a) Paragraph (2b) above constitutes violating the provisions of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 3715. of the Revised Code; and
 - (b) Paragraph (2c) above constitutes violating the rules of the Board.
- (4) From the evidence presented, the State Board of Pharmacy finds that, on June 30, 1989, the Board imposed a monetary penalty of five thousand dollars (which was reduced on appeal to \$250.00), and suspended the terminal distributor license held by Baron's Pharmacy, Inc. for twenty-four months. The Board suspended the suspension on the condition that Baron's Pharmacy, Inc.:
- (a) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and
 - (b) abides by the rules of the State Board of Pharmacy.
- (5) From the evidence presented, the State Board of Pharmacy finds that Eugene A. Baron did, between September 15, 1988, and March 3, 1989, knowingly obtain money belonging to another by deception, to wit: during this time period Eugene A. Baron submitted 41 prescription billings to Blue Cross and Blue Shield of Ohio, whereon 38 of these prescriptions he billed for a higher-priced brand drug but actually dispensed a generic substitute, and on four of these prescriptions he billed for a higher quantity than that which was prescribed, thereby defrauding Blue Cross and Blue Shield of Ohio of \$463.68 during this time period. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (6) From the evidence presented, the State Board of Pharmacy finds that Eugene A. Baron did, on or about the following dates, sell and deliver at retail to the consumer without a prescription from a practitioner a drug which can be sold only on prescription, to wit: when presented with the following prescriptions, Eugene A. Baron sold a greater quantity of dangerous drugs than that which had been prescribed by the practitioner:

<u>Prescription No.</u>	<u>Date</u>
569397	09-15-88
569397	10-03-88
570038	12-09-88
570038	01-20-89

Such conduct is in violation of Section 3715.52(L) of the Ohio Revised Code.

- (7) From the evidence presented, the State Board of Pharmacy finds that Eugene A. Baron was, on or about January 23, 1990, convicted in the Common Pleas Court of Lucas County, Ohio, of Theft in violation of Section 2913.02 of the Ohio Revised Code, a felony of the fourth degree.
- (8) From the evidence presented, the State Board of Pharmacy finds that Eugene A. Baron did, on or about the following dates, knowingly make or affix a false label to a vial containing dangerous drugs when his conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: when dispensing drugs pursuant to the following prescriptions, Eugene A. Baron indicated on the label that brand name drugs were contained therein when generics were in fact dispensed:

<u>Prescription No.</u>	<u>Date Filled</u>	<u>Type</u>
569374	09-15-88	Original
569374	10-17-88	Refill
569374	12-15-88	Refill
569397	09-15-88	Original
569397	10-03-88	Refill
569906	10-06-88	Original
569906	10-21-88	Refill
569906	12-21-88	Refill
569906	01-10-89	Refill
569912	10-06-88	Original
569912	10-17-88	Refill
569917	10-06-88	Original
569917	12-02-88	Refill
569917	12-27-88	Refill
569917	02-01-89	Refill
570038	10-11-88	Original
570038	11-04-88	Refill
570038	01-20-89	Refill
570128	10-14-88	Original
570128	10-25-88	Refill
570993	12-15-88	Refill

<u>Prescription No.</u>	<u>Date Filled</u>	<u>Type</u>
570993	01-12-89	Refill
570993	02-16-89	Refill
571025	12-14-88	Refill
571025	01-09-89	Refill
571536	01-20-89	Refill
571761	12-20-88	Original
571761	01-19-89	Refill
572048	01-03-89	Original
572133	01-05-89	Original
600675	02-23-89	Original
600728	02-15-89	Original

Such conduct is in violation of Sections 2925.23(D) and 4729.38 of the Ohio Revised Code and Rule 4729-5-16(A)(9) of the Ohio Administrative Code.

- (9) From the evidence presented, the State Board of Pharmacy finds that Eugene A. Baron did, on or about the following dates, fail to manually initial or otherwise indicate the name of the dispensing pharmacist on the following prescriptions:

<u>Prescription No.</u>	<u>Date Filled</u>	<u>Date Refilled</u>
569374	09-15-88	10-17-88
569397	09-15-88	
569906	10-06-88	
569912	10-06-88	
569917	10-06-88	
570038	10-11-88	12-09-88
572048	01-03-89	
572133	01-05-89	02-22-89
600728	02-15-89	

Such conduct is in violation of Rule 4729-5-17(A) of the Ohio Administrative Code.

- (10) From the evidence presented, the State Board of Pharmacy finds that Eugene A. Baron did, on or about the following dates, fail to personally record the date of dispensing on prescriptions, to wit: Eugene A. Baron did not date the following prescriptions:

<u>Prescription No.</u>	<u>Date</u>
569374	09-15-88
569397	09-15-88
569906	10-06-88
569912	10-06-88
569917	10-06-88
570038	10-11-88
570128	10-14-88
572048	01-03-89
600728	02-15-89

Such conduct is in violation of Rule 4729-5-17(A) of the Ohio Administrative Code.

- (11) From the evidence presented, the State Board of Pharmacy finds that Eugene A. Baron did, between September 15, 1988 and March 3, 1989, fail to keep a record of drugs dispensed pursuant to prescription, to wit: after dispensing drugs pursuant to the following prescriptions, Eugene A. Baron did not maintain records of such dispensing:

<u>Prescription No.</u>	<u>Dated Filled</u>	<u>Refill Date</u>
569906		10-21-88
570993	11-18-88	12-15-88
		01-12-89
		02-16-89
571025	11-18-88	12-14-88
		01-09-89
571536	12-09-88	01-20-89
571761	12-20-88	01-19-89

Such conduct is in violation of Section 3719.07 of the Ohio Revised Code and Rule 4729-5-17(H) of the Ohio Administrative Code.

- (12) From the evidence presented, the State Board of Pharmacy finds that Eugene A. Baron did, between September 15, 1988 and March 3, 1989, fail to indicate on the record of dispensing the fact that generic substitutions were made, to wit: on the following prescriptions, Eugene A. Baron did not indicate the generic name of the drug dispensed after he had substituted pursuant to the provisions of Section 4729.38 of the Revised Code: 569374, 569397, 569906, 569912, 569917, 570038, 570128, 572048, 572133, 600412, 600675, and 600728. Such conduct is in violation of Rule 4729-5-17 (B) of the Ohio Administrative Code.

- (13) From the evidence presented, the State Board of Pharmacy finds that Eugene A. Baron did, on or about the following dates, fail to properly label vials of dangerous drugs when dispensing pursuant to prescriptions, to wit: on these various prescription vials, Eugene A. Baron failed to either indicate the patients' names (6 vials), indicate the date of dispensing (3 vials), indicate the name of the drug (3 vials), generic substitute drug (2 vials), or the company producing the generic with which he substituted (1 vial):

<u>Prescription No.</u>	<u>Date</u>	<u>Missing Information</u>
569374	09-15-88	No Patient Name
569906	10-06-88	No Patient Name
	01-10-88	No Patient Name
569912	10-06-88	No Patient Name
	10-17-88	No Patient Name
570993	11-18-88	No Patient Name

<u>Prescription No.</u>	<u>Date</u>	<u>Missing Information</u>
569374	10-17-88	No Dispensing Date
569397	10-03-88	No Dispensing Date
569912	10-17-88	No Dispensing Date
569397	10-03-88	No Drug Name
570038	12-09-88	No Drug Name
570993	11-18-88	No Drug Name
570038	12-09-88	No notice of Generic Substitution
571536	12-09-88	No notice of Generic Substitution
600412	02-17-89	No manufacturer or distributor name on label when substi- tution was made

Such conduct is in violation of Rule 4729-5-16 of the Ohio Administrative Code.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5), (7), and (8) of the Findings Of Fact constitute being guilty of a felony as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5) through (8) of the Findings Of Fact constitute being guilty of gross immorality as provided in Division (A)(1) 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 paragraphs (5) through (8) of the Findings Of Fact constitute being guilty of dishonesty as provided in Division (A)(2) 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 (5) through (13) of the Findings Of Fact constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

- (5) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (6), (8), and (11) 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 Sections 3715.52 to 3715.72 or 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 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-2-04300, held by Eugene A. Baron:

- (A) On the basis of paragraphs (1) and (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Eugene A. Baron indefinitely.
- (B) On the basis of paragraphs (3) and (4) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Eugene A. Baron indefinitely.
- (C) On the basis of paragraph (5) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of six thousand six hundred dollars (\$6,600.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.
- (D) Further, the Board will permit Eugene A. Baron to petition the Board for reinstatement after two years provided that Mr. Baron take and successfully complete the Jurisprudence examination offered by the Board no earlier than two Board meetings prior to the end of the two years. The Board will not consider reinstatement of Mr. Baron's license to practice pharmacy until he has successfully completed the Jurisprudence examination.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is ..., suspended, ..., 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
(Aye-5/Nay-0).

MOTION CARRIED.

SO ORDERED.

EUGENE A. BARON, R.Ph.
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Order of the Board

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 Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

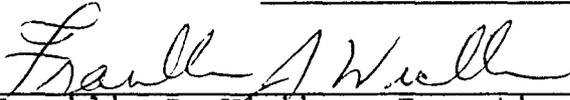
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 497 578 959

ORDER MAILED: December 19, 1991

FZW/so

By 
Franklin Z. Wickham, Executive Director

cc: Ronda Anderson, Assistant Attorney General