

THE STATE BOARD OF PHARMACY

vs

CHARLES A. GILFORD

THE MATTERS PERTAINING TO THE REGISTERED PHARMACIST IDENTIFICATION CARD, DOCKET NO. 6-65-2, OF CHARLES A. GILFORD, R.Ph. NO. 03-20-4421, AND HIS APPLICATION FOR A TERMINAL DISTRIBUTOR OF DANGEROUS DRUGS LICENSE, DOCKET NO. 6-65-1, WERE CONSOLIDATED AND HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that Charles A. Gilford, as the responsible pharmacist for Drexel Drugs, 5224 W. Third Street, Dayton, Ohio 45427, did sell on more than one occasion between March 29, 1978 and December 13, 1979, without a valid prescription, 26,600 tablets of Dilaudid 4mg, and 2,010 tablets of Quaalude 300mg, of which both are Schedule II controlled substances and prescription drugs, in amounts equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code; in violation of Section 2925.03(A)(7) and Chapters 3715., 3719., and 4729. of the Revised Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Charles A. Gilford, as the responsible pharmacist for Drexel Drugs, 5224 W. Third Street, Dayton, Ohio 45427, did sell Biphedamine, Dilaudid, and Percodan on more than one occasion between July 21, 1978 and July 22, 1979, without a valid prescription, in amounts equal to or exceeding the bulk amount but in an amount less than three times that amount as defined in Section 2925.01 of the Revised Code; in violation of Section 2925.03(A)(5) and Chapters 3715., 3719., and 4729. of the Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Charles A. Gilford, as the responsible pharmacist for Drexel Drugs, 5224 W. Third Street, Dayton, Ohio 45427, did sell, without a valid prescription, on more than one occasion between July 10, 1978 and November 8, 1978, Desoxyn, Parest, Tuinal, and Seconal in amounts less than the minimum bulk amount as defined in Section 2925.01 of the Revised Code; in violation of Section 2925.03(A)(1) and Chapters 3715., 3719., and 4729. of the Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Charles A. Gilford, as the responsible pharmacist for Drexel Drugs, 5224 W. Third Street, Dayton, Ohio 45427, did dispense, without a written or oral prescription given by a practitioner, between May 16, 1978 and December 17, 1979, approximately 400 capsules of Tuinal 200mg, approximately 430 capsules of Biphetamine 12!, and approximately 100 capsules of Eskatrol, all of which are Schedule II controlled substances and drugs which may be dispensed only upon the prescription of a practitioner; in violation of Sections 2925.03(A), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code.

Conclusions Of The Board

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (4) of the Findings Of Fact constitutes gross immorality within the meaning of Section 4729.16(A) of the Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (4) of the Findings Of Fact constitutes willful violations of more than one time of the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that Charles A. Gilford could not assure the Board of Pharmacy, pursuant to division (C) of Section 4729.55 of the Revised Code, that adequate safeguards exist to prevent the sale or other distribution of dangerous drugs by any person other than a pharmacist or practitioner should he be granted a terminal distributor of dangerous drugs license for Riverview Pharmacy, 2032 W. Riverview Avenue, Dayton, Ohio 45407.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that adequate safeguards do not exist to assure the Board of Pharmacy, pursuant to division (D) of Section 4729.55 of the Revised Code, that violations of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, and Chapter 3719. of the Ohio Revised Code by Charles A. Gilford would not recur should the Board issue him a terminal distributor of dangerous drugs license for Riverview Pharmacy, 2032 W. Riverview Avenue, Dayton, Ohio 45407.

Pursuant to Sections 4729.16 and 4729.55 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of The Board, the State Board of Pharmacy takes the following actions concerning the registered pharmacist identification card of Charles A. Gilford, No. 03-20-4421, and his application for a terminal distributor of dangerous drugs license:

(A) On the basis of paragraph (1) of the Conclusions Of The Board set forth above, the State Board of Pharmacy hereby revokes the registered pharmacist identification card held by Charles A. Gilford.

(B) On the basis of paragraph (2) of the Conclusions Of The Board set forth above, the State Board of Pharmacy hereby revokes the registered pharmacist identification card of Charles A. Gilford.

(C) On the basis of paragraph (3) of the Conclusions Of The Board set forth above, the State Board of Pharmacy hereby denies Charles A. Gilford's application for a terminal distributor of dangerous drugs license.

(D) On the basis of paragraph (4) of the Conclusions Of The Board set forth above, the State Board of Pharmacy hereby denies Charles A. Gilford's application for a terminal distributor of dangerous drugs license.

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

MOTION CARRIED.

SO ORDERED.