THE STATE BOARD OF PHARMACY

vs

DAVID PERELMAN, R.Ph.

THE MATTER OF DAVID PERELMAN, DOCKET NO. 6-120-1, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON TUESDAY, JANUARY 28 AND WEDNESDAY, JANUARY 29, 1986. 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 David Perelman did, on one or more occasions between August 1, 1983 and June 4, 1984 at Green Leader Drug Company, 5418 Euclid Avenue, Cleveland, Ohio 44103, without a written or oral prescription, dispense approximately 3,828 tablets of Percodan, approximately 1,837 tablets of Demerol-50mg, approximately 1,505 tablets of Demerol-100mg, approximately 606 tablets of Preludin-75mg, and approximately 600 tablets of Desoxyn-15mg, all of which 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. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.

(2) From the evidence presented, the State Board of Pharmacy finds that David Perelman did, on one or more occasions between August 1, 1983 and June 4, 1984 at Green Leader Drug Company, 5418 Euclid Avenue, Cleveland, Ohio 44103, without a written or oral prescription, dispense approximately 41 capsules of Seconal-100mg, and approximately 39 tablets of Percocet-5, both of which are Schedule II controlled substances and prescription drugs, in an amount less than the minimum bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Sections 2925.03(A)(1), 3715.52(L), and 3719.05(A) of the Revised Code.

(3) From the evidence presented, the State Board of Pharmacy finds that David Perelman did, on one or more occasions between August 1, 1983 and June 4, 1984 at Green Leader Drug Company, 5418 Euclid Avenue, Cleveland, Ohio 44103, without a written or oral prescription, dispense approximately 8,973 tablets of Valium-10mg, approximately 5,580 tablets of Valium-5mg, approximately 2,889 capsules of Librium-10mg, approximately 2,061 tablets of Tenuate-75mg, approximately 374 capsules of Dalmane-30mg, and approximately 217 capsules of Dalmane-15mg, all of which are Schedule IV 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. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.

(4) From the evidence presented, the State Board of Pharmacy finds that David Perelman, or registered pharmacists under his supervision as the responsible pharmacist, on one or more occasions between August 1, 1983 and June 4, 1984 at Green Leader Drug Company, 5418 Euclid Avenue, Cleveland, Ohio 44103, did violate Sections 3715.64(A)(11)(d) and 4729.38 of the Revised Code; in that, approximately 3,246 tablets of an unknown drug product were dispensed in lieu of Darvocet-N100. Such conduct is prohibited by Section 3715.52 of the Revised Code.

(5) From the evidence presented, the State Board of Pharmacy finds that David Perelman did cause the misbranding of drugs, to wit: three bottles of Demerol-100mg tablets, two bottles of Demerol-50mg tablets, and one bottle of Preludin Endurets-75mg; in violation of Section 3715.64(A)(11)(a) of the Revised Code. Such conduct is prohibited by Section 3715.52 of the Revised Code.

(6) From the evidence presented, the State Board of Pharmacy finds that David Perelman did, on one or more occasions between August 1, 1983 and May 27, 1984 at Green Leader Drug Company, 5418 Euclid Avenue, Cleveland, Ohio 44103, without a valid prescription, dispense approximately 1,940 tablets of Percodan, approximately 775 tablets of Demerol-100mg, and approximately 500 tablets of Demerol-50mg, all of which 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. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(7) of the Revised Code.

(7) From the evidence presented, the State Board of Pharmacy finds that David Perelman did, on one or more occasions between August 1, 1983 and May 27, 1984 at Green Leader Drug Company, 5418 Euclid Avenue, Cleveland, Ohio 44103, without a valid prescription, dispense approximately 250 capsules of Desoxyn-15mg, and approximately 60 tablets of Preludin-75mg, both of which are Schedule II controlled substances and prescription drugs, in amounts equal to or exceeding the bulk amount but in amounts less than three times that amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(5) of the Revised Code.

(8) From the evidence presented, the State Board of Pharmacy finds that David Perelman did, on or about October 31, 1983 at Green Leader Drug Company, 5418 Euclid Avenue, Cleveland, Ohio 44103, without a valid prescription, dispense approximately 240ml of Ambenyl, a Schedule V controlled substance, in an amount less than the minimum bulk amount as defined in Section 2925.01 of the Revised Code. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(1) of the Revised Code.

(9) From the evidence presented, the State Board of Pharmacy finds that David Perelman did knowingly possess false or forged prescriptions, in violation of Section 2925.23(B)(1) of the Revised Code.

(10) From the evidence presented, the State Board of Pharmacy finds that David Perelman did intentionally make and knowingly possess false or forged prescriptions, in violation of Section 2925.23(B) of the Revised Code.

(11) From the evidence presented, the State Board of Pharmacy finds that David Perelman did, between the dates of August 24, 1983 and September 9, 1984 at Green Leader Drug Company, 5418 Euclid Avenue, Cleveland, Ohio 44103, without a prescription issued by a physician, dispense Dalmane-30mg, Darvocet-N100, Dilantin Sodium-100mg, Fastin-30mg, Feosol, Motrin-300mg, Lopressor-100mg, Phenobarbital-2gr, Ultracef-500mg, and Valium-5mg; in violation of Section 3715.64(A)(13)(b) of the Revised Code.

(12) From the evidence presented, the State Board of Pharmacy finds that David Perelman, as the responsible pharmacist for Green Leader Drug Company, 5418 Euclid Avenue, Cleveland, Ohio 44103, did not keep a record of all controlled substances received or dispensed; in violation of the provisions of Section 3719.07 of the Revised Code.

Conclusions Of Law

(1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (12) of the Findings Of Fact constitutes gross immorality.

(2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (12) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.

(3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (12) of the Findings of Fact constitutes willful violation of the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law, the State Board of Pharmacy takes the following actions concerning the pharmacist identification card of David Perelman, No. 03-2-04862:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by David Perelman.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by David Perelman.

(C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by David Perelman.

Division (B) of Section 4729.16 of the Ohio Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, ..., 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.