



# OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-921109-025)

In The Matter Of:

**CLIFFORD WILLIAMS, JR., R.Ph.**  
4491 Paddock Lane  
Cincinnati, Ohio 45229  
(R.Ph. No. 03-2-05342)

### INTRODUCTION

THE MATTER OF CLIFFORD WILLIAMS, JR. CAME TO HEARING ON OCTOBER 27, 1993, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; TIMOTHY D. MOORE, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

CLIFFORD WILLIAMS WAS REPRESENTED BY JOHN H. BURLEW, AND THE STATE OF OHIO WAS REPRESENTED BY GREGG THORNTON, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Christopher Reed, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Clifford Williams, Jr., Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1A - Notice of Opportunity letter dated November 9, 1992.
- (2) Exhibit 1B - Hearing Request letter, not dated, received December 2, 1992.
- (3) Exhibit 1C - Hearing Schedule letter dated December 4, 1992.
- (4) Exhibit 1D - Hearing Schedule letter dated April 29, 1993.
- (5) Exhibit 1E - Hearing Schedule letter dated May 17, 1993.
- (6) Exhibit 2 - Pharmacist File Front sheet of Clifford Williams, Jr. showing original date of registration as October 28, 1952.
- (7) Exhibit 2A - Two-page Application for Registration as a Terminal Distributor of Dangerous Drugs of Cliffs Pharmacy dated December 1, 1982; and renewal applications for Annual License as a Terminal Distributor of Dangerous Drugs of Cliffs Pharmacy from January 1, 1988, through December 31, 1991.

- (8) Exhibit 3 - Three DEA Form 222s, U.S. Official Order Forms - Schedules I & II, of Ideal Pharmacy supplied by Cliff's Pharmacy and numbered as follows: P33904637, P33904614, and P33904617.
- (9) Exhibit 3A - Diligent Search statement of Franklin Z. Wickham, Ohio State Board of Pharmacy, in the matter of Cliff's Pharmacy dated September 30, 1992.
- (10) Exhibit 4 - Three-page Dangerous Drug Distributor Inspection Report of Cliffs Pharmacy, DDD No. 02-113800, signed and dated February 8, 1991.
- (11) Exhibit 5 - Thirty-eight prescriptions numbered as follows: 383746, 383901, 383993, 384041, 384101, 384172, 384232, 384301, 384362, 384416, 384461, 384571, 384645, 384711, 384753, 384792, 384866, 384903, 384944, 385005, 385063, 385131, 385165, 385330, 385379, 385433, 385482, 385526, 385560, 385609, 385716, 385759, 385862, 385909, 385950, 386006, 386057, and 386110.
- (12) Exhibit 6 - Seventy-nine vials of various misbranded dangerous drugs removed from the dispensing shelves of Cliff's Pharmacy on February 8, 1991.
- (13) Exhibit 7 - Accountability Statement of Cliff's Pharmacy for Phendimetrazine Tartrate 35mg dated March 25, 1991; Accountability Statement of Cliff's Pharmacy for Vicodin ES dated March 25, 1991; Accountability Statement of Cliff's Pharmacy for Hydrocodone/APAP 500 dated March 25, 1991; and Accountability Statement of Cliff's Pharmacy for Diethylpropion HCl 75mg dated March 25, 1991.
- (14) Exhibit 8 - Medi-Span Controlled Substance Inventory form booklet, Inventory of controlled substances of Cliff's Pharmacy dated July 1989.
- (15) Exhibit 9 - Typewritten Statement of Cliff Williams, not dated, received in the Board office on March 18, 1991; and attached typewritten response to Inspection of Cliff's pharmacy on February 8, 1991, response not dated, received March 18, 1991, at the Board office.
- (16) Exhibit 10 - Seven hundred sixty vials of outdated dangerous drugs removed from the dispensing shelves of Cliff's Pharmacy on February 8, 1991.
- (17) Exhibit 11 - Seventy-one vials of outdated dangerous drugs removed from the refrigerator of Cliff's Pharmacy on February 8, 1991.
- (18) Exhibit 12 - Three-page DEA Form 41, Registrants Inventory of Drugs Surrendered, of Cliff's Pharmacy, list of seventy-four vials of controlled substances which were destroyed on February 8, 1991.
- (19) Exhibit 13 - Nine DEA Form 222s, U.S. Official Order Forms - Schedules I & II, of Cliff's Pharmacy Inc. supplied by A.M.F.A.C. Health Care and numbered as follows: 850004049, 850004051, 850004052, 850004053, 850004054, 850004055, 850004056, 850004058, and 850004059.
- (20) Exhibit 14 - Diligent Search statement of Franklin Z. Wickham, Ohio State Board of Pharmacy, in the matter of Cliff's Pharmacy dated September 29, 1992.
- (21) Exhibit 15 - One thousand one hundred thirty-four containers of dangerous drug samples removed from Cliff's Pharmacy on February 8, 1991.
- (22) Exhibit 16 - Sixty-four containers of controlled substance samples removed from Cliff's Pharmacy on February 8, 1991.
- (23) Exhibit 17 - Handwritten statement of Dr. George C. Hale, M.D. signed and notarized on March 25, 1991.
- (24) Exhibit 18 - Certified Journal Entry in the Hamilton County Municipal Court, Case No. /91/CRB/10572, of George C. Hale dated April 2, 1991.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds that:

- (1) Records of the Board indicate that Clifford Williams was originally licensed in the state of Ohio on October 28, 1952, pursuant to examination, and is currently licensed to practice pharmacy in Ohio. Records further indicate that, during all relevant time periods, Clifford Williams 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 Cliff's Pharmacy, 439 Melish Avenue, Cincinnati, Ohio 45229.
- (2) Clifford Williams as the responsible pharmacist did, between October 14, 1988, and March 9, 1990, while not being a registered wholesale distributor of controlled substances, sell at wholesale the following dangerous drugs:

<u>Form No.</u>	<u>Drug</u>	<u>Qty.</u>	<u>Date</u>
P33904637	MS Contin 30mg	150	10-14-88
P33904614	Ritalin SR 20mg	100	12-08-89
P33904614	Ritalin 10mg	100	12-08-89
P33904617	Demerol 50mg	100	03-09-90

Such conduct is in violation of Section 4729.51(A) of the Ohio Revised Code.

- (3) Clifford Williams as the responsible pharmacist did, on or about February 8, 1991, and dates immediately preceding, fail to maintain a library in Cliff's Pharmacy wherein a copy of current federal and state laws, regulations, and rules governing the legal distribution of drugs in Ohio was kept. Such conduct indicates a disregard for Rule 4729-9-02 of the Ohio Administrative Code as it relates to Section 4729.55 and 4729.27 of the Ohio Revised Code.
- (4) Clifford Williams as responsible pharmacist did, between June 30, 1989, and March 15, 1991, knowingly sell a controlled substance in an amount greater than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Clifford Williams or pharmacists under his control sold 991 unit doses of Tenuate Dospan pursuant to the following 38 prescriptions to patient Cecilia Harris for no legitimate medical purpose:

383746	384711	385482
383901	384753	385526
383993	384792	385560
384041	384866	385609
384101	384903	385716
384172	384944	385759
384232	385005	385862
384301	385063	385909
384362	385131	385950
384416	385165	386006
384461	385330	386057
384571	385379	386110
384645	385433	

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(5) Clifford Williams as responsible pharmacist did, on or about February 8, 1991, hold or offer for sale drugs which were misbranded, to wit: 79 vials of dangerous drugs, in package form, were held on the dispensing shelves at Cliff's Pharmacy which lacked labeling on the vials. Such conduct is in violation of Section 3715.52(A) of the Ohio Revised Code.

(6) Clifford Williams as responsible pharmacist did, between September 1, 1989, and March 25, 1991, knowingly sell controlled substances in an amount greater than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Clifford Williams or pharmacists under his control sold the following controlled substances without having been presented with prescriptions:

<u>Drug</u>	<u>Schedule</u>	<u>Amount</u>	<u>% of Stock</u>
Phendimetrazine Tartrate 35mg	III	3000	100 %
Diethylpropion HCL 75mg	IV	1538	51.3%
Hydrocodone/APAP 500mg	III	355	18.7%
Vicodin ES	III	135	33.8%

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(7) Clifford Williams as responsible pharmacist did, on or about July 1989, fail to keep records of controlled substances maintained in Cliff's Pharmacy in compliance with federal laws and regulations and state laws and rules, to wit: Clifford Williams took inventory of controlled substances but failed to specify the date taken or whether taken prior to opening or after the close of business. Such conduct is in violation of Section 1304.11(d) of the Code of Federal Regulations.

(8) Clifford Williams as responsible pharmacist did, on or about February 8, 1991, and dates immediately preceding, permit nonlicensed personnel to possess keys to a pharmacy which is not secured by a physical barricade when personal supervision of the dangerous drug stock was not provided, to wit: Clifford Williams allowed two non-registered employees of Cliff's Pharmacy to possess keys to the pharmacy. Such conduct is in violation of Rule 4729-9-11 of the Ohio Administrative Code.

(9) Clifford Williams as responsible pharmacist did, on or about February 8, 1991, hold or offer for sale drugs which were adulterated, to wit: 760 vials of outdated dangerous drugs and 74 vials of outdated controlled substances were held on the dispensing shelves at Cliff's Pharmacy; and 71 vials of outdated dangerous drugs were held in the refrigerator. Such conduct is in violation of Section 3715.52(A) of the Ohio Revised Code.

(10) Clifford Williams as responsible pharmacist did, between August 10, 1988, and November 1, 1990, fail to keep records of controlled substances maintained in the pharmacy in compliance with federal laws and regulations and state laws and rules, to wit: Clifford Williams failed to document the date of receipt and the quantity received of schedule II controlled substances. Such conduct is in violation of Section 1305.09(e) of the Code of Federal Regulations.

- (11) Clifford Williams as responsible pharmacist did, on or about an unknown date, fail to notify the Ohio State Board of Pharmacy of the discontinuing of business of Cliff's Pharmacy. Such conduct is in violation of Section 4729.62 of the Ohio Revised Code and Rule 4729-9-07 of the Ohio Administrative Code.
- (12) Clifford Williams as responsible pharmacist did, on or about February 8, 1991, and dates immediately preceding, purchase or offer to sell, or conspire with another to sell, sample drugs, to wit: Clifford Williams possessed and offered for sale in Cliff's Pharmacy 1134 containers of dangerous drugs and 64 containers of controlled substances which were samples, and/or Mr. Williams conspired with his supplier of said samples to sell to him sample drugs. Such conduct is in violation of Section 503(c)(1) of 21 U.S.C. 353.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (12) 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.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (12) 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 in the matter of Clifford Williams, Jr.:

(A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the identification card, No. 03-2-05342, held by Clifford Williams, Jr. for two years effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Clifford Williams, Jr. may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

(B) Further, Clifford Williams, Jr. must take and successfully complete the Federal Drug Law examination and Jurisprudence examination offered by the Board prior to being reinstated.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-0).

MOTION CARRIED.

SO ORDERED.

CLIFFORD WILLIAMS, JR., 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.

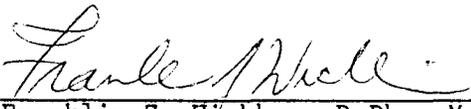
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section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

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED  
AND EFFECTIVE: DECEMBER 9, 1993

CERTIFIED MAIL  
Return Receipt  
#P 497 579 076

FZW/so

By   
Franklin Z. Wickham, R.Ph., M.S.  
Executive Director

cc: Gregg Thornton, Assistant Attorney General  
John H. Burlew, Attorney for Respondent; Burlew, Caliman & Youngblood Co.,  
L.P.A.; 1300 American Building; 30 E. Central Parkway; Cincinnati, Ohio  
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