



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-090915-018)

In The Matter Of:

MARTIN BARRON, R.Ph.

2430 Claver Road

University Heights, Ohio 44118

(R.Ph. Number 03-2-05416)

INTRODUCTION

The Matter of Martin Barron came for consideration on February 9, 2010, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (presiding); Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

Donald M. Casar, R.Ph., Absent.

Martin Barron was not present nor was he represented by counsel. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Lynn Mudra, Ohio State Board of Pharmacy
2. John Whittington, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

1. Copy of Summary Suspension Order/Notice of Opportunity for Hearing letter [09-15-09]
 - 1A. Procedural
2. Dangerous Drug Distributor Inspection Report at Collingwood Health Cnt. Pharm. [09-09-09]
3. Prescription Room Barricade Inspection Report [09-09-09]
4. Mini-Mental State Examination Sheet for Martin Barron [09-09-09]
5. Correspondence from Martin Barron [01-27-10]
6. Ohio State Board of Pharmacy Order in re Martin Barron, R.Ph. [02-11-98]
7. Ohio State Board of Pharmacy Order in re Martin Barron, R.Ph. [07-17-00]

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 Martin Barron was originally licensed in the State of Ohio on August 4, 1953, pursuant to examination, and his license to practice pharmacy in Ohio was summarily suspended effective September 15, 2009.
- (2) Martin Barron is impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Martin Barron was observed on or about September 9, 2009, practicing pharmacy while mentally and/or physically impaired. Martin Barron was observed by Board agents to be exhibiting symptoms of confusion and dementia. His actions were uncommonly slow and he appeared disheveled. Martin Barron was poorly oriented to date and place of his location; Martin Barron was unable to tell the agents the day, date, month, year, or season. When given a Mini-Mental Status Examination by a physician, Martin Barron scored 13 of 30 (normal scores are 24 or above for college-educated persons 80 years or older; the median score is 27). Martin Barron's condition indicates that he is unfit to practice pharmacy under the provisions of Sections 3719.121(B) and 4729.16(A)(3) of the Ohio Revised Code.

CONCLUSIONS OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being 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.

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 Martin Barron on September 15, 2009.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Martin Barron as follows:

On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-2-05416, held by Martin Barron effective as of the date of the mailing of this Order.

Martin Barron, 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.

Martin Barron, R.Ph.

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Order of the Board

Deborah Lange moved for Findings of Fact; Heather Pasquale seconded the motion. Motion passed (Aye-7/Nay-0).

Troy Gahm moved for Conclusions of Law; Richard Kolezynski seconded the motion. Motion passed (Aye-7/Nay-0).

Brian Joyce moved for Action of the Board; Edward Cain seconded the motion. Motion passed (Aye-6/Nay-1).

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 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: **MARCH 9,**
 2010

By: _____
William T. Winsley, M.S., R.Ph., Executive Director

WTW/vf

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9804 0648

c: Tracy M. Greuel, Assistant Attorney General



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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

September 15, 2009

Martin Barron, R.Ph.
2430 Claver Road
University Heights, Ohio 44118

Re: Ohio Registered Pharmacist
Number 03-2-05416

Dear Mr. Barron:

In accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on August 4, 1953, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You are impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you were observed on or about September 9, 2009, practicing pharmacy while mentally and/or physically impaired. You were observed by Board agents to be exhibiting symptoms of confusion and dementia. Your actions were uncommonly slow and you appeared disheveled. You were poorly oriented to date and place of your location; you were unable to tell the agents the day, date, month, year, or season. When given a Mini-Mental Status (state) Examination, you scored 13 of 30 (normal scores are 24 or above; for college-educated persons 80 years or older, the median score is 27). Your condition indicates you are unfit to practice pharmacy under the provisions of Sections 3719.121(B) and 4729.16(A)(3) of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

(B) If the board under which a person has been issued a license, . . . , . . . determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, . . . without a prior hearing.

WHEREFORE, PURSUANT TO SECTION 3719.121(B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO ARE HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until a final adjudication order becomes effective, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;

Martin Barron, R.Ph.
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Summary Suspension

(9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;

(10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30TH) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the thirtieth (30th) day following the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten (10) days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

BY ORDER OF THE STATE BOARD OF PHARMACY

William T. Winsley, M.S., R.Ph.
Executive Director

WTW:vf (D090915-018)

CERTIFIED MAIL / Return Receipt
7004 2510 0001 7345 0122

c: Tracy Marie Greuel, Assistant Attorney General



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-991112-031)

In The Matter Of:

MARTIN BARRON, R.Ph.

2430 Claver Road

University Heights, Ohio 44118

(R.Ph. No. 03-2-05416)

INTRODUCTION

THE MATTER OF MARTIN BARRON CAME FOR HEARING ON JUNE 13, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

MARTIN BARRON WAS REPRESENTED BY ROBERT J. KOETH AND CLARK D. RICE, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Robert L. Cole, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Martin Barron, Respondent
- (2) Steven H. Newman, C.P.A., Cleveland, Ohio

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of nine-page Notice of Opportunity for Hearing letter in the matter of Martin Barron dated November 12, 1999.
- (2) Exhibit 1A--Copy of nine-page Notice of Opportunity for Hearing letter in the matter of The Medicine Shoppe Pharmacy, Shaker Heights, Ohio dated November 12, 1999.
- (3) Exhibit 1B--Hearing Request letter dated November 15, 1999.
- (4) Exhibit 1C--Copy of Hearing Schedule letter dated November 23, 1999.
- (5) Exhibit 1D--Letter of Representation and Continuance Request letter dated January 17, 2000.

- (6) Exhibit 1E--Copy of Hearing Schedule letter dated January 19, 2000.
- (7) Exhibit 1F--Copy of Pharmacist File Front Sheet of Martin Barron showing original date of registration as August 4, 1953.
- (8) Exhibit 1G--Copy of Renewal Application for Pharmacist License No. 03-2-05416 for a license to practice pharmacy in Ohio from September 15, 1999, to September 15, 2000, of Martin Barron dated July 19, 1999.
- (9) Exhibit 1H--Copy of Renewal Application for DDD License No. 02-0681600 for a Terminal Distributor of Dangerous Drugs License from January 1, 1999, to December 31, 1999, of The Medicine Shoppe Pharmacy dated October 8, 1998.
- (10) Exhibit 1I--Copy of fax cover-page to Robert Cole from Robert Koeth dated May 1, 2000; letter from Robert J. Koeth dated April 28, 2000; three-page Memorandum in Support regarding Martin Barron by Robert J. Koeth and Clark D. Rice, not dated; copy of letter from Alma Davis dated April 21, 0000; copy of letter from Peter S. Kibbe dated April 24, 2000; copy of letter from Bartholomew M. Caterino dated April 20, 2000; copy of letter from Daniel R. Wendt dated April 23, 2000; copy of letter from Steven H. Newman dated April 29, 2000; and copy of letter from David J. Ruzicka dated February 7, 2000.
- (11) Exhibit 1J--Copy of letter from David L. Rowland dated May 1, 2000.
- (12) Exhibit 2--Copy of six-page Order of the State Board of Pharmacy, Docket No. D-971024-015, in the matter of Martin Barron dated February 11, 1998.
- (13) Exhibit 3, 3A, 3B, and 3C--Copy of four-page Accountability Report of The Medicine Shoppe, 3550 Warrensville Center Road, Shaker Heights, Ohio dated from May 1, 1996, through April 11, 1999.
- (14) Exhibit 4A--Audit work paper for Ritalin 5mg for the period of April 30, 1996, through November 17, 1998.
- (15) Exhibit 4B--Audit work paper for Tylox.
- (16) Exhibit 4C--Audit work paper for MS Contin 30mg.
- (17) Exhibit 4D--Audit work paper for Demerol 50mg.
- (18) Exhibit 4E--Audit work paper for Roxicodone.
- (19) Exhibit 4F--Audit work paper for Dexedrine 10mg spansules.
- (20) Exhibit 4G--Audit work paper for Adderal 30mg.
- (21) Exhibit 4H--Audit work paper for Dexedrine 5mg spansules.
- (22) Exhibit 4I--Audit work paper for Oxycontin 80mg.
- (23) Exhibit 4J--Audit work paper for Ritalin 5mg.
- (24) Exhibit 4K--Audit work paper for Ritalin SR 20mg.
- (25) Exhibit 4L--Audit work paper for Morphine Sulfate 15mg.
- (26) Exhibit 4M--Audit work paper for Methylphenidate 20mg.
- (27) Exhibit 4N--Audit work paper for MS Contin 15mg.
- (28) Exhibit 4O--Audit work paper for MS Contin 60mg.
- (29) Exhibit 4P--Audit work paper for Adderall 5mg.
- (30) Exhibit 4Q--Audit work paper for Duragesic 75mcg.
- (31) Exhibit 4R--Audit work paper for Duragesic patch 50mcg.
- (32) Exhibit 4S--Audit work paper for Duragesic 25mcg.
- (33) Exhibit 4T--Audit work paper for Percocet.
- (34) Exhibit 4U--Audit work paper for Duragesic 100mcg/hr.
- (35) Exhibit 4V--Audit work paper for Seconal 100mg.
- (36) Exhibit 4W--Audit work paper for Ritalin 20mg
- (37) Exhibit 4X--Audit work paper for Dilaudid 2mg.
- (38) Exhibit 4Y--List Drug Utilization report of The Medicine Shoppe Pharmacy for Dilaudid 2mg for the time period of April 30, 1996, to November 7, 1998.
- (39) Exhibit 4Z--Product Activity Report of The Medicine Shoppe Pharmacy for Dilaudid 4mg for the time period of April 30, 1996, to November 7, 1998.
- (40) Exhibit 4AA--Audit work paper for Dilaudid 4mg.

- (41) Exhibit 4BB--Audit work paper for MS Contin 100mg and Meperidine 100mg.
- (42) Exhibit 4CC--Copy of letter from Marty Barron dated June 11, 1999, faxed on May 15, 1999, at 4:37 p.m.
- (43) Exhibit 4DD through 4VV--Nineteen pages of prescription reports of The Medicine Shoppe Pharmacy dated from March 20, 1995, through March 5, 1998.
- (44) Exhibit 4WW--Copy of letter from Marty Barron dated June 11, 1999, faxed on May 15, 1999, at 7:49 p.m.
- (45) Exhibit 4XX--Letter from Marty Barron dated June 11, 1999.
- (46) Exhibit 4YY--Original of letter faxed on May 15, 1999, at 7:49 p.m. from Marty Barron.
- (47) Exhibits 5, 5A, and 5B--Three-page handwritten closing drug inventory of The Medicine Shoppe Pharmacy dated April 12, 1999.
- (48) Exhibits 6, and 6A through 6F--Copy of seven-page Dangerous Drug Distributor Inspection Report of Medicine Shoppe Pharmacy (02-0681600) dated June 27, 1997.
- (49) Exhibits 7, and 7A through 7C--Copy of letter from Marty Barron dated July 3, 1997, and attached three-page response to "pink sheet", not dated.
- (50) Exhibit 8--Two-page Dangerous Drug Distributor Inspection Report of The Medicine Shoppe Pharmacy (02-0681600) dated April 14, 1999.
- (51) Exhibit 9 and 9A--"Pink Sheet" copy of Dangerous Drug Distributor Inspection Report of The Medicine Shoppe Pharmacy (02-0681600) dated April 14, 1999, and attached copy of "pink sheet" response, not dated.
- (52) Exhibit 10--Copy of DEA Form 222 of Shaker Professional Pharmacy D.B.A.: Medicine Shoppe Pharmacy, Order No. 952977678, received on February 10, 1997.
- (53) Exhibit 11--Copy of page one of two-page Shaker Professional Pharmacy D.B.A.: Medicine Shoppe Customer Controlled Item Report dated February 28, 1997.
- (54) Exhibit 12--Copy of DEA Form 222 of Shaker Professional Pharmacy D.B.A.: Medicine Shoppe Pharmacy, Order No. 982006506, received on December 7, 1998.
- (55) Exhibit 13--Independent Drug Company Invoice No. 969727 dated December 7, 1998.
- (56) Exhibit 13A--Copy of page two of two-page Shaker Professional Pharmacy D.B.A.: Medicine Shoppe Customer Controlled Item Report dated February 28, 1997.

Respondent's Exhibits:

- (1) Table of Contents and three-page Memorandum in Support, not dated.
- (2) Exhibit A--Copy of letter from Alma Davis dated April 21, 2000.
- (3) Exhibit B--Copy of letter from Peter S. Kibbe dated April 24, 2000.
- (4) Exhibit C--Copy of letter from Bartholomew M. Caterino dated April 20, 2000.
- (5) Exhibit D--Copy of letter from Daniel R. Wendt dated April 23, 2000.
- (6) Exhibit E--Copy of letter from Steven H. Newman dated April 19, 2000.
- (7) Exhibit F--Copy of letter from David J. Ruzicka dated February 7, 2000.
- (8) Exhibit G--Copy of letter from Bartholomew M. Caterino dated June 5, 2000.
- (9) Exhibit H--Copy of letter from Michael W. Bukach dated June 7, 2000.
- (10) Exhibit I--Copy of The Medicine Shoppe Income and Expense Statement for the month ending December 31, 1998.

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 State Board of Pharmacy indicate that Martin Barron was originally licensed in the State of Ohio on August 4, 1953, pursuant to examination, and is currently licensed to practice pharmacy. During the relevant time periods stated herein, Martin Barron was the Responsible Pharmacist at The Medicine Shoppe Pharmacy, 3550 Warrensville Center Road, Shaker Heights, Ohio, pursuant to Rule 4729-5-16 of the Ohio Administrative Code and Sections 4729.27 and 4729.55 of the Ohio Revised Code. Additionally, Board records indicate that administrative action was taken against Martin Barron's license to practice pharmacy on February 11, 1998, for matters unrelated to the allegations set forth herein and his license is currently on probation through February 11, 2003.
- (2) Martin Barron did, as the Responsible Pharmacist, from May 1, 1996, through April 11, 1999, fail to provide effective and approved controls and procedures to deter and detect theft and diversion of dangerous drugs, to wit: during this time period, the following drugs were diverted from The Medicine Shoppe Pharmacy without adequate detection and/or prevention:

<u>Drug Name/Strength</u>	<u>Amount of Shortage</u>	<u>% of Drug Supply</u>
Adderall 5mg	99	5.0%
Adderall 10mg	523	6.0%
Codeine SO4 30mg	9	1.3%
Hydromorphone 2mg	111	2.9%
Hydromorphone 4mg	3,594	8.6%
Duragesic 25mcg/hr	2	.1%
Duragesic 50mcg/hr	17	7.9%
Duragesic 75mcg/hr	10	2.9%
Duragesic 100mcg/hr	11	1.9%
Methadone 10mg	626	6.4%
MS Contin 15mg	65	7.4%
MS Contin 30mg	102	3.1%
MS Contin 60mg	47	3.5%
Oxycontin 10mg	408	15.7%
Oxycontin 20mg	1,672	16.6%
Oxycontin 40mg	1,467	13.5%
Oxycontin 80mg	29	3.6%
OxyIR 5mg	65	3.1%
Percodan	463	3.5%
Roxicet	433	5.2%
Roxicodone	61	3.6%
Diazepam 10mg	14,234	19.1%
Phentermine 8mg	17	>0.1%
lonamin 15mg	33	8.3%
lonamin 30mg	79	9.3%
Fastin 30mg	30	6.9%
Propoxyphene N-100	9,475	4.7%

Such conduct is in violation of Rule 4729-9-05 of the Ohio Administrative Code.

- (3) Martin Barron did, as the Responsible Pharmacist, from May 1, 1996, through April 11, 1999, knowingly sell a controlled substance in an amount greater than one hundred times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: the following Schedule II controlled substances were diverted from The Medicine Shoppe Pharmacy without prescriptions:

<u>Drug Name/Strength</u>	<u>Amount of Shortage</u>	<u>% of Drug Supply</u>
Dilaudid 4mg	3,303	13.1%
Hydromorphone 4mg	291	1.9%
Oxycontin 20mg	1,672	16.6%
Oxycontin 40mg	1,467	13.5%

Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (4) Martin Barron did, as the Responsible Pharmacist, from May 1, 1996, through April 11, 1999, knowingly sell a controlled substance in an amount greater than five times the bulk amount but less than fifty times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: the following Schedule II controlled substances were diverted from The Medicine Shoppe Pharmacy without prescriptions:

<u>Drug Name/Strength</u>	<u>Amount of Shortage</u>	<u>% of Drug Supply</u>
Adderall 10mg	523	5.0%
Duragesic 100mcg/hr	11	1.9%
Methadone 10mg	626	6.4%
Oxycontin 10mg	408	15.7%
Oxycontin 80mg	29	3.6%
Percodan	463	3.5%
Roxicet	433	5.2%

Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (5) Martin Barron did, as the Responsible Pharmacist, from May 1, 1996, through April 11, 1999, knowingly sell a controlled substance in an amount greater than the bulk amount but less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: the following Schedule II controlled substances were diverted from The Medicine Shoppe Pharmacy without prescriptions:

<u>Drug Name/Strength</u>	<u>Amount of Shortage</u>	<u>% of Drug Supply</u>
Dilaudid 2mg	81	3.1%
Hydromorphone 2mg	30	2.7%
Duragesic 50mcg/hr	17	7.9%
Duragesic 75mcg/hr	10	2.9%
MS Contin 15mg	65	7.4%
MS Contin 30mg	102	3.1%
MS Contin 60mg	47	3.5%
OxyIR 5mg	65	3.1%
Roxicodone	61	3.6%

Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (6) Martin Barron did, as the Responsible Pharmacist, from May 1, 1996, through April 11, 1999, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: the following Schedule II controlled substances were diverted from The Medicine Shoppe Pharmacy without prescriptions:

<u>Drug Name/Strength</u>	<u>Amount of Shortage</u>	<u>% of Drug Supply</u>
Adderall 5mg	99	5.0%
Codeine SO4 30mg	9	1.3%
Duragesic 25mcg/hr	2	0.1%

Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (7) Martin Barron did, as the Responsible Pharmacist, from May 1, 1996, through April 11, 1999, knowingly sell a controlled substance in an amount greater than fifty times the bulk amount but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: the following Schedule III, IV, or V controlled substances were diverted from The Medicine Shoppe Pharmacy without prescriptions:

<u>Drug Name/Strength</u>	<u>Amount of Shortage</u>	<u>% of Drug Supply</u>
Diazepam 10mg	14,234	19.1%
Propoxyphene N-100	9,475	4.7%

Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (8) Martin Barron did, as the Responsible Pharmacist, from May 1, 1996, through April 11, 1999, knowingly sell a controlled substance in an amount greater than the bulk amount but in an amount less than five times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: the following Schedule III, IV, or V controlled substances were diverted from The Medicine Shoppe Pharmacy without prescriptions:

<u>Drug Name/Strength</u>	<u>Amount of Shortage</u>	<u>% of Drug Supply</u>
Ionamin 30mg	79	9.3%
Fastin 30mg	30	6.9%

Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (9) Martin Barron did, as the Responsible Pharmacist, from May 1, 1996, through April 11, 1999, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: the following Schedule III, IV, or V controlled substances were diverted from The Medicine Shoppe Pharmacy without prescriptions:

<u>Drug Name/Strength</u>	<u>Amount of Shortage</u>	<u>% of Drug Supply</u>
Phentermine 8mg	17	>0.1%
Ionamin 15mg	33	8.3%

Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (10) Martin Barron did, as the Responsible Pharmacist, on or about November of 1998 and/or June of 1999, knowingly make a false statement when the statement was made with purpose to mislead a public official in performing his duties, to wit: Martin Barron reported to the Ohio State Board of Pharmacy a loss of controlled substances from The Medicine Shoppe Pharmacy. Mr. Barron later reported that the pharmacy was not missing the drugs; however, subsequent investigation revealed that Martin Barron, in fact, had documented missing drugs for The Medicine Shoppe Pharmacy. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.
- (11) Martin Barron did, as the Responsible Pharmacist, on or about April 12, 1999, possess for sale misbranded drugs, to wit: Martin Barron possessed in The Medicine Shoppe Pharmacy the following drugs which were "consolidated for accountability purposes:"

<u>Drug Name/Strength</u>	<u>Stock Bottle Size</u>	<u>Containing</u>
Adderall 5mg	100	121
Adderall 20mg	100	141
Adderall 20mg	100	147
Hydrocodone 2mg	100	188
Dilaudid 4mg	100	178
MSIR 15mg	100	146
Morphine Sulfate 15mg	100	195
MS Contin 60mg	100	104
MS Contin 100mg	100	151
Roxicodone 5mg	100	265
Methadone 10mg	100	170

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

- (12) Martin Barron did, as the Responsible Pharmacist, on or about June 27, 1997, fail to document that The Medicine Shoppe Pharmacy's prescription refill information entered into the automated data processing system was correct by signing the hard-copy printout of each day's prescription refill data. Such conduct is in violation of Rule 4729-5-28(C)(2) of the Ohio Administrative Code.
- (13) Martin Barron did, as the Responsible Pharmacist, on or about April 14, 1999, fail to maintain a copy of current federal and state laws, regulations, and rules governing the legal distribution of drugs in Ohio in the pharmacy when he had previously been given a written warning about such conduct on June 27, 1997. Such conduct is in violation of Rule 4729-9-02 of the Ohio Administrative Code.
- (14) Martin Barron did, as the Responsible Pharmacist, on or about April 14, 1999, fail to maintain the minimum standards of a pharmacy, to wit: Martin Barron failed to maintain The Medicine Shoppe Pharmacy's stock, library, and equipment in a suitable, well-lighted and well-ventilated room or department with clean and sanitary

surroundings when it had previously been given written warning on June 27, 1997. Such conduct is in violation of Rule 4729-9-02 of the Ohio Administrative Code.

- (15) Martin Barron did, as the Responsible Pharmacist, on or about April 14, 1999, fail to maintain a prescription file system wherein prescriptions were separated by schedule, to wit: prescriptions had not been filed for the week preceding the April 14, 1999, inspection; and, prescriptions were scattered throughout The Medicine Shoppe Pharmacy's dispensing counter amid envelopes, papers, and other miscellaneous items. Such conduct is in violation of Rule 4729-5-09 of the Ohio Administrative Code.
- (16) Martin Barron did, as the Responsible Pharmacist, on or about April 14, 1999, dispense controlled substances pursuant to prescriptions that had not been written for drug quantities both numerically and alphabetically when he had previously been given a written warning about such conduct on June 27, 1997. Such conduct is in violation of Rule 4729-5-13 of the Ohio Administrative Code.
- (17) Martin Barron did, as the Responsible Pharmacist, on or about April 14, 1999, dispense dangerous drugs pursuant to telephone prescriptions without obtaining the full name of the physician's agents. Such conduct is in violation of Rule 4729-5-13 of the Ohio Administrative Code.
- (18) Martin Barron did, as the Responsible Pharmacist, on or about April 14, 1999, when dispensing dangerous drugs pursuant to prescriptions, fail to manually initial the original prescription, to wit: Martin Barron used a rubber stamp with his name inscribed thereon when he had previously been given a written warning about such conduct on June 27, 1997. Such conduct is in violation of Rule 4729-5-27 of the Ohio Administrative Code.
- (19) Martin Barron did, as the Responsible Pharmacist, on or about June 27, 1997, fail to correctly document The Medicine Shoppe Pharmacy's biennial inventory, to wit: when taking the required inventory on April 3, 1994, and again on April 30, 1996, Martin Barron failed to denote whether the inventories were taken at the opening or closing of the business day. Such conduct is in violation of Section 1304.11 of the Code of Federal Regulations.
- (20) Martin Barron did, as the Responsible Pharmacist, on or about February 10, 1997, fail to correctly document receipt of controlled substances, to wit: Martin Barron indicated on DEA Form 222 number 952977678 that The Medicine Shoppe Pharmacy had received three bottles of one hundred unit doses of Dilaudid 4mg when in fact he had not received the drug. Such conduct is in violation of Rule 4729-9-14 of the Ohio Administrative Code.
- (21) Martin Barron did, as the Responsible Pharmacist, on or about December 7, 1998, fail to correctly document receipt of controlled substances, to wit: Martin Barron indicated on DEA Form 222 number 928006506 that The Medicine Shoppe Pharmacy had received 4 packages, each containing 5 patches of Duragesic 25mcg/hr, when in fact he had not received that drug. Such conduct is in violation of Rule 4729-9-14 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 (2) through (21) 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.

- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (9) 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 provisions of Sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

- (A) Pursuant to Section 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-2-05416, held by Martin Barron and such suspension is effective as of the date of the mailing of this Order.
 - (1) Martin Barron, 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.
 - (2) Martin Barron, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return the identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order. The certificate and identification card should be sent by certified mail, return receipt requested.
- (B) Further, the Board will reinstate Martin Barron's license to practice pharmacy in Ohio provided that he takes and successfully completes the Multistate Pharmacy Jurisprudence Examination (MPJE) offered by the Board. Once this condition has been achieved, Mr. Barron's license will be reinstated and his identification card will be placed on probation through February 11, 2003. The terms of probation are as follows:
 - (1) The State Board of Pharmacy hereby declares that Martin Barron's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - (2) Martin Barron may not own a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs.
 - (3) Martin Barron may not serve as a responsible pharmacist.
 - (4) Martin Barron must not violate the drug laws of the State of Ohio, any other state, or the federal government.
 - (5) Martin Barron must abide by the rules of the Ohio State Board of Pharmacy.
 - (6) Martin Barron must comply with the terms of this Order.

The Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

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

MOTION CARRIED.

SO ORDERED.



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-971024-015)

In The Matter Of:

MARTIN BARRON, R.Ph.

2430 Claver Road

University Heights, Ohio 44118

(R.Ph. No. 03-2-05416)

INTRODUCTION

THE MATTER OF MARTIN BARRON CAME TO HEARING ON JANUARY 12, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

MARTIN BARRON WAS NOT PRESENT, NOR WAS HE REPRESENTED BY COUNSEL; HOWEVER, MR. BARRON DID SUBMIT HIS CONTENTIONS IN WRITING. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Lynn Mudra, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of five-page Notice of Opportunity for Hearing letter dated October 24, 1997.
- (2) Exhibit 1A--Hearing Request letter dated October 28, 1997.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated October 31, 1997.

- (4) Exhibit 1C--Two-page letter from Martin Barron dated November 2, 1997, with the following attachments: copy of Dispensing History of Betty Oliver dated from August 16, 1989, to November 2, 1997; copy of Dispensing History of Lola Addison dated from February 24, 1984, to November 2, 1997; copy of Dispensing History of Elizabeth Thomas dated from February 24, 1984, to November 2, 1997; Tax Insurance Summary of the Medicine Shoppe Pharmacy for patient Iris Kelly dated from February 24, 1984, through November 1, 1997; copy of Dispensing History of Elizabeth Davis dated from February 24, 1984, to November 2, 1997; and copy of Dispensing History of Elizabeth Stewart dated from August 16, 1989, to November 2, 1997.
- (5) Exhibit 1D--Copy of two-page letter from Martin Barron dated November 2, 1997, with handwritten note on second page of letter from Martin Barron with the following attachments: copy of dosage and administration of Pondimin (source unknown); and copy of four prescriptions numbered 147354, 153779, 154217, and 154218.
- (6) Exhibit 1E--Copy of Renewal Application for Pharmacist License, No. 03-2-05416, for a license to practice pharmacy in Ohio from September 15, 1997, to September 15, 1998, of Martin Barron dated July 26, 1997.
- (7) Exhibit 2--Two-page Dispensing History of Lola Addison dated from January 1, 1996, to June 27, 1997.
- (8) Exhibit 2(1)--Prescription number 153465.
- (9) Exhibit 3--Dispensing History of Elizabeth Davis dated from January 1, 1996, to June 27, 1997.
- (10) Exhibit 3(1)--Prescription number 154848.
- (11) Exhibit 4--Dispensing History of Iris Kelly dated January 1, 1996, to June 27, 1997.
- (12) Exhibit 4(1)--Prescription number 154217.
- (13) Exhibit 4(2)--Prescription number 154218.
- (14) Exhibit 4(3)--Prescription number 155947.
- (15) Exhibit 5--Two-page Dispensing History of Betty Oliver dated from January 1, 1996, to June 27, 1997.
- (16) Exhibit 5(1)--Prescription number 153432.
- (17) Exhibit 6--Two-page Dispensing History of Elizabeth Stewart dated from January 1, 1996, to June 27, 1997.
- (18) Exhibit 6(1)--Prescription number 153779.
- (19) Exhibit 7--Dispensing History of Elizabeth Thomas dated from January 1, 1996, to June 27, 1997.
- (20) Exhibit 7(1)--Prescription number 153478.
- (21) Exhibit 7(2)--Prescription number 154849.
- (22) Exhibit 7(3)--Prescription number 153481.
- (23) Exhibit 8--Dispensing History of Quintula Woods dated from January 1, 1996, to June 27, 1997.
- (24) Exhibit 8(1)--Prescription number 146070.
- (25) Exhibit 8(2)--Prescription number 147354.
- (26) Exhibit 9--Copy of Gate Pharmaceuticals package insert for the drug Adipex-P (phentermine HCl 37.5mg.)
- (27) Exhibit 10--Copy of seven-page Dangerous Drug Distributor Inspection Report of Medicine Shoppe Pharmacy, Terminal Distributor No. 02-0681600, dated June 27, 1997; copy of letter from Martin Barron dated July 3, 1997; and copies of three pages of response to "Pink-Sheet" items of Martin Barron.

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 the following to be fact:

- (1) Records of the Board of Pharmacy indicate that Martin Barron was originally licensed in the state of Ohio on August 4, 1953, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio. Further, Martin Barron is currently employed as a pharmacist at Medicine Shoppe Pharmacy, 3550 Warrensville Center Road, Shaker Heights, Ohio.
- (2) Martin Barron did, on or about October 7, 1996, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Martin Barron sold 28 units of Adipex-P 37.5mg for diet to patient #1 pursuant to prescription number 153465 which was not issued for a legitimate medical purpose pursuant to Rule 4731-11-04 of the Ohio Administrative Code, and thereby failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (3) Martin Barron did, on or about November 6, 1996, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Martin Barron sold 28 units of Adipex-P 37.5mg for diet to patient #2 pursuant to prescription number 154848 which was not issued for a legitimate medical purpose pursuant to Rule 4731-11-04 of the Ohio Administrative Code, and thereby failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (4) Martin Barron did, on or about the following dates, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion Martin Barron sold controlled substances for diet to patient #3 pursuant to the following which were not issued for a legitimate medical purpose pursuant to Rule 4731-11-04 of the Ohio Administrative Code, and thereby failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code:

<u>Rx Number</u>	<u>Written</u>	<u>Filed</u>	<u>Drug</u>	<u>Quantity</u>
154217	10/22/96	10/23/96	Phentermine	28
154218	10/22/96	10/23/96	Pondimin 20mg	42
155947	11/28/96	12/02/96	Phentermine	28

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

- (5) Martin Barron did, on or about October 5, 1996, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Martin Barron sold 28 units of Adipex-P 37.5mg for diet to patient #4 pursuant to prescription number 153432, written on October 7, 1996, which was not issued for a legitimate medical purpose pursuant to Rule 4731-11-04 of the Ohio Administrative Code, and thereby failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (6) Martin Barron did, on or about October 14, 1996, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Martin Barron sold 28 units of Adipex-P 37.5mg for diet to patient #5 pursuant to prescription number 153779 which was not issued for a legitimate medical purpose pursuant to Rule 4731-11-04 of the Ohio Administrative Code, and thereby failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (7) Martin Barron did, on or about the following dates, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion Martin Barron sold 28 units of Adipex-P 37.5mg for diet to patient #6 pursuant to the following prescriptions which were not issued for a legitimate medical purpose pursuant to Rule 4731-11-04 of the Ohio Administrative Code, and thereby failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code:

<u>Rx Number</u>	<u>Written</u>	<u>Filled</u>
153478	10/07/96	10/07/96
153481	10/07/96	10/07/96
154849	11/05/96	11/06/96

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

- (8) Martin Barron did, on or about the following dates, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion Martin Barron sold 28 units of Ionamin 30mg for diet to patient #7 pursuant to the following prescriptions which were not issued for a legitimate medical purpose pursuant to Rule 4731-11-04 of the Ohio Administrative Code, and thereby failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code:

<u>Rx Number</u>	<u>Written</u>	<u>Filled</u>
146070	04/26/93	04/27/96
147354	05/10/96	05/24/96

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

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (8) 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 (8) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. 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 Martin Barron:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card, No. 03-2-05416, held by Martin Barron for two years. Further, the Board stays the suspension and places Martin Barron's identification card on probation for five years, effective as of the date of the mailing of this Order. The terms of probation are as follows:
 - (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of pharmacy hereby declares that Martin Barron's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
 - (2) Martin Barron must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (3) Martin Barron must abide by the rules of the Ohio State Board of Pharmacy.
 - (4) Martin Barron must comply with the terms of this Order.

The Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of ten thousand dollars (\$10,000.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

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

MOTION CARRIED.

SO ORDERED.