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STATE BOARD OF PHARMACY  
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THE STATE BOARD OF PHARMACY

vs

ROBERT P. STEINMANN, R.Ph.

THE MATTER OF ROBERT P. STEINMANN, DOCKET NO. 6-167-2, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON TUESDAY, JUNE 24, 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 Robert P. Steinmann, as the responsible pharmacist pursuant to Section 4729.55 of the Revised Code and the pharmacist in full and actual charge of Gehring Pharmacy, Terminal Distributor of Dangerous Drugs License No. 02-156850, pursuant to Section 4729.27 of the Revised Code, is responsible for compliance with all state and federal laws regulating the distribution of drugs and the practice of pharmacy.
- (2) From the evidence presented, the State Board of Pharmacy finds that Gehring Pharmacy, between the dates of March 8, 1982 and August 5, 1983, did receive in commerce misbranded drugs, hold and offer for sale, and sell misbranded drugs, to wit: misbranded drugs were purchased on at least 4 different occasions from Wesco Pharmaceutical, Inc., dba Linwood West, 219 Dunn Street, Cincinnati, Ohio in plastic prescription vials and/or plastic bags and were dispensed to patients pursuant to written or oral prescriptions. Such conduct is in violation of Ohio Revised Code Section 3715.64(A) and is prohibited by Section 3715.52 of the Ohio Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Gehring Pharmacy, between the dates of June 13, 1983 and May 2, 1985, did receive in commerce misbranded drugs, hold and offer for sale, and sell misbranded drugs, to wit: misbranded drugs were purchased on at least 19 different occasions from Tri-State Pharmaceutical, 625 N. Wayne, Cincinnati, Ohio in plastic prescription vials and/or plastic bags and were dispensed to patients pursuant to written or oral prescriptions. Such conduct is in violation of Ohio Revised Code Section 3715.64(A) and is prohibited by Section 3715.52 of the Ohio Revised Code.

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- (4) From the evidence presented, the State Board of Pharmacy finds that Gehring Pharmacy, between the dates of June 18, 1984 and January 21, 1985, did receive in commerce misbranded drugs, hold and offer for sale, and sell misbranded drugs, to wit: drugs were purchased on at least 3 different occasions from Tri-State Pharmaceutical, 625 N. Wayne, Cincinnati, Ohio and were dispensed to patients pursuant to written or oral prescriptions. These drugs were misbranded; in that, they were labeled as "clinic packs" and/or as "samples" and, therefore, were false and misleading when sold at retail. Such conduct is in violation of Ohio Revised Code Sections 3715.64(A) and 3719.81, and is prohibited by Sections 3715.52 and 2925.36 of the Ohio Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Gehring Pharmacy, on or about September 23, 1985, did hold and offer for sale misbranded drugs, to wit: at least 2 different misbranded drugs were purchased from Tri-State Pharmaceutical, Inc., 625 N. Wayne, Cincinnati, Ohio in plastic prescription vials and/or plastic bags to be dispensed to patients pursuant to written or oral prescriptions. Such conduct is in violation of Ohio Revised Code Section 3715.64(A) and is prohibited by Section 3715.52 of the Ohio Revised Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that Gehring Pharmacy, on or about September 23, 1986, did hold and offer for sale misbranded drugs, to wit: 16 tablets of X-Otag Plus were purchased from unknown sources to be dispensed to patients pursuant to written or oral prescriptions. These drugs were misbranded; in that, they were labeled as "samples" and, therefore, were false and misleading when sold at retail. Such conduct is in violation of Ohio Revised Code Sections 3715.64(A) and 3719.81, and is prohibited by Sections 3715.52 and 2925.36 of the Ohio Revised Code.
- (7) From the evidence presented, the State Board of Pharmacy finds that Gehring Pharmacy, on or about September 23, 1985, did hold and offer for sale misbranded drugs, to wit: at least 17 different misbranded drugs were purchased from unknown sources to be dispensed to patients pursuant to written or oral prescriptions. Such conduct is in violation of Ohio Revised Code Section 3715.64(A) and is prohibited by Section 3715.52 of the Ohio 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 (2) through (7) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.

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(2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (7) of the Findings Of Fact constitutes violating the provisions of Chapters 2925., 3715. and 3719. of the Ohio 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 license held by Robert P. Steinmann, No. 03-2-05534:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Robert P. Steinmann for 24 months, effective October 1, 1986.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of five thousand dollars (\$5,000.00), due and owing within thirty (30) days of the issuance of this Order. Said monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 65 S. Front Street, Room 504; Columbus, Ohio 43266-0320, with the enclosed form.

(C) Further, the Board suspends the suspension on condition that Robert P. Steinmann:

- (1) takes and successfully completes the Jurisprudence examination offered by the Board on September 23, 1986;
- (2) does not violate any drug laws of the state of Ohio, any other state, or the federal government; and
- (3) abides by the rules of the State Board of Pharmacy.

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

MOTION CARRIED.

SO ORDERED.

## THE STATE BOARD OF PHARMACY

VS

ROBERT PAUL STEINMANN

THE MATTER OF THE STATE BOARD OF PHARMACY VERSUS ROBERT PAUL STEINMANN, DOCKET 6-23-2, WAS HEARD PURSUANT TO CHAPTERS 4729. AND 119., REVISED CODE. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTION WAS MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

## ORDER

1. THE STATE BOARD OF PHARMACY FINDS ROBERT PAUL STEINMANN DID VIOLATE SECTION 4729.16(A), OHIO REVISED CODE, IN THAT ON JULY 27, 1977 HE WAS FOUND GUILTY OF A FELONY BY THE HONORABLE R. DOAN, COURT OF COMMON PLEAS OF HAMILTON COUNTY, OHIO, TO WIT: ENGAGING IN ORGANIZED CRIME, A VIOLATION OF SECTION 2923.04 OF THE OHIO REVISED CODE.
2. THE STATE BOARD OF PHARMACY FINDS UNDER SECTION 4729.16, REVISED CODE:  
"THE STATE BOARD OF PHARMACY, AFTER NOTICE AND HEARING IN ACCORDANCE WITH SECTIONS 119.01 TO 119.13 OF THE REVISED CODE, MAY REVOKE, SUSPEND OR REFUSE TO GRANT AN IDENTIFICATION CARD OR RENEWAL IDENTIFICATION CARD UNDER THIS CHAPTER, OR MAY IMPOSE A MONETARY PENALTY OR FORFEITURE NOT TO EXCEED IN SEVERITY ANY FINE DESIGNATED UNDER THE REVISED CODE FOR A SIMILAR OFFENSE, IF A MAJORITY OF THE MEMBERS OF THE BOARD FIND A PHARMACIST:  
(a) GUILTY OF A FELONY."
3. THE STATE BOARD OF PHARMACY HEREBY SUSPENDS THE IDENTIFICATION CARD OF ROBERT PAUL STEINMANN FOR ONE YEAR EFFECTIVE MARCH 20, 1978 AND FINES HIM \$500.00 DOLLARS. FURTHER THE BOARD SUSPENDS THE LAST 6 MONTHS OF THE SUSPENSION ON CONDITION THAT MR. STEINMANN ABIDE BY THE TERMS OF PROBATION SET BY THE BOARD FOR THE ONE YEAR PERIOD. THESE TERMS PROVIDE THAT MR. STEINMANN SHALL NOT VIOLATE ANY DRUG LAWS OF THE STATE OF OHIO AND ABIDES BY THE REGULATIONS OF THE OHIO STATE BOARD OF PHARMACY.

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

MOTION CARRIED.

SO ORDERED.