



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-911001-059)

In The Matter Of:

NATHAN NED HALPERT, R.Ph.
25203 Cardington Drive
Beachwood, Ohio 44122
(R.Ph. No. 03-2-05582)

Introduction

THE MATTER OF NATHAN NED HALPERT CAME TO HEARING ON MARCH 6, 1992 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: BETTY J. NICHOL, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; NORMAN D. LEIBOW, R.Ph.; TIMOTHY D. MOORE, R.Ph.; RUTH A. PLANT, R.Ph.; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

NATHAN NED HALPERT WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Nathan Ned Halpert, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated October 1, 1991.
(2) Exhibit B - Hearing Request letter dated October 28, 1991.
(3) Exhibit C - Hearing Schedule letter dated November 7, 1991.
(4) Exhibit D - Hearing Schedule letter dated December 11, 1991.
(5) Exhibit 1 - Renewal Application for Pharmacist License, Number 03-2-05582, for a license to practice pharmacy in Ohio from September 15, 1991 to September 15, 1992 of Nathan Halpert dated May 24, 1991; and Pharmacist File Front Sheet of Nathan Ned Halpert showing original date of licensure as October 27, 1953.
(6) Exhibit 2 - Pharmacy Board Order, Docket No. 6-102-3, of Nathan Halpert dated February 26, 1985.

- (7) Exhibit 3 - Pharmacy Board Order, Docket No. D-890901-036, of Nathan Halpert dated March 19, 1990.
- (8) Exhibit 4 - Renewal Application for Pharmacist License, Number 03-2-05582, for a license to practice pharmacy in Ohio from September 15, 1990 to September 15, 1991 of Nathan Halpert dated October 31, 1990; and Continuing Pharmacy Education Report Form of Nathan Halpert dated November 5, 1990.
- (9) Exhibit 5 - Prescription numbers 720009, 719170, and 720059.
- (10) Exhibit 6 - Handwritten statement of Ned Halpert signed and notarized on December 17, 1990.

Respondent's Exhibits:

- (1) None

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Nathan Ned Halpert was initially registered as a pharmacist in Ohio pursuant to examination on October 27, 1953 and is currently licensed to practice pharmacy in Ohio.
- (2) From the evidence presented, the State Board of Pharmacy finds that on February 26, 1985, the Board found:
 - (a) On October 23, 1984, Nathan Ned Halpert was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
 - (b) As demonstrated by return receipt of October 24, 1984, Nathan Ned Halpert received the letter of October 23, 1984 informing him of the allegations regarding the late renewal of his pharmacist identification card, his continual practice without a current identification card, and his rights.
 - (c) Nathan Ned Halpert did not respond in any manner to the letter of October 2, 1984 informing him of the allegations.
- (3) From the evidence presented, the State Board of Pharmacy finds that on February 26, 1985, the Board imposed monetary penalties totaling six hundred dollars. Five hundred dollars of the six hundred dollar total was suspended.
- (4) From the evidence presented, the State Board of Pharmacy finds that on March 19, 1990, the Board found:
 - (a) Nathan Ned Halpert was the responsible pharmacist at Scott's Super Discount, Inc., 1480 Pearl Rd., Brunswick, Ohio pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-23 of the Ohio Administrative Code.
 - (b) Nathan Ned Halpert did, on or about July 5, 1988, while practicing pharmacy as the responsible pharmacist at Scott's Super Discount, purchase for the purpose of resale dangerous drugs from a person other than a registered wholesale distributor of dangerous drugs, to wit:

Nathan Ned Halpert purchased from a sales representative of Wyeth-Ayerst two bottles each containing 1,000 units of Premarin .625mg for the sum of \$150.00. Such conduct is in violation of Section 4729.51(D) of the Ohio Revised Code.

- (c) Nathan Ned Halpert was, on or about May 15, 1989, convicted of Making Illegal Purchases of Drugs in violation of Section 4729.51(D) of the Ohio Revised Code, a misdemeanor of the first degree.
- (5) From the evidence presented, the State Board of Pharmacy finds that on March 19, 1990 the State Board of Pharmacy suspended Nathan Ned Halpert's pharmacist identification card for one year. The Board suspended the suspension and placed Nathan Ned Halpert on probation for one year. Further, Nathan Ned Halpert was to take and successfully complete the Jurisprudence examination, in which he did so on April 24, 1990.
- (6) From the evidence presented, the State Board of Pharmacy finds that Nathan Ned Halpert failed to renew his identification card on the fifteenth day of September, 1990 as required by Section 4729.12 of the Ohio Revised Code, to wit: Nathan Ned Halpert did not renew until November 19, 1990.
- (7) From the evidence presented, the State Board of Pharmacy finds that Nathan Ned Halpert did, between September 16, 1990 and November 15, 1990 while practicing pharmacy at Scott's Super Discount, Inc., 1480 Pearl Road, Brunswick, Ohio 44212, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Nathan Ned Halpert dispensed dangerous drugs pursuant to prescriptions. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (7) of the Findings Of Fact constitutes 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 paragraph (4) of the Findings Of Fact constitutes having been convicted of a misdemeanor related to, or committed in, the practice of pharmacy as provided in Division (A)(4) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (7) of the Findings Of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Chapter 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 hereby imposes a monetary penalty of five hundred dollars (\$500.00), due and owing within thirty (30) days of the issuance of this Order. The monetary

NATHAN NED HALPERT, R.Ph.
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penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

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

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 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.

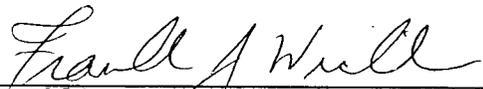
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section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

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 749 728 859

ORDER MAILED: APRIL 30, 1992

FZW/so

By 
Franklin Z. Wickham, Executive Director

cc: Ronda Anderson, Assistant Attorney General



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-911001-058)

In The Matter Of:

SCOTT'S SUPER DISCOUNT, INC.
Ned Halpert, R.Ph.
1480 Pearl Road
Brunswick, Ohio 44212
(Terminal Distributor No. 02-169600)

C O N S E N T A G R E E M E N T

This Consent Agreement is entered into by and between Scott's Super Discount, Inc. and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Scott's Super Discount, Inc. enters into this Agreement being fully informed of its rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues contained herein.

This Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

1. The Ohio State Board of Pharmacy is empowered by Section 4729.57 to suspend, revoke, refuse to renew, or impose a monetary penalty on any terminal distributor of dangerous drugs for any of the enumerated grounds.
2. Scott's Super Discount, Inc. is licensed to distribute and possess for sale dangerous drugs in the State of Ohio.
3. Scott's Super Discount, Inc. is knowingly and voluntarily acknowledging that it allowed Nathan N. Halpert to practice pharmacy while his license was lapsed from September 16, 1989 to November 19, 1990 and that Nathan N. Halpert practiced pharmacy while his license was lapsed.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Scott's Super Discount, Inc. knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

SCOTT'S SUPER DISCOUNT, INC.

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Consent Agreement

1. Scott's Super Discount, Inc. agrees to the imposition of a monetary penalty of five hundred dollars (\$500.00).
2. Scott's Super Discount, Inc. understands that the State Board of Pharmacy will suspend four hundred dollars (\$400.00) of the monetary penalty on condition that Scott's Super Discount, Inc. does not further violate any laws under Chapter 4729. of the Ohio Revised Code.
3. The one hundred dollar (\$100.00) monetary penalty that was not suspended is due and owing within thirty (30) days of the effective date of this Agreement. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.
4. If Scott's Super Discount, Inc. violates any laws under Chapter 4729., it agrees to the imposition of the portion of the monetary penalty the Board originally suspended.

If, in the judgment of the Board, Scott's Super Discount, Inc. appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Scott's Super Discount, Inc. acknowledges that it has had an opportunity to ask questions concerning the terms of this Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

Scott's Super Discount, Inc. waives any and all claims or causes of action it may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement.

In the event the Board, at its discretion, does not approve this Agreement, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. Scott's Super Discount, Inc. agrees that should the Board reject this Agreement and if this case proceeds to hearing, it will assert no claim that the Board was

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prejudiced by its review and discussion of this Agreement or of any information relating thereto.

This Consent Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the last date of signature below.

NAME OF TERMINAL DISTRIBUTOR/RESPONDENT	
SIGNATURE OF RESPONSIBLE PHARMACIST	DATE OF SIGNATURE
SIGNATURE OF OHIO BOARD OF PHARMACY PRESIDENT	DATE OF SIGNATURE
SIGNATURE OF OHIO ASSISTANT ATTORNEY GENERAL	DATE OF SIGNATURE



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-890901-036)

In The Matter Of:

NATHAN HALPERT, R.Ph.
25203 Cardington Drive
Beachwood, Ohio 44122
(R.Ph. No. 03-2-05582)

INTRODUCTION

THE MATTER OF NATHAN HALPERT CAME TO HEARING ON JANUARY 26, 1990 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY MOORE, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; BETTY NICHOL, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

NATHAN HALPERT WAS REPRESENTED BY GORDON S. FRIEDMAN, AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) None

Respondent's Witnesses:

- (1) Jack Karlin
- (2) Nathan Halpert - Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter for Scott's Super Discount, Inc. dated September 1, 1989.
- (2) Exhibit B - Notice of Opportunity letter for Nathan Halpert, R.Ph. dated September 1, 1989.
- (3) Exhibit C - Request for Hearing letter for Nathan Halpert, R.Ph., and Scott's Super Discount, Inc. dated September 13, 1989.
- (4) Exhibit D - Hearing Schedule letter for Nathan Halpert, R.Ph., and Scott's Super Discount, Inc. dated September 22, 1989.

- (5) Exhibit E - Hearing Schedule letter for Nathan Halpert, R.Ph., and Scott's Super Discount, Inc. dated January 12, 1990.
- (6) Exhibit 1 - Terminal Distributor of Dangerous Drugs renewal applications for Scott's Super Discount, Inc. for 1980, 1981, and 1983 through 1988; Application for Registration as a Distributor of Dangerous Drugs for Scott's Super Discount, Inc. dated February 24, 1983.
- (7) Exhibit 2 - Judgment Entry from the Medina County Court of Common Pleas for Nathan N. Halpert, Case No. 9318, file date of May 31, 1989.

Respondent's Exhibits:

- (1) Exhibit 1 - Letter from Anthony J. Maniglia, M.D. from Case Western Reserve University dated December 11, 1989.
- (2) Exhibit 2 - Letter from Joel S. Steinberg, M.D., Inc. dated December 7, 1989.
- (3) Exhibit 3 - Notarized affidavit from Tom Dreher, Detective with the City of Brunswick Police Department, dated December 11, 1989.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Nathan Halpert was the responsible pharmacist at Scott's Super Discount, Inc., 1480 Pearl Rd., Brunswick, Ohio pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-23 of the Ohio Administrative Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Nathan Halpert did, on or about July 5, 1988, while practicing pharmacy as the responsible pharmacist at Scott's Super Discount, purchase for the purpose of resale dangerous drugs from a person other than a registered wholesale distributor of dangerous drugs, to wit: Nathan Halpert purchased from a sales representative of Wyeth-Ayerst two bottles each containing 1,000 units of Premarin .625mg for the sum of \$150.00. Such conduct is in violation of Section 4729.51(D) of the Ohio Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Nathan Halpert was, on or about May 15, 1989, convicted of Making Illegal Purchases of Drugs in violation of Section 4729.51(D) of the Ohio Revised Code, a misdemeanor of the first degree.

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) and (3) of the Findings Of Fact constitutes unprofessional conduct in the practice of pharmacy as provided in division (A)(2) of Section 4729.16 of the Ohio Revised Code.

NATHAN HALPERT, R.Ph.

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Order of the Board

- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (3) of the Findings Of Fact constitutes being convicted of a misdemeanor related to, or committed in, the practice of pharmacy as provided in division (A)(4) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (2) of the Findings Of Fact constitutes willfully violating the provisions of Chapter 4729. of the Revised Code as provided in division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-2-05582, held by Nathan Halpert:

(A) On the basis of paragraphs (1) through (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Nathan Halpert for one year, effective July 1, 1990.

(B) Further, the Board will suspend the suspension imposed in paragraph (A) above and place the pharmacist identification card held by Nathan Halpert on probation for one year on the conditions that Mr. Halpert successfully completes the Jurisprudence examination offered by the Board.

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

MOTION CARRIED.

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 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.

NATHAN HALPERT, R.Ph.

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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.

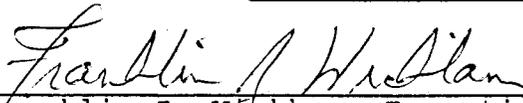
BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 497 578 674

ORDER MAILED: MARCH 19, 1990

FZW/pw

By


Franklin Z. Wickham, Executive Director

cc: Steve Dlott, Assistant Attorney General
Gordon S. Friedman, Attorney for Respondent, Attorney At Law,
2700 Terminal Tower, Cleveland, Ohio 44113-2204



OHIO STATE BOARD OF PHARMACY

65 S. FRONT STREET, ROOM 504
COLUMBUS, OHIO 43215
TELEPHONE: 614-466-4143

THE STATE BOARD OF PHARMACY

vs

NATHAN HALPERT, R.Ph.

THE MATTER OF NATHAN HALPERT, DOCKET NO. 6-102-3, CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON THURSDAY, JANUARY 24, 1985. MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) On October 23, 1984, Nathan Halpert, R.Ph. No. 03-2-05582, was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) As demonstrated by return receipt of October 24, 1984, Nathan Halpert received the letter of October 23, 1984 informing him of the allegations regarding the late renewal of his pharmacist identification card, his continual practice without a current identification card, and his rights.
- (3) Nathan Halpert has not responded in any manner to the letter of October 23, 1984 informing him of the allegations.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that Nathan Halpert did **fail to renew his identification card** to practice pharmacy in Ohio, as required by **Section 4729.12** of the Revised Code, more than one time.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that Nathan Halpert did **willfully dispense and sell dangerous drugs more than one time during the lapsed dates** of his pharmacist license, in violation of the provisions of **Section 4729.28** of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law set forth above, the State Board of Pharmacy hereby takes the following actions concerning the registered pharmacist license of Nathan Halpert:

NATHAN HALPERT, R.Ph.
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Order of the Board

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of one hundred dollars (\$100.00).

(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 hundred dollars (\$500.00).

(C) Further, the Board suspends the one hundred dollar monetary penalty imposed in paragraph (A) above, and four hundred dollars of the five hundred dollar monetary penalty imposed in paragraph (B) above. Said one hundred dollar monetary penalty imposed to be 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 43215, with the enclosed form.

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

MOTION CARRIED.

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 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

CERTIFIED MAIL
Return Receipt

ORDER ISSUED: February 25, 1925

FZW/sb

By

Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc/John E. Breen, Assistant Attorney General