



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-900130-059)

Filed by  
DEC 27 1990  
DATE  
y

In The Matter Of:

THOMAS J. NAHRUP, R.Ph.  
12057 Rich Rd., P. O. Box 187  
Loveland, Ohio 45140  
(R.Ph. No. 03-2-06614)

INTRODUCTION

THE MATTER OF THOMAS J. NAHRUP CAME TO HEARING ON APRIL 23, 1990 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY MOORE, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

THOMAS J. NAHRUP WAS REPRESENTED BY ROBERT C. BAUER, AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Beth Moon, Medicaid Fraud Control

Respondent's Witnesses:

- (1) Thomas J. Nahrup, Respondent  
(2) Irving Feuer, R.Ph.

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter for Thomas J. Nahrup, R.Ph. dated January 30, 1990.  
(2) Exhibit B - Request for Hearing for Thomas J. Nahrup, R.Ph., dated February 8, 1990.  
(3) Exhibit C - Hearing Schedule letter for Thomas J. Nahrup, R.Ph., dated February 14, 1990.

- (4) Exhibit 1 - Pharmacist File Front Sheet showing Mr. Nahrup's original date of registration as November 5, 1957.
- (5) Exhibit 2 - Judgment Entry from the Common Pleas Court of Franklin County, Ohio dated September 3, 1987.
- (6) Exhibit 3 - Sentence Entry from the Court of Common Pleas of Clermont County dated April 9, 1985.
- (7) Exhibit 4 - Entry terminating probation from the Court of Common Pleas dated April 5, 1988.
- (8) Exhibit 5 - Indictment from Grand Jury of the Court of Common Pleas, Clermont County, Case No. 84-CR-5228, dated June 20, 1984.
- (9) Exhibit 6 - Indictment from the Court of Common Pleas, Clermont County, Case No. 84-CR-5191, filed on June 24, 1984.
- (10) Exhibit 7 - Statement of Thomas J. Nahrup, R.Ph. dated May 21, 1984.

Respondent's Exhibits:

- (1) Exhibit A - Letter from Kenneth E. Tepe, M.D. dated March 2, 1985.
- (2) Exhibit B - Letter from the Court of Common Pleas, Clermont County from G. D. Newman.
- (3) Exhibit C - Letter from Kenneth E. Tepe, M.D. dated April 9, 1990.
- (4) Exhibit D - Letter from Irving Feuer regarding Thomas J. Nahrup.
- (5) Exhibit E - Letter from the Common Pleas Court of Clermont County, Adult Probation Officer, dated April 18, 1990.
- (6) Exhibit F - Letter signed by James Flint, Edward Beimesche, Carl Purkiser, Gary Burnside and Amos Bough dated April 20, 1990.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that the records of the Board of Pharmacy indicate that Thomas J. Nahrup was originally licensed to practice pharmacy in this state on November 5, 1957, pursuant to examination.
- (2) From the evidence presented, the State Board of Pharmacy finds that Thomas J. Nahrup was, on or about September 3, 1987, convicted in the Common Pleas Court of Franklin County, Ohio of Theft in violation of Section 2913.02(A)(3) of the Ohio Revised Code, a felony of the third degree.
- (3) From the evidence presented, the State Board of Pharmacy finds that Thomas J. Nahrup was, on or about April 9, 1985, convicted in the Common Pleas Court of Clermont County, Ohio of one count of Illegal Processing of Drug Documents in violation of Section 2925.23(A) of the Ohio Revised Code, a felony of the fourth degree, of five counts of Excessive Sales of Exempt Narcotics in violation of Section 3719.16 of the Ohio Revised Code, felonies of the fourth degree, and of two counts of Drug Abuse in violation of Section 2925.11 of the Ohio Revised Code, felonies of the fourth degree.

- (4) From the evidence presented, the State Board of Pharmacy finds that Thomas J. Nahrup did, on or about the following dates, dispense or sell, under the exemptions of Section 3719.15 of the Revised Code, to any one person, preparations included within such section, when Thomas J. Nahrup knew, or could have by reasonable diligence ascertained, that such dispensing or selling would provide such person, within 48 consecutive hours, with more than one preparation exempted by the provisions of Section 3719.15:

March 24, 1983	January 7, 1984	January 30, 1984
January 18, 1983	February 18, 1983	August 23, 1983
October 29, 1983	November 8, 1983	December 28, 1983
January 6, 1984	January 10, 1984	February 2, 1984
February 3, 1984		

Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

- (5) From the evidence presented, the State Board of Pharmacy finds that Thomas J. Nahrup did, during a continuing course of conduct between January 1, 1983 and December 31, 1984, knowingly make or cause to be made false or misleading statements or representations for use in obtaining reimbursement from the state's medical assistance program, to wit: Thomas J. Nahrup defrauded Ohio's Medicaid program. Such conduct is in violation of Section 2913.40(B) 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 (5) of the Findings Of Fact constitutes being guilty of a felony and gross immorality as provided in Division (A)(1) 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 the conduct set forth in paragraphs (2) through (5) of the Findings Of Fact constitutes 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.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (4) of the Findings Of Fact constitutes being guilty of willfully violating 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.

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Order of the Board

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. 03-2-06614, held by Thomas J. Nahrup:

(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 Thomas J. Nahrup for 60 months.

(B) Further, the Board will set aside 57 months of the suspension and place Mr. Nahrup's identification card on probation for five years provided that Thomas J. Nahrup successfully completes the Jurisprudence examination offered by the Board. The Board further stipulates that Thomas J. Nahrup may not serve as a responsible pharmacist during this five-year probation period.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Thomas J. Nahrup's pharmacist identification card is not in good standing and thereby denies him the privilege of being a preceptor and training pharmacy interns for a period of five years.

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

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

MOTION CARRIED.

SO ORDERED.

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.

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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.

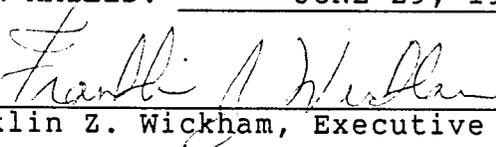
BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL  
Return Receipt  
#P 497 578 708

ORDER MAILED: JUNE 29, 1990

FZW/la

By

  
Franklin Z. Wickham, Executive Director

cc: Steve Dlott, Assistant Attorney General  
Robert C. Bauer, Attorney for Respondent; 501 West Loveland Avenue,  
Loveland, Ohio 45140

8/21/90