



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-890605-131)

Filed by  
1-31-90  
DATE

GLT  
INITIALS

In The Matter Of:

ALFRED LUFT, R.Ph.  
2367 Beachwood  
Beachwood, Ohio 44122  
(Ph. No. 03-2-06763)

THE MATTER OF ALFRED LUFT CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON OCTOBER 25, 1989 AS A RESULT OF THE REPORT AND RECOMMENDATION SUBMITTED TO THE BOARD BY HEARING OFFICER AND BOARD MEMBER GERALD CLOUSE. FOLLOWING CONSIDERATION OF THE REPORT AND RECOMMENDATION, THE TRANSCRIPT OF THE HEARING, AND EVIDENCE ADDUCED AT THE HEARING, MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

State's Witnesses

(1) Jack D. Smittle - Board of Pharmacy

Respondent's Witnesses

(1) Alfred Luft - Respondent

State's Exhibits

- (1) Exhibit A - Notice of Opportunity letter dated June 5, 1989.
- (2) Exhibit B - Returned Certified Mail of Notice of Opportunity letter.
- (3) Exhibit C - Letter of publication to The Cleveland Plain Dealer dated June 21, 1989.
- (4) Exhibit D - Request for hearing letter dated June 30, 1989.
- (5) Exhibit E - Hearing Schedule letter dated July 19, 1989.
- (6) Exhibit 1 - Pharmacist Front Sheet for Alfred Luft, and Pharmacist Renewal Application for Alfred Luft for 1988.
- (7) Exhibit 2 - Prescription Number 501402 dated 9/16/88.
- (8) Exhibit 3 - Prescription Number 501987 dated 9/26/88.
- (9) Exhibit 4 - Prescription Number 502232 dated 9/29/88.
- (10) Exhibit 5 - Prescription Number 502300 dated 9/30/88.
- (11) Exhibit 6 - Prescription Number 502373 dated 10/01/88.
- (12) Exhibit 7 - Prescription Number 502500 dated 10/04/88.

Findings Of Fact

The State Board of Pharmacy hereby agrees with and adopts the Findings Of Fact set forth in the Report and Recommendation of Hearing Officer and Board Member Gerald Clouse, as follows:

- (1) The State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Alfred Luft was initially registered as a pharmacist in Ohio pursuant to examination on July 31, 1958, and has been practicing pharmacy since that date. Records further indicate that his license has lapsed from September 15, 1988 through October 5, 1988.
- (2) The State Board of Pharmacy finds that Alfred Luft did, on or about September 16, 1988 while practicing pharmacy at Rite Aid #1570, 6402 Franklin Ave., Cleveland, Ohio 44102, 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, Alfred Luft dispensed 100 tablets of Persantine 50mg, a dangerous drug. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (3) The State Board of Pharmacy finds that Alfred Luft did, on or about September 26, 1988 while practicing pharmacy at Rite Aid #1570, 6402 Franklin Ave., Cleveland, Ohio 44102, 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, Alfred Luft dispensed 20 tablets of Erythromycin 250mg, a dangerous drug. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (4) The State Board of Pharmacy finds that Alfred Luft did, on or about September 29, 1988 while practicing pharmacy at Rite Aid #1570, 6402 Franklin Ave., Cleveland, Ohio 44102, 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, Alfred Luft dispensed 15 tablets of Butalbital/ASA/CAF, a dangerous drug. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (5) The State Board of Pharmacy finds that Alfred Luft did, on or about September 30, 1988 while practicing pharmacy at Rite Aid #1570, 6402 Franklin Ave., Cleveland, Ohio 44102, 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, Alfred Luft dispensed 60 tablets of Aspirin with Codeine 60mg, a schedule III controlled substance. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (6) The State Board of Pharmacy finds that Alfred Luft did, on or about October 1, 1988 while practicing pharmacy at Rite Aid #1570, 6402 Franklin Ave., Cleveland, Ohio 44102, 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, Alfred Luft dispensed 14 capsules of Duricef 500mg, a dangerous drug. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (7) The State Board of Pharmacy finds that Alfred Luft did, on or about October 4, 1988 while practicing pharmacy at Rite Aid #1570, 6402 Franklin Ave., Cleveland, Ohio 44102, 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, Alfred Luft dispensed 20 tablets of Acetaminophen with Codeine 30mg, a schedule III controlled substance. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

#### Conclusions Of Law

The State Board of Pharmacy hereby agrees with and adopts the Conclusions Of Law set forth in the Report and Recommendation of Hearing Officer and Board Member Gerald Clouse, as follows:

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (7) of the Findings Of Fact constitutes unprofessional conduct in the practice of pharmacy.
- (2) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (7) of the Findings Of Fact constitutes willfully violating any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729., of the Ohio Revised Code.

#### Action Of The Board

The State Board of Pharmacy hereby agrees with and adopts the recommendation for action set forth in the Report and Recommendation of Hearing Officer and Board Member Gerald Clouse. Therefore, pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy imposes a monetary penalty of five hundred dollars (\$500.00).

Further, the State Board of Pharmacy suspends four hundred dollars (\$400.00) of the five hundred dollar monetary penalty imposed above.

The one hundred dollar monetary penalty that was not suspended above is due and owing within thirty (30) days of the issuance of this Order. 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.

ALFRED LUFT, R.Ph.  
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Order of 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.

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.

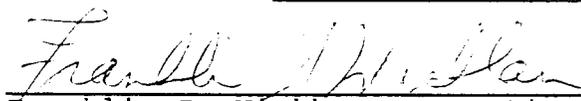
BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL  
Return Receipt  
#P-417-664-090

ORDER MAILED: DECEMBER 18, 1989

FZW/pw

By

  
Franklin Z. Wickham, Executive Director

cc: Steve Dlott, Assistant Attorney General  
Ira S. Goffman, Attorney for Respondent; Roth & Rolf Co. L.P.A.,  
600 Bond Court Building, 1300 E. Ninth St., Cleveland, Ohio 44114