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-890417-106)

In The Matter Of:

JAY NORBERT GREEN
16740 Brigadoon Drive
Bainbridge Twp., Ohio 44022
(DOB 02-08-35)

INTRODUCTION

THE MATTER OF JAY NORBERT GREEN CAME TO HEARING ON SEPTEMBER 26, 1989 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY MOORE, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; METTA LOU HENDERSON, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

JAY NORBERT GREEN WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) Robert Lee Cole - Board of Pharmacy

Respondent's Witnesses:

(1) Jay Norbert Green - Respondent
(2) Mrs. Jay Norbert Green

(B) Exhibits

State's Exhibits:

(1) Exhibit A - Notice of Opportunity letter dated April 17, 1989.
(2) Exhibit B - Hearing Request letter dated April 22, 1989.
(3) Exhibit C - Hearing Schedule letter dated May 4, 1989.
(4) Exhibit 1 - Application for Examination as Pharmacist for Jay Norbert Green.
(5) Exhibit 2 - Ohio Board of Pharmacy Order dated June 28, 1984.
(6) Exhibit 3 - Ohio Board of Pharmacy Order dated February 4, 1987.

Respondent's Exhibits:

(1) Exhibit 1 - Letter from Jay N. Green dated September 25, 1989; List of Exhibits attached; Business Card for Jay Green; Company Brochure for Olympic Steel; Copy of Health Card from Olympic Steel for Jay Green; Copy of Purchase Agreement from 1988 for $122,042.00 dated April 30, 1988; Copy of Paid Check #11807 for $122,042.00; Copy of Purchase Agreements from June 15, 1989 for $63,411.00, $62,411.00, $15,838.00 and $15,838.00; Copy of Invoice from Richfield Truck Center, Inc. #001618; Copy of Invoice from Richfield Equipment & Trailer Center, Inc. #002066; Copy of Check #14905 dated 9/6/89 for $15,838.00; Copy of Check #14906 dated 9/6/89 for $63,411.00; Copy of Check No. 001102 from Bedford Trucking dated 08/25/89 to Debra MacPherson; Article from the Plain Dealer dated September 16, 1989 on 'Can the Way You Think Affect the Way You Feel?'; and a Summary Page.

FINDINGS OF FACT

(1) From the evidence presented, the State Board of Pharmacy finds that on June 28, 1984, the Board found that:

(a) Jay Norbert Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispensed without a valid prescription approximately 4,464 tablets of Preludin 75mg, approximately 3,714 tablets of Percodan, approximately 900 tablets of Demerol 100mg, and approximately 400 tablets of Dilaudid 4mg, all of which are Schedule II controlled substances and prescription drugs, in amounts equal to or exceeding three times the bulk amount as defined in Section 2925.03(A)(7), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(b) Jay Norbert Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispensed without a valid prescription approximately 27,048 tablets of Talwin 50mg, a Schedule IV controlled substance and prescription drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code; in violation of Sections 2925.03(A)(7), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(c) Jay Norbert Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispensed without a valid prescription approximately 568 ounces of Ambenyl Expectorant, a Schedule V controlled substance and prescription drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code; in violation of Sections 2925.03(A)(7), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(d) Jay Norbert Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispensed without a valid prescription approximately 48 ounces of Tussionex, a Schedule III controlled substance and prescription drug, in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount as defined in Section 2925.01 of the Revised Code; in violation of Sections 2925.03(A)(4), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(e) Jay Norbert Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispensed without a valid prescription approximately 520 tablets of Valium 10mg, a Schedule IV controlled substance and prescription drug, in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount as defined in Section 2925.01 of the Revised Code; in violation of Section 2925.03(A)(4) and Chapters 3715., 3719., and 4729. of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(f) Jay Norbert Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispensed without a valid prescription approximately 8,870 tablets of Pyribenzamine 50mg, a drug which may be dispensed only upon the prescription of a practitioner; in violation of Sections 3715.52(L) and 3715.64(A)(13)(b) of the Revised Code, and the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(g) Jay Norbert Green, as the responsible pharmacist and president of the corporation doing business as Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, did knowingly possess false prescriptions, to wit: approximately 300 prescriptions for 27,048 tablets of Talwin 50mg, approximately 93 prescriptions for 4,464 tablets of Preludin 75mg, approximately 93 prescriptions for 8,870 tablets of Pyribenzamine 50mg, approximately 74 prescriptions for 568 ounces of Ambenyl Expectorant, approximately 57 prescriptions for 4,026 tablets of Desoxyn 15mg, approximately 42 prescriptions for 3,714 tablets of Percodan, approximately 9 prescriptions for 900 tablets of Demerol 100mg, approximately 7 prescriptions for 520 tablets of Valium 10mg, approximately 7 prescriptions for 48 ounces of Tussionex Expectorant, and approximately 5 prescriptions for 400 tablets of Dilaudid 4mg; in violation of Section 2925.23(B)(2) of the Revised Code.

(h) Jay Norbert Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a written or oral prescription approximately 500 tablets of Percodan and approximately 300 tablets of Preludin 75mg, both of which are Schedule II controlled substances and prescription drugs; in violation of Sections 2925.03(A), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(i) Jay Norbert Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 8, 1981 and January 5, 1982 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a written or oral prescription approximately 340 tablets of Percodan and approximately 95 tablets of Preludin 75mg, both of which are Schedule II controlled substances and prescription drugs; in violation of Sections 2925.03(A), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(j) Jay Norbert Green, as the responsible pharmacist and president of the corporation doing business as Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, did more than one time fail to keep a record of all controlled substances received or dispensed; in violation of Section 3719.07(G) of the Revised Code, and the federal narcotic law as defined in Section 4729.02 of the Revised Code.

(k) Jay Norbert Green, as the responsible pharmacist and president of the corporation doing business as Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, did more than one time sell dangerous drugs and controlled substances at wholesale without being registered as a wholesale distributor of dangerous drugs and licensed as a wholesaler of controlled substances, to wit: Sublimaze was sold at wholesale to Paul W. Lindgren, D.D.S. on or about February 3, 1983, and 50 tablets of Demerol 100mg and 50 capsules of Nembutal 100mg were sold at wholesale to Julius Bodnar, D.D.S.; in violation of Section 4729.51(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and Section 1306.04 of Title 21 of the Code of Federal Regulations.

(l) Jay Norbert Green, or persons under his personal supervision and control, on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, did without a written or oral prescription dispense approximately 12,416 tablets of Percodan, approximately 219 capsules of Biphetamine 20mg, approximately 210 tablets of Dilaudid 4mg, approximately 852 tablets of Desoxyn 15mg, and approximately 104 tablets of Preludin 75mg, all of which are Schedule II controlled substances and dangerous drugs which may be dispensed only upon the prescription of a practitioner; in violation of Sections 2925.03, 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(m) Jay Norbert Green, or persons under his personal supervision and control, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a written or oral prescription approximately 4,469 tablets of Talwin 50mg, a Schedule IV controlled substance and dangerous drug which may be dispensed only upon the prescription of a practitioner; in violation of Sections 2925.03(A)(7), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(n) Jay Norbert Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between November 1, 1982 and December 12, 1983 at Campus Medical Pharmacy, 29101 Health Campus Drive, Westlake, Ohio 44145, dispense without a written or oral prescription approximately 451 tablets of Percodan, approximately 158 tablets of Preludin 75mg, approximately 100 capsules of Biphetamine 20mg, approximately 100 tablets of Dilaudid 4mg, approximately 80 capsules of Tylox, and

approximately 30 capsules of Nembutal 50mg, all of which are Schedule II controlled substances and prescription drugs; in violation of Sections 2925.03(A), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(o) Jay Norbert Green, as the responsible pharmacist and president of the corporation doing business as Campus Medical Pharmacy, 29101 Health Campus Drive, Westlake, Ohio 44145, did more than one time fail to keep a record of all controlled substances received or dispensed; in violation of Section 3719.07(G) of the Revised Code, and the federal narcotic law as defined in Section 4729.02 of the Revised Code.

(p) Green Drugs, Inc., owner of Campus Medical Pharmacy and Westgate Medical Pharmacy, on one or more occasions, did not keep records required by the provisions of the federal narcotic law as defined in Section 4729.02 and Chapter 3719. of the Revised Code, nor Rules 4729-5-17 and 4729-9-14 of the Ohio Administrative Code.

(q) Jay Norbert Green, on more than one occasion, did refill prescriptions for Schedule II controlled substances; in violation of Section 3719.05(A) of the Revised Code, and the federal narcotic law as defined in Section 4729.02 of the Revised Code.

(2) From the evidence presented, the State Board of Pharmacy finds that on June 28, 1984, the Board revoked the pharmacist identification card held by Jay N. Green, and imposed a monetary penalty of five thousand dollars. Also on June 28, 1984, the Board revoked the terminal distributor of dangerous drugs licenses of Westgate Medical Pharmacy, No. 02-126950, and Campus Medical Pharmacy, No. 02-337200.

(3) From the evidence presented, the State Board of Pharmacy finds that Jay Norbert Green is not of good moral character and habits as required in Section 4729.08 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 paragraph (1) of the Findings Of Fact constitutes being guilty of a felony or gross immorality as provided in paragraph (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 paragraph (1) of the Findings Of Fact constitutes willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Ohio Revised Code as provided in paragraph (A)(5) 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 (1) and (3) of the Findings Of Fact constitutes failure to meet the qualifications as provided in paragraph (B) of Section 4729.08 of the Ohio Revised Code.

ORDER

Pursuant to Sections 4729.08 and 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby denies the application for registration by examination submitted by Jay Norbert Green.

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-417-664-053

ORDER MAILED: NOVEMBER 9, 1989

By Franklin Z. Wickham

Franklin Z. Wickham, Executive Director

FZW/pw

cc: Steve Dlott, Assistant Attorney General

65 S. FRONT STREET, ROOM 504 * COLUMBUS, OHIO 43266-0320 * 614/466-4143

THE STATE BOARD OF PHARMACY

In The Matter Of:

JAY N. GREEN
10 Daisy Lane
Cleveland, Ohio 44124

THE MATTER OF JAY N. GREEN, DOCKET NO. D-861117-070, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON WEDNESDAY, DECEMBER 3, 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 Jay N. Green, on or about December 12, 1983, was charged by the Cuyahoga County Grand Jury with thirty (30) counts of trafficking in drugs.

(2) From the evidence presented, the State Board of Pharmacy finds that Jay N. Green, on or about September 20, 1984, pled guilty to ten (10) counts of illegally possessing a Scheduled II drug, a lesser offense than those making up the indictment.

(3) From the evidence presented, the State Board of Pharmacy finds that, on or about June 28, 1984, the Ohio Board of Pharmacy made the following Findings of Fact:

(a) Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a valid prescription approximately 4,464 tablets of Preludin 75mg, approximately 3,714 tablets of Percodan, approximately 900 tablets of Demerol 100mg, and approximately 400 tablets of Dilaudid 4mg, all of which are Schedule II controlled substances and prescription drugs, in amounts equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code; in violation of Sections 2925.03(A)(7), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(b) Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a valid prescription approximately 27,048 tablets of Talwin 50mg, a Schedule IV controlled substance and prescription drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code; in violation of Sections 2925.03(A)(7), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(c) Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a valid prescription approximately 568 ounces of Ambenyl Expectorant, a Schedule V controlled substance and prescription drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code; in violation of Sections 2925.03(A)(7), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(d) Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a valid prescription approximately 48 ounces of Tussionex, a Schedule III controlled substance and prescription drug, in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount as defined in Section 2925.01 of the Revised Code; in violation of Sections 2925.03(A)(4), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(e) Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a valid prescription approximately 520 tablets of Valium 10mg, a Schedule IV controlled substance and prescription drug, in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount as defined in Section

2925.01 of the Revised Code; in violation of Section 2925.03(A) and Chapters 3715., 3719., and 4729. of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(f) Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a valid prescription approximately 8,870 tablets of Pyribenzamine 50mg, a drug which may be dispensed only upon the prescription of a practitioner; in violation of Sections 3715.52(L) and 3715.64(A)(13)(b) of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(g) Jay N. Green, as the responsible pharmacist and president of the corporation doing business as Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, did knowingly possess false prescriptions, to wit: approximately 300 prescriptions for 27,048 tablets of Talwin 50mg, approximately 93 prescriptions for 4,464 tablets of Preludin 75mg, approximately 93 prescriptions for 8,870 tablets of Pyribenzamine 50mg, approximately 74 prescriptions for 568 ounces of Ambenyl Expectorant, approximately 57 prescriptions for 4,026 tablets of Desoxyn 15mg, approximately 42 prescriptions for 3,714 tablets of Percodan, approximately 9 prescriptions for 900 tablets of Demerol 100mg, approximately 7 prescriptions for 520 tablets of Valium 10mg, approximately 7 prescriptions for 48 ounces of Tussionex Expectorant, and approximately 5 prescriptions for 400 tablets of Dilaudid 4mg; in violation of Section 2925.23(B)(2) of the Revised Code.

(h) Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a written or oral prescription approximately 500 tablets of Percodan and approximately 300 tablets of Preludin 75mg, both of which are Schedule II controlled substances and prescription drugs; in violation of Sections 2925.03(A), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(i) Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 8, 1981 and January 5, 1982 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a written or oral prescription approximately 340 tablets of Percodan and approximately 95 tablets of Preludin 75mg,

both of which are Schedule II controlled substances and prescription drugs; in violation of Sections 2925.03(A), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(j) Jay N. Green, as the responsible pharmacist and president of the corporation doing business as Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, did more than one time fail to keep a record of all controlled substances received or dispensed; in violation of Section 3719.07(G) of the Revised Code, and the federal narcotic law as defined in Section 4729.02 of the Revised Code.

(k) Jay N. Green, as the responsible pharmacist and president of the corporation doing business as Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, did more than one time sell dangerous drugs and controlled substances at wholesale without being registered as a wholesale distributor of dangerous drugs and licensed as a wholesaler of controlled substances, to wit: Sublimaze was sold at wholesale to Paul W. Lindgren, D.D.S. on or about February 3, 1983, and 50 tablets of Demerol 100mg and 50 capsules of Nembutal 100mg were sold at wholesale to Julius Bodnar, D.D.S.; in violation of Section 4729.51(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and Section 1306.04 of Title 21 of the Code of Federal Regulations.

(l) Jay N. Green, or persons under his personal supervision and control, on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, did without a written or oral prescription dispense approximately 12,416 tablets of Percodan, approximately 219 capsules of Biphetamine 20mg, approximately 210 tablets of Dilaudid 4mg, approximately 852 tablets of Desoxyn 15mg, and approximately 104 tablets of Preludin 75mg, all of which are Schedule II controlled substances and dangerous drugs which may be dispensed only upon the prescription of a practitioner; in violation of Sections 2925.03, 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(m) Jay N. Green, or persons under his personal supervision and control, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a written or oral prescription approximately 4,469 tablets of Talwin 50mg, a Schedule IV controlled substance and dangerous drug which may be

dispensed only upon the prescription of a practitioner; in violation of Sections 2925.03(A)(7), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(n) Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between November 1, 1982 and December 12, 1983 at Campus Medical Pharmacy, 29101 Health Campus Drive, Westlake, Ohio 44145, dispense without a written or oral prescription approximately 451 tablets of Percodan, approximately 158 tablets of Preludin 75mg, approximately 100 capsules of Biphetamine 20mg, approximately 100 tablets of Dilaudid 4mg, approximately 80 capsules of Tylox, and approximately 30 capsules of Nembutal 50mg, all of which are Schedule II controlled substances and prescription drugs; in violation of Sections 2925.03(A), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(o) Jay N. Green, as the responsible pharmacist and president of the corporation doing business as Campus Medical Pharmacy, 29101 Health Campus Drive, Westlake, Ohio 44145, did more than one time fail to keep a record of all controlled substances received or dispensed; in violation of Section 3719.07(G) of the Revised Code, and the federal narcotic law as defined in Section 4729.02 of the Revised Code.

(p) Green Drugs, Inc., owner of Campus Medical Pharmacy and Westgate Medical Pharmacy, on one or more occasions, did not keep records required by the provisions of the federal narcotic law as defined in Section 4729.02 and Chapter 3719. of the Revised Code, nor Rules 4729-5-17 and 4729-9-14 of the Ohio Administrative Code.

(q) Jay N. Green did, more than one time, refill prescriptions for Schedule II controlled substances; in violation of Section 3719.05(A) of the Revised Code, and the federal narcotic law as defined in Section 4729.02 of the Revised Code.

These Findings of Fact led the Board to revoke Jay N. Green's license to practice pharmacy in the state of Ohio.

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 (1) through (3) of the Findings Of Fact constitutes being guilty of a felony and gross immorality.

(2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (3) of the Findings Of Fact constitutes willfully violating the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

Pursuant to Sections 4729.08 and 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law, the State Board of Pharmacy hereby denies permission to Jay N. Green to sit for the licensure examination.

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 4, 1987

By Franklin Z. Nickham
Franklin Z. Nickham, Executive Director

FZW/sb

cc: Yvette McGee, Assistant Attorney General

OHIO STATE BOARD OF PHARMACY

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

THE STATE BOARD OF PHARMACY

vs

JAY N. GREEN, R.Ph.
WESTGATE MEDICAL PHARMACY
CAMPUS MEDICAL PHARMACY

THE MATTERS PERTAINING TO THE REGISTERED PHARMACIST IDENTIFICATION CARD NO. 03-2-06853 OF JAY N. GREEN, DOCKET NO. 6-79-1; AND, THE TERMINAL DISTRIBUTOR LICENSES HELD BY WESTGATE MEDICAL PHARMACY, NO. 02-126950, AND CAMPUS MEDICAL PHARMACY, NO. 02-337200, DOCKET NO. 6-79-2, WERE CONSOLIDATED AND HEARD ON WEDNESDAY, MAY 23, 1984 PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE. 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 Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a valid prescription approximately 4,464 tablets of Preludin 75mg, approximately 3,714 tablets of Percodan, approximately 900 tablets of Demerol 100mg, and approximately 400 tablets of Dilaudid 4mg, all of which are Schedule II controlled substances and prescription drugs, in amounts equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code; in violation of Sections 2925.03(A)(7), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(2) From the evidence presented, the State Board of Pharmacy finds that Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a valid prescription approximately 27,048 tablets of Talwin 50mg, a Schedule IV controlled substance and prescription drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code; in violation of Sections 2925.03(A)(7), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(3) From the evidence presented, the State Board of Pharmacy finds that Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a valid prescription approximately 568 ounces of Ambenyl Expectorant, a Schedule V controlled substance and prescription drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code; in violation of Sections 2925.03(A)(7), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(4) From the evidence presented, the State Board of Pharmacy finds that Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a valid prescription approximately 48 ounces of Tussionex, a Schedule III controlled substance and prescription drug, in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount as defined in Section 2925.01 of the Revised Code; in violation of Sections 2925.03(A)(4), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(5) From the evidence presented, the State Board of Pharmacy finds that Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a valid prescription approximately 520 tablets of Valium 10mg, a Schedule IV controlled substance and prescription

drug, in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount as defined in Section 2925.01 of the Revised Code; in violation of Section 2925.03(A)(4) and Chapters 3715., 3719., and 4729. of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(6) From the evidence presented, the State Board of Pharmacy finds that Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a valid prescription approximately 8,870 tablets of Pyribenzamine 50mg, a drug which may be dispensed only upon the prescription of a practitioner; in violation of Sections 3715.52(L) and 3715.64(A)(13)(b) of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(7) From the evidence presented, the State Board of Pharmacy finds that Jay N. Green, as the responsible pharmacist and president of the corporation doing business as Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, did knowingly possess false prescriptions, to wit: approximately 300 prescriptions for 27,048 tablets of Talwin 50mg, approximately 93 prescriptions for 4,464 tablets of Preludin 75mg, approximately 93 prescriptions for 8,870 tablets of Pyribenzamine 50mg, approximately 74 prescriptions for 568 ounces of Ambenyl Expectorant, approximately 57 prescriptions for 4,026 tablets of Desoxyn 15mg, approximately 42 prescriptions for 3,714 tablets of Percodan, approximately 9 prescriptions for 900 tablets of Demerol 100mg, approximately 7 prescriptions for 520 tablets of Valium 10mg, approximately 7 prescriptions for 48 ounces of Tussionex Expectorant, and approximately 5 prescriptions for 400 tablets of Dilaudid 4mg; in violation of Section 2925.23(B)(2) of the Revised Code.

(8) From the evidence presented, the State Board of Pharmacy finds that Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a written or oral prescription approximately 500 tablets of Percodan and approximately 300 tablets of Preludin 75mg, both of which are Schedule II controlled substances and prescription drugs; in violation of Sections 2925.03(A), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(9) From the evidence presented, the State Board of Pharmacy finds that Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between May 8, 1981 and January 5, 1982 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a written or oral prescription approximately 340 tablets of Percodan and approximately 95 tablets of Preludin 75mg, both of which are Schedule II controlled substances and prescription drugs; in violation of Sections 2925.03(A), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(10) From the evidence presented, the State Board of Pharmacy finds that Jay N. Green, as the responsible pharmacist and president of the corporation doing business as Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, did more than one time fail to keep a record of all controlled substances received or dispensed; in violation of Section 3719.07(G) of the Revised Code, and the federal narcotic law as defined in Section 4729.02 of the Revised Code.

(11) From the evidence presented, the State Board of Pharmacy finds that Jay N. Green, as the responsible pharmacist and president of the corporation doing business as Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, did more than one time sell dangerous drugs and controlled substances at wholesale without being registered as a wholesale distributor of dangerous drugs and licensed as a wholesaler of controlled substances, to wit: Sublimaze was sold at wholesale to Paul W. Lindgren, D.D.S. on or about February 3, 1983, and 50 tablets of Demerol 100mg and 50 capsules of Nembutal 100mg were sold at wholesale to Julius Bodnar, D.D.S.; in violation of Section 4729.51(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and Section 1306.04 of Title 21 of the Code of Federal Regulations.

(12) From the evidence presented, the State Board of Pharmacy finds that Jay N. Green, or persons under his personal supervision and control, on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, did without a written or oral prescription dispense approximately 12,416 tablets of Percodan, approximately 219 capsules of Biphetamine 20mg, approximately 210 tablets of Dilaudid 4mg, approximately 852 tablets of Desoxyn 15mg, and approximately 104 tablets of Preludin 75mg, all of which are Schedule II controlled substances and dangerous drugs which may be dispensed only upon the prescription of a practitioner; in violation of Sections 2925.03, 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301

(13) From the evidence presented, the State Board of Pharmacy finds that Jay N. Green, or persons under his personal supervision and control, did on one or more occasions between May 1, 1981 and October 19, 1983 at Westgate Medical Pharmacy, 20800 Westgate, Fairview Park, Ohio 44126, dispense without a written or oral prescription approximately 4,469 tablets of Talwin 50mg, a Schedule IV controlled substance and dangerous drug which may be dispensed only upon the prescription of a practitioner; in violation of Sections 2925.03(A)(7), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(14) From the evidence presented, the State Board of Pharmacy finds that Jay N. Green, as the responsible pharmacist for Westgate Medical Pharmacy and Campus Medical Pharmacy, did on one or more occasions between November 1, 1982 and December 12, 1983 at Campus Medical Pharmacy, 29101 Health Campus Drive, Westlake, Ohio 44145, dispense without a written or oral prescription approximately 451 tablets of Percodan, approximately 158 tablets of Preludin 75mg, approximately 100 capsules of Biphetamine 20mg, approximately 100 tablets of Dilaudid 4mg, approximately 80 capsules of Tylox, and approximately 30 capsules of Nembutal 50mg, all of which are Schedule II controlled substances and prescription drugs; in violation of Sections 2925.03(A), 3715.52(L), 3715.64(A)(13)(b), and 3719.05(A) of the Revised Code, the federal narcotic law as defined in Section 4729.02 of the Revised Code, and the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301.

(15) From the evidence presented, the State Board of Pharmacy finds that Jay N. Green, as the responsible pharmacist and president of the corporation doing business as Campus Medical Pharmacy, 29101 Health Campus Drive, Westlake, Ohio 44145, did more than one time fail to keep a record of all controlled substances received or dispensed; in violation of Section 3719.07(G) of the Revised Code, and the federal narcotic law as defined in Section 4729.02 of the Revised Code.

(16) From the evidence presented, the State Board of Pharmacy finds that Green Drugs, Inc., owner of Campus Medical Pharmacy and Westgate Medical Pharmacy, on one or more occasions, did not keep records required by the provisions of the federal narcotic law as defined in Section 4729.02 and Chapter 3719. of the Revised Code, nor Rules 4729-5-17 and 4729-9-14 of the Ohio Administrative Code.

(17) From the evidence presented, the State Board of Pharmacy finds that Jay N. Green did, more than one time, refill prescriptions for Schedule II controlled substances; in violation of Section 3719.05(A) of the Revised Code, and the federal narcotic law as defined in Section 4729.02 of the 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 (1) through (17) of the Findings Of Fact constitutes gross immorality within the meaning of Section 4729.16(A) of the Revised Code.

(2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (17) of the Findings Of Fact constitutes willfully violating more than one time the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

(3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (16) of the Findings Of Fact constitutes violations of Rules 4729-5-17 and 4729-9-14 of the Administrative Code.

Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (11) of the Findings Of Fact constitutes violations of the provisions of Chapter 4729. of the Revised Code.

(5) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (6), (8), (9), and (12) through (14) of the Findings Of Fact constitutes violations of the provisions of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, and Chapter 3715. of the Revised Code.

(6) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (5) and (7) through (17) of the Findings Of Fact constitutes violations of the provisions of the federal narcotic law as defined in Section 4729.02 of the Revised Code, and Chapters 2925. and 3719. of the Revised Code.

Pursuant to Sections 4729.16 and 4729.57 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 registered pharmacist license of Jay N. Green, No. 03-2-06853, and the terminal distributor of dangerous drugs licenses held by Westgate Medical Pharmacy, No. 02-126950, and Campus Medical Pharmacy, No. 02-337200:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Jay N. Green.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes on Jay N. Green a monetary penalty of five thousand dollars ($5,000), 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.

(C) On the basis of paragraphs (3) through (6) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the terminal distributor of dangerous drugs licenses of Westgate Medical Pharmacy, No. 02-126950, and Campus Medical Pharmacy, No. 02-337200.

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 Requested

ORDER ISSUED: June 28, 1984

By Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

FZW/sb

cc/John E. Breen, Assistant Attorney General
Gerald S. Gold, Esq.; 1801 E. 9th St., Ste. 1100; Cleveland, OH 44114