

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-000330-051)

In The Matter Of:

NICK C. STROVILAS, R.Ph.
522 N. Third Street
Toronto, Ohio 43964
(R.Ph. No. 03-2-07171)

INTRODUCTION

THE MATTER OF NICK C. STROVILAS CAME FOR CONSIDERATION ON JUNE 12, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

NICK C. STROVILAS WAS NOT PRESENT, NOR WAS HIS COUNSEL PRESENT, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) George Pavlich, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of twelve-page Notice of Opportunity for Hearing letter dated March 30, 2000.
- (2) Exhibit 1A--Hearing Request letter dated April 28, 2000, from Attorney Frank M. Moore received in the Board office on May 8, 2000, with envelope displaying two stamped dates as follows: April 28, 2000, made by Pittsburgh PA Meter No. 5004822, and May 4, 2000, made by the Pittsburgh PA 152 Post Office for cancellation.
- (3) Exhibit 1B--Copy of letter from David L. Rowland dated May 11, 2000.
- (4) Exhibit 1C--Copy of Pharmacist File Front Sheet of Nick G. Strovilas showing original date of registration as March 8, 1960; and copy of Ohio Board of Pharmacy, Pharmacists/Interns licensing information report for R.Ph. No. 03-2-07171 of Nick C. Strovilas dated May 17, 2000.

- (5) Exhibit 2--Copy of Dangerous Drug Distributor Inspection Reports of Mike's Rexall Pharmacy, Terminal Distributor No. 02-05-2847 and/or 02-0123650, as follows: report dated March 22, 1982; report dated March 28, 1983; report dated August 8, 1984; report dated August 17, 1989; three-page report dated December 12, 1991; report dated November 2, 1992; and two-page report dated May 3, 1994; and copy of letter from Michael Popovich dated May 18, 1994.
- (6) Exhibit 3--Copy of six-page Dangerous Drug Distributor Inspection Report of Mike's Rexal (*sic*) Pharmacy, Terminal Distributor No. 02-0123650, dated March 30, 1998.
- (7) Exhibit 4--Copy of six-page list of adulterated drugs, sample drugs, and outdated drugs removed from Mike's Pharmacy, Case No. 98-1192.
- (8) Exhibit 5--Prescription vial with Mike's Pharmacy label containing 24 sample tablets of Monopril 10mg with the word "Sample" crudely scraped off the tablets; prescription vial containing 94 sample tablets of Monopril 10mg with the word "Sample" crudely scraped off the tablets; and prescription vial containing small piece of paper labeled "Soma Compound" and 80 sample tablets of Soma Compound 200/325 with the word "Sample" crudely scraped off the tablets.
- (9) Exhibit 6--Two starter sample vials of SYN-Rx DM tablets with physician label.
- (10) Exhibit 7--Copy of fourteen-page Dangerous Drug Distributor Inspection Report of Mikes Rexall Pharmacy, Terminal Distributor No. 02-0123650, dated April 1, 1998.
- (11) Exhibit 8--Copy of twelve-page response to the "Pink Sheet" violations recorded on the April 1, 1998, Dangerous Drug Distributor Inspection Report of Mikes Rexall Pharmacy signed by Michael Popovich and Nick Strovilas on April 1, 1998.
- (12) Exhibit 9--Copies of twenty-seven Accountability Statements of Mikes Rexall Pharmacy, Terminal Distributor No. 02-0123650, for the audit period of April 30, 1996, through March 30, 1998, dated January 10, 1999, for the following drugs: Ultram 50mg; Soma-Carisoprodol; Oxycontin 40mg; Oxycontin 20mg; Oxycontin 10mg; Tylox and Roxilox 5/500; Percodan and Oxycodone/APAP; Percocet, Roxicet, and Oxycodone/APAP; Valium 10mg (Diazepam); Valium 5mg (Diazepam); Valium 2mg (Diazepam); Ativan 2mg (Lorazepam); Ativan 1mg (Lorazepam); Ativan .5mg (Lorazepam); Xanax 1mg (Alprazolam); Xanax 0.5mg (Alprazolam); Xanax 0.25mg (Alprazolam); Lorcet 10/650 (Hydrocodone Bitartrate); Lorcet Plus 7.5/650 (Hydrocodone Bitartrate/APAP); Lortab 7.5/500 (Hydrocodone Bitartrate); Vicodin ES 7.5/750 (Hydrocodone Bitartrate); MS Contin 15mg (Morphine Sulfate); MS Contin 30mg (Morphine Sulfate); Ritalin 10mg (Methylphenidate); Ritalin SR 20mg (Methylphenidate); Vicodin and Lortab 5/500 (Hydrocodone Bitartrate); and Darvocet N/100 (Propoxyphene Napsylate).
- (13) Exhibit 10--Copies of two pages of patient profile records of Richard Shimmel dated from January 18, 1996, through February 1, 1998; and, copies of the following prescriptions 380208, 379409, 382985, 382842, 379962, 379665, 384247, 380207, 382938, 383018, 378928, 379591, 379636, and 378650.
- (14) Exhibit 11--Three-page copy of Ohio State Board of Pharmacy Report of Investigation, Case No. 98-1192, Statement of Richard Shimmel, signed and notarized on November 15, 1999.
- (15) Exhibit 12--Copy of prescription number 384886.
- (16) Exhibit 13--Copies of eleven pages of Lathem family profiles (Charles, Deidra, and Sequoia) dated from January 4, 1996, through March 23, 1998.
- (17) Exhibit 14--Copies of nineteen prescriptions numbered as follows: 382290, 379322, 379119, 383711, 384377, 384884, 384885, 383710, 383890, 384535, 381047, 381869, 376653, 375422, 378397, 378822, 378543, 378823, and 379120.

- (18) Exhibit 15--Copy of two-page Ohio State Board of Pharmacy Report of Investigation, Case No. 98-1192, by Agent David Gallagher dated April 8, 1998.
- (19) Exhibit 16--Copies of five pages of patient profile records of Robert Swiger, Sr. dated from January 11, 1996, through March 23, 1998.
- (20) Exhibit 17--Copy of five spreadsheets regarding Robert D. Swiger, Case No. 98-1429, dated October 22, 1998
- (21) Exhibit 18--Copy of eleven-page Ohio State Board of Pharmacy Report of Investigation, Case No. 98-1192, Statement of Robert Swiger, Sr. signed and notarized on December 22, 1999.
- (22) Exhibit 19--Copy of nine-page Ohio State Board of Pharmacy Report of Investigation, Case No. 98-1192, Statement of Crist Strovilas, M.D. signed and notarized on December 6, 1999.
- (23) Exhibit 20--Twenty-page copy of Ohio State Board of Pharmacy Report of Investigation regarding the Statement of Michael Popovich, signed and notarized on November 15, 1999.
- (24) Exhibit 21--Copy of thirty-four-page Ohio State Board of Pharmacy Report of Investigation, Case No. 98-1192, Statement of Nick Strovilas, R.Ph. signed and notarized December 6, 1999.
- (25) Exhibit 22--Copy of prescription number 381877.
- (26) Exhibit 23--Copy of prescription number 384889.
- (27) Exhibit 24--Copy of prescription number 385222.
- (28) Exhibit 25--Copy of prescription number 383877.
- (29) Exhibit 26--Copy of prescription number 384255.
- (30) Exhibit 27--Copy of prescription number 378864.
- (31) Exhibit 28--Copy of prescription number 379981.
- (32) Exhibit 29--Copy of prescription number 382349.
- (33) Exhibit 30--Copy of fourteen-page, thirty-eight-count Indictment, in the Jefferson County Court of Common Pleas, State of Ohio vs. Nick C. Strovilas, Case No. 00-CR-17, dated February 2, 2000.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witness, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds the following to be fact:

- (1) On March 30, 2000, Nick C. Strovilas 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, not dated, Nick C. Strovilas received the letter of March 30, 2000, informing him of the allegations against him, and his rights.
- (3) Nick C. Strovilas did not request a hearing in a timely manner pursuant to Chapter 119. of the Ohio Revised Code, and the matter was referred to the Board for consideration.

- (4) Records of the State Board of Pharmacy indicate that Nick C. Strovilas was originally licensed in the state of Ohio on March 8, 1960, pursuant to examination. Records further indicate that Nick C. Strovilas' license lapsed on September 15, 1998.
- (5) Nick C. Strovilas did, from on or about April 30, 1996, through September 15, 1998, being employed by, or associated with, an enterprise and conducted or participated in, directly or indirectly, the affairs of the enterprise through a pattern of corrupt activity or the collection of an unlawful debt when the conduct was not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: Nick C. Strovilas engaged in a pattern of corrupt criminal activity by continuously committing felony drug crimes. Such conduct is in violation of Section 2923.32(A)(1) of the Ohio Revised Code.
- (6) Nick C. Strovilas did, from on or about April 30, 1996, through April 1, 1998, knowingly furnish another a sample drug, to wit: Nick C. Strovilas obtained the following drug samples from Jefferson County physicians and furnished them to Mike's Pharmacy to sell to patients:

Contents of Evidence Box #2:

<u>Sample Drug/Strength/Form</u>	<u>Type of container</u>	<u>Qty found in the vial</u>	<u>Qty noted on the vial</u>
Altace cap	mfg. pkg.	191	192
Altace cap	mfg. pkg.	175	176
Amaryl 2mg	mfg. pkg.	49	48
Amaryl 4mg	mfg. pkg.	47	48
Capozide 25mg	mfg. pkg.	266	270
Capozide tab	mfg. pkg.	106	72
Corgard	mfg. pkg.	95	112
Corzide 5mg tablet	vial	305	no #
Covera-HS tab	vial	100	180
Covera-HS tab 240mg	mfg. pkg.	75	75
Diovan 80mg	mfg. pkg.	107	108
Lotensin 10mg	mfg. pkg.	416	70
Lotrel 10/2.5 cap	mfg. pkg.	95	no #
Monopril 10mg tab	vial	126	no #
Monopril 10mg tab	mfg. pkg.	236	105
Monopril tablet	mfg. vial	670	no #
Mykrox tablet	vial	60	60
Nizoral tablet	vial	34	20
Pravachol tab	mfg. pkg.	44	4
Rynatan tab	vial	66	88
Rynatan tab	vial	60	108
Rynatuss tab	vial	8	8
Serzone tablets	vial	27	no #
Serzone tablets	mfg. pkg.	178	167
Suprax 400mg tab	mfg. pkg.	25	no #
Suprax 400mg tab	vial	36	36
Suprax tab	vial	18	25
Synthroid tabs	vial	32	no #
Synthroid 175mg	mfg. pkg.	42	42
Tegretol 200mg tab	mfg. pkg.	95	8
Trandate 200mg tabs (split in half)	vial	30	no #

Vaseretic 10/25 tabs	mfg. pkg.	113	4
Vaseretic 5/12.5 tabs	mfg. pkg.	111	4
Verelan 180mg cap	mfg. pkg.	105	no #
Verelan 360mg caps	vial	50	no #
Verelan 120mg tab	mfg. pkg.	19	20
Zocor 40mg tablet	vial	113	112
Zolofit tab	mfg. pkg.	164	168

Contents of Evidence Box #3:

<u>Sample Drug/Strength/Form</u>	<u>Type of container</u>	<u>Qty found in the vial</u>	<u>Qty noted on the vial</u>
Altace cap	mfg. pkg.	191	192
Anaprox DS tabs	mfg. bottle	170	no #
Avapro 150mg	vial	91	91
Coreg 6.25	vial	140	140
Duratuss G 1200mg	vial	25	50
Effexor 75mg	vial	12	12
Effexor 37.5 tabs	vial	120	120
Fosamax 10mg tab	vial	18	18
Fosamax 5mg tab	vial	35	36
Fumadine tabs	vial	29	30
Lodine 500mg tabs	mfg. bottle	78	108
Loterl 5/20 cap	vial	48	48
Lotrel 2.5/10	vial	95	96
Mavik 1mg tabs	vial	97	91
Mavik 1mg tabs	vial	420	420
Microzide 12.5mg caps	vial	56	56
Microzide 12.5mg caps	vial	220	240
Nu-Iron tabs	vial	11	11
Slow Fe tabs	vial	120	no #
Tarka 1/240 tab	vial	35	35
Tarka 2/180 tab	vial	105	105
Tarka 2/240 tab	vial	70	70
Tarka 2/240 tab	vial	35	35
Tarka 4/240	vial	35	35
Tarka 4/240	vial	69	70
Tiazac 360mg caps	vial	34	35
Tritec 400mg	vial	139	140
Valtrex 500mg tab	vial	65	61

Contents of Evidence Box #4:

<u>Sample Drug/Strength/Form</u>	<u>Type of container</u>	<u>Qty found in the vial</u>	<u>Qty noted on the vial</u>
Altace cap	mfg. pkg.	191	192
Anatuss LA tabs	mfg. bottle	232	221
Covera-HS 180mg tabs	mfg. bottle	174	175
Duratuss 1200mg	mfg. bottle	50	54
Lodine 500mg	mfg. bottle	252	230
Phrenilin 50mg	mfg. bottle	166	168
Phrenilin Forte 50mg caps	vial	54	54
Precose 50mg	mfg. bottle	374	470
Sedapap 50 / 650	mfg. bottle	99	236
Semprex caps	mfg. bottle	239	348

Valtrex 500mg	mfg. bottle	156	156
Zephrex LA tabs	mfg. bottle	76	96
Zyflo 600mg	mfg. bottle	95	96

Contents of Evidence Box #7:

<u>Sample Drug/Strength/Form</u>	<u>Type of container</u>	<u>Qty found in the vial</u>	<u>Qty noted on the vial</u>
Cardizem 240mg CD tabs	vial	56	no #
EC -Naprosyn 500mg tab	vial	59	no #
EC-Naprosyn 375mg tabs	vial	69	70
Lorabid 200mg caps	vial	6	72
Lorabid 200mg caps	vial	60	60
Lorabid 400mg caps	vial	20	20
Lotensin 10mg tabs	mfg. vial	180	100
Lotrel 5 / 10 (sample handwritten on the label)	vial	45	48
Paxil 30mg tabs	vial	30	no #
Precose 50mg tabs	mfg. vial	204	100
Prilosec 10mg caps	vial	44	70
Prozac 30mg caps	vial	52	no #
Prozac 20mg caps	mfg. vial	129	100
Prozac 20mg caps	mfg. vial	79	30
Prozac 20mg caps	mfg. vial	143	100
Prozac 30mg caps	vial	80	no #
Seldane 60mg tabs	mfg. vial	157	100
Syn-Rx DM tabs (two vials banded together w/sample pkt)	vials / pkt	78	

Contents of Evidence Box #9:

<u>Sample Drug/Strength/Form</u>	<u>Type of container</u>	<u>Qty found in the vial</u>	<u>Qty noted on the vial</u>
Arthrotec 75mg tabs (with patient name John Smuda)	vial	11	14
Cefzil 500mg	vial	14	24
Cipro 750 tabs	vial	3	no #
Cipro Cystitis 100mg tabs	vial	18	18
Cystospaz .375mcg caps	sample vial	21	12
Deconsal Sprinkle cap	sample vial	25	4
Dulcolax 5mg tab	sample vial	17	5
Famvir 125mg tabs	vial	127	95
Famvir 250mg tab	vial	15	15
Generic Elavil 100mg	vial	183	no #
Hemaspan tab	vial	24	24
Lamisil Tabs	vial	12	12
Levaquin 250mg tab	vial	14	12
Maxaquin 400mg tabs	vial	8	8
Mevacor 10mg	vial	96	96
Naprosyn 375mg tabs	vial	5	20
Normodyne 100mg tabs	mfg vial	194	100
Pink Gray capsule (Unknown)	vial	44	no #
Posicor 100mg tab	vial	28	28
Posicor 50mg tab	vial	28	no #
Posicor 50mg tab	vial	139	140

Premphase .625mg / 5mg	vial	140	140
Prozac 10mg caps	vial	7	no #
Seldane tablets (National Rx vial w/label for William Apesos)	patient vial	38	60
Synthroid 112mcg tabs	vial	42	42
Synthroid tab	vial	42	42
Theo 400mg	vial	18	no #
Tolectin 600mg	sample vial	42	6
Toprol XL 200mg tab	sample vial	26	7
Uni-Dur 400mg tabs (in a 600 mg sample bottle)	sample vial	21	7
Uro-Mag caps	sample vial	119	60
Ziac 10 / 6.25mg tabs	vial	5	no #
Zocor 40mg	vial	86	136
Zocor 5mg tabs	sample vial	8	4
Zoloft 50mg tabs	mfg vial	301	100
Zoloft 50mg tabs	vial	278	no #
Zovirax 400mg	vial	10	10

Contents of Evidence Box #11:

<u>Sample Drug/Strength/Form</u>	<u>Type of container</u>	<u>Qty found in the vial</u>	<u>Qty noted on the vial</u>
Axocet	mfg. vial	66	72
Covera-HS 240mg tab	mfg. vial	198	200
EC Naprosyn 500mg	mfg. vial	90	160
Lotrel 2.5mg	vial	48	48
Midrin 65/100/325	vial	60	no #
Naprelan 500mg tabs	mfg. vial	169	216
Pink Tab P/F no label on vial	mfg. vial	269	no #
Pink Tab P/F no label on vial	mfg. vial	261	no #
Premphase .625	vial	42	42
Premphase .625	vial	42	42
Sporonax	mfg. vial	61	no #
Sular 20mg	mfg. vial	185	416
Sular 20mg	mfg. vial	151	252
Tarka 1/240	mfg. vial	104	70
Theo-24 200mg caps	mfg. vial	203	223
Tiazac 180mg caps	mfg. vial	247	379
Tiazac 300mg caps	mfg. vial	135	285
Trinalin 3.72 tabs	mfg. vial	668	no #
Trinalin 3.72 tabs	mfg. vial	140	no #
Uniphyl 600mg	Smuckers Jar	298	298
Univasc 15mg (pills are split in the bottle)	vial	29	no #
Univasc 15mg (pills are split in the bottle)	vial	32	no #
Univasc 15mg tabs	mfg. vial	708	770
Zyflo 600mg	mfg. vial	64	64

Such conduct is in violation of Section 2925.36 of the Ohio Revised Code.

- (7) Nick C. Strovilas did, on or about April 30, 1996, through September 15, 1998, adulterate, mutilate, destroy, obliterate or remove of the whole or any part of the labeling of a drug, while the article was held for sale, resulting in the article being misbranded, to wit: agents of the Board discovered that the word "sample" was crudely scrapped off medications in an attempt to alter their distribution appearance prior to sale; the following are examples of Nick C. Strovalis' conduct:

<u>Drug</u>	<u>Quantity</u>
Monopril 10mg	24
Monopril 10mg	94
Soma Compound 200/325	80

Such conduct is in violation of Section 3715.52(A) of the Ohio Revised Code.

- (8) Nick C. Strovilas did, on or about January 26, 1998, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 384886 for 40 unit doses of Vicodin ES, a Schedule III controlled substance, when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.
- (9) Nick C. Strovilas did, on or about January 26, 1998, sell a controlled substance in an amount exceeding the bulk amount but not exceeding five times the bulk amount when the conduct was not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: Nick C. Strovilas sold 40 unit doses of Vicodin ES, a Schedule III controlled substance, without a legitimate prescription and without legitimate medical purpose pursuant to prescription number 384886. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (10) Nick C. Strovilas did, on or about February 1, 1998, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 384886 for 40 unit doses of Vicodin ES, a Schedule III controlled substance, when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.
- (11) Nick C. Strovilas did, on or about February 1, 1998, sell a controlled substance in an amount exceeding the bulk amount but not exceeding five times the bulk amount when the conduct was not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: Nick C. Strovilas sold 40 unit doses of Vicodin ES, a Schedule III controlled substance, without a legitimate prescription and without a legitimate medical purpose pursuant to prescription number 384886. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (12) Nick C. Strovilas did, on or about April 15, 1997, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 381877 for 30 unit doses of Rynatan 30mg when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.

- (13) Nick C. Strovilas did, on or about January 27, 1998, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 384889 for 20 unit doses of Biaxin 500mg when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.
- (14) Nick C. Strovilas did, on or about February 20, 1998, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 385222 for 60 unit doses of Ultram 50mg when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.
- (15) Nick C. Strovilas did, on or about October 20, 1997, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 383877 for 90 unit doses of Soma 350mg when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.
- (16) Nick C. Strovilas did, on or about November 21, 1997, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 384255 for 90 unit doses of Soma 350mg when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.
- (17) Nick C. Strovilas did, on or about December 22, 1997, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 384255 for 90 unit doses of Soma 350mg when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.
- (18) Nick C. Strovilas did, on or about January 19, 1998, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 384255 for 90 unit doses of Soma 350mg when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.
- (19) Nick C. Strovilas did, on or about February 16, 1998, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 384255 for 90 unit doses of Soma 350mg when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.
- (20) Nick C. Strovilas did, on or about March 16, 1998, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 384255 for 90 unit doses of Soma 350mg when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.

- (21) Nick C. Strovilas did, on or about July 18, 1996, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 378864 for 60 unit doses of Xanax .5mg, a Schedule IV controlled substance, when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.
- (22) Nick C. Strovilas did, on or about October 31, 1996, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 379961 for 30 unit doses of Xanax .5mg, a Schedule IV controlled substance, when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.
- (23) Nick C. Strovilas did, on or about November 18, 1996, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 379961 for 30 unit doses of Xanax .5mg, a Schedule IV controlled substance, when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.
- (24) Nick C. Strovilas did, on or about December 9, 1996, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 379961 for 30 unit doses of Xanax .5mg, a Schedule IV controlled substance, when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.
- (25) Nick C. Strovilas did, on or about January 7, 1997, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 379961 for 30 unit doses of Xanax .5mg, a Schedule IV controlled substance, when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.
- (26) Nick C. Strovilas did, on or about May 27, 1997, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Nick C. Strovilas created prescription number 382349 for 30 unit doses of Ultram 350mg when not authorized by a practitioner in violation of Section 2925.23(A) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (5) through (26) of the Findings of Fact constitute being guilty of a felony or 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 paragraphs (5) through (26) of the Findings of Fact constitute 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 paragraphs (5) through (26) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Sections 3715.52 to 3715.72 or Chapter 2925. 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 takes the following actions in the matter of Nick C. Strovilas:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-2-07171, held by Nick C. Strovilas effective as of the date of the mailing of this Order.
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-2-07171, held by Nick C. Strovilas effective as of the date of the mailing of this Order.
- (C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-2-07171, held by Nick C. Strovilas effective as of the date of the mailing of this Order.

Pursuant to Section 4729.16(B) of the Ohio Revised Code, Nick C. Strovilas must return the identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order. The certificate and identification card should be sent by certified mail, return receipt requested.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE JULY 17, 2000