



OHIO STATE BOARD OF PHARMACY

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Columbus, Ohio 43266-0320
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THE STATE BOARD OF PHARMACY
(Docket No. D-880826-001)

In The Matter Of:

ROBERT JOSEPH SIEDLECKI, R.Ph.
9891 Fair Road
Strongsville, Ohio 44136

INTRODUCTION

THE MATTER OF ROBERT JOSEPH SIEDLECKI CAME TO HEARING ON OCTOBER 18, 1988 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JEROME WIESENHAHN, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

ROBERT JOSEPH SIEDLECKI WAS NOT PRESENT NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Robert L. Cole - Board Of Pharmacy
- (2) Jacob Abeltins, 6869 Pearl Rd., Strongsville, Ohio 44130
- (3) Bill Romain (formerly with Cuyahoga County Sheriff's Department)

Respondent's Witnesses:

(None)

State's Exhibits:

- (1) Exhibit A - Notice Of Opportunity Letter dated August 26, 1988.
- (2) Exhibit B - Request For Hearing Letter dated September 21, 1988.
- (3) Exhibit C - Schedule Letter dated September 26, 1988.
- (4) Exhibit D - Request For Continuance Letter dated October 11, 1988.
- (5) Exhibit 1 - Responsible Pharmacist Cards For 11-7-85 Thru 05-17-87.
- (6) Exhibit 2 - Accountability Statement showing 3664 shortage Tylenol #3.

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- (7) Exhibit 3 - Accountability Statement showing 2507 shortage Percodan.
- (8) Exhibit 4 - Accountability Statement showing 2363 shortage Valium 5mg.
- (9) Exhibit 5 - Accountability Statement showing 1564 shortage Tylenol #4.
- (10) Exhibit 6 - Accountability Statement showing 1094 shortage Xanax .25mg.
- (11) Exhibit 7 - Accountability Statement showing 664 shortage Xanax .5mg.
- (12) Exhibit 8 - Accountability Statement showing 586 shortage Doriden 500mg.
- (13) Exhibit 9 - Accountability Statement showing 737 shortage Tranxene 3.75mg.
- (14) Exhibit 10 - Accountability Statement showing 506 shortage Percocet-5.
- (15) Exhibit 11 - Accountability Statement showing 466 shortage Dalmane 30mg.
- (16) Exhibit 12 - Accountability Statement showing 452 shortage Tranxene 7.5mg.
- (17) Exhibit 13 - Accountability Statement showing 395 shortage Placidyl 750mg.
- (18) Exhibit 14 - Accountability Statement showing 394 shortage Fastin 30mg.
- (19) Exhibit 15 - Accountability Statement showing 387 shortage Placidyl 500mg.
- (20) Exhibit 16 - Accountability Statement showing 384 shortage Demerol 50mg.
- (21) Exhibit 17 - Accountability Statement showing 200 shortage Tranxene 15mg.
- (22) Exhibit 18 - Accountability Statement showing 159 shortage Valium 10mg.
- (23) Exhibit 19 - Accountability Statement showing 101 shortage Tranxene SD 22.5mg.
- (24) Exhibit 20 - Accountability Statement showing 100 shortage Placidyl 200mg.
- (25) Exhibit 21 - Accountability Statement showing 100 shortage Codeine 60mg.
- (26) Exhibit 22 - Accountability Statement showing 100 shortage Tranxene SD 11.25mg.
- (27) Exhibit 23 - Accountability Statement showing 80 shortage Tylox.
- (28) Exhibit 24 - Accountability Statement showing 69 shortage Ionamin 30mg.
- (29) Exhibit 25 - Accountability Statement showing 43 shortage Demerol 100mg.
- (30) Exhibit 26 - Accountability Statement showing 38 shortage Adipex-P.
- (31) Exhibit 27 - Store inventory prior to Siedlecki shift.
- (32) Exhibit 28 - Store inventory after Siedlecki shift.
- (33) Exhibit 29 - Search Warrant.
- (34) Exhibit 30 - Search Warrant Return.
- (35) Exhibit 31 - Seized drugs of Percocet, Valium, Placidyl, Adipex-P, Doriden.

- (36) Exhibit 33 - Rx#29360 for patient C. Fish.
- (37) Exhibit 34 - Prescription drug for patient C. Fish.
- (38) Exhibit 35 - Rx#734601 for patient Kalberg.
- (39) Exhibit 36 - Laboratory Analysis of seized drugs.
- (40) Exhibit 37 - Journal Entry Of Conviction (guilty plea).
- (41) Exhibit 38 - Journal Entry Of Conviction (sentencing).

Respondent's Exhibit:

- (1) Exhibit A - Letter dated October 19, 1988 from Donald L. Reiman.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Robert Joseph Siedlecki was the responsible pharmacist pursuant to Ohio Revised Code Section 4729.55 and in full and actual charge of such pharmacy pursuant to Ohio Revised Code Section 4729.27 and Ohio Administrative Code Rule 4729-5-23 for Southland Drug, 6869 Pearl Road, Middleburg Heights, Ohio, Terminal Distributor of Dangerous Drugs License No. 02-137400, between the dates of November 7, 1985 and May 17, 1987.
- (2) From the evidence presented, the State Board of Pharmacy finds that Robert Joseph Siedlecki or another person under his supervision, during the time period of January 25, 1986 through May 17, 1987 while practicing pharmacy at Southland Drug, 6869 Pearl Road, Middleburg Heights, Ohio, did obtain the following controlled substances and dangerous drugs by committing a theft offense as defined in Section 2913.01 of the Ohio Revised Code:

	<u>Drug</u>	<u>Quantity</u>
{ 1 }	Percodan	2,507 tablets
{ 2 }	Percocet	506 tablets
{ 3 }	Demerol 50mg	384 tablets
{ 4 }	Codeine 60mg	100 tablets
{ 5 }	Tylox	80 capsules
{ 6 }	Demerol 100mg	43 tablets
{ 7 }	Tylenol #3	3,664 tablets
{ 8 }	Valium 5mg	2,363 tablets
{ 9 }	Tylenol #4	1,564 tablets
{ 10 }	Xanax .25mg	1,094 tablets
{ 11 }	Tranxene 3.75mg	737 tablets
{ 12 }	Xanax .5mg	664 tablets
{ 13 }	Doriden 500mg	586 capsules
{ 14 }	Dalmane 30mg	466 capsules
{ 15 }	Tranxene 7.5mg	452 tablets
{ 16 }	Placidyl 750mg	395 capsules
{ 17 }	Fastin 30mg	394 capsules
{ 18 }	Placidyl 500mg	387 capsules
{ 19 }	Tranxene 15mg	200 tablets
{ 20 }	Valium 10mg	159 tablets
{ 21 }	Tranxene-SD 22.5mg	101 tablets
{ 22 }	Tranxene-SD 11.25mg	100 tablets

	<u>Drug</u>	<u>Quantity</u>
[23]	Placidyl 200mg	100 capsules
[24]	Ionamin 30mg	69 capsules
[25]	Adipex-P	38 tablets

Such conduct is prohibited by Division (A) of Section 2925.21 of the Ohio Revised Code.

- (3) From the evidence presented, the State Board of Pharmacy finds that Robert Joseph Siedlecki did, on or about May 12, 1987 while practicing pharmacy at Southland Drug, 6869 Pearl Road, Middleburg Heights, Ohio, obtain the following controlled substance and dangerous drug by committing a theft offense as defined in Section 2913.01 of the Ohio Revised Code:

	<u>Drug</u>	<u>Quantity</u>
[1]	Percocet	9 tablets

Such conduct is prohibited by Division (A) of Section 2925.21 of the Ohio Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Robert Joseph Siedlecki did, on or about May 12, 1987, possess a controlled substance, to wit: Robert Joseph Siedlecki did possess on his person the following controlled substances which were not obtained pursuant to a prescription by a practitioner:

	<u>Drug</u>	<u>Quantity</u>
[1]	Percocet	16 tablets
[2]	Adipex-P	11 tablets
[3]	Valium 10mg	7 tablets
[4]	Doriden .5gm	5 tablets
[5]	Placidyl 750mg	3 capsules

Such conduct is prohibited by Division (A) of Section 2925.11 of the Ohio Revised Code, and is not in compliance with Division (B) of Section 2925.11 of the Ohio Revised Code.

- (5) From the evidence presented, the State Board of Pharmacy finds that Robert Joseph Siedlecki did, on or about May 12, 1987, possess a dangerous drug, to wit: Robert Joseph Siedlecki did possess on his person the following dangerous drugs:

	<u>Drug</u>	<u>Quantity</u>
[1]	Hydrodiuril 50mg	5 tablets
[2]	Benadryl 50mg	1 tablet

Such conduct is prohibited by Division (C) of Section 4729.51 of the Ohio Revised Code.

- (6) From the evidence presented, the State Board of Pharmacy finds that Robert Joseph Siedlecki abused drugs to such a degree as to render him unfit to practice pharmacy, in that on or about March 13, 1987 he admitted to Robert L. Cole, Investigator for the Ohio Board of Pharmacy, that he had consumed the following drugs without a prescription written by a practitioner:

	<u>Drug</u>
[1]	Percodan
[2]	Percocet
[3]	Valium
[4]	Doriden
[5]	Placidyl
[6]	Adipex-P

and that, as a result of his drug abuse, he did, on or about May 6, 1987, dispense to Caroline Fish on prescription number 729360 Tranxene 7.5mg when, in fact, the practitioner had prescribed Tranxene 3.75mg; and as a result of his drug abuse, he did, on or about May 11, 1987, record the wrong directions on prescription number 734601 issued orally by a practitioner, to wit: the sig recorded by him was 1Q4Hr when in fact the sig issued orally by the practitioner was 1QD.

- (7) From the evidence presented, the State Board of Pharmacy finds that Robert Joseph Siedlecki was convicted in Cuyahoga County Common Pleas Court of violating Section 2925.21 of the Ohio Revised Code, Theft of Drugs, to wit: Robert Joseph Siedlecki entered a plea of guilty to four counts of theft of drugs in violation of Ohio Revised Code Section 2925.21 before the Honorable Richard J. McMonagle. On December 28, 1987, Robert Joseph Siedlecki was sentenced to 1-1/2 years on each count to be served consecutive and execution of time suspended to two years probation, \$5,000.00 fine of which \$4,000.00 is to go to the Sheriff's Department, and he was prohibited forever from practicing as a pharmacist in Ohio or any other state.

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 (7) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (6) of the Findings Of Fact constitutes abusing drugs to such a degree as to render him unfit to practice pharmacy.

- (3) 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 willfully violating, conspiring to violate, attempting to violate or aiding and abetting the violations of Chapters 2925. and 4729. of the Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-2-07621, held by Robert Joseph Siedlecki:

(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 Robert Joseph Siedlecki.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Robert Joseph Siedlecki.

(C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Robert Joseph Siedlecki.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, ..., 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.

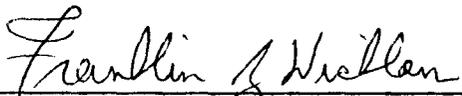
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Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this 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-596-092-843

ORDER MAILED: DECEMBER 21, 1988

By 
Franklin Z. Wickham, Executive Director

FZW:pw

cc: Christopher Costantini, Assistant Attorney General
Donald L. Reiman, Attorney for Respondent