



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-090513-137)

In The Matter Of:

ROBERT A. BERKOWITZ, R.Ph.

5529 Kilbourne Drive
Lyndhurst, Ohio 44124
(R.Ph. Number 03-2-08019)

INTRODUCTION

The Matter of Robert A. Berkowitz came for hearing on November 2, 2009, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (presiding); Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

Robert A. Berkowitz was not represented by counsel. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Greg Whitney, Ohio State Board of Pharmacy
2. Robert A. Berkowitz, R.Ph., Respondent

Respondent's Witness:

1. Robert A. Berkowitz, R.Ph., Respondent

State's Exhibits:

1. Copy of Notice of Opportunity for Hearing letter [05-13-09]
- 1A-1G. Procedurals
2. Digital recording of Robert A. Berkowitz's interview/confession [11-25-08]
3. Cardinal Health Invoice 4276810 [08-21-08]
4. Cardinal Health Invoice 4446506 [09-25-08]
5. Marc's Coventry #64 Prescription Register [09-24-08]
6. Inventory count sheet by Melenie Petropoulos and John Miller, R.Ph. [09-26-08]
7. Inventory count sheet by Melenie Petropoulos and John Miller, R.Ph. [09-29-08]
8. Marc's Coventry #64 Prescription Register [09-27-08]
9. Marc's Pharmacy #64 inventory count sheet by John Miller, R.Ph. [10-28-08]
10. Marc's Coventry #64 Prescription Register [10-29-08]

11. Marc's Coventry #64 Transaction Inquiry report for Robert Berkowitz, R.Ph. [10-30-08]
12. Inventory count sheet by John Miller, R.Ph. [10-30-08]
13. Marc's Pharmacy #32 Prescription Register [11-25-08]
14. Marc's Pharmacy #32 daily prescription signature log with R.Ph. Berkowitz's signature [11-25-08]
15. Photocopy of Marc's Pharmacy #32 prescription bottles for RX #135276 and RX #135277 in the name of Robert Berkowitz [date not visible]
16. Copy of Marc's Pharmacy #32 Cardinal Health inventory search document re; Norvasc 5 mg. Search reveals a current inventory of 87 tabs. Actual count by DM Petropoulos and Agent Whitney reveals 57 tabs [11-25-08]
17. Statement of Marc's Pharmacy Loss Prevention Agent, Mike Santarelli [11-28-08]
18. Marc's Pharmacy #32 daily prescription signature log with R.Ph. Berkowitz's signature [11-25-08]
19. Ohio State Board of Pharmacy Order in re Robert A. Berkowitz, R.Ph. [03-07-02]

Respondent's Exhibits:

- A. Statement of Robert A. Berkowitz, R.Ph., Respondent [11-02-09]

FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that Robert A. Berkowitz was originally licensed in the State of Ohio on August 19, 1963, pursuant to examination, and Robert A. Berkowitz is currently licensed to practice pharmacy in the State of Ohio. Records further reflect that Robert A. Berkowitz was previously disciplined by the Board on March 7, 2002.
- (2) Robert A. Berkowitz did, on or about September 27, 2008, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Marc's Pharmacy #64, beyond the express or implied consent of the owner, to wit: without privilege to do so, Robert A. Berkowitz substituted 30 doses of Norvasc 5 mg for the generic amlodipine 5mg in his own RX #114699. Robert A. Berkowitz took the drugs and paid for the prescription as if it had been the much lower priced generic. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) Robert A. Berkowitz did, on or about September 27, 2008, knowing that he had no privilege to do so, and with purpose to defraud, falsify computer data, to wit: when Robert A. Berkowitz filled his own RX #114699, with 30 doses of Norvasc 5 mg rather than the generic amlodipine 5mg, Robert A. Berkowitz entered information into the pharmacy's computer that he had actually filled with the generic rather than the brand drug. Such conduct is in violation of Section 2913.42 of the Ohio Revised Code.
- (4) Robert A. Berkowitz did, on or about October 29, 2008, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Marc's Pharmacy #64, beyond the express or implied consent of the owner, to wit: without privilege to do so, Robert A. Berkowitz substituted 30 doses of Norvasc 5 mg for the generic amlodipine 5mg in his own RX #114699. Robert A. Berkowitz took the drugs and paid for the prescription as if it had been the much lower priced generic. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (5) Robert A. Berkowitz did, on or about October 29, 2008, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Marc's Pharmacy #64, beyond the express or implied consent of the owner, to wit: without privilege to do so, Robert A. Berkowitz substituted 30 doses of Altace 10 mg for the generic ramipril 10 mg in his own RX #114700. Robert A. Berkowitz took the drugs and paid for the prescription as if it had been the much lower priced generic. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) Robert A. Berkowitz did, on or about October 29, 2008, knowing that he had no privilege to do so, and with purpose to defraud, falsify computer data, to wit: when Robert A. Berkowitz filled his own RX #114700, with 30 doses of Altace 10 mg rather than the generic ramipril 10 mg, Robert A. Berkowitz entered information into the pharmacy's computer that he had actually filled with the generic rather than the brand drug. Robert A. Berkowitz also filled his own RX #114699, with 30 doses of Norvasc 5 mg. rather than the generic amlodipine 5 mg., Robert A. Berkowitz entered information into the pharmacy's computer that he actually filled with the generic rather than the brand drug. Such conduct is in violation of Section 2913.42 of the Ohio Revised Code.
- (7) Robert A. Berkowitz did, on or about November 25, 2008, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Marc's Pharmacy #32, beyond the express or implied consent of the owner, to wit: without privilege to do so, Robert A. Berkowitz substituted 30 doses of Norvasc 5 mg for the generic amlodipine 5 mg in his own RX #135276. Robert A. Berkowitz took the drugs and paid for the prescription as if it had been the much lower priced generic. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (8) Robert A. Berkowitz did, on or about November 25, 2008, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Marc's Pharmacy #32, beyond the express or implied consent of the owner, to wit: without privilege to do so, Robert A. Berkowitz substituted 30 doses of Altace 10 mg for the generic ramipril 10 mg in his own RX #135277. Robert A. Berkowitz took the drugs and paid for the prescription as if it had been the much lower priced generic. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (9) Robert A. Berkowitz did, on or about November 25, 2008, knowing that he had no privilege to do so, and with purpose to defraud, falsify computer data, to wit: when Robert A. Berkowitz filled his own RX #135277, with 30 doses of Altace 10 mg rather than the generic ramipril 10 mg, Robert A. Berkowitz entered information into the pharmacy's computer that he had actually filled with the generic rather than the brand drug. Robert A. Berkowitz also filled his own RX #135276, with 30 doses of Norvasc 5 mg rather than the generic amlodipine 5 mg, Robert A. Berkowitz entered information into the pharmacy's computer that he had actually filled with the generic rather than the brand drug. Such conduct is in violation of Section 2913.42 of the Ohio Revised Code.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) through (9) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

(2) The State Board of Pharmacy concludes that paragraphs (2) through (9) 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.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends for five years the pharmacist identification card, No. 03-2-08019, held by Robert A. Berkowitz and such suspension is effective as of the date of the mailing of this Order.

(A) Robert A. Berkowitz, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

(B) Robert A. Berkowitz, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes on Robert A. Berkowitz a monetary penalty of five thousand dollars (\$5,000.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby places Robert A. Berkowitz on probation for five years effective upon reinstatement of his identification card. The terms of probation are as follows:

(A) Robert A. Berkowitz may not dispense prescriptions for himself or for any member of his family.

(B) Robert A. Berkowitz must not violate the drug laws of Ohio, any other state, or the federal government.

(C) Robert A. Berkowitz must abide by the rules of the State Board of Pharmacy.

(D) Robert A. Berkowitz must comply with the terms of this Order.

(E) Robert A. Berkowitz's license is deemed to be not in good standing until successful completion of the probationary period.

(F) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Robert A. Berkowitz is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

Richard Kolezynski moved for Findings of Fact; Deborah Lange seconded the motion. Motion passed (Aye-7/Nay-0).

Troy Gahm moved for Conclusions of Law; Jerome Wiesenhahn seconded the motion. Motion passed (Aye-7/Nay-0).

Troy Gahm moved for Action of the Board; Jerome Wiesenhahn seconded the motion. Motion passed (Aye-7/Nay-0).

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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of 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 the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: December 8, 2009

By: _____
William T. Winsley, M.S., R.Ph., Executive Director

WTW/lp

CERTIFIED MAIL/Return Receipt

c: Tracy M. Greuel, Assistant Attorney General



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-040713-002)

In The Matter Of:

ROBERT A. BERKOWITZ, R.Ph.

5529 Kilbourne Drive
Lyndhurst, Ohio 44124
(R.Ph. No. 03-2-08019)

INTRODUCTION

THE MATTER OF ROBERT A. BERKOWITZ CAME FOR HEARING ON MARCH 8, 2005, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; KEVIN J. MITCHELL, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

ROBERT A. BERKOWITZ WAS REPRESENTED BY JOHN R. IRWIN, M.D. AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. None

Respondent's Witnesses

1. Robert A. Berkowitz, R.Ph., Respondent

State's Exhibits

1. Reinstatement Hearing Request letter from John R. Irwin, M.D. [07-02-04]
1A-1D. Procedurals
2. State Board of Pharmacy Order in re Robert A. Berkowitz, R.Ph. [03-07-02]
3. Three Statements of Robert A. Berkowitz [04-16-01, 06-06-01 and 06-11-01]
4. Bill of Information, State of Ohio v. Robert Berkowitz, Case No. 411642, Cuyahoga County Common Pleas Court [09-25-01]; Journal Entry [10-18-01]; Journal Entry [11-27-01]
5. Information, United States of America vs. Nathan Schneider, Robert A. Berkowitz, Paul H. Marcus, Scott L. Nuti, Robert M. Epstein, Case No. CR 84-156, United States District Court For The Northern District of Ohio, Eastern Division [08-01-84]; Plea Agreement [08-01-84]; Sentencing [10-10-84]

Respondent's Exhibits

- A1-A7. Psychological Report from Robert G. Kaplan, Ph.D., B.C.F.E., D.A.B.P.S. [01/25/02]
- B1-B2. Progress Letter from Robert G. Kaplan, Ph.D., B.C.F.E., D.A.B.P.S. [03-03-05]
- C1-C2. Progress Letter from Robert G. Kaplan, Ph.D., B.C.F.E., D.A.B.P.S. [04-02-03]
- D1-D7. Curriculum Vitae of Dr. Robert G. Kaplan [02-22-05]
- E-S. Fifteen Continuing Pharmaceutical Education Credits and Certificates [06-23-01 to 01-15-05]
- T. Jurisprudence Examination (MPJE) letter to Robert A. Berkowitz [11-17-04]
- U1-U6. Resume of Robert A. Berkowitz [02-01-05]
- V1-V11. Eleven Letters of Support [01-2-02 to 02-13-05]
- V12-V14. Three Thank You Letters [10-16-03 to 12-12-03]
- W-W11d. Twenty-eight pages of Miscellaneous Course Articles
- W12. Certificate of Completion "Managing Agitation in Elders with Dementia" [09-30-04]
- X1a- X8b. Fourteen pages of Community Volunteer Activities [04-25-02 to 05-17-03]

FINDING 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 that Robert A. Berkowitz has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-011205-022, effective March 7, 2002.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-2-08019, held by Robert A. Berkowitz to practice pharmacy in Ohio.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-5/Nay-0).

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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of 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 both the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: APRIL 14, 2005



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-011205-022)

In The Matter Of:

ROBERT A. BERKOWITZ, R.Ph.

5529 Kilbourne Drive
Lyndhurst, Ohio 44124
(R.Ph. No. 03-2-08019)

INTRODUCTION

THE MATTER OF ROBERT A. BERKOWITZ CAME FOR HEARING ON FEBRUARY 5, 2002, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; and LAWRENCE J. KOST, R.Ph.

ROBERT A. BERKOWITZ WAS REPRESENTED BY DR. JOHN R. IRWIN AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Mark Kabat, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Robert A. Berkowitz, R.Ph., Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of six-page Summary Suspension Order/Notice of Opportunity for Hearing letter dated December 5, 2001.
- (2) Exhibit 1A--Hearing Request letter from John R. Irwin, M.D. dated December 14, 2001; Copy of two-page Notice of Appearance letter from John R. Irwin, M.D. dated December 14, 2001.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated December 18, 2001.
- (4) Exhibit 1C--Copy of Ohio Pharmacist Computer Record of Robert A. Berkowitz.

- (5) Exhibit 2--Copy of Statement of Robert Berkowitz dated April 16, 2001.
- (6) Exhibit 3--Statement of Robert Berkowitz notarized June 6, 2001.
- (7) Exhibit 4--Statement of Robert Berkowitz notarized June 11, 2001.
- (8) Exhibit 5--Statement of Frank Kisley notarized May 14, 2001.
- (9) Exhibit 6--Three-page Statement of George Swisher notarized May 1, 2001.
- (10) Exhibit 7--Statement of Ziad Mazloun notarized May 1, 2001.
- (11) Exhibit 8--Two-page Statement of Cheryl A. Palmer notarized June 28, 2001.
- (12) Exhibit 9--Statement of Donna Wagasky notarized June 28, 2001.
- (13) Exhibit 10--Statement of Jill Lipcsik notarized June 28, 2001.
- (14) Exhibit 11--Copy of pages 2 through 13 of Prescription Register of CVS Pharmacy #7372 for October 23, 2000.
- (15) Exhibit 12--Copy of Third Party/Consultation Log of CVS Pharmacy #7372, with stickers dated October 21, 2000 and October 23, 2000.
- (16) Exhibit 13--Copy of Computer Printout for Refills for Prescription 195680.
- (17) Exhibit 14--Prescription 9100558 for Sandra Berkowitz dated April 12, 2000, and sticker for Prescription 186965 for Sandra Berkowitz dated June 26, 2000.
- (18) Exhibit 15--Copy of two-page Pharmacist's Statement of CVS Pharmacy #7372 for Sandra Berkowitz from January 1, 1998 to May 2, 2001.
- (19) Exhibit 16--Prescription 9100559 for Sandra Berkowitz dated April 12, 2000; and sticker for Prescription 186963 for Sandra Berkowitz dated June 26, 2000.
- (20) Exhibit 17--Two-page Third Party/Consultation Log of CVS Pharmacy #7372 dated June 26, 2000.
- (21) Exhibit 18--Prescription 9100560 for Sandra Berkowitz dated April 12, 2000; and sticker for Prescription 186964 for Sandra Berkowitz dated June 26, 2000.
- (22) Exhibit 19--Prescription 182791 for Sandra Berkowitz dated April 19, 2000.
- (23) Exhibit 20--Prescription 171533 for Sandra Berkowitz dated October 27, 1999; and sticker for Prescription 175877 for Sandra Berkowitz dated January 2, 2000.
- (24) Exhibit 21--Two-page Third Party/Consultation Log of CVS Pharmacy #7372 dated January 2, 2000.
- (25) Exhibit 22--Labels for Prescription C 208879 for Sandra Berkowitz dated March 28, 2001, and sticker for Prescription C 208879 for Sandra Berkowitz dated March 26, 2001.
- (26) Exhibit 23--Copy of twelve-page Prescription Register of CVS Pharmacy #7372 for March 28, 2001.
- (27) Exhibit 24--Prescription C206782 for Robert A. Berkowitz dated March 5, 2001.
- (28) Exhibit 25--Copy of Pharmacist's Statement of CVS Pharmacy #7373 for Robert A. Berkowitz from January 1, 1998 to May 2, 2001.
- (29) Exhibit 26--Statement of Robert H. Anschuetz, M.D. notarized May 4, 2001.
- (30) Exhibit 26A--Statement of Robert H. Anschuetz, M.D. notarized June 25, 2001.
- (31) Exhibit 27--Copy of Accountability Statement of CVS/Pharmacy #7372 for Darvocet N-100 100/650 tablets dated September 5, 2001.
- (32) Exhibit 28--Copy of Accountability Statement of CVS/Pharmacy #7372 for Vicodin HP 10/660 tablets dated September 5, 2001.
- (33) Exhibit 29--Copy of Accountability Statement of CVS/Pharmacy #7372 for Vicodin 5/500 tablets dated August 21, 2001.
- (34) Exhibit 30--Copy of Accountability Statement of CVS/Pharmacy #7372 for Percocet 5/325 tablets dated September 13, 2001.
- (35) Exhibit 31--Copy of Accountability Statement of CVS/Pharmacy #7372 for Percocet 7.5/500 tablets dated September 13, 2001.
- (36) Exhibit 32--Copy of two-page "Information", State of Ohio vs. Robert Berkowitz, Case No. 411642, Cuyahoga County Common Pleas Court, dated September 25, 2001.
- (37) Exhibit 33--Copy of "Journal Entry", State of Ohio vs. Robert Berkowitz, Case No. 411642, Cuyahoga County Common Pleas Court, dated October 25, 2001.

- (38) Exhibit 34--Copy of "Journal Entry", State of Ohio vs. Robert Berkowitz, Case No. 411642, Cuyahoga County Common Pleas Court, dated November 29, 2001.
- (39) Exhibit 35--Copy of seven-page "Information", United States of America vs. Nathan Schneider, Robert A. Berkowitz, Paul H. Marcus, Scott L. Nuti, Robert M. Epstein, Case No. CR84-156, United States District Court For The Northern District Of Ohio, Eastern Division, dated August 1, 1984; Copy of three-page "Plea Agreement", United States of America vs. Nathan Schneider, Robert A. Berkowitz, Paul Marcus, Robert Epstine, Scott Nuti, Case No. CR84-156, United States District Court For The Northern District Of Ohio, Eastern Division, dated August 1, 1984;. Copy of "Minutes of Proceedings", United States of America vs. Robert Berkowitz, Criminal No. CR84-156, United States District Court For The Northern District Of Ohio, Eastern Division, dated October 10, 1984.

Respondent's Exhibits:

- (1) Exhibit A--Seven-page Behavior Management Associates, Inc. Psychological Report of Robert A. Berkowitz dated January 25, 2002.
- (2) Exhibit B--Copy of two-page professional description of Dr. Robert G. Kaplan, not dated.
- (3) Exhibit C--Letter from Rabbi Stanley J. Schachter dated January 23, 2002.
- (4) Exhibit D--Letter from Robert Leeson, R.Ph. dated January 26, 2002.
- (5) Exhibit E--Letter from Nathan H. Levine, R.Ph. dated January 28, 2002.
- (6) Exhibit F--Two-page letter from John W. Seese, R.Ph. dated January 28, 2002.
- (7) Exhibit G--Copy of FirstAir Visa Statement dated April 6, 2001.

FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that Robert A. Berkowitz was licensed by the State of Ohio on August 19, 1963, pursuant to examination, and that his license to practice pharmacy in the state of Ohio was summarily suspended effective December 5, 2001.
- (2) Robert A. Berkowitz did, on or about October 23, 2000, while employed as a pharmacist at CVS/pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/pharmacy #7372, beyond the express or implied consent of the owner, to wit: Robert A. Berkowitz has admittedly filled Prescription 195680 for Monopril 10mg, 90 dosage units, and removed the drugs from the pharmacy without payment. Such conduct violates Section 2913.02 of the Ohio Revised Code.
- (3) Robert A. Berkowitz did, on or about June 26, 2000, while employed as a pharmacist at CVS/pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/pharmacy #7372, beyond the express or implied consent of the owner, to wit: Robert A. Berkowitz has admittedly filled Prescription 186965 for Allegra 60mg, 12 dosage units, and removed the drug from the pharmacy without payment. Such conduct violates Section 2913.02 of the Ohio Revised Code.

- (4) Robert A. Berkowitz did, on or about June 26, 2000, while employed as a pharmacist at CVS/pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/pharmacy #7372, beyond the express or implied consent of the owner, to wit: Robert A. Berkowitz has admittedly filled Prescription 186963 for Monopril 10mg, 15 dosage units, and removed the drug from the pharmacy without payment. Such conduct violates Section 2913.02 of the Ohio Revised Code.
- (5) Robert A. Berkowitz did, on or about June 26, 2000, while employed as a pharmacist at CVS/pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/pharmacy #7372, beyond the express or implied consent of the owner, to wit: Robert A. Berkowitz has admittedly filled Prescription C186964 for Xanax 0.25mg, 50 dosage units, and removed the drug from the pharmacy without payment. Such conduct violates Section 2913.02 of the Ohio Revised Code.
- (6) Robert A. Berkowitz did, on or about April 19, 2000, while employed as a pharmacist at CVS/pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/pharmacy #7372, beyond the express or implied consent of the owner, to wit: Robert A. Berkowitz has admittedly filled Prescription 182791 for Vioxx 12mg, 60 dosage units, and removed the drug from the pharmacy without payment. Such conduct violates Section 2913.02 of the Ohio Revised Code.
- (7) Robert A. Berkowitz did, on or about January 2, 2000, while employed as a pharmacist at CVS/pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/pharmacy #7372, beyond the express or implied consent of the owner, to wit: Robert A. Berkowitz has admittedly filled Prescription 175877 for Monopril 10mg, 90 dosage units, and removed the drug from the pharmacy without payment. Such conduct violates Section 2913.02 of the Ohio Revised Code.
- (8) Robert A. Berkowitz did, on or about March 28, 2001, while employed as a pharmacist at CVS/pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/pharmacy #7372, beyond the express or implied consent of the owner, to wit: Robert A. Berkowitz has admittedly filled Prescription C208879 for Darvocet N-100, 50 dosage units, and removed the drug from the pharmacy without payment. Such conduct violates Section 2913.02 of the Ohio Revised Code.
- (9) Robert A. Berkowitz did, on or about March 5, 2001, while employed as a pharmacist at CVS/pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/pharmacy #7372, beyond the express or implied consent of the owner, to wit: Robert A. Berkowitz has admittedly filled Prescription C206782 for Vicodin 5/500, 15 dosage units, and removed the drug from the pharmacy without payment. Such conduct violates Section 2913.02 of the Ohio Revised Code.

- (10) Robert A. Berkowitz did, on or about March 28, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: Robert A. Berkowitz has admittedly created Prescription C208879, using his wife's name as the patient, without written or oral approval from Dr. Robert Anschuetz, to obtain 50 dosage units for Darvocet N-100, a Schedule IV controlled substance. Such conduct violates Section 2925.23(B) of the Ohio Revised Code.
- (11) Robert A. Berkowitz did, on or about January 22, 2001, knowing he had no privilege to do so, and with purpose to facilitate a fraud, remove a record, to wit: Robert A. Berkowitz admittedly removed Prescription 195689, for Monopril 10mg, 90 dosage units, from the pharmacy computer system. Such conduct violates Section 2913.42(A)(1)(B)(a) of the Ohio Revised Code.
- (12) Robert A. Berkowitz was convicted of two counts of Attempted Theft of Drugs in violation of Section 2923.02 of the Ohio Revised Code, as it relates to Section 2913.02 of the Ohio Revised Code, felonies of the 5th degree. State of Ohio vs. Robert Berkowitz, Case No. CR 411642, Cuyahoga County Common Pleas Court, dated October 25, 2001.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (12) of the Findings of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (12) 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 paragraph (10) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of 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 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Robert A. Berkowitz on December 5, 2001.

Pursuant to Section 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-2-08019, held by Robert A. Berkowitz and such suspension is effective as of the date of the mailing of this Order.

- (A) Robert A. Berkowitz, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Robert A. Berkowitz, pursuant to Section 4729.16(B) of the Ohio Revised Code, 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 unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after three years from the effective date of this Order, the Board will consider any petition filed by Robert A. Berkowitz for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (A) Robert A. Berkowitz must obtain, within ninety days after the effective date of this Order, a full psychiatric or psychological evaluation by a licensed psychiatrist or psychologist and must abide by the treatment plan as designed by that psychiatrist or psychologist. The psychiatrist or psychologist must provide an initial status report, which includes the recommended treatment plan, to the Board within ten days after completing the assessment.
- (B) Robert A. Berkowitz must provide, at the reinstatement petition hearing, documentation of the following:
 - (1) Compliance with the licensed psychiatrist's or psychologist's recommended treatment plan;
 - (2) A report by the licensed psychiatrist or psychologist regarding Robert A. Berkowitz's fitness for readmission into the practice of pharmacy;
 - (3) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
 - (4) Compliance with the terms of this Order.
- (C) Robert A. Berkowitz must take and pass, during the six months immediately preceding his appearance at the reinstatement petition hearing, the Multistate Pharmacy Jurisprudence Examination (MPJE), or an equivalent examination approved by the Board. If Mr. Berkowitz does not pass the MPJE within this six-month period, his license will remain suspended until this condition has been achieved.
- (D) If reinstatement is not accomplished within four years of the effective date of this Order, Robert A. Berkowitz must also take and pass the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-3/Nay-2).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE MARCH 7, 2002



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

December 5, 2001

Robert A. Berkowitz, R.Ph.
5521 Kilbourne Drive
Lyndhurst, Ohio 44124

Re: Ohio Registered Pharmacist
Number 03-2-08019

Dear Mr. Berkowitz:

Records of the Board indicate that you are a pharmacist registered by this Board to practice pharmacy in the state of Ohio.

In accordance with Section 2929.24 of the Ohio Revised Code, the office of the Prosecuting Attorney of Cuyahoga County, Ohio, has submitted to this Board information which indicates that on October 7, 2001, you pled guilty in the Common Pleas Court of Cuyahoga, Ohio, to two counts of a felony drug abuse offense under Section 2913.02 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121 of the Ohio Revised Code states, in pertinent part:

(C) On receiving notification pursuant to Section 2929.24 or 3719.12 of the Revised Code, the Board under which a person has been issued a license, . . . immediately shall suspend the license, . . . of that person on a plea of guilty to, a finding by a jury or court of the person's guilt of, or conviction of a felony drug abuse offense . . .

WHEREFORE, PURSUANT TO SECTION 3719.121(C) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO ARE HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until an adjudicatory hearing is held by the Board under Chapter 119. of the Revised Code, during which time you may not engage in the practice of pharmacy.

Additionally, you are further notified that the following charges are being alleged against you:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the state of Ohio on August 19, 1963, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You did, on or about October 23, 2000, while employed as a pharmacist at the CVS/Pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/Pharmacy #7372, beyond the express or implied consent of the owner, to wit: you have admittedly filled prescription #195680 for Monopril 10 mg, 90 dosage units, and removed the drugs from the pharmacy without payment. Such conduct violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (3) You did, on or about June 26, 2000, while employed as a pharmacist at the CVS/Pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/Pharmacy #7372, beyond the express or implied consent of the owner, to wit: you have admittedly filled prescription #186965 for Allegra 60 mg, 12 dosage units, and removed the drug from the pharmacy without payment. Such conduct violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (4) You did, on or about June 26, 2000, while employed as a pharmacist at the CVS/Pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/Pharmacy #7372, beyond the express or implied consent of the owner, to wit: you have admittedly filled prescription #186963 for Monopril 10 mg, 15 dosage units, and removed the drug from the pharmacy without payment. Such conduct violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (5) You did, on or about June 26, 2000, while employed as a pharmacist at the CVS/Pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/Pharmacy #7372, beyond the express or implied consent of the owner, to wit: you have admittedly filled prescription #C186964 for Xanax 0.25 mg, 50 dosage units, and removed the drug from the pharmacy without payment. Such conduct violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (6) You did, on or about April 19, 2000, while employed as a pharmacist at the CVS/Pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/Pharmacy #7372, beyond the express or implied consent of the owner, to wit: you have admittedly filled prescription #182791 for Vioxx 12 mg, 60 dosage units, and removed the drug from the pharmacy without payment. Such conduct violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

- (7) You did, on or about January 2, 2000, while employed as a pharmacist at the CVS/Pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/Pharmacy #7372, beyond the express or implied consent of the owner, to wit: you have admittedly filled prescription #175877 for Monopril 10 mg, 90 dosage units, and removed the drug from the pharmacy without payment. Such conduct violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (8) You did, on or about March 28, 2001, while employed as a pharmacist at the CVS/Pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/Pharmacy #7372, beyond the express or implied consent of the owner, to wit: you have admittedly filled prescription #C208879 for Darvocet N-100, 50 dosage units, and removed the drug from the pharmacy without payment. Such conduct violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (9) You did, on or about March 5, 2001, while employed as a pharmacist at the CVS/Pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/Pharmacy #7372, beyond the express or implied consent of the owner, to wit: you have admittedly filled prescription #C206782 for Vicodin 5/500, 15 dosage units, and removed the drug from the pharmacy without payment. Such conduct violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (10) You did, on or about March 28, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: you have admittedly created prescription number C208879, using your wife's name as the patient, without written or oral approval from Dr. Robert Anschuetz, to obtain 50 dosage units for Darvocet N-100, a Schedule IV controlled substance. Such conduct violates Section 2925.23(B) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- (11) You did, on or about March 28, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: you have admittedly dispensed prescription number C208879, using your wife's name as the patient, without written or oral approval from Dr. Robert Anschuetz, to obtain 50 dosage units for Darvocet N-100, a Schedule IV controlled substance. Such conduct violates Section 2925.23(B) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- (12) You did, on or about January 22, 2001, knowing you had no privilege to do so, and with purpose to facilitate a fraud, remove a record, to wit: you admittedly removed prescription number 195689, Monopril 10 mg, 90 dosage units from the pharmacy computer system. Such conduct violates Section 2913.42(A)(1)(B)(a) of the Ohio

Revised Code, and if proven constitutes being guilty of a felony or gross immorality; and or guilty of dishonesty or unprofessional conduct in the practice of pharmacy

- (13) You did, on or about November 2000, while employed as a pharmacist at the CVS/Pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/Pharmacy #7372, beyond the express or implied consent of the owner, to wit: you removed an unknown quantity of Darvocet N-100 from the pharmacy without a prescription and without payment. An audit shows a shortage of 278 unit doses, a 2.69% of the total stock. Such conduct violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (14) You did, on or about November 2000, while employed as a pharmacist at the CVS/Pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/Pharmacy #7372, beyond the express or implied consent of the owner, to wit: you removed an unknown quantity of Vicodin from the pharmacy without a prescription and without payment. An audit shows a shortage of 238 unit doses of Vicodin HP, a 8.81% of the total stock, and 92 unit doses of Vicodin 5/500, a 3.91% of the total stock. Such conduct violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (15) You did, on or about November 2000, while employed as a pharmacist at the CVS/Pharmacy #7372, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/Pharmacy #7372, beyond the express or implied consent of the owner, to wit: you removed an unknown quantity of Percocet from the pharmacy without a prescription and without payment. An audit shows a shortage of 90 unit doses of Percocet 5/325, a 2.93% of the total stock, and 15 unit doses of Percocet 7.5/500, a .90% of the total stock. Such conduct violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (16) You were, as mentioned above, convicted in the Cuyahoga Common Pleas Court of two (2) counts Attempted Theft of Drugs in violation of Section 2923.02 Ohio Revised Code, as it relates to Section 2913.02 Ohio Revised Code, felonies of the 5th degree. State of Ohio vs. Robert Berkowitz, Case No. CR 411642.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states in pertinent part:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;

(2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;

(3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy;

(4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;

(5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;

(6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;

(7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;

(8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;

(9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;

(10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

IF YOU REQUEST A HEARING within 30 days of the time of the mailing of this notice, such will be afforded. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if you do not request such a hearing within thirty (30) days of the mailing of this notice, the State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

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

SUMMARY SUSPENSION EFFECTIVE DECEMBER 5, 2001

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective March 7, 2002)*