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STATE BOARD OF PHARMACY

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THE STATE BOARD OF PHARMACY

In The Matter Of:

RUBEN L. BELL, R.Ph.  
1910 Infirmary Road  
Dayton, Ohio 45418

THE MATTER OF RUBEN L. BELL, DOCKET NO. D-861117-069, CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON FRIDAY, FEBRUARY 13, 1987. MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) On November 17, 1986, Ruben L. Bell was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his position, contentions, and arguments in writing.
- (2) As demonstrated by return receipt of November 18, 1986, Mr. Bell received the letter of November 17, 1986 informing him of his rights and the allegations against him.
- (3) The State Board of Pharmacy finds that Ruben L. Bell has not requested a hearing in this matter.
- (4) The State Board of Pharmacy finds that Ruben L. Bell was found guilty of a felony on July 11, 1986, by the United States District Court for the Southern District of Ohio, to wit: from about 1983 and continuing thereafter until up to and including August 16, 1985, in the Southern District of Ohio and elsewhere, he did knowingly, intentionally, and unlawfully combine, conspire, confederate, and agree, have a tacit understanding with other persons, some of whose identities were unknown to the Grand Jury, to knowingly, intentionally, and unlawfully distribute quantities of Dilaudid, a Schedule II narcotic drug controlled substance. In violation of Title 21 U.S.C. Section 846(a)(1). Such conduct is also a violation of Division (G) of Ohio Revised Code Section 3719.05, and is prohibited by Ohio Revised Code Section 2925.03.
- (5) The State Board of Pharmacy finds that Ruben L. Bell was found guilty of a felony on July 11, 1986, by the United States District Court for the Southern District of Ohio, to wit: from on or about June 21, 1985 and continuing thereafter until on or about July 18, 1985, in the Southern District of Ohio, he did knowingly, intentionally and unlawfully distribute approximately 1,300 Dilaudid, a Schedule II narcotic drug controlled substance. In violation of Title 21, U.S.C. Section 841(a)(1) and Title 18, U.S.C. Section 2. Such conduct is also a violation of Division (G) of Ohio Revised Code Section 3719.05 and is prohibited by Ohio Revised Code Section 2925.03.

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- (6) The State Board of Pharmacy finds that Ruben L. Bell was found guilty of a felony on July 11, 1986, by the United States District Court for the Southern District of Ohio, to wit: on or about the 19th day of March, 1984, in the Southern District of Ohio, he knowingly failed to make and keep information required under 21 C.F.R. Section 1305.09(e); in that, he knowingly failed to record on an order form the number of commercial or bulk containers of Dilaudid furnished and the date on which such Dilaudids were received by him. In violation of Title 21, U.S.C. Section 842(a)(5) and 21 C.F.R. Section 1305.09(e). Such conduct is also a violation of Division (G) of Ohio Revised Code Section 3719.07 and is prohibited by Ohio Revised Code Section 2925.03.
- (7) The State Board of Pharmacy finds that Ruben L. Bell was found guilty of a felony on July 11, 1986, by the United States District Court for the Southern District of Ohio, to wit: on or about the 4th day of April, 1984, in the Southern District of Ohio, he knowingly failed to make and keep information required under 21 C.F.R. Section 1305.09(e); in that, he knowingly failed to record on an order form the number of commercial or bulk containers of Dilaudid furnished and the date on which such Dilaudids were received by him. In violation of Title 21, U.S.C. Section 842(a)(5) and 21 C.F.R. Section 1305.09(e). Such conduct is also a violation of Division (G) of Ohio Revised Code Section 3719.07 and is prohibited by Ohio Revised Code Section 2925.03.
- (8) The State Board of Pharmacy finds that Ruben L. Bell was found guilty of a felony on July 11, 1986, by the United States District Court for the Southern District of Ohio, to wit: on or about the 13th day of April, 1984, in the Southern District of Ohio, he knowingly failed to make and keep information required under 21 C.F.R. Section 1305.09(e); in that, he knowingly failed to record on an order form the number of commercial or bulk containers of Dilaudid furnished and the date on which such Dilaudids were received by him. In violation of Title 21, U.S.C. Section 842(a)(5) and 21 C.F.R. Section 1305.09(e). Such conduct is also a violation of Division (G) of Ohio Revised Code Section 3719.07 and is prohibited by Ohio Revised Code Section 2925.03.
- (9) The State Board of Pharmacy finds that Ruben L. Bell was found guilty of a felony on July 11, 1986, by the United States District Court for the Southern District of Ohio, to wit: on or about the 19th day of April, 1984, in the Southern District of Ohio, he knowingly failed to make and keep information required under 21 C.F.R. Section 1305.09(e); in that, he knowingly failed to record on an order form the number of commercial or bulk containers of Dilaudid furnished and the date on which such Dilaudids were received by him. In violation of Title 21, U.S.C. Section 842(a)(5) and 21 C.F.R. Section 1305.09(e). Such conduct is also a violation of Division (G) of Ohio Revised Code Section 3719.07 and is prohibited by Ohio Revised Code Section 2925.03.

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- (10) The State Board of Pharmacy finds that Ruben L. Bell was found guilty of a felony on July 11, 1986, by the United States District Court for the Southern District of Ohio, to wit: on or about the 26th day of April, 1984, in the Southern District of Ohio, he knowingly failed to make and keep information required under 21 C.F.R. Section 1305.09(e); in that, he knowingly failed to record on an order form the number of commercial or bulk containers of Dilaudid furnished and the date on which such Dilaudids were received by him. In violation of Title 21, U.S.C. Section 842(a)(5) and 21 C.F.R. Section 1305.09(e). Such conduct is also a violation of Division (G) of Ohio Revised Code Section 3719.07 and is prohibited by Ohio Revised Code Section 2925.03.
- (11) The State Board of Pharmacy finds that Ruben L. Bell was found guilty of a felony on July 11, 1986, by the United States District Court for the Southern District of Ohio, to wit: on or about the 4th day of May, 1984, in the Southern District of Ohio, he knowingly failed to make and keep information required under 21 C.F.R. Section 1305.09(e); in that, he knowingly failed to record on an order form the number of commercial or bulk containers of Dilaudid furnished and the date on which such Dilaudids were received by him. In violation of Title 21, U.S.C. Section 842(a)(5) and 21 C.F.R. Section 1305.09(e). Such conduct is also a violation of Division (G) of Ohio Revised Code Section 3719.07 and is prohibited by Ohio Revised Code Section 2925.03.
- (12) The State Board of Pharmacy finds that Ruben L. Bell was found guilty of a felony on July 11, 1986, by the United States District Court for the Southern District of Ohio, to wit: on or about the 25th day of May, 1984, in the Southern District of Ohio, he knowingly failed to make and keep information required under 21 C.F.R. Section 1305.09(e); in that, he knowingly failed to record on an order form the number of commercial or bulk containers of Dilaudid furnished and the date on which such Dilaudids were received by him. In violation of Title 21, U.S.C. Section 842(a)(5) and 21 C.F.R. Section 1305.09(e). Such conduct is also a violation of Division (G) of Ohio Revised Code Section 3719.07 and is prohibited by Ohio Revised Code Section 2925.03.
- (13) The State Board of Pharmacy finds that Ruben L. Bell was found guilty of a felony on July 11, 1986, by the United States District Court for the Southern District of Ohio, to wit: on or about the 8th day of June, 1984, in the Southern District of Ohio, he knowingly failed to make and keep information required under 21 C.F.R. Section 1305.09(e); in that, he knowingly failed to record on an order form the number of commercial or bulk containers of Dilaudid furnished and the date on which such Dilaudids were received by him. In violation of Title 21, U.S.C. Section 842(a)(5) and 21 C.F.R. Section 1305.09(e). Such conduct is also a violation of Division (G) of Ohio Revised Code Section 3719.07 and is prohibited by Ohio Revised Code Section 2925.03.

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(14) From the evidence presented, the State Board of Pharmacy finds that Ruben L. Bell was found guilty of a felony on or about November 25, 1985 by the Montgomery County Court of Common Pleas, to wit: he issued a bad check on the account of Bell's Madden Hills Pharmacy, 2228 Germantown Street, Dayton, Ohio 45408 for the amount of \$1,800.00 on or about January 16, 1985; in violation of Ohio Revised Code Section 2913.11.

Conclusions Of Law

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (4) through (14) of the Findings Of Fact constitutes being guilty of a felony.
- (2) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (4) through (14) of the Findings Of Fact constitutes gross immorality.
- (3) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (4) through (14) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.
- (4) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (4) through (13) of the Findings Of Fact constitutes willful violations of the provisions of Chapters 2925. and 3719. of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Ruben L. Bell, R.Ph. No. 03-2-08217.

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.