



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-910823-009)

In The Matter Of:

STEPHEN D. HARRIS, R.Ph.
2390 Indianola Avenue
Columbus, Ohio 43202
(R.Ph. No. 03-2-09844)

Introduction

THE MATTER OF STEPHEN D. HARRIS CAME TO HEARING ON OCTOBER 21, 1991 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: BETTY J. NICHOL, R.Ph. (presiding); PAUL F. LAMPING, R.Ph.; NORMAN D. LEIBOW, R.Ph.; RUTH A. PLANT, R.Ph.; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

STEPHEN D. HARRIS WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Stephen D. Harris, Respondent

Respondent's Witnesses:

- (1) Nick Kallis
(2) Pete Johnson
(3) Gary Rutherford

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Appearance Request letter dated August 6, 1991.
(2) Exhibit B - Appearance Schedule letter dated August 23, 1991.
(3) Exhibit 1 - Board Order for Stephen D. Harris, Docket No. D-900907-016, dated January 30, 1991.
(4) Exhibit 2 - Letter from Don P. Bowermaster, D.D.S., Shepherd Hill Hospital, dated January 2, 1991.

STEPHEN D. HARRIS, R.Ph.

Page Two

Order of the Board

- (5) Exhibit 3 - Letter from Stephen D. Harris dated April 6, 1991.
- (6) Exhibit 4 - Letter from Nick Kallis dated April 6, 1991.
- (7) Exhibit 5 - Letter from Nick Kallis dated June 28, 1991.
- (8) Exhibit 6 - Letter from Nick Kallis dated September 28, 1991.
- (9) Exhibit 7 - Two-page copy of Pharmacists Rehabilitation Organization, Inc. contract of Steve Harris dated January 15, 1991.

Respondent's Exhibits:

- (1) Exhibit A - Letter from Kenneth D. Ellis dated September 24, 1991.
- (2) Exhibit B - Letter from Larry Gamble dated October 16, 1991.

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that Stephen D. Harris has complied with the requirements of the Board's Order dated January 30, 1991.
- (2) From the evidence presented, the State Board of Pharmacy finds that Stephen D. Harris has entered into a five-year contract with Pharmacists Rehabilitation Organization, Inc.

Action Of The Board

The State Board of Pharmacy hereby approves the reinstatement of Stephen D. Harris' pharmacist identification card to practice pharmacy in the state of Ohio with the following stipulations:

(A) The contract with Pharmacists Rehabilitation Organization, Inc. be amended as follows:

(1) Paragraph 8 must read "shall" instead of "may", so that failure to comply will result in immediate notification to the Ohio State Board of Pharmacy.

(2) Random, observed urine screens must be conducted at least every three months.

(B) Stephen D. Harris will be placed on probation for the remainder of the five-year contract with Pharmacists Rehabilitation Organization, Inc. ending January 16, 1996.

(C) Stephen D. Harris must immediately notify the Board of any change in employment, and must report all places of employment as a pharmacist, part-time or full-time, during the probationary period.

(D) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Stephen D. Harris' pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns for the duration of the probation, ending January 16, 1996.

STEPHEN D. HARRIS, R.Ph.
Page Three
Order of the Board

(E) Stephen D. Harris may not serve as a responsible pharmacist during the probationary period.

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 Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

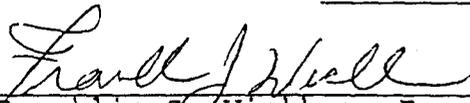
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER DELIVERED: December 13, 1991

FZW/so

By


Franklin Z. Wickham, Executive Director

cc: Ronda Anderson, Assistant Attorney General



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-900907-016)

In The Matter Of:

STEPHEN D. HARRIS, R.Ph.
1455 Oakwood Avenue
Columbus, Ohio 43206
(R.Ph. No. 03-2-09844)

INTRODUCTION

THE MATTER OF STEPHEN D. HARRIS CAME TO HEARING ON DECEMBER 11, 1990 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

STEPHEN D. HARRIS WAS REPRESENTED BY BRENT HANDA, AND THE STATE OF OHIO WAS REPRESENTED BY JEANNY EATON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Stephen D. Harris, Respondent
- (2) William Padgett, State Board of Pharmacy

Respondent's Witnesses:

- (1) Stephen D. Harris, Respondent
- (2) Gary Rutherford, Pharmacist Rehabilitation Organization, Inc.
- (3) Nick Kallis, Pharmacist Rehabilitation Organization, Inc.

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated September 7, 1990.
- (2) Exhibit B - Hearing Request letter dated October 10, 1990.
- (3) Exhibit C - Hearing Schedule letter dated October 12, 1990.

- (4) Exhibit D - Request for Continuance letter from Brent Handa, Attorney at Law, dated October 18, 1990.
- (5) Exhibit E - Letter from Stephen D. Harris dated October 22, 1990.
- (6) Exhibit F - Hearing Schedule letter dated October 24, 1990.
- (7) Exhibit 1 - Pharmacist File Front Sheet of Stephen D. Harris showing original date of registration as July 26, 1971.
- (8) Exhibit 2 - Renewal applications showing practice from the year 1971 to 1990.
- (9) Exhibit 4 - Medical records from Grant Hospital: Two-page Trauma Notes, Hospital No. 89001359, Trauma No. 3418, dated June 16, 1990; five-page Inpatient Discharge Summary, Hospital No. 89001359, Patient No. 412417, Summary dated June 18, 1990.
- (10) Exhibit 5 - Prescription No. 616500, for Paul Starner dated March 8, 1990.
- (11) Exhibit 6 - Amber drug vial for patient Paul Starner containing 6 tablets Erythromycin Base 333mg; 5 tablets Erythromycin Ethylsuccinate 400mg; 4 tablets marked Zantac 150mg; and 3 tablets of Oxycodone 5mg, Acetaminophen 325mg. Vial is marked Prescription No. 616500 and dated March 8, 1990.
- (12) Exhibit 7 - Two-page statement of Stephen D. Harris dated July 6, 1990.
- (13) Exhibit 8 - Amber drug vial for patient Archie C. Meadows containing 6 capsules Ceclor 500mg; 6 tablets Zantac 300mg; and 2 tablets Erythromycin Base 333mg. Vial is marked Prescription No. 188818 and dated April 24, 1990.

Respondent's Exhibits:

- (1) Exhibit A - Letter to Ohio Board of Pharmacy from Don P. Bowermaster, D.D.S., Director of Healthcare Professionals at Shepherd Hill Hospital, dated December 5, 1990.
- (2) Exhibit B - Letter to Mr. Brent Handa from Tyler Holliday, C.A.C., Primary Counselor, Shepherd Hill Hospital.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Stephen D. Harris was originally licensed to practice pharmacy in the state of Ohio on July 26, 1971, pursuant to examination, and has been practicing pharmacy in Ohio since that date.
- (2) From the evidence presented, the State Board of Pharmacy finds that Stephen D. Harris did, on or about June 15, 1990, knowingly possess and/or use a controlled substance when his conduct was not in accordance with Chapters 3719. and 4729. of the Revised Code, to wit: urine tests indicated that Stephen D. Harris, upon being admitted to Grant Hospital for multiple stab wounds, tested positive for use of methadone, opiates, amphetamines, and alcohol. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

- (3) From the evidence presented, the State Board of Pharmacy finds that Stephen D. Harris did, on or about March 8, 1990, intentionally make and/or utter a false or forged prescription, to wit: Stephen D. Harris created prescription number 616500 for thirty (30) capsules of Dalmane, a schedule IV controlled substance, allegedly telephoned by Dr. Fiorini, when no such prescription was issued. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Stephen D. Harris did, on or about March 8, 1990, obtain a dangerous drug by committing a theft offense, to wit: by committing the theft offenses of Illegal Processing of Drug Documents and Theft from both the state of Ohio Medicaid program and Rite Aid South Zanesville Pharmacy, Stephen D. Harris illegally obtained thirty (30) capsules of Dalmane, a schedule IV controlled substance. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Stephen D. Harris did, on or about March 8, 1990, sell or offer to sell a controlled substance in an amount equal to or exceeding the bulk amount but less than three times that amount when his conduct was not in accordance with Chapters 3719. and 4729. of the Revised Code, to wit: Stephen D. Harris gave to his wife, Lonnie Harris, thirty (30) capsules of Dalmane, a schedule IV controlled substance, when Mrs. Harris did not have a prescription for the drugs. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that Stephen D. Harris did, on or about March 8, 1990, knowingly present to the state of Ohio Medicaid program a written statement that was a claim for payment when the statement was false, to wit: Stephen D. Harris presented a claim for payment for prescription number 616500, when such prescription was false and/or forged. Such conduct is in violation of Section 2913.40(B) of the Ohio Revised Code.
- (7) From the evidence presented, the State Board of Pharmacy finds that Stephen D. Harris did, on or between April 4, 1990 and May 30, 1990, obtain a dangerous drug by committing a theft offense, to wit: by committing the theft offense of Theft from the Holtzer Clinic in Gallipolis, Ohio, Stephen D. Harris illegally obtained ten (10) tablets of Zantac, a dangerous drug. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.
- (8) From the evidence presented, the State Board of Pharmacy finds that Stephen D. Harris is addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Stephen D. Harris has tested positive for illegal drug abuse, he has had a conviction

for domestic violence and has been involved in altercations which involved alcohol and/or drug abuse, he has altered and created false and forged prescriptions so as to obtain drugs, he has stolen drugs, and he has admitted drug and alcohol abuse.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (6) of the Findings Of Fact constitutes being guilty of 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 the conduct set forth in paragraphs (2) through (5) and (7) of the Findings Of Fact constitutes being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (7) of the Findings Of Fact constitutes 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.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) and (8) of the Findings Of Fact constitutes being addicted to and abusing liquor and drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (5) 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 being guilty of willfully violating the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. as provided in Division (A)(5) of Section 4729.16 of the Ohio 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. 03-2-09844, held by Stephen D. Harris:

- (A) On the basis of paragraphs (1) and (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Stephen D. Harris indefinitely.
- (B) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Stephen D. Harris indefinitely.

STEPHEN D. HARRIS, R.Ph.
Page Five
Order of the Board

(C) On the basis of paragraph (4) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Stephen D. Harris indefinitely.

(D) On the basis of paragraph (5) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Stephen D. Harris indefinitely.

Further, Mr. Harris may petition the Board for reinstatement of his license no earlier than October 1, 1991.

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

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 497 578 874

ORDER MAILED: JANUARY 30, 1991

FZW/sl

By 
Franklin Z. Wickham, Executive Director

cc: Jeanny Eaton, Assistant Attorney General
Brent Handa, Attorney for Respondent; 77 E. Wilson Bridge Road,
Suite 207; Columbus, Ohio 43085



OHIO STATE BOARD OF PHARMACY

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

THE STATE BOARD OF PHARMACY

VS

STEPHEN D. HARRIS, R.Ph.

THE MATTER OF STEPHEN D. HARRIS, DOCKET NO. 6-70-3, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON JANUARY 24, 1984. AFTER CONSIDERATION OF THE TESTIMONY RECEIVED AND EVIDENCE ADDUCED, MOTION WAS MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that Stephen D. Harris did fail to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1983, when he did not renew until October 5, 1983.
- (2) From the evidence presented, the State Board of Pharmacy finds that Stephen D. Harris did fail to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1982, when he did not renew until October 12, 1982.
- (3) From the evidence presented, the State Board of Pharmacy finds that Stephen D. Harris did fail to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1981, when he did not renew until March 4, 1982.
- (4) From the evidence presented, the State Board of Pharmacy finds that Stephen D. Harris did fail to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1980, when he did not renew until October 14, 1980.
- (5) From the evidence presented, the State Board of Pharmacy finds that Stephen D. Harris did fail to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1979, when he did not renew until February 19, 1980.

- (6) From the evidence presented, the State Board of Pharmacy finds that Stephen D. Harris did fail to renew his identification card on the fifteenth day of September, as required by Section 4729.12 of the Ohio Revised Code, for 1978, when he did not renew until November 16, 1978.
- (7) From the evidence presented, the State Board of Pharmacy finds that Stephen D. Harris did dispense and sell dangerous drugs while not being a registered pharmacist during the lapsed dates of his pharmacist license; in violation of Section 4729.28 of the Revised Code.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (6) of the Findings Of Fact constitutes willful violation of more than one time of the provisions of Section 4729.12 of the Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (7) of the Findings Of Fact constitutes willful violation of more than one time of Section 4729.28 of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law set forth above, the State Board of Pharmacy hereby takes the following actions concerning the registered pharmacist license of Stephen D. Harris:

- (A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of one hundred dollars (\$100.00).
- (B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00).
- (C) Further, the Board suspends the one hundred dollar monetary penalty imposed in paragraph (A) above, and four hundred dollars of the five hundred dollar monetary penalty imposed in paragraph (B) above. Said one hundred dollar monetary penalty imposed to be due and owing within thirty (30) days of the issuance of this Order. Said monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 65 S. Front Street, Room 504, Columbus, Ohio 43215, with the enclosed form.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

STEPHEN D. HARRIS, R.Ph.
Page Three
Order of the Board

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. Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt Requested

ORDER ISSUED: March 23, 1984

FZW/sb

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

cc/John E. Breen, Assistant Attorney General