



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-060201-059)

In The Matter Of:

DEREK EDWARD DUCKWORTH, R.Ph.

2545 Point Pleasant Way

Toledo, Ohio 43611

(R.Ph. No. 03-2-10274)

INTRODUCTION

THE MATTER OF DEREK EDWARD DUCKWORTH CAME FOR HEARING ON AUGUST 8, 2006, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; HEATHER L. PASQUALE, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

DEREK EDWARD DUCKWORTH WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

1. Dale Fritz, Jr., Ohio State Board of Pharmacy

Respondent's Witnesses

1. Derek E. Duckworth, R.Ph., Respondent
2. Michael Quigley, R.Ph.

State's Exhibits

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [02-01-06]
 - 1A-1B. Procedurals
 - 1C. Addendum Notice [06-27-06]
 - 1D. Procedural
2. Board of Pharmacy Order in re Derek Edward Duckworth, R.Ph. [10-06-00]
3. Indictment, State of Ohio vs. Derek Edward Duckworth, Case No. G-4801-CR-0200001709, Lucas County Common Pleas Court [05-03-00]; Plea of No Contest [07-19-00]; Order [07-19-00]; Judgment Entry [08-24-00]
4. The Toledo Hospital Pharmacy Medical Expenses Profile for Derek E. Duckworth [09-07-05 to 01-21-06]
5. Notarized Statement of Derek E. Duckworth [01-24-06]
6. Statement of Elizabeth Meglitsch [12-15-05]
7. Indictment, State of Ohio vs. Derek Duckworth, Case No. G-4801-CR-200601450, Lucas County Common Pleas Court [02-28-06]; Plea of No Contest [05-22-06]; Judgment

Entry [06-26-06]; Letter to Sheldon and Judge Wittenberg from Derek E. Duckworth [06-04-06]

8. XLS Recording Log [11-22-05 to 11-26-05]

Respondent's Exhibits

- A1. Treatment Letter from Arlene McMaster, R.N. [12-12-05]
- A2. Progress Report from Cynthia Schroeder, PCC, CCDCI [03-06-06]
- A3. Progress Report from Cynthia Schroeder, PCC, CCDCI [07-13-06]
- B. PRO Pharmacist's Recovery Contract for Derek Duckworth [02-27-06]
- C. Drug Screen Reports [12-12-05 to 06-19-06]
- C1. Letter from Derek E. Duckworth [08-05-06]
- D. Support Group Attendance Records [12-13-05 to 08-04-06]
- E. Eight Letters of Support [06-25-00 to 07-24-06]
- F. Continuing Pharmaceutical Education Certificate on Chemical Dependency in the Profession of Pharmacy [04-30-06]
- G. Letter from Prentiss Jones, Jr., Ph.D., TC-NRCC to Linda Spencer [08-08-06]

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 Board of Pharmacy indicate that Derek Edward Duckworth was originally licensed by the State of Ohio as a pharmacist on July 20, 1972, pursuant to examination, and that his license to practice pharmacy in the State of Ohio was summarily suspended effective February 1, 2006.
- (2) Derek Edward Duckworth is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Derek Edward Duckworth has admitted to a Board agent that he is addicted to the use of controlled substances and is in drug treatment, and Derek Edward Duckworth has admitted to stealing controlled substances for his own personal use. Such conduct indicates that Derek Edward Duckworth is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) Derek Edward Duckworth did, on or about June 27, 2005 through December 8, 2005, while employed as a pharmacist at Ryan Pharmacy and Orthopedic Supply, knowingly obtain or exert control over dangerous drugs, the property of Ryan Pharmacy and Orthopedic, beyond the express or implied consent of the owner, to wit: Derek Edward Duckworth has admittedly stolen the following drugs:

<u>Drug</u>	<u>Strength</u>	<u>Schedule</u>	<u>Quantity</u>
hydrocodone w/APAP	5/500 mg	III	1,981
butalbital/APAP/caffeine	50/325/40 mg	DD	1,891
APAP w/codeine #4	60/325 mg	III	396
clonazepam	1.0 mg	IV	324
<u>Drug</u>	<u>Strength</u>	<u>Schedule</u>	<u>Quantity</u>
carisoprodol	350 mg	DD	270

Such conduct violates Section 2913.02 of the Ohio Revised Code.

- (4) Derek Edward Duckworth did, on or about May 21, 2003 through June 27, 2005, while employed as a pharmacist at Ryan Pharmacy and Orthopedic Supply, knowingly obtain or exert control over dangerous drugs, the property of Ryan Pharmacy and Orthopedic, beyond the express or implied consent of the owner, to wit: Derek Edward Duckworth has admittedly stolen the following drugs:

<u>Drug</u>	<u>Strength</u>	<u>Schedule</u>	<u>Quantity</u>
butalbital/APAP/caffeine	50/325/40 mg	DD	8,390
carisoprodol	350 mg	DD	7,715
hydrocodone w/APAP	5/500 mg	III	1,593
APAP w/codeine #4	60/325 mg	III	1,061
clonazepam	1.0 mg	IV	144

Such conduct violates Section 2913.02 of the Ohio Revised Code.

- (5) On or about May 18, 2006, Derek Edward Duckworth was found guilty to two (2) counts of Theft of Drugs, each a felony of the third degree under Section 2913.02(A)(3)&(B)(6) of the Ohio Revised Code. State of Ohio vs. Derek Duckworth, Case No. G-4801-CR-200601450, Lucas County Common Pleas Court.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (5) 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) The State Board of Pharmacy concludes that paragraphs (2) through (5) 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) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or 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.

DECISION 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 Derek Edward Duckworth on February 1, 2006.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Derek Edward Duckworth as follows:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-2-10274, held by Derek Edward Duckworth effective as of the date of the mailing of this Order.

- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-2-10274, held by Derek Edward Duckworth effective as of the date of the mailing of this Order.
- (C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-2-10274, held by Derek Edward Duckworth effective as of the date of the mailing of this Order.

Pursuant to Section 4729.16(B) of the Ohio Revised Code, Derek E. Duckworth 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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/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: SEPTEMBER 14, 2006



OHIO STATE BOARD OF PHARMACY

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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

February 1, 2006

Derek E. Duckworth, R.Ph.

2545 Point Pleasant Way
Toledo, Ohio 43611

Re: Ohio Registered Pharmacist
Number 03-2-10274

Dear Mr. Duckworth:

In accordance with Section 3719.121(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. Further, in accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on July 20, 1972, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio. Records further reflect that, on October 6, 2000, you were previously disciplined by the Board.
- (2) You are addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have admitted to a Board agent that you are addicted to the use of controlled substances and are in drug treatment, and you have admitted to stealing controlled substances for your own personal use. Such conduct indicates that you are within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, on or about June 27, 2005 through December 8, 2005, while employed as a pharmacist at Ryan Pharmacy and Orthopedic Supply, knowingly obtain or exert control over dangerous drugs, the property of Ryan Pharmacy and Orthopedic, beyond the express or implied consent of the owner, to wit: you have admittedly stolen the following drugs:

<u>Drug</u>	<u>Strength</u>	<u>Schedule</u>	<u>Quantity</u>
hydrocodone w/APAP	5/500 mg	III	1,981
butalbital/APAP/caffeine	50/325/40 mg	DD	1,891
APAP w/codeine #4	60/325 mg	III	396

<u>Drug</u>	<u>Strength</u>	<u>Schedule</u>	<u>Quantity</u>
clonazepam	1.0 mg	IV	324
carisoprodol	350 mg	DD	270

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 May 21, 2003 through June 27, 2005, while employed as a pharmacist at Ryan Pharmacy and Orthopedic Supply, knowingly obtain or exert control over dangerous drugs, the property of Ryan Pharmacy and Orthopedic, beyond the express or implied consent of the owner, to wit: you have admittedly stolen the following drugs:

<u>Drug</u>	<u>Strength</u>	<u>Schedule</u>	<u>Quantity</u>
butalbital/APAP/caffeine	50/325/40 mg	DD	8,390
carisoprodol	350 mg	DD	7,715
hydrocodone w/APAP	5/500 mg	III	1,593
APAP w/codeine #4	60/325 mg	III	1,061
clonazepam	1.0 mg	IV	144

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.

YOU ARE HEREBY NOTIFIED that Section 3719.121(A) of the Ohio Revised Code states, in pertinent part: "any ... pharmacist, ... who is or becomes addicted to the use of controlled substances, shall be suspended by the board that authorized the person's license, certificate, or registration..."

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

(B) If the board under which a person has been issued a license, . . . , . . . determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, . . . , . . . , without a prior hearing.

WHEREFORE, PURSUANT TO SECTIONS 3719.121(A) and (B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS 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 has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, during which time you may not engage in the practice of pharmacy. 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 the pharmacist or pharmacy intern 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 DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30TH) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. 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 there is no request for such a hearing received by the Board on or prior to the thirtieth (30th) day following the mailing of this notice, the Ohio 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.

BY ORDER OF THE STATE BOARD OF PHARMACY

William T. Winsley, M.S., R.Ph.
Executive Director



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-000405-055)

In The Matter Of:

DEREK EDWARD DUCKWORTH, R.Ph.

2545 Point Pleasant Way

Toledo, Ohio 43611

(R.Ph. No. 03-2-10274)

INTRODUCTION

THE MATTER OF DEREK EDWARD DUCKWORTH CAME FOR HEARING ON SEPTEMBER 7, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (acting chairperson); SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

DEREK EDWARD DUCKWORTH WAS REPRESENTED BY MICHAEL W. O'DONNELL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale R. Fritz, Jr., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) David L. Hutchinson, Accountant, Waterville, Ohio
- (2) William Aring, R.Ph., Toledo, Ohio
- (3) Derek Edward Duckworth, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of eight-page Summary Suspension Order/Notice of Opportunity for Hearing letter dated April 5, 2000.
- (2) Exhibit 1A--Hearing Request letter dated April 21, 2000.
- (3) Exhibit 1B--Copy of six-page Amendment Notice dated April 27, 2000.
- (4) Exhibit 1C--Copy of Hearing Schedule letter dated April 27, 2000.

- (5) Exhibit 1D--Copy of Pharmacist File Front Sheet of Derek Edward Duckworth showing original date of registration as July 20, 1972; and two-page copy of Renewal Application for Pharmacist License, No. 03-2-10274, for a license to practice pharmacy in Ohio from September 15, 1999, to September 15, 2000, of Derek Edward Duckworth dated July 27, 1999.
- (6) Exhibit 2--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Rite Aid #2339 for Vicoprofen for the time period of May 1, 1999, through December 27, 1999.
- (7) Exhibit 3--Five-page copy of Rite Aid #2339 Flow Chart for Vicoprofen dated from May 1, 1999, through December 27, 1999.
- (8) Exhibit 4--Three-page handwritten statement of Derek E. Duckworth signed and notarized on December 28, 1999.
- (9) Exhibit 5--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Rite Aid #2309 for Vicoprofen dated January 18, 2000.
- (10) Exhibit 6--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Rite Aid #2309 for Lorcet 10-650 dated January 18, 2000.
- (11) Exhibit 7--Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Rite Aid #2309 for Hydrocodone 10/650 dated January 19, 2000.
- (12) Exhibit 8--Three Rite Aid Pharmacy Patient Counseling/Eligibility forms numbered and dated as follows: 2339-178053 dated November 11, 1999; 2339-178053 dated November 23, 1999; and 2339-180484 dated December 18, 1999.
- (13) Exhibit 9--Prescription No. 2339-180484 and Rite Aid Pharmacy Patient Counseling/Eligibility Form for Prescription No. 2339-180484 dated December 5, 1999.
- (14) Exhibit 10--Handwritten statement of Dr. R. Gantzogs signed and notarized on January 11, 2000.
- (15) Exhibit 11--Handwritten statement of Craig Wagner signed and notarized on March 20, 2000.
- (16) Exhibit 12--Page One of Rite Aid, Alexis Road, Sylvania, Ohio Customer History Report of Craig Wagner dated from April 13, 1999, to April 25, 2000.
- (17) Exhibit 13--Prescription No. 2339-180447 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2339-180447 dated December 4, 1999.
- (18) Exhibit 14--Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-172688 dated August 3, 1999.
- (19) Exhibit 15--Rite Aid Pharmacy #2309 Prescription Register dated from October 8, 1999, through October 8, 1999.
- (20) Exhibit 16--Copy of Page Two of Rite Aid, Alexis Road, Sylvania, Ohio Customer History Report of Bryson King dated from July 11, 1999, through November 15, 1999.
- (21) Exhibit 17--Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2339-179515 dated December 5, 1999.
- (22) Exhibit 18--Page Five of Rite Aid Pharmacy #2339 Refill Listing Register dated from December 10, 1999, through December 10, 1999.
- (23) Exhibit 19--Page Three of Rite Aid Pharmacy #2339 Refill Listing Register dated from December 18, 1999, through December 18, 1999.
- (24) Exhibit 20--Copy of letter from John P. Conomy dated January 14, 2000.
- (25) Exhibit 21--Prescription No. 2309-172688 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-172688 dated July 29, 1999.
- (26) Exhibit 22--Prescription No. 2309-175961 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-175961 dated August 13, 1999.
- (27) Exhibit 23--Prescription No. 2309-186705.
- (28) Exhibit 24--Prescription No. 2339-177601 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2339-177601 dated November 9, 1999.

- (29) Exhibit 25--Prescription No. 2339-179515 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2339-179515 dated November 26, 1999.
- (30) Exhibit 26--Prescription No. 2339-181684.
- (31) Exhibit 27--Prescription No. C733759.
- (32) Exhibit 28--Prescription No. C761821.
- (33) Exhibit 29--Three-page Drug Corner Pharmacy Prescription Profiles-Detailed of Bryson King for the period of January 1, 1999, to March 16, 1999.
- (34) Exhibit 30--Copy of Page One of Rite Aid, Alexis Road, Sylvania, Ohio Customer History Report of Bryson King dated from April 13, 1999, to April 25, 2000.
- (35) Exhibit 31--Letter from Christopher K. Lynn dated January 26, 2000.
- (36) Exhibit 32--Prescription No. C766579.
- (37) Exhibit 33--Prescription No. 2309-146569.
- (38) Exhibit 34--Prescription No. 2309-155983.
- (39) Exhibit 35--Prescription No. 2309-167084 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-167084, dated July 2, 1999.
- (40) Exhibit 36--Prescription No. 2309-173926 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-173926 dated August 4, 1999.
- (41) Exhibit 37--Prescription No. 2309-186081 and Rite Aid Pharmacy Patient Counseling Eligibility Form for prescriptions numbered 2309-186080 and 2309-186081 dated October 2, 1999.
- (42) Exhibit 38--Prescription No. 4828-12596.
- (43) Exhibit 39--Prescription No. 2337-108638 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2337-108638 dated November 24, 1999.
- (44) Exhibit 40--Prescription No. C734475.
- (45) Exhibit 41--Prescription No. C735899.
- (46) Exhibit 42--Prescription No. C751550.
- (47) Exhibit 43--Prescription No. C750786.
- (48) Exhibit 44--Prescription No. C762315.
- (49) Exhibit 45--Prescription No. C765834.
- (50) Exhibit 46--Prescription No. 2309-142598 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-142598 dated March 19, 1999.
- (51) Exhibit 47--Prescription No. 2309-146567 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-146567 dated April 1, 1999.
- (52) Exhibit 48--Prescription No. 2309-149340 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-149340 dated April 11, 1999.
- (53) Exhibit 49--Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-150978 dated April 17, 1999.
- (54) Exhibit 50--Prescription No. 2309-157071 and Rite Aid Pharmacy Patient Counseling Eligibility Form for prescriptions numbered 2309-157071 and 2309-157073 dated May 13, 1999.
- (55) Exhibit 51--Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-159973 dated May 27, 1999.
- (56) Exhibit 52--Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-159973 dated June 2, 1999.
- (57) Exhibit 53--Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-159973 dated June 14, 1999.
- (58) Exhibit 54-- Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-159973 dated June 19, 1999.
- (59) Exhibit 55--Prescription No. 2309-167065 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-167065 dated July 11, 1999.
- (60) Exhibit 56--Prescription No. 2309-171355.
- (61) Exhibit 57--Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-171355 dated July 24, 1999.

- (62) Exhibit 58--Prescription No. 2309-178727 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-178727 dated August 28, 1999.
- (63) Exhibit 59--Prescription No. 2309-189366 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-189366 dated October 19, 1999.
- (64) Exhibit 60--Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-190202 dated October 22, 1999.
- (65) Exhibit 61--Prescription No. 2337-106816 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2337-106816 dated October 27, 1999.
- (66) Exhibit 62--Prescription No. 2339-179866.
- (67) Exhibit 63--Three Rite Aid Pharmacy Patient Counseling Eligibility Forms for prescriptions numbered 2339-179866, 2339-179864, and 2339-179865 dated November 30, 1999.
- (68) Exhibit 64--Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2339-181684 dated December 18, 1999.
- (69) Exhibit 65--Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2339-179866 dated December 19, 1999.
- (70) Exhibit 66--Prescription No. C739389.
- (71) Exhibit 67--Prescription No. C741884.
- (72) Exhibit 68--Prescription No. C744845.
- (73) Exhibit 69--Prescription No. C749057.
- (74) Exhibit 70--Prescription No. C753085.
- (75) Exhibit 71--Prescription No. C758196.
- (76) Exhibit 72--Prescription No. C760295.
- (77) Exhibit 73--Prescription No. C761820.
- (78) Exhibit 74--Prescription No. C763774.
- (79) Exhibit 75--Prescription No. C765567.
- (80) Exhibit 76--Prescription No. C766580.
- (81) Exhibit 77--Prescription No. C767994.
- (82) Exhibit 78--Prescription No. 2309-154823.
- (83) Exhibit 79--Prescription No. 2309-158948.
- (84) Exhibit 80--Prescription No. 2309-161876 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-161876 dated June 5, 1999.
- (85) Exhibit 81--Prescription No. 2339-178367 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2339-178367 dated November 15, 1999.
- (86) Exhibit 82--Prescription No. C735114.
- (87) Exhibit 83--Prescription No. C740878.
- (88) Exhibit 84--Prescription No. C743905.
- (89) Exhibit 85--Prescription No. C762313.
- (90) Exhibit 86--Prescription No. 2309-158952 and Rite Aid Pharmacy Patient Counseling Eligibility Form for prescriptions numbered 2309-158948 and 2309-158952 dated May 24, 1999.
- (91) Exhibit 87--Prescription No. 2309-165146 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-165146 dated June 22, 1999.
- (92) Exhibit 88--Prescription No. 2309-176810 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-176810 dated August 18, 1999.
- (93) Exhibit 89--Prescription No. 2309-183240 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2309-183240 dated September 20, 1999.
- (94) Exhibit 90--Prescriptions numbered 02339-178563 and 2339-178565 and Rite Aid Pharmacy Patient Counseling Eligibility Form for Prescription No. 2339-178565 dated November 16, 1999.
- (95) Exhibit 91--Prescription No. 2339-179667 and two Rite Aid Pharmacy Patient Counseling Eligibility Forms for prescriptions numbered 2339-179667 and 2339-179669 dated November 29, 1999.

- (96) Exhibit 92--Prescription No. 2339-179864.
- (97) Exhibit 93--Prescription No. 2339-179865.
- (98) Exhibit 94--Seven-page certified copy of ten-count Indictment in the Lucas County Common Pleas Court, The State of Ohio vs. Derek Edward Duckworth, Case No. CR 00-1709 dated May 3, 2000.
- (99) Exhibit 95--Two-page certified copy of Plea of No Contest in the Lucas County Common Pleas Court, State of Ohio vs. Derek Edward Duckworth, Case No. CR 2000-1709 dated July 19, 2000; and copy of Order in the Lucas County Common Pleas Court, State of Ohio v. Derek Duckworth, Case No. G-4801-CR-0200001709, dated July 19, 2000.
- (100) Exhibit 96--Two-page certified copy of Judgment Entry in the Lucas County Common Pleas Court, State of Ohio v. Derek Duckworth, Case No. G-4801-CR-0200001709, dated August 24, 2000.

Respondent's Exhibits:

- (1) Exhibit A1--Copies of two urine drug screen reports of Derek Duckworth with collection dates of January 7, 2000, and February 24, 2000.
- (2) Exhibit A2--Copy of two-page Judgment Entry in the Lucas County Common Pleas Court, State of Ohio v. Derek Duckworth, Case No. G-4801-CR-0200001709, dated August 24, 2000.
- (3) Exhibit A3--Copies of character reference letters from the following: Jean Pierce dated July 31, 2000; William Aring dated August 17, 2000; Richard L. Schafer dated August 1, 2000; Mark Eason dated July 10, 2000; Michael A. Calabrese dated July 7, 2000; Thomas L. Maloney dated July 10, 2000; Donald R. Calabrese, not dated; Michael A. Calabrese dated July 7, 2000; Robert T. Calabrese dated July 7, 2000; James V. Shindler, Jr. dated August 23, 2000; Christy McCollum dated August 15, 2000; Sue Ann and David A. Mullin dated July 12, 2000; Mike Linehan dated July 12, 2000; John D. Scouten dated July 13, 2000; Sue Ann and David A. Mullin dated July 12, 2000 with handwritten note from Dave and Sue Ann; Officer Robert Garcia dated July 24, 2000; James K. Bork dated July 25, 2000; James Nowakowski, not dated; David L. Hutchinson, not dated; Donald M. Moline dated July 28, 2000; Jill E. Miller, not dated; Nancy Russell, not dated; Bill and Mary Ellen Werynski dated August 24, 2000; Michael J. Quinn dated August 16, 2000; George E. Webb dated August 21, 2000; Rick Arbinger, not dated; Timothy F. and Carol D. McGinnis dated August 24, 2000; Robert R. Badman dated August 17, 2000; Richard Buss dated August 8, 2000; Dale T. Heigel dated August 27, 2000; Robert V. Loeb dated August 28, 2000; James K. Boyd, Jr. dated August 30, 2000; Richard P. Boyd, not dated; Brad Lockridge dated August 23, 2000; Robert Hogg dated July 31, 2000; Russ and Lee Moebuis dated August 23, 2000; Shannon DeHan, not dated; Robert A. McKelvey dated July 10, 2000, and from JoAnn McKelvey dated August 24, 2000; Angela S. Woodward dated July 8, 2000; and James K. Bork dated July 25, 2000. Copies of two-page letters from the following: Tim Sickelbaugh, not dated; Marion A. Cary dated August 17, 2000; Janice Boyd, not dated; E. Terry Deltan dated July 11, 2000; Austin F. Klapp, not dated; Lynn M. Pribor dated August 28, 2000; and Rebecca Ladd, not dated. Copies of three-page letters from the following: Annie Lewandowski, not dated, and Margaret M. Schotten dated September 1, 2000. Copy of Memorandum from Paul L. and Janet D. DiModica dated July 10, 2000.
- (4) Exhibit A4--Letter from Hy P. Kisin dated September 6, 2000.
- (5) Exhibit A5--Letter from Robert A. McKelvey dated July 10, 2000, and from JoAnn McKelvey dated August 24, 2000, including a handwritten note from JoAnn McKelvey.
- (6) Exhibit A6--Letter from Robert McCloud, not dated.

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 Derek Edward Duckworth was originally licensed to practice pharmacy in the state of Ohio on July 20, 1972, pursuant to examination. On April 5, 2000, Derek Edward Duckworth's license was summarily suspended in accordance with Section 3719.121(B) of the Ohio Revised Code.
- (2) Derek Edward Duckworth did, from May 1, 1999, through December 29, 1999, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rite Aid #2339, beyond the express or implied consent of the owner, to wit: Derek Edward Duckworth admittedly stole 948 unit doses of Vicoprofen (20.5% of the store's stock). Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) Derek Edward Duckworth did, from May 1, 1999, through December 28, 1999, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rite Aid #2309, beyond the express or implied consent of the owner, to wit: Derek Edward Duckworth stole 114 tablets of Vicoprofen (1.5% of the store's stock), 472 tablets of Lorcet 10/650 (37.5% of the store's stock), and 829 tablets of Hydrocodone w/APAP 10/650 (8.6% of the store's stock). Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Derek Edward Duckworth did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: Derek Edward Duckworth admittedly forged the following prescriptions and possessed them on file at Rite Aid Pharmacy #2339:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
178053	11/11/99	Vicoprofen 200/7.5	60
178053	11/23/99	Vicoprofen 200/7.5	60
180484	12/05/99	Vicoprofen 200/7.5	45
180484	12/18/99	Vicoprofen 200/7.5	45

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

- (5) Derek Edward Duckworth did, on or about December 4, 1999, knowingly make a false statement in a prescription order, report, or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Derek Edward Duckworth created prescription number 180447 for 60 unit doses of Alprazolam 1mg, a Schedule IV controlled substance, and maintained it on file at Rite Aid #2339. Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code.
- (6) Derek Edward Duckworth did, on or about the following dates, knowingly make a false statement in a prescription order, report, or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Derek Edward Duckworth forged the following telephone prescriptions and maintained them on file at Rite Aid Pharmacy #2309 or #2339:

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
2309	172688	08/03/99	Hydrocodone 10mg/APAP 650mg	200
2309	178593	08/20/99	Hydrocodone 10mg/APAP 650mg	200
2309	187403	10/08/99	Hydrocodone 10mg/APAP 650mg	200
2339	179515	12/05/99	Hydrocodone 10mg/APAP 650mg	120
2339	179515	12/10/99	Hydrocodone 10mg/APAP 650mg	120
2339	181684	12/18/99	Hydrocodone 10mg/APAP 650mg	120

Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code.

- (7) Derek Edward Duckworth did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: Derek Edward Duckworth forged the following prescriptions and possessed them on file at Rite Aid Pharmacy #2309 and/or #2339:

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
2309	172688	07/29/99	Hydrocodone 10mg/APAP 650mg	200
2309	175961	08/13/99	Hydrocodone 10mg/APAP 650mg	200
2309	186709	10/05/99	Hydrocodone 10mg/APAP 650mg	100
2339	177601	11/09/99	Hydrocodone 10mg/APAP 650mg	120
2339	179515	11/26/99	Hydrocodone 10mg/APAP 650mg	120
2339	181684	12/14/99	Hydrocodone 10mg/APAP 650mg	120

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

- (8) Derek Edward Duckworth did, on or about the following dates, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: Derek Edward Duckworth forged the following prescriptions and maintained them on file at Drug Corner Pharmacy:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
733759	01/24/99	APAP/Codeine 30mg	40
766378	02/23/99	APAP/Codeine 30mg	40
761821	03/13/99	Xanax 1mg	90

Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code.

- (9) Derek Edward Duckworth did, from on or about August 20, 1998, through November 24, 1999, knowingly sell a controlled substance in an amount exceeding five times the bulk amount but does not exceed fifty times the bulk amount when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Drug Corner (DC) and/or Rite Aid Pharmacies (#2309, #2337, #2346, or #4828), Derek Edward Duckworth sold 1,080 tablets of alprazolam 1mg, a Schedule III controlled substance, to the same patient pursuant to prescriptions which were not written for a legitimate medical purpose:

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
DC	694188	08/20/98	Xanax 1mg	90
DC	761821	01/21/99	Xanax 1mg	90
DC	766579	02/24/99	alprazolam 1mg	90
DC	761821	03/13/99	Xanax 1mg	90
2309	146569	04/01/99	Xanax 1mg	90
2309	155983	05/08/99	Xanax 1mg	90
2309	167084	07/02/99	alprazolam 1mg	90

2309	173926	08/04/99	Xanax 1mg	90
2346	281723	09/08/99	alprazolam 1mg	90
2309	186081	10/02/99	aprazolam 1mg	90
4828	12596	10/26/99	alprazolam 1mg	90
2337	108638	11/24/99	alprazolam 1mg	90

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (10) Derek Edward Duckworth did, from on or about August 21, 1998, through December 19, 1999, knowingly sell a controlled substance in an amount exceeding fifty times the bulk amount when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Drug Corner (DC) and/or Rite Aid Pharmacies (#2309, #2337, or #2339), Derek Edward Duckworth sold 9,676 tablets of hydrocodone 10mg/APAP 650mg, a Schedule III controlled substance, to the same patient pursuant to prescriptions which were not written for a legitimate medical purpose:

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
DC	734475	08/21/98	Lorcet 10/650	120
DC	734475	08/28/98	Lorcet 10/650	110
DC	735899	08/28/98	Lorcet 10/650	120
DC	735899	09/01/98	Lorcet 10/650	120
DC	735899	09/06/98	Lorcet 10/650	120
DC	735899	09/09/98	Lorcet 10/650	120
DC	735899	09/14/98	Lorcet 10/650	120
DC	735899	09/21/98	Lorcet 10/650	120
DC	734475	09/28/98	Lorcet 10/650	120
DC	734475	10/06/98	Lorcet 10/650	120
DC	734475	10/13/98	Lorcet 10/650	120
DC	734475	10/21/98	Lorcet 10/650	120
DC	735899	10/30/98	Lorcet 10/650	120
DC	748088	11/03/98	Lorcet 10/650	120
DC	748088	11/10/98	Lorcet 10/650	120
DC	750786	11/17/98	Lorcet 10/650	120
DC	751550	11/20/98	Lorcet 10/650	50
DC	752278	11/24/98	Lorcet 10/650	200
DC	752278	12/02/98	Lorcet 10/650	100
DC	752278	12/09/98	Lorcet 10/650	200
DC	752278	12/16/98	Lorcet 10/650	100
DC	752278	12/19/98	Lorcet 10/650	200
DC	752278	12/24/98	Lorcet 10/650	200
DC	752278	12/31/98	Lorcet 10/650	100
DC	752278	01/02/99	Lorcet 10/650	100
DC	759141	01/04/99	Lorcet 10/650	200
DC	759141	01/07/99	Lorcet 10/650	100
DC	760043	01/10/99	Lorcet 10/650	100
DC	760043	01/14/99	Lorcet 10/650	200
DC	762315	01/25/99	Lorcet 10/650	220
DC	760043	01/31/99	Lorcet 10/650	100
DC	760043	02/05/99	Lorcet 10/650	100
DC	760043	02/08/99	Lorcet 10/650	100
DC	762315	02/13/99	Lorcet 10/650	100
DC	765834	02/18/99	Lorcet 10/650	120
DC	765834	02/26/99	Lorcet 10/650	120
DC	768290	03/09/99	Lorcet 10/650	120
2309	142598	03/19/99	Lorcet 10/650	120
2309	146567	04/01/99	Lorcet 10/650	120

2309	149340	04/11/99	Lorcet 10/650	120
2309	150978	04/17/99	Lorcet 10/650	24
2309	155839	04/22/99	Lorcet 10/650	120
2309	157070	05/07/99	Lorcet 10/650	120
2309	157071	05/13/99	Lorcet 10/650	120
2309	9000330	05/17/99	hydrocodone w/APAP 10/650	200
2337	97548	05/22/99	hydrocodone w/APAP 10/650	50
2309	159972	05/25/99	hydrocodone w/APAP 10/650	50
2309	159973	05/27/99	hydrocodone w/APAP 10/650	100
2309	159973	06/02/99	hydrocodone w/APAP 10/650	100
2309	159973	06/14/99	hydrocodone w/APAP 10/650	100
2309	159973	06/19/99	hydrocodone w/APAP 10/650	100
2309	167065	07/02/99	hydrocodone w/APAP 10/650	200
2309	167065	07/11/99	hydrocodone w/APAP 10/650	200
2309	171355	07/19/99	hydrocodone w/APAP 10/650	200
2309	171355	07/24/99	hydrocodone w/APAP 10/650	200
2309	172688	07/29/99	hydrocodone w/APAP 10/650	200
2309	172688	08/03/99	hydrocodone w/APAP 10/650	200
2309	175961	08/13/99	hydrocodone w/APAP 10/650	200
2309	178593	08/20/99	hydrocodone w/APAP 10/650	200
2309	178727	08/28/99	hydrocodone w/APAP 10/650	200
2309	186080	10/02/99	hydrocodone w/APAP 10/650	100
2309	186709	10/05/99	hydrocodone w/APAP 10/650	100
2309	187403	10/08/99	hydrocodone w/APAP 10/650	200
2309	189366	10/19/99	Lorcet 10/650	120
2309	190202	10/22/99	hydrocodone w/APAP 10/650	120
2337	106816	10/27/99	hydrocodone w/APAP 10/650	120
2339	177601	11/09/99	hydrocodone w/APAP 10/650	120
2339	179515	11/26/99	hydrocodone w/APAP 10/650	120
2339	179669	11/29/99	hydrocodone w/APAP 10/650	27
2339	179866	11/30/99	hydrocodone w/APAP 10/650	100
2339	179515	12/05/99	hydrocodone w/APAP 10/650	120
2339	179515	12/10/99	hydrocodone w/APAP 10/650	120
2339	181684	12/14/99	hydrocodone w/APAP 10/650	120
2339	181684	12/18/99	hydrocodone w/APAP 10/650	120
2339	179866	12/19/99	hydrocodone w/APAP 10/650	100

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (11) Derek Edward Duckworth did, from on or about September 17, 1998, through November 15, 1999, knowingly sell a controlled substance in an amount exceeding fifty times the bulk amount but does not exceed one hundred times the bulk amount when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Drug Corner (DC) and/or Rite Aid Pharmacies (#2309 or #2339), Derek Edward Duckworth sold 2,480 tablets oxycodone 5mg/APAP 325mg, a Schedule II controlled substance, to the same patient pursuant to prescriptions which were not written for a legitimate medical purpose:

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
DC	739389	09/17/98	Percocet 5/325	120
DC	741884	09/30/98	Percocet 5/325	120
DC	744845	10/15/98	Endocet 5/325	120
DC	746649	10/26/98	Endocet 5/325	120
DC	749057	11/07/98	Endocet 5/325	120
DC	753085	11/30/98	Endocet 5/325	120
DC	755726	12/14/98	Endocet 5/325	120
DC	758196	12/29/98	Endocet 5/325	120

DC	760295	01/12/99	Roxicet 5/325	120
DC	761820	01/21/99	Endocet 5/325	120
DC	763774	02/03/99	Endocet 5/325	120
DC	765567	02/16/99	Endocet 5/325	120
DC	766580	02/24/99	Endocet 5/325	120
DC	767994	03/08/99	Endocet 5/325	120
2309	147461	03/24/99	Endocet 5/325	200
2309	154823	05/04/99	Endocet 5/325	120
2309	158948	05/24/99	Endocet 5/325	180
2309	161876	06/05/99	Endocet 5/325	180
2339	178367	11/15/99	Endocet 5/325	120

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (12) Derek Edward Duckworth did, from on or about August 25, 1998, through November 30, 1999, knowingly sell a controlled substance in an amount exceeding fifty times the bulk amount but does not exceed one hundred times the bulk amount when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Drug Corner and/or Rite Aid Pharmacies (#2309 or #2339), Derek Edward Duckworth sold 772 tablets of OxyContin 20mg, a Schedule II controlled substance, to the same patient pursuant to prescriptions which were not written for a legitimate medical purpose:

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
DC	735114	08/25/98	OxyContin 20mg	60
DC	740878	09/25/98	OxyContin 20mg	40
DC	743905	10/10/98	OxyContin 20mg	60
DC	762313	01/25/99	OxyContin 20mg	60
2309	144083	03/24/99	OxyContin 20mg	115
2309	158952	05/24/99	OxyContin 20mg	60
2309	165146	06/22/99	OxyContin 20mg	60
2309	176810	08/18/99	OxyContin 20mg	40
2309	183240	09/20/99	OxyContin 20mg	60
2339	178565	11/16/99	OxyContin 20mg	100
2339	179667	11/29/99	OxyContin 20mg	27
2339	179864	11/30/99	OxyContin 20mg	90

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (13) Derek Edward Duckworth did, on or about November 30, 1999, knowingly sell a controlled substance in an amount exceeding five times the bulk amount but does not exceed fifty times the bulk amount when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Rite Aid Pharmacy #2339, Derek Edward Duckworth sold 90 unit doses of OxyContin 40mg, a Schedule II controlled substance, pursuant to prescription number 179865, which was not written for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (13) of the Findings of Fact constitute being guilty of a felony 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 (13) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (4) through (13) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation 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 Derek Edward Duckworth on April 5, 2000.

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 the pharmacist identification card, No. 03-2-10274, held by Derek Edward Duckworth for five years and such suspension is effective as of the date of the mailing of this Order.

- (A) Derek Edward Duckworth, 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) Derek Edward Duckworth, pursuant to Section 4729.16(B) of the 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 two years from the effective date of this Order, the Board will suspend the remaining three years of the five-year suspension provided that Derek Edward Duckworth meets the following requirements:

- (A) Derek Edward Duckworth must obtain, within sixty 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) Derek Edward Duckworth must take and successfully complete the Multistate Pharmacy Jurisprudence Examination offered by the Board, prior to reinstatement. If Derek Edward Duckworth has not successfully completed the examination prior to two years from the effective date of this Order, his license will remain under suspension until this condition has been achieved.
- (C) Derek Edward Duckworth must provide, with his application for reinstatement, 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 Derek Edward Duckworth's fitness for readmission into the practice of pharmacy;
 - (3) Successful completion of the Multistate Pharmacy Jurisprudence Examination;
 - (4) Compliance with the continuing pharmacy education requirements as set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable.
- (D) If reinstatement is not accomplished within three years of the effective date of this Order, Derek Edward Duckworth must show successful completion of the NAPLEX examination or an equivalent examination approved by the Board.
- (E) Derek Edward Duckworth's license will be placed on probation for three years effective as of the date the identification card to practice pharmacy is issued. The terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Derek Edward Duckworth's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - (2) Derek Edward Duckworth may not serve as a responsible pharmacist.
 - (3) Derek Edward Duckworth may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) Derek Edward Duckworth may not fill prescriptions for family members.
 - (5) Derek Edward Duckworth must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (6) Derek Edward Duckworth must abide by the rules of the State Board of Pharmacy.
 - (7) Derek Edward Duckworth must comply with the terms of this Order.

Derek Edward Duckworth 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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-4/Nay-2).
MOTION CARRIED.
SO ORDERED.



OHIO STATE BOARD OF PHARMACY

77 South High Street, 17th Floor; Columbus, Ohio 43266-0320

-Equal Opportunity Employer and Service Provider-

PHONE: 614/466-4143

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

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

URL: <http://www.state.oh.us/pharmacy/>

AMENDMENT NOTICE

April 27, 2000

Derek Edward Duckworth, R.Ph.
2545 Point Pleasant Way
Toledo, Ohio 43611

Re: Ohio Registered Pharmacist
Number 03-2-10274

Dear Mr. Duckworth:

YOU ARE HEREBY NOTIFIED that paragraphs (9) through (13) of the Summary Suspension Order/Notice of Opportunity letter dated April 5, 2000, are amended to read as follows:

- (9) You did, from on or about August 20, 1998, through November 24, 1999, knowingly sell a controlled substance in an amount exceeding five times the bulk amount but does not exceed fifty times the bulk amount when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Drug Corner (DC) and/or Rite Aid Pharmacies (#2309, #2337, #2346, or #4828) you sold 1080 tablets of alprazolam 1mg, a schedule III controlled substance, to the same patient pursuant to prescriptions which were not written for a legitimate medical purpose:

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
DC	694188	8/20/98	Xanax 1mg	90
DC	761821	1/21/99	Xanax 1mg	90
DC	766579	2/24/99	alprazolam 1mg	90
DC	761821	3/13/99	Xanax 1mg	90
2309	146569	4/1/99	Xanax 1mg	90
2309	155983	5/8/99	Xanax 1mg	90
2309	167084	7/2/99	alprazolam 1mg	90
2309	173926	8/4/99	Xanax 1mg	90
2346	281723	9/8/99	alprazolam 1mg	90
2309	186081	10/2/99	aprazolam 1mg	90
4828	12596	10/26/99	alprazolam 1mg	90
2337	108638	11/24/99	alprazolam 1mg	90

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

(10) You did, from on or about August 21, 1998, through December 19, 1999, knowingly sell a controlled substance in an amount exceeding fifty times the bulk amount when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Drug Corner (DC) and/or Rite Aid Pharmacies (#2309, #2337, or #2339) you sold 9,676 tablets hydrocodone 10mg/APAP 650mg, a schedule III controlled substance, to the same patient pursuant to prescriptions which were not written for a legitimate medical purpose:

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
DC	734475	8/21/98	Lorcet 10/650	120
DC	734475	8/28/98	Lorcet 10/650	110
DC	735899	8/28/98	Lorcet 10/650	120
DC	735899	9/1/98	Lorcet 10/650	120
DC	735899	9/6/98	Lorcet 10/650	120
DC	735899	9/9/98	Lorcet 10/650	120
DC	735899	9/14/98	Lorcet 10/650	120
DC	735899	9/21/98	Lorcet 10/650	120
DC	734475	9/28/98	Lorcet 10/650	120
DC	734475	10/6/98	Lorcet 10/650	120
DC	734475	10/13/98	Lorcet 10/650	120
DC	734475	10/21/98	Lorcet 10/650	120
DC	735899	10/30/98	Lorcet 10/650	120
DC	748088	11/3/98	Lorcet 10/650	120
DC	748088	11/10/98	Lorcet 10/650	120
DC	750786	11/17/98	Lorcet 10/650	120
DC	751550	11/20/98	Lorcet 10/650	50
DC	752278	11/24/98	Lorcet 10/650	200
DC	752278	12/2/98	Lorcet 10/650	100
DC	752278	12/9/98	Lorcet 10/650	200
DC	752278	12/16/98	Lorcet 10/650	100
DC	752278	12/19/98	Lorcet 10/650	200
DC	752278	12/24/98	Lorcet 10/650	200
DC	752278	12/31/98	Lorcet 10/650	100
DC	752278	1/2/99	Lorcet 10/650	100
DC	759141	1/4/99	Lorcet 10/650	200
DC	759141	1/7/99	Lorcet 10/650	100
DC	760043	1/10/99	Lorcet 10/650	100
DC	760043	1/14/99	Lorcet 10/650	200
DC	762315	1/25/99	Lorcet 10/650	220
DC	760043	1/31/99	Lorcet 10/650	100
DC	760043	2/5/99	Lorcet 10/650	100
DC	760043	2/8/99	Lorcet 10/650	100
DC	762315	2/13/99	Lorcet 10/650	100
DC	765834	2/18/99	Lorcet 10/650	120
DC	765834	2/26/99	Lorcet 10/650	120
DC	768290	3/9/99	Lorcet 10/650	120
2309	142598	3/19/99	Lorcet 10/650	120
2309	146567	4/1/99	Lorcet 10/650	120
2309	149340	4/11/99	Lorcet 10/650	120
<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
2309	150978	4/17/99	Lorcet 10/650	24
2309	155839	4/22/99	Lorcet 10/650	120

2309	157070	5/7/99	Lorcet 10/650	120
2309	157071	5/13/99	Lorcet 10/650	120
2309	9000330	5/17/99	hydrocodone w/APAP 10/650	200
2337	97548	5/22/99	hydrocodone w/APAP 10/650	50
2309	159972	5/25/99	hydrocodone w/APAP 10/650	50
2309	159973	5/27/99	hydrocodone w/APAP 10/650	100
2309	159973	6/2/99	hydrocodone w/APAP 10/650	100
2309	159973	6/14/99	hydrocodone w/APAP 10/650	100
2309	159973	6/19/99	hydrocodone w/APAP 10/650	100
2309	167065	7/2/99	hydrocodone w/APAP 10/650	200
2309	167065	7/11/99	hydrocodone w/APAP 10/650	200
2309	171355	7/19/99	hydrocodone w/APAP 10/650	200
2309	171355	7/24/99	hydrocodone w/APAP 10/650	200
2309	172688	7/29/99	hydrocodone w/APAP 10/650	200
2309	172688	8/3/99	hydrocodone w/APAP 10/650	200
2309	175961	8/13/99	hydrocodone w/APAP 10/650	200
2309	178593	8/20/99	hydrocodone w/APAP 10/650	200
2309	178727	8/28/99	hydrocodone w/APAP 10/650	200
2309	186080	10/2/99	hydrocodone w/APAP 10/650	100
2309	186709	10/5/99	hydrocodone w/APAP 10/650	100
2309	187403	10/8/99	hydrocodone w/APAP 10/650	200
2309	189366	10/19/99	Lorcet 10/650	120
2309	190202	10/22/99	hydrocodone w/APAP 10/650	120
2337	106816	10/27/99	hydrocodone w/APAP 10/650	120
2339	177601	11/9/99	hydrocodone w/APAP 10/650	120
2339	179515	11/26/99	hydrocodone w/APAP 10/650	120
2339	179669	11/29/99	hydrocodone w/APAP 10/650	12
2339	179866	11/30/99	hydrocodone w/APAP 10/650	100
2339	179515	12/5/99	hydrocodone w/APAP 10/650	120
2339	179515	12/10/99	hydrocodone w/APAP 10/650	120
2339	181684	12/14/99	hydrocodone w/APAP 10/650	120
2339	181684	12/18/99	hydrocodone w/APAP 10/650	120
2339	179866	12/19/99	hydrocodone w/APAP 10/650	100

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (11) You did, from on or about September 17, 1998, through November 15, 1999, knowingly sell a controlled substance in an amount exceeding fifty times the bulk amount but does not exceed one hundred times the bulk amount when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Drug Corner (DC) and/or Rite Aid Pharmacies (#2309 or #2339) you sold 2,480 tablets oxycodone 5mg/APAP 325mg, a schedule II controlled substance, to the same patient pursuant to prescriptions which were not written for a legitimate medical purpose:

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
DC	739389	9/17/98	Percocet 5/325	120
DC	741884	9/30/98	Percocet 5/325	120
DC	744845	10/15/98	Endocet 5/325	120
DC	746649	10/26/98	Endocet 5/325	120
DC	749057	11/7/98	Endocet 5/325	120
DC	753085	11/30/98	Endocet 5/325	120
DC	755726	12/14/98	Endocet 5/325	120
DC	758196	12/29/98	Endocet 5/325	120
DC	760295	1/12/99	Roxicet 5/325	120
DC	761820	1/21/99	Endocet 5/325	120
DC	763774	2/3/99	Endocet 5/325	120
DC	765567	2/16/99	Endocet 5/325	120
DC	766580	2/24/99	Endocet 5/325	120
DC	767994	3/8/99	Endocet 5/325	120
2309	147461	3/24/99	Endocet 5/325	200
2309	154823	5/4/99	Endocet 5/325	120
2309	158948	5/24/99	Endocet 5/325	180
2309	161876	6/5/99	Endocet 5/325	180
2339	178367	11/15/99	Endocet 5/325	120

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (12) You did, from on or about August 25, 1998, through November 30, 1999, knowingly sell a controlled substance in an amount exceeding fifty times the bulk amount but does not exceed one hundred times the bulk amount when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Drug Corner and/or Rite Aid Pharmacies (#2309 or #2339) you sold 772 tablets of OxyContin 20mg, a schedule II controlled substance, to the same patient pursuant to prescriptions which were not written for a legitimate medical purpose:

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
DC	735114	8/25/98	OxyContin 20mg	60
DC	740878	9/25/98	OxyContin 20mg	40
DC	743905	10/10/98	OxyContin 20mg	60
DC	762313	1/25/99	OxyContin 20mg	60
2309	144083	3/24/99	OxyContin 20mg	115
2309	158952	5/24/99	OxyContin 20mg	60
2309	165146	6/22/99	OxyContin 20mg	60
2309	176810	8/18/99	OxyContin 20mg	40
2309	183240	9/20/99	OxyContin 20mg	60
2339	178565	11/16/99	OxyContin 20mg	100
2339	179667	11/29/99	OxyContin 20mg	27
2339	179864	11/30/99	OxyContin 20mg	90

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (13) You did, on or about November 30, 1999, knowingly sell a controlled substance in an amount exceeding five times the bulk amount but does not exceed fifty times the bulk amount when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Rite Aid Pharmacy #2339, you sold 90 unit doses of OxyContin 40mg, a schedule II controlled substance,

pursuant to prescription number 179865, which was not written for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

YOU ARE HEREBY ADVISED that Section 4729.16 of the Ohio Revised Code states in pertinent part that:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, 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 the pharmacist or pharmacy intern 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.

IN ACCORDANCE WITH THE SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY letter dated April 5, 2000, this Notice, and pursuant to your adjudication hearing scheduled for September 7, 2000, 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.

BY ORDER OF THE STATE BOARD OF PHARMACY

William T. Winsley, M.S., R.Ph.
Executive Director

CERTIFIED MAIL
Return Receipt

DLR:sr (D-000405-055)

cc: Sally Ann Steuk, Assistant Attorney General
Michael W.O'Donnell, Attorney for Respondent; Lydy and Moan; The Pacesetter Building;
4930 Holland-Sylvania Road; Sylvania, Ohio 43560-2149



OHIO STATE BOARD OF PHARMACY

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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

April 5, 2000

Derek Edward Duckworth, R.Ph.
2545 Point Pleasant Way
Toledo, Ohio 43611

Re: Ohio Registered Pharmacist
Number 03-2-10274

Dear Mr. Duckworth:

In accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the state of Ohio on July 20, 1972, pursuant to examination, and are currently licensed to practice pharmacy in the state of Ohio.
- (2) You did, from May 1, 1999, through December 29, 1999, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rite Aid #2339, beyond the express or implied consent of the owner, to wit: you admittedly stole 948 unit doses of Vicoprofen (20.5% of the store's stock). Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) You did, from May 1, 1999, through December 28, 1999, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rite Aid #2309, beyond the express or implied consent of the owner, to wit: you stole 114 tablets of Vicoprofen (1.5% of the store's stock), 472 tablets of Lorcet 10/650 (37.5% of the store's stock), and 829 tablets of Hydrocodone w/APAP 10/650 (8.6% of the store's stock). Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) You did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: you admittedly forged the following prescriptions and possessed them on file at Rite Aid Pharmacy #2339:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
178053	11/11/99	Vicoprofen 200/7.5	60
178053	11/23/99	Vicoprofen 200/7.5	60
180484	12/05/99	Vicoprofen 200/7.5	45
180484	12/18/99	Vicoprofen 200/7.5	45

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

- (5) You did, on or about December 4, 1999, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: you created prescription number 180447 for 60 unit doses of Alprazolam 1mg, a Schedule IV controlled substance, and maintained it on file at Rite Aid #2339. Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code.
- (6) You did, on or about the following dates, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: you forged the following telephone prescriptions and maintained them on file at Rite Aid Pharmacy #2309 or #2339:

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
2309	172688	08/03/99	Hydrocodone 10mg/APAP 650mg	200
2309	178593	08/20/99	Hydrocodone 10mg/APAP 650mg	200
2309	187403	10/08/99	Hydrocodone 10mg/APAP 650mg	200
2339	179515	12/05/99	Hydrocodone 10mg/APAP 650mg	120
2339	179515	12/10/99	Hydrocodone 10mg/APAP 650mg	120
2339	181684	12/18/99	Hydrocodone 10mg/APAP 650mg	120

Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code.

- (7) You did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: you forged the following prescriptions and possessed them on file at Rite Aid Pharmacy #2309 and/or #2339:

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
2309	172688	07/29/99	Hydrocodone 10mg/APAP 650mg	200
2309	175961	08/13/99	Hydrocodone 10mg/APAP 650mg	200
2309	186709	10/05/99	Hydrocodone 10mg/APAP 650mg	100
2339	177601	11/09/99	Hydrocodone 10mg/APAP 650mg	120
2339	179515	11/26/99	Hydrocodone 10mg/APAP 650mg	120
2339	181684	12/14/99	Hydrocodone 10mg/APAP 650mg	120

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

- (8) You did, on or about the following dates, knowingly make a false statement in a prescription order, report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: you forged the following prescriptions and maintained them on file at Drug Corner Pharmacy:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
733759	01/24/99	APAP/Codeine 30mg	40
766378	02/23/99	APAP/Codeine 30mg	40
761821	03/13/99	Xanax 1mg	90

Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code.

- (9) You did, from on or about August 20, 1998, through November 24, 1999, knowingly sell a controlled substance in an amount exceeding five times the bulk amount but does not exceed fifty times the bulk amount when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Drug Corner (DC) and/or Rite Aid Pharmacies (#2309, #2337, #2346, or #4828) you sold 1080 tablets of the following schedule III controlled substances to the same patient pursuant to prescriptions which were not written by a licensed health professional authorized to prescribe drugs:

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
DC	694188	8/20/98	Xanax 1 mg	90
DC	761821	1/21/99	Xanax 1 mg	90
DC	766579	2/24/99	Alprazolam 1 mg	90
DC	761821	3/13/99	Xanax 1 mg	90
2309	146569	4/1/99	Xanax 1 mg	90
2309	155983	5/8/99	Xanax 1 mg	90
2309	167084	7/2/99	Alprazolam 1 mg	90
2309	173926	8/4/99	Xanax 1 mg	90
2346	281723	9/8/99	Alprazolam 1 mg	90
2309	186081	10/2/99	Alprazolam 1 mg	90
4828	12596	10/26/99	Alprazolam 1 mg	90
2337	108638	11/24/99	Alprazolam 1 mg	90

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (10) You did, from on or about August 21, 1998, through December 19, 1999, knowingly sell a controlled substance in an amount exceeding fifty times the bulk amount when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Drug Corner (DC) and/or Rite Aid Pharmacies (#2309, #2337, or #2339) you sold 9,676 tablets of the following schedule III controlled substances to the same patient pursuant to prescriptions which were not written by a licensed health professional authorized to prescribe drugs.

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
DC	734475	8/21/98	Lorcet 10/650	120
DC	734475	8/28/98	Lorcet 10/650	110
DC	735899	8/28/98	Lorcet 10/650	120
DC	735899	9/1/98	Lorcet 10/650	120
DC	735899	9/6/98	Lorcet 10/650	120
DC	735899	9/9/98	Lorcet 10/650	120

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
DC	735899	9/14/98	Lorcet 10/650	120
DC	735899	9/21/98	Lorcet 10/650	120
DC	734475	9/28/98	Lorcet 10/650	120
DC	734475	10/6/98	Lorcet 10/650	120
DC	734475	10/13/98	Lorcet 10/650	120
DC	734475	10/21/98	Lorcet 10/650	120
DC	735899	10/30/98	Lorcet 10/650	120
DC	748088	11/3/98	Lorcet 10/650	120
DC	748088	11/10/98	Lorcet 10/650	120
DC	750786	11/17/98	Lorcet 10/650	120
DC	751550	11/20/98	Lorcet 10/650	50
DC	752278	11/24/98	Lorcet 10/650	200
DC	752278	12/2/98	Lorcet 10/650	100
DC	752278	12/9/98	Lorcet 10/650	200
DC	752278	12/16/98	Lorcet 10/650	100
DC	752278	12/19/98	Lorcet 10/650	200
DC	752278	12/24/98	Lorcet 10/650	200
DC	752278	12/31/98	Lorcet 10/650	100
DC	752278	1/2/99	Lorcet 10/650	100
DC	759141	1/4/99	Lorcet 10/650	200
DC	759141	1/7/99	Lorcet 10/650	100
DC	760043	1/10/99	Lorcet 10/650	100
DC	760043	1/14/99	Lorcet 10/650	200
DC	762315	1/25/99	Lorcet 10/650	220
DC	760043	1/31/99	Lorcet 10/650	100
DC	760043	2/5/99	Lorcet 10/650	100
DC	760043	2/8/99	Lorcet 10/650	100
DC	762315	2/13/99	Lorcet 10/650	100
DC	765834	2/18/99	Lorcet 10/650	120
DC	765834	2/26/99	Lorcet 10/650	120
DC	768290	3/9/99	Lorcet 10/650	120
2309	142598	3/19/99	Lorcet 10/650	120
2309	146567	4/1/99	Lorcet 10/650	120
2309	149340	4/11/99	Lorcet 10/650	120
2309	150978	4/17/99	Lorcet 10/650	24
2309	155839	4/22/99	Lorcet 10/650	120
2309	157070	5/7/99	Lorcet 10/650	120
2309	157071	5/13/99	Lorcet 10/650	120
2309	9000330	5/17/99	Hydrocodone w/APAP 10/650	200
2337	97548	5/22/99	Hydrocodone w/APAP 10/650	50
2309	159972	5/25/99	Hydrocodone w/APAP 10/650	50
2309	159973	5/27/99	Hydrocodone w/APAP 10/650	100
2309	159973	6/2/99	Hydrocodone w/APAP 10/650	100
2309	159973	6/14/99	Hydrocodone w/APAP 10/650	100
2309	159973	6/19/99	Hydrocodone w/APAP 10/650	100
2309	167065	7/2/99	Hydrocodone w/APAP 10/650	200

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
2309	167065	7/11/99	Hydrocodone w/APAP 10/650	200
2309	171355	7/19/99	Hydrocodone w/APAP 10/650	200
2309	171355	7/24/99	Hydrocodone w/APAP 10/650	200
2309	172688	7/29/99	Hydrocodone w/APAP 10/650	200
2309	172688	8/3/99	Hydrocodone w/APAP 10/650	200
2309	175961	8/13/99	Hydrocodone w/APAP 10/650	200
2309	178593	8/20/99	Hydrocodone w/APAP 10/650	200
2309	178727	8/28/99	Hydrocodone w/APAP 10/650	200
2309	186080	10/2/99	Hydrocodone w/APAP 10/650	100
2309	186709	10/5/99	Hydrocodone w/APAP 10/650	100
2309	187403	10/8/99	Hydrocodone w/APAP 10/650	200
2309	189366	10/19/99	Lorcet 10/650	120
2309	190202	10/22/99	Hydrocodone w/APAP 10/650	120
2337	106816	10/27/99	Hydrocodone w/APAP 10/650	120
2339	177601	11/9/99	Hydrocodone w/APAP 10/650	120
2339	179515	11/26/99	Hydrocodone w/APAP 10/650	120
2339	179669	11/29/99	Hydrocodone w/APAP 10/650	12
2339	179866	11/30/99	Hydrocodone w/APAP 10/650	100
2339	179515	12/5/99	Hydrocodone w/APAP 10/650	120
2339	179515	12/10/99	Hydrocodone w/APAP 10/650	120
2339	181684	12/14/99	Hydrocodone w/APAP 10/650	120
2339	181684	12/18/99	Hydrocodone w/APAP 10/650	120
2339	179866	12/19/99	Hydrocodone w/APAP 10/650	100

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (11) You did, from on or about September 17, 1998, through November 15, 1999, knowingly sell a controlled substance in an amount exceeding fifty times the bulk amount but does not exceed one hundred times the bulk amount when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Drug Corner (DC) and/or Rite Aid Pharmacies (#2309 or #2339) you sold 2,480 tablets of the following schedule II controlled substances to the same patient pursuant to prescriptions which were not written by a licensed health professional authorized to prescribe drugs.

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
DC	739389	9/17/98	Percocet 5/325	120
DC	741884	9/30/98	Percocet 5/325	120
DC	744845	10/15/98	Endocet 5/325	120
DC	746649	10/26/98	Endocet 5/325	120
DC	749057	11/7/98	Endocet 5/325	120
DC	753085	11/30/98	Endocet 5/325	120
DC	755726	12/14/98	Endocet 5/325	120
DC	758196	12/29/98	Endocet 5/325	120
DC	760295	1/12/99	Roxicet 5/325	120
DC	761820	1/21/99	Endocet 5/325	120
DC	763774	2/3/99	Endocet 5/325	120

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
DC	765567	2/16/99	Endocet 5/325	120
DC	766580	2/24/99	Endocet 5/325	120
DC	767994	3/8/99	Endocet 5/325	120
2309	147461	3/24/99	Endocet 5/325	200
2309	154823	5/4/99	Endocet 5/325	120
2309	158948	5/24/99	Endocet 5/325	180
2309	161876	6/5/99	Endocet 5/325	180
2339	178367	11/15/99	Endocet 5/325	120

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (12) You did, from on or about August 25, 1998, through November 30, 1999, knowingly sell a controlled substance in an amount exceeding fifty times the bulk amount but does not exceed one hundred times the bulk amount when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Drug Corner and/or Rite Aid Pharmacies (#2309 or #2339) you sold 772 tablets of the following schedule II controlled substance to the same patient pursuant to prescriptions which were not written by a licensed health professional authorized to prescribe drugs.

<u>Store</u>	<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty.</u>
DC	735114	8/25/98	OxyContin 20mg	60
DC	740878	9/25/98	OxyContin 20mg	40
DC	743905	10/10/98	OxyContin 20mg	60
DC	762313	1/25/99	OxyContin 20mg	60
2309	144083	3/24/99	OxyContin 20mg	115
2309	158952	5/24/99	OxyContin 20mg	60
2309	165146	6/22/99	OxyContin 20mg	60
2309	176810	8/18/99	OxyContin 20mg	40
2309	183240	9/20/99	OxyContin 20mg	60
2339	178565	11/16/99	OxyContin 20mg	100
2339	179667	11/29/99	OxyContin 20mg	27
2339	179864	11/30/99	OxyContin 20mg	90

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (13) You did, on or about November 30, 1999, knowingly sell a controlled substance in an amount exceeding five times the bulk amount but does not exceed fifty times the bulk amount when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while practicing pharmacy at Rite Aid Pharmacy #2339, you sold 90 unit doses of OxyContin 40mg, a schedule II controlled substance, pursuant to prescription number 179865, which was not written by a licensed health professional authorized to prescribe drugs. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

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

- (B) If the board under which a person has been issued a license, . . . , . . . determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious

harm to others, the board may suspend the person's license, . . . , . . . , without a prior hearing.

WHEREFORE, PURSUANT TO SECTION 3719.121(B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS 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 a final adjudication order becomes effective, during which time you may not engage in the practice of pharmacy.

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, 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 the pharmacist or pharmacy intern 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.

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 HEREBY 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.

BY ORDER OF THE STATE BOARD OF PHARMACY

William T. Winsley, M.S., R.Ph.
Executive Director