

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-030117-058)

In The Matter Of:

CURTIS LEE HULL, R.Ph.
5066 Silver Bow Drive
Hilliard, Ohio 43026
(R.Ph. No. 03-2-10277)

INTRODUCTION

THE MATTER OF CURTIS LEE HULL CAME FOR HEARING ON DECEMBER 9, 2003, BEFORE THE FOLLOWING MEMBERS OF THE BOARD; DIANE C. ADELMAN, R.Ph., (presiding officer); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

CURTIS LEE HULL WAS REPRESENTED BY DANIEL K. FRIEND AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Christopher Reed, Ohio State Board of Pharmacy

Respondent's Witnesses

1. Curtis Lee Hull, R.Ph., Respondent

State's Exhibits

1. Copy of Summary Suspension Order/Notice of Opportunity For Hearing letter [01-17-03]
1A-1G. Procedurals
1H. Copy of Addendum Notice [10-27-03]
2. Notarized Statement of Curtis Lee Hull [01-07-03]
3. Drug Audit Accountability Report for Methylphenidate 5mg tablets at The Medicine Shoppe [01-07-03]
4. Copy of State Board of Pharmacy Order in re Curtis L. Hull [10-30-80]
4A. Copy of Quarterly Progress Report from Curtis Lee Hull [08-11-81]
4B. Copy of Quarterly Progress Report from Curtis Lee Hull [08-02-82]
4C. Copy of Quarterly Progress Report from Curtis Lee Hull [11-01-82]
5. Copy of State Board of Pharmacy Order in re Curtis Lee Hull, R.Ph. [11-04-91]
5A. Copy of PRO Impaired Pharmacist's Contract for Curtis Hull [06-23-88]
5B. Copy of Shepherd Hill Hospital Outpatient Recovery Plan for Curtis Lee Hull, R.Ph. [10-11-88]
- 5C. Copy of Shepherd Hill Hospital Outpatient Relapse Prevention Contract for Curtis Lee Hull, R.Ph. [10-11-88]

6. Indictment, State of Ohio vs. Curtis L. Hull, Case No. 03CR 04-2913, Franklin County Common Pleas Court [04-30-03]
7. Entry of Guilty Plea [07-24-03]
8. Judgment Entry [07-24-03]

Respondent's Exhibits

- A. Copy of Netcare Assessment of Curtis Lee Hull [05-08-03]
- B. Copy of Columbus Health Department Alcohol and Drug Abuse Outpatient Treatment Program records for Curtis Lee Hull [05-13-03 to 08-11-03]
- C. PRO Pharmacist's Recovery Contract for Curtis Hull [09-20-03]
- D. Support Group Attendance Records [01-08-03 to 12-05-03]
- E. Drug Screen Reports [05-21-03, 06-10-03, and 07-25-03]
- F. Disposition Sheet, State of Ohio vs. Curtis L. Hull, Case No. 03CR2913, Franklin County Common Pleas Court [07-22-03]
- G. Notice of Community Control Imposed [07-22-03]
- H. Franklin County Adult Probation Services Report for Curtis Hull [not dated]
- I-K. Three Letters of Support [03-13-03 to 12-07-03]

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 Curtis Lee Hull 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 Ohio was summarily suspended effective January 17, 2003. Records further reflect that effective July 9, 2002, Curtis Lee Hull was the Responsible Pharmacist at The Medicine Shoppe pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Section 4729-5-11 of the Ohio Administrative Code. Records further reflect that Curtis Lee Hull was previously disciplined by the Board on October 30, 1980, and November 4, 1991.

(2) Curtis Lee Hull is addicted to or abusing liquor or drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy within the meaning of Section 4729.16(A)(3) of the Ohio Revised Code, to wit: Curtis Lee Hull has admitted to being addicted to alcohol and to stealing and abusing controlled substances to counteract the sedative effects of alcohol. Curtis Lee Hull has admitted to Board agents that he consumes approximately 5 to 10 mg of methylphenidate per day on the weekdays, and 15 to 20 mg per day on weekends. Such conduct indicates that Curtis Lee Hull falls within the ambit of Sections 3719.121(A)&(B) and 4729.16(A)(3) of the Ohio Revised Code.

(3) Curtis Lee Hull did, from July 8, 2002, through January 7, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of The Medicine Shoppe, beyond the express or implied consent of the owner, to wit: Curtis Lee Hull has admittedly stolen 473 unit doses of methylphenidate 5 mg for his personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(4) Curtis Lee Hull pled guilty, on or about July 22, 2003, to one (1) count of Theft, a felony of the fourth degree under Section 2913.02 of the Ohio Revised Code. State of Ohio vs. Curtis L. Hull, Case No. 03CR04-2913, Franklin County Common Pleas Court.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) through (4) 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.

(2) The State Board of Pharmacy concludes that paragraphs (2) through (4) 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.

(4) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 3719. and 4729. of the Revised Code as provided in Division (A)(5) 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 Curtis Lee Hull on January 17, 2003.

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 Curtis Lee Hull 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. 03-2-10277, held by Curtis Lee Hull 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. 03-2-10277, held by Curtis Lee Hull 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. 03-2-10277, held by Curtis Lee Hull effective as of the date of the mailing of this Order.

(D) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-2-10277, held by Curtis Lee Hull effective as of the date of the mailing of this Order.

Pursuant to Section 4729.16(B) of the Ohio Revised Code, Curtis Lee Hull 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-6/Nay-1).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE JANUARY 7, 2004

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

January 17, 2003

Curtis Lee Hull, R.Ph.
5066 Silver Bow Drive
Hilliard, Ohio 43026

Re: Ohio Registered Pharmacist
Number 03-2-10277

Dear Mr. Hull:

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 effective July 9, 2002, you were the Responsible Pharmacist at The Medicine Shoppe pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Section 4729-5-11 of the Ohio Administrative Code. Records further reflect that you were previously disciplined by the Board on October 30, 1980, and November 4, 1991.
- (2) You are addicted to or abusing liquor or drugs and/or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy within the meaning of Section 4729.16(A)(3) of the Ohio Revised Code, to wit: you have admitted to being addicted to alcohol and to stealing and abusing controlled substances to counteract the sedative effects of alcohol. You have admitted to Board agents that you consume approximately 5 to 10 mg of methylphenidate per day on the weekdays, and 15 to 20 mg per day on weekends. Such conduct indicates that you fall within the ambit of Sections 3719.121(A), 3719.121(B), and 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, from July 8, 2002, through January 7, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of The Medicine Shoppe, beyond the express or implied consent of the owner, to wit: you have admittedly stolen 473 unit doses of methylphenidate 5 mg for your personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or being addicted to or abusing liquor or drugs and/or impaired physically or mentally to such a degree as to render you unfit to practice 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 REQUEST A HEARING within 30 days of the time of the mailing of this notice, such will be afforded. Such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

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

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

(D-030117-058)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE JANUARY 17, 2003

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective January 7, 2004)*

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-910528-072)

In The Matter Of:

CURTIS LEE HULL, R.Ph.
1571 S. Burlington Avenue
Columbus, Ohio 43227-2440

Introduction

THE MATTER OF CURTIS LEE HULL CAME TO HEARING ON SEPTEMBER 24, 1991 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: BETTY J. NICHOL, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; NORMAN D. LEIBOW, R.Ph.; TIMOTHY D. MOORE, R.Ph.; RUTH A. PLANT, R.Ph.; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

CURTIS LEE HULL WAS REPRESENTED BY DANIEL K. FRIEND, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Curtis Lee Hull, Respondent

Respondent's Witnesses:

- (1) Curtis Lee Hull, Respondent
- (2) Gary Rutherford, R.Ph.
- (3) Nick Kallis, R.Ph.

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated May 28, 1991.
- (2) Exhibit B - Hearing Request letter dated June 21, 1991.
- (3) Exhibit C - Hearing Schedule letter dated June 24, 1991.
- (4) Exhibit 1 - Pharmacist File Front Sheet of Curtis Lee Hull showing original date of licensure as July 20, 1972.
- (5) Exhibit 2 - Renewal Application for Pharmacist License Number 03-2-10277, for a license to practice pharmacy in Ohio from September 15, 1990 to September 15, 1991 of Curtis Lee Hull dated September 21, 1990.
- (6) Exhibit 3 - Copy of three-page Board Order, Docket No. 6-38-3, of Curtis Lee Hull dated October 30, 1980.

Respondent's Exhibits:

- (1) Exhibit A - Copy of P.R.O., Inc. contract of Curtis Lee Hull dated June 23, 1988; Copy of Roche Biomedical Laboratories Drug Screen of Curtis Hull, date of specimen July 11, 1991; Copy of Roche Biomedical Laboratories Drug Screen of Curtis Hull, date of specimen March 21, 1991; copy of letter from Paul C. Redmond, M.D., Shepherd Hill Hospital, not dated; copy of letter from Monica Hull dated August 27, 1991; copy of two-page letter from Sterling E. Gill II, not dated; copy of letter from Donna Wilgus, R.Ph. dated June 30, 1991; copy of letter from Mary Byrley, M.A. and Pamela S. Wise, Ph.D., Moundbuilders Guidance Center, dated July 31, 1991; copy of Certificate of Completion in the N. A. Lead Program of Curt H. dated December 14, 1989; copy of letter from Dr. James F. Creamer, D.C. dated July 15, 1991; copy of letter from Mark W. Lewis dated July 11, 1991; copy of letter from Laura D. Enlow, R.Ph. dated June 28, 1991; copy of type-written statement of Curtis Lee Hull not dated; copy of four prescriptions for patient Marion Huffman: one for Vicodin dated June 7, 1991, one for Equanil 400mg dated June 7, 1991, one for Darvocet N-100 dated April 14, 1991, and one for Meprobamate 400 dated April 15, 1991; copy of Shepherd Hill Hospital Outpatient Relapse Prevention Contract of Curtis Lee Hull, R.Ph. dated October 11, 1988; copy of two-page Shepherd Hill Hospital Recovery Plan - Outpatient of Curtis Lee Hull, R.Ph. dated October 11, 1988; copy of minutes from District 27 meeting dated July 12, 1991; copy of District 27 Phone List; copy of letter from Rodney D. Sparks, Broker dated July 23, 1991; copy of letter from Frank C. Hawthorne dated July 5, 1991; copy of letter from Spencer D. Hall not dated; copy of page two of letter from Mamie Smith dated January 18, 1991; copy of Certificate of Appreciation of Curt Hull from Shepherd Hill Hospital dated December 23, 1990; and copy of current (1992) Ohio State Board of Pharmacy wallet identification card of Curtis Lee Hull.

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Curtis Lee Hull was originally licensed to practice pharmacy in the state of Ohio on July 20, 1972, pursuant to examination, lapsed from September 16, 1990 to October 2, 1990, and is currently licensed to practice pharmacy in Ohio.
- (2) From the evidence presented, the State Board of Pharmacy finds that on or about October 31, 1980 the Board found that:
 - (a) On one or more occasions between December 2, 1979 and February 5, 1980, Curtis Lee Hull did sell or offer for sale, give away or deliver at retail or to a consumer without a prescription, as defined by Revised Code Section 4729.02(G) and Administrative Code Rule 4729-5-30, from a physician, veterinarian, or dentist a drug which under federal or Ohio law can be sold only on prescription, said conduct being proscribed by Revised Code Section 3715.52(L).

- (b) On one or more occasions between December 2, 1979 and February 5, 1980, Curtis Lee Hull did misbrand a drug in that he did sell or dispense a drug which was not the brand or drug specifically prescribed or ordered and that he did dispense a drug upon prescription which was neither the brand or drug prescribed nor a generically equivalent drug, said conduct being proscribed by Revised Code Sections 3715.64(A)(10)(d) and 3715.52(B).
 - (c) On one or more occasions between December 2, 1979 and February 5, 1980, Curtis Lee Hull did misbrand a drug in that he did dispense a drug requiring a prescription without affixing the labeling required by Revised Code Section 3715.64, and Administrative Code Rule 4729-5-16, said conduct being proscribed by Revised Code Section 3715.52(B).
 - (d) On one or more occasions between December 2, 1979 and February 5, 1980, Curtis Lee Hull did fail to preserve on file all prescriptions at M & M Drugs, Inc., 901 Madison Avenue, Toledo, Ohio for a period of three years, subject to inspection by the proper officers of the law, said conduct being proscribed by Revised Code Section 4729.37.
 - (e) On one or more occasions between December 2, 1979 and February 5, 1980, Curtis Lee Hull did dispense Schedule II, III, and IV controlled substances without a written or oral prescription given by a practitioner; and did fail to record on the face of the prescription: the full name and address of the patient for whom the drug was dispensed; the full name and address and registry number under the federal drug abuse control laws of the practitioner prescribing the controlled substance; the controlled substance dispensed; the amount dispensed and the date when dispensed. The conduct described above being proscribed by Revised Code Section 3719.05(A).
 - (f) On one or more occasions between December 2, 1979 and February 5, 1980, Curtis Lee Hull did fail to affix a label to a controlled substance dispensed which contained the name of the patient; the name of the practitioner by whom the prescription was written; such directions as may be stated on the prescription or provided by the practitioner on usage of the drug and the date on which the prescription was filled or refilled whichever date was later, such conduct being proscribed by Revised Code Section 3719.08(B).
 - (g) On one or more occasions between December 2, 1979 and February 5, 1980, Curtis Lee Hull was the only registered pharmacist on duty at M & M Drugs, Inc., 901 Madison Avenue, Toledo, Ohio and he was unfit mentally and physically to such a degree as to render him unfit to practice pharmacy.
- (3) From the evidence presented, the State Board of Pharmacy finds that on or about October 30, 1980 the Board concluded that Curtis Lee Hull was:
- (a) guilty of a felony or gross immorality;
 - (b) guilty of being impaired physically and/or mentally to such a degree as to render him unfit to practice pharmacy; and

- (c) guilty of willfully violating more than one time any of the provisions of Sections 3715.52 through 3715.72, or Chapters 3719. or 4729. of the Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that on October 30, 1980 the following disciplinary action was taken against Curtis Lee Hull's license:
 - (a) Curtis Lee Hull was suspended for a period of two years effective November 1, 1980. Further, the suspension was suspended on the condition that he:
 - (i) enrolled and regularly attended an alcoholic rehabilitation program;
 - (ii) submitted quarterly reports to the Board as to his progress in the program with the first report due on or before the effective date;
 - (iii) successfully completed the above program; and
 - (iv) personally appear before the Board prior to the effective date.
 - (b) Curtis Lee Hull was fined \$2,850.00.
- (5) From the evidence presented, the State Board of Pharmacy finds that Curtis Lee Hull 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: while working at Neil Pharmacy #2, 5506 E. Livingston Avenue, Columbus, Ohio, Curtis Lee Hull was observed on June 7, 1988 to be intoxicated and/or under the influence of drugs to a degree that he was unable to unlock the pharmacy door, shut off the pharmacy alarm, walk without bumping into furniture or fixtures, or speak coherently.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2g) and (5) of the Findings Of Fact constitute 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 Divisions (A)(3) 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 (2a) through (2g) and (5) of the Findings Of Fact constitute being guilty of willfully violating the provisions of Chapter 4729. 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 4729.16 of the Ohio Revised Code, the State Board of pharmacy hereby suspends the pharmacist license, No. 03-2-10277, held by Curtis Lee Hull for five years effective November 15, 1991. Further, the Board will suspend the suspension and place on probation the identification card of Mr. Hull for the five-year period provided that:

- (A) Curtis Lee Hull shall provide evidence that he has entered into a contract with the Pharmacists Rehabilitation Organization, Inc., or an equivalent program acceptable to the Board, for a period of five years starting from the date of this Order, and shall comply with all provisions of the contract. The contract must provide that:
- (1) random observed urine screens shall be conducted at least every three months,
 - (2) regular attendance at an Alcoholics Anonymous, Narcotics Anonymous, or a similar support group meeting is required during outpatient treatment and/or during aftercare,
 - (3) the program will immediately report to the Board of Pharmacy any violations of the contract.
- (B) Curtis Lee Hull shall submit a copy of the contract to the Board as soon as it has been agreed to by the program.
- (C) Curtis Lee Hull shall submit quarterly progress reports to the Board that include:
- (1) the written report and documentation provided by the treatment program pursuant to the contract,
 - (2) a written description of his progress towards recovery and what he has been doing during the previous three months.
- (D) Curtis Lee Hull shall immediately notify the Board of any and all employers, be it a permanent pharmacy position or a temporary position through a pool agency.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-0).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE NOVEMBER 4, 1991

THE STATE BOARD OF PHARMACY

VS

CURTIS L. HULL

THE MATTER OF THE STATE BOARD OF PHARMACY VERSUS CURTIS L. HULL, DOCKET NO. 6-38-3, WAS HEARD PURSUANT TO CHAPTERS 4729. AND 119. OF THE OHIO REVISED CODE. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTION WAS MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

FINDINGS OF FACT:

- (1) From the evidence presented, the State Board of Pharmacy finds that on one or more occasions between December 2, 1979 and February 5, 1980, Curtis L. Hull did sell or offer for sale, give away or deliver at retail or to a consumer without a prescription, as defined by Revised Code Section 4729.02(G) and Administrative Code Rule 4729-5-30, from a physician, veterinarian, or dentist a drug which under federal or Ohio law can be sold only on prescription, said conduct being proscribed by Revised Code Section 3715.52(L).
- (2) From the evidence presented, the State Board of Pharmacy finds that on one or more occasions between December 2, 1979 and February 5, 1980, Curtis L. Hull did misbrand a drug in that he did sell or dispense a drug which was not the brand or drug specifically prescribed or ordered and that he did dispense a drug upon prescription which was neither the brand or drug prescribed nor a generically equivalent drug, said conduct being proscribed by Revised Code Sections 3715.64(A)(10)(d) and 3715.52(B).
- (3) From the evidence presented, the State Board of Pharmacy finds that on one or more occasions between December 2, 1979 and February 5, 1980, Curtis L. Hull did misbrand a drug in that he did dispense a drug requiring a prescription without affixing the labeling required by Revised Code Section 3715.64, and Administrative Code Rule 4729-5-16, said conduct being proscribed by Revised Code Section 3715.52(B).
- (4) From the evidence presented, the State Board of Pharmacy finds that on one or more occasions between December 2, 1979 and February 5, 1980, Curtis L. Hull did fail to preserve on file all prescriptions at M & M Drugs, Inc., 901 Madison Avenue, Toledo, Ohio for a period of three years, subject to inspection by the proper officers of the law, said conduct being proscribed by Revised Code Section 4729.37.

- (5) From the evidence presented, the State Board of Pharmacy finds that on one or more occasions between December 2, 1979 and February 5, 1980, Curtis L. Hull did dispense Schedule II, III, and IV controlled substances without a written or oral prescription given by a practitioner; and did fail to record on the face of the prescription: the full name and address of the patient for whom the drug was dispensed; the full name and address and registry number under the federal drug abuse control laws of the practitioner prescribing the controlled substance; the controlled substance dispensed; the amount dispensed and the date when dispensed. The conduct described above being proscribed by Revised Code Section 3719.05(A).
- (6) From the evidence presented, the State Board of Pharmacy finds that on one or more occasions between December 2, 1979 and February 5, 1980, Curtis L. Hull did fail to affix a label to a controlled substance dispensed which contained the name of the patient; the name of the practitioner by whom the prescription was written; such directions as may be stated on the prescription or provided by the practitioner on usage of the drug and the date on which the prescription was filled or refilled whichever date was later, such conduct being proscribed by Revised Code Section 3719.08(B).
- (7) From the evidence presented, the State Board of Pharmacy finds that on one or more occasions between December 2, 1979 and February 5, 1980, Curtis L. Hull was the only registered pharmacist on duty at M & M Drugs, Inc., 901 Madison Avenue, Toledo, Ohio and he was unfit mentally and physically to such a degree as to render him unfit to practice pharmacy.

CONCLUSIONS OF LAW:

- (1) The State Board of Pharmacy finds that the conduct set forth in paragraphs (1), (2), (3), (4), (5), (6), & (7) of the Findings of Fact constitutes gross immorality as set forth in paragraph (A) of the citation letter.
- (2) The State Board of Pharmacy finds that the conduct set forth in paragraphs (1), (2), (3), (4), (5), & (6) of the Findings of Fact constitutes violations of more than one time of the provisions of Revised Code Chapters 3715., 3719., and 4729., as set out in paragraph (C) of the citation letter.
- (3) The State Board of Pharmacy finds that the conduct set forth in paragraph (7) of the Findings of Fact constitutes his being impaired physically and/or mentally to such a degree as to render him unfit to practice pharmacy.

PURSUANT TO SECTION 4729.16 OF THE OHIO REVISED CODE AND THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE STATE BOARD OF PHARMACY TAKES THE FOLLOWING DISCIPLINARY ACTION AGAINST THE REGISTERED PHARMACIST LICENSE OF CURTIS L. HULL:

- (A) FOR VIOLATIONS SET FORTH IN PARAGRAPH (1) OF THE CONCLUSIONS OF LAW, THE STATE BOARD OF PHARMACY HEREBY SUSPENDS THE REGISTERED PHARMACIST IDENTIFICATION CARD OF CURTIS L. HULL FOR A PERIOD OF TWO YEARS EFFECTIVE NOVEMBER 1, 1980. FURTHER THE BOARD SUSPENDS THE SUSPENSION FROM NOVEMBER 1, 1981 TO OCTOBER 31, 1982 PROVIDED THAT MR. HULL (1) enrolls in and regularly attends an alcoholic rehabilitation program; (2) submits quarterly reports to the Board as to his progress in the program with the first report due on or before February 1, 1981, (3) successfully completes the above program and (4) personally appears before the Board prior to November 1, 1981.
- (B) FOR VIOLATIONS SET FORTH IN PARAGRAPH (2) OF THE CONCLUSIONS OF LAW, THE STATE BOARD OF PHARMACY HEREBY FINES CURTIS L. HULL \$2850.00, SAID FINE DUE AND PAYABLE ON DECEMBER 31, 1980.
- (C) FOR VIOLATIONS SET FORTH IN PARAGRAPH (3) OF THE CONCLUSIONS OF LAW, THE STATE BOARD OF PHARMACY HEREBY SUSPENDS THE REGISTERED PHARMACIST IDENTIFICATION CARD OF CURTIS L. HULL FOR A PERIOD OF TWO YEARS EFFECTIVE NOVEMBER 1, 1980. FURTHER THE BOARD SUSPENDS THE SUSPENSION FROM NOVEMBER 1, 1981 TO OCTOBER 31, 1982 PROVIDED THAT MR. HULL (1) enrolls in and regularly attends an alcoholic rehabilitation program; (2) submits quarterly reports to the Board as to his progress in the program with the first report due on or before February 1, 1981, (3) successfully completes the above program and (4) personally appears before the Board prior to November 1, 1981.

THE STATE BOARD OF PHARMACY FURTHER PROVIDES THAT THE ABOVE-STATED DISCIPLINARY ACTIONS WILL BE EFFECTIVE NOVEMBER 1, 1980.

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

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE OCTOBER 30, 1980