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**OHIO STATE BOARD OF PHARMACY**

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THE STATE BOARD OF PHARMACY  
(Docket No. D-890920-044)

In The Matter Of:

WEYANDT H. DETTIS, R.Ph.  
209 Grove Avenue  
Cuyahoga Falls, Ohio 44221  
(R.Ph. No. 03-11-1158)

INTRODUCTION

THE MATTER OF WEYANDT H. DETTIS CAME TO HEARING ON JANUARY 25, 1990 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY MOORE, R.Ph. (pre-siding); GERALD CLOUSE, R.Ph.; METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; AND ROBERT VALENTINE, R.Ph.

WEYANDT H. DETTIS WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) George Pavlich - Board of Pharmacy

Respondent's Witnesses:

- (1) Weyandt H. Dettis - Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated September 20, 1989.  
(2) Exhibit B - Request for Hearing letter dated September 29, 1989.  
(3) Exhibit C - Hearing Schedule letter dated October 6, 1989.  
(4) Exhibit 1 - Terminal Distributor of Dangerous Drugs Renewal Applications for Youngfellow Drug Co. from 1983 to 1988 showing Weyandt H. Dettis as responsible pharmacist.  
(5) Exhibit 2 - Pharmacist identification card for Weyandt Henry Dettis for 1977; Application for Examination as Pharmacist, submitted by Weyandt Henry Dettis, dated August 14, 1989; Pharmacist front sheet for Weyandt Henry Dettis showing original licensure date of May 21, 1975 and lapsed date of April 28, 1978; and five-page written Statement signed by Weyandt H. Dettis, dated August 10, 1989.

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- (6) Exhibit 3 - Eight prescriptions filled by Weyandt Dettis.
- (7) Exhibit 4 - Twelve prescriptions filled by Weyandt Dettis.
- (8) Exhibit 5 - Eight prescriptions filled by Weyandt Dettis.
- (9) Exhibit 6 - Thirteen prescriptions filled by Weyandt Dettis.
- (10) Exhibit 7 - Twelve prescriptions filled by Weyandt Dettis.
- (11) Exhibit 8 - Twelve prescriptions filled by Weyandt Dettis.
- (12) Exhibit 9 - Court Summons #39801 from the Akron Municipal Court for Weyandt H. Dettis for Unlawful Selling of Drugs; Complaint and Warrant No. 89CRB-7460 from the Akron Municipal Court for Weyandt H. Dettis dated August 10, 1989; and Journal Entry from the Akron Municipal Court for Weyandt H. Dettis dated September 29, 1989.

Respondent's Exhibits:

- (1) Exhibit 1 - Biography of Weyandt H. Dettis; Letter from Sr. Catherine Higgins, Administrator for Saint John R. C. Grade School, dated November 28, 1989; Letter from Deborah M. Trumpold dated January 22, 1990; Letter from William D. and Paula L. Folk dated December 11, 1989; Letter from Richard Stefanacci, R.Ph. dated January 19, 1990; Letter from Maria E. Bolumen, R.Ph. dated November 26, 1989; and Letter from William Trumpold dated January 21, 1990.
- (2) Exhibit 2 - Letter from James A. Ingram dated January 24, 1990.
- (3) Exhibit 3 - Letter from Charles R. Weiss, Director of Pharmacy Operations for the Youngfellow Drug Company, dated January 25, 1990; Letter from Jean Wagner dated December 16, 1989; Letter from Karen Kosir of 1635 Preston Avenue, Akron, Ohio 44305; Letter from Mrs. John Wonders of Akron, Ohio; Letter from Mr. & Mrs. Donald Arnold of Akron, Ohio; Letter from Anna Sklagen dated 11-18-89; Letter from Walter Gonsiewski dated November 19, 1989; and Letter from Mr. and Mrs. Robt. Woodliff of Akron, Ohio.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Weyandt H. Dettis was, on or about August 10, 1989 and dates prior thereto, listed as the Responsible Pharmacist at Youngfellow Drug Company, 2147 East Avenue, Akron, Ohio 44314, pursuant to Section 4729.27 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Weyandt H. Dettis failed to renew his identification card on September 15, 1977, as is required by Section 4729.12 of the Ohio Revised Code, and he has not renewed his license since that date.
- (3) From the evidence presented, the State Board of Pharmacy finds that Weyandt H. Dettis did, on or about the following dates, while not being a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, dispense and sell dangerous drugs, to wit: Weyandt H. Dettis dispensed the following prescriptions:

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<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty</u>
2203302	8-10-89	Oxycodone HCL/Ace	100
2206813	7-31-89	Ritalin 5mg	100
2206663	6-09-89	Percocet	50
2206593	5-22-89	Ritalin 20mg	30
2203464	4-17-89	Percocet	50
2203280	3-06-89	Ritalin 5mg	100
2203221	2-23-89	Tylox	30
2203120	1-29-89	Percocet	80

Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Weyandt H. Dettis did, on or about the following dates, while not being a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, dispense and sell dangerous drugs, to wit: Weyandt H. Dettis dispensed the following prescriptions:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty</u>
2201658	1-28-88	Codeine 15mg	30
2201782	2-29-88	Tuinal	60
2201893	3-28-88	Ritalin SR 20mg	30
2202009	4-30-88	Tylox	15
2202149	6-05-88	Tylox	100
2202260	6-30-88	Tylox	30
2202352	7-29-88	Percocet	50
2202544	8-31-88	Ritalin SR 20mg	100
2202657	9-30-88	Methylphenidate 20mg	60
2202706	10-15-88	Seconal 100mg	100
2202860	11-23-88	Percocet	20
2202999	12-29-88	Percodan	100

Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (5) From the evidence presented, the State Board of Pharmacy finds that Weyandt H. Dettis did, on or about the following dates, while not being a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, dispense and sell dangerous drugs, to wit: Weyandt H. Dettis dispensed the following prescriptions:

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<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty</u>
11256032x	1-27-87	Demerol 50mg	15
11258594x	2-12-87	Dilaudid 4mg	100
12722277x	7-02-87	Ritalin 20mg	30
2201055	8-27-87	Tylox	100
2201162	9-26-87	Ritalin 10mg	120
2201286	10-28-87	Tylox	20
2201424	11-28-87	Tylox	25
2201550	12-31-87	Ritalin 10mg	90

Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (6) From the evidence presented, the State Board of Pharmacy finds that Weyandt H. Dettis did, on or about the following dates, while not being a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, dispense and sell dangerous drugs, to wit: Weyandt H. Dettis dispensed the following prescriptions:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty</u>
11199036x	1-24-86	Demerol 50mg	20
11204364x	2-27-86	Opium/Bell. Supp.	12
11209252x	3-29-86	Tylox	40
11213491x	4-28-86	Tylox	20
11211423x	4-14-86	Percodan	N/A
11216597x	5-17-86	Morphine Sulfate 15mg	60
11221100x	6-18-86	Tuinal 200mg	30
11226944x	7-29-86	Dilaudid 4mg	100
11230869x	8-25-86	Dilaudid 4mg	100
11236008x	9-29-86	Tylox	16
11240358x	10-25-86	Percodan	60
11245874x	11-26-86	Tylox	100
11246754x	12-02-86	Ritalin 10mg	15

Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (7) From the evidence presented, the State Board of Pharmacy finds that Weyandt H. Dettis did, on or about the following dates, while not being a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, dispense and sell dangerous drugs, to wit: Weyandt H. Dettis dispensed the following prescriptions:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty</u>
9194677x	1-31-85	Nembutal 100mg	100
9198714x	2-25-85	Percodan	100
9203408x	3-28-85	Ritalin 5mg	30
9206654x	4-19-85	Roxanol	120ml

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<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty</u>
9209467x	5-10-85	Tylox	60
9215341x	6-24-85	Percodan	50
9219965x	7-27-85	Percodan	30
9224139x	8-29-85	Percodan	12
9227107x	9-20-85	Percocet	50
9232181x	10-26-85	Ritalin 10mg	30
11189697x	11-21-85	Percodan	150
11195210x	12-30-85	Tylox	30

Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (8) From the evidence presented, the State Board of Pharmacy finds that Weyandt H. Dettis did, on or about the following dates, while not being a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, dispense and sell dangerous drugs, to wit: Weyandt H. Dettis dispensed the following prescriptions:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Qty</u>
6628942x	1-23-84	Ritalin 10mg	250
6633417x	2-22-84	Tylox	50
6637982x	3-26-84	Percodan	18
6643161x	4-28-84	Tylox	45
6647456x	5-29-84	Percodan	20
6649784x	6-14-84	Percodan	30
6654759x	7-25-84	Percodan	16
6659422x	8-30-84	Morphine Sulfate 15mg	60
9176310x	9-28-84	Nembutal	30
9178622	10-14-84	Tuinal	100
9182805	11-12-84	Percodan	100
9189721	12-28-84	Ritalin 10mg	50

Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (9) From the evidence presented, the State Board of Pharmacy finds that Weyandt H. Dettis was, on or about September 29, 1989, found guilty of Unlawful Selling Of Drugs by the Municipal Court of Akron.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (3) through (8) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy as provided in division (A)(2) of Section 4729.16 of the Ohio Revised Code.

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- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (9) of the Findings Of Fact constitutes being convicted of a misdemeanor related to, or committed in, the practice of pharmacy as provided in division (A)(4) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (3) through (8) of the Findings Of Fact constitutes 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.

ORDER

Pursuant to Sections 4729.08 and 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-11-1158, held by Weyandt H. Dettis and the Application for Registration by Examination submitted by Weyandt H. Dettis:

(A) On the basis of paragraphs (1) through (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of six thousand dollars (\$6,000.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

(B) The State Board of Pharmacy hereby approves the application for registration by examination and will permit Weyandt H. Dettis to sit for the Practice of Pharmacy and Jurisprudence examinations on the conditions that Mr. Dettis pays the delinquent renewal fees of six hundred twenty-five dollars (\$625.00) prior to taking the examination offered by the Board.

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

MOTION CARRIED.

SO ORDERED.