THE STATE BOARD OF PHARMACY

vs

RAYMOND RICHARD LEWANDOWSKI, R.Ph.

THE MATTER OF RAYMOND RICHARD LEWANDOWSKI, DOCKET NO. 6-89-1, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON FRIDAY, SEPTEMBER 21, 1984. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

(1) From the evidence presented, the State Board of Pharmacy finds that, on May 12, 1983, the Board of Pharmacy held a public hearing pursuant to Chapters 119. and 4729. of the Revised Code and concluded that:

(a) Raymond Richard Lewandowski's conduct constituted gross immorality, within the meaning of Division (A) of Section 4729.16 of the Revised Code;

(b) Raymond Richard Lewandowski was addicted to drugs to such a degree that he was unfit to practice pharmacy, within the meaning of Division (B) of Section 4729.16 of the Revised Code;

(c) Raymond Richard Lewandowski willfully violated, more than one time, the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

These conclusions resulted in the Board suspending his license to practice pharmacy in Ohio for twenty-four (24) months.

(2) From the evidence presented, the State Board of Pharmacy finds that Raymond Richard Lewandowski is addicted to drugs to such a degree that he is unfit to practice pharmacy, in that:

(a) his ability to compound and dispense dangerous drugs is questionable in view of the fact that approximately 1,440 doses of Schedule II narcotics cannot be accounted for during the approximately 85 days that he has been the responsible pharmacist for The Medicine Shoppe, 465 W. Perry Street, Tiffin, Ohio 44883;

(b) his ability to engage in the compounding and dispensing of drugs is questionable in view of his conduct and the errors which occurred when he refilled Prescription Numbers 65547, 65548, and 65549 on April 18, 1984;

(c) his previous record regarding the illegal use of Demerol, a Schedule II controlled substance and narcotic, and the fact that at least 441 tablets of Demerol 50mg could not be accounted for as a result of an audit covering the period during his employment as responsible pharmacist for The Medicine Shoppe.

(3) From the evidence presented, the State Board of Pharmacy finds that Raymond Richard Lewandowski, as the responsible pharmacist for The Medicine Shoppe, 465 W. Perry Street, Tiffin, Ohio 44883, did not keep a record of all controlled substances dispensed; in violation of the provisions of Sections 3719.07 and 4729.37 of the Revised Code.

(4) From the evidence presented, the State Board of Pharmacy finds that Raymond Richard Lewandowski, on or about April 18, 1984 at The Medicine Shoppe, 465 W. Perry Street, Tiffin, Ohio 44883, did dispense Amoxicillin, a prescription drug, without a prescription issued by a practitioner; in violation of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, and Section 3715.64(A)(13)(b) of the Revised Code.

Conclusions Of Law

(1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) and (2) of the Findings Of Fact constitutes being addicted to drugs to such a degree that Raymond Richard Lewandowski is unfit to practice pharmacy, within the meaning of Division (B) of Section 4729.16 of the Revised Code.

(2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (3) and (4) of the Findings Of Fact constitutes willful violations of more than one time of the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law, the State Board of Pharmacy takes the following actions concerning the pharmacist license of Raymond Richard Lewandowski, R.Ph. No. 03-2-11191:

(7) From the evidence presented, the State Board of Pharmacy finds Raymond Richard Lewandowski did, on or about January 31, 1981, knowingly make a false statement in a record required by division (G) of Section 3719.07 of the Revised Code, to wit: a record of dispensing 100 Demerol 100mg tablets to a Kathy Norton, 732 Woodstock, pursuant to Prescription #5356180, allegedly issued by Dr. Orlando.

(8) From the evidence presented, the State Board of Pharmacy finds Raymond Richard Lewandowski did, on or about April 4, 1981, knowingly make a false statement in a record required by division (G) of Section 3719.07 of the Revised Code, to wit: a record of dispensing 100 Demerol 100mg tablets to an Edward Lewandowski, pursuant to Prescription #5716533, which was allegedly issued by Dr. Joseph Orlando.

(9) From the evidence presented, the State Board of Pharmacy finds Raymond Richard Lewandowski did, on or about January 31, 1981, by deception as defined in Section 2913.01 of the Revised Code, procure the dispensing of 100 tablets of Demerol 100mg, a dangerous drug.

(10) From the evidence presented, the State Board of Pharmacy finds Raymond Richard Lewandowski did, on or about January 31, 1981, knowingly obtain, possess, or use Demerol, a Schedule II controlled substance.

(11) From the evidence presented, the State Board of Pharmacy finds Raymond Richard Lewandowski did, on one or more occasions between August 11, 1980 and September 28, 1981 at Ryan Pharmacy, 3523 Dorr Street, Toledo, Ohio 43607, knowingly obtain a dangerous drug, to wit: Demerol 100mg tablets beyond the scope of the express or implied consent of the owner or person authorized to give consent.

(12) From the evidence presented, the State Board of Pharmacy finds Raymond Richard Lewandowski did, on or about January 31, 1981, at Ryan Pharmacy, 3523 Dorr Street, Toledo, Ohio 43607, without a valid written prescription, dispense 100 Demerol 100mg tablets, a Schedule II controlled substance and prescription drug, an amount equal to or exceeding the bulk amount but an amount less than three times that amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drug his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(5) of the Revised Code.

(13) From the evidence presented, the State Board of Pharmacy finds Raymond Richard Lewandowski did, on or about April 3, 1981 at Ryan Pharmacy, 3523 Dorr Street, Toledo, Ohio 43607, without a valid written prescription, dispense 100 Demerol 100mg tablets, a Schedule II controlled substance and prescription drug, an amount equal to or exceeding the bulk amount, but an amount less than three times that amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drug his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(5) of the Revised Code.

(14) From the evidence presented, the State Board of Pharmacy finds Raymond Richard Lewandowski is addicted to drugs to such a degree that he is unfit to practice pharmacy, in that:

(a) his ability to function as a pharmacist at Ryan Pharmacy, 3523 Dorr Street, Toledo, Ohio 43607, had deteriorated to the point that interns and technicians were doing the entire workload when it was discovered that he had been obtaining Demerol illegally;

(b) on or about April 20, 1981, he made a statement in the presence of Toledo Police Department detectives, D. Michael Collins and John R. Tharp, that he had been addicted to Demerol for four months.

Conclusions of Law

(1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (13) of the Findings of Fact constitutes gross immorality within the meaning of Section 4729.16 of the Revised Code.

(2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (6), (10), and (14) of the Findings of Fact constitutes being addicted to drugs to such a degree that Raymond Richard Lewandowski is unfit to practice pharmacy within the meaning of division (B) of Section 4729.16 of the 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 (13) of the Findings of Fact constitutes willful violations of more than one time any of the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy takes the following actions concerning the registered pharmacist license of Raymond Richard Lewandowski, R.Ph. No. 03-21-1191:

(A) On the basis of paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the registered pharmacist identification card of Raymond Richard Lewandowski for 24 months.

(B) On the basis of paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the registered pharmacist identification card of Raymond Richard Lewandowski for 24 months.

(C) On the basis of paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the registered pharmacist identification card of Raymond Richard Lewandowski for 24 months.

(D) Further, the three 24-month suspensions shall run concurrently and Raymond Richard Lewandowski shall appear before the Board during its May, 1984 meeting to determine if he has complied with the terms of this Order. The Board will, at that time, consider suspending 12 months of each 24-month suspension provided Raymond Richard Lewandowski has not violated any drug laws of the State of Ohio, any other state, the federal government, and that he does not use any drugs other than those which have been prescribed for him by a practitioner for legitimate medical purposes.

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

MOTION CARRIED.

SO ORDERED.