



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
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Filed by

3-20-92

DATE

INITIALES

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-911018-067)

In The Matter Of:

ELAINE TRZASKA, R.Ph.
1269 Central College Road
Westerville, Ohio 43081
(R.Ph. No. 03-2-11342)

Introduction

THE MATTER OF ELAINE TRZASKA CAME TO HEARING ON JANUARY 29, 1992 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: BETTY J. NICHOL, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; TIMOTHY D. MOORE, R.Ph.; RUTH A. PLANT, R.Ph.; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

ELAINE TRZASKA WAS REPRESENTED BY RICHARD D. COLBY, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Elaine Trzaska, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Summary Suspension of Elaine Trzaska dated October 18, 1991; and Notice of Opportunity letter dated October 18, 1991.
(2) Exhibit B - Hearing Request letter dated October 29, 1991.
(3) Exhibit C - Hearing Schedule letter dated November 13, 1991.
(4) Exhibit 1 - Ohio State Board of Pharmacy form PHA-004 regarding Elaine Trzaska dated September 30, 1991.
(5) Exhibit 2 - Two-page certified Journal Entry, case number 91CR-07-3885B, of Elaine Trzaska in the Court of Common Pleas, Franklin County, Ohio, Criminal Division dated November 1, 1991.
(6) Exhibit 3 - Pharmacist File Front Sheet of Elaine Trzaska showing original date of licensure as August 4, 1975.

- (7) Exhibit 4 - Renewal Application for Pharmacist License, No. 03-2-11342, of Elaine Trzaska dated June 1, 1991.
- (8) Exhibit 5 - VCR video tape of Elaine Trzaska in Pharmacy.
- (9) Exhibit 6 - Copy of handwritten statement of Elaine Trzaska, Case No. 31393, signed and witnessed, not dated.

Respondent's Exhibits:

- (1) Exhibit A - Six appointment cards of Concord Counseling Service of Elaine Trzaska dated January 7, January 13 or January 16, January 14, January 21, January 27, and February 2; Copy of Concord Counseling Services Authorization and Release of Information Form of Elaine Trzaska dated January 6, 1992; and copy of letter from Richard D. Colby dated January 6, 1992.

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Elaine Trzaska was originally licensed in the state of Ohio on August 4, 1975, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) From the evidence presented, the State Board of Pharmacy finds that Elaine Trzaska did, between the dates of October, 1990 and May, 1991, with the purpose to deprive the owner, Nursing Center Services, knowingly obtain or exert control over dangerous drugs beyond the consent of the owner, to wit: on the following eight documented occasions, and/or on other occasions, Elaine Trzaska stole Acetaminophen with Codeine #3 and Aspirin with Codeine #3, Schedule III controlled substances:

<u>Date</u>	<u>Quantity</u>
Apr 04, 1991	4 unit doses
May 07, 1991	>4 unit doses
May 13, 1991	>4 unit doses
May 15, 1991	4 unit doses
May 20, 1991	>4 unit doses
May 20, 1991	4 unit doses
May 22, 1991	4 unit doses
May 24, 1991	amount unknown

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (3) From the evidence presented, the State Board of Pharmacy finds that Elaine Trzaska is addicted to or abusing drugs to such a degree as to render her unfit to practice pharmacy, to wit: Elaine Trzaska has consistently stolen Codeine products while she has been in the practice of pharmacy, with the limited exception of the time period of January, 1990 through March, 1990, during which time Ms. Trzaska was unemployed as a pharmacist.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings Of Fact constitutes being guilty of a felony or gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings Of Fact constitutes being guilty of dishonesty or 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 paragraph (3) 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 her unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings Of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of 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 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order, Docket No. D-911018-066, issued October 18, 1991.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-2-11342, held by Elaine Trzaska:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Elaine Trzaska indefinitely.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Elaine Trzaska indefinitely.

(C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Elaine Trzaska indefinitely.

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

(E) Further, the Board of Pharmacy will permit Elaine Trzaska to petition the Board to hold a Chapter 119. hearing after twelve months to determine whether or not the Board will consider reinstating her license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met and satisfactory evidence has been submitted to the Board:

- (1) Elaine Trzaska provides evidence that she 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 following evaluation and determination that participation in such a program is needed. The contract must provide that:

- (a) random observed urine screens shall be conducted at least every three months, and copies of the results immediately forwarded to the Board of Pharmacy office,
 - (b) regular attendance at an Alcoholics Anonymous, Narcotics Anonymous, or a similar support group meeting is required during outpatient treatment and/or during aftercare,
 - (c) the program will immediately report to the Board of Pharmacy any violations of the contract.
- (2) Elaine Trzaska submits a copy of the contract to the Board as soon as it has been agreed to by the program.
- (3) Elaine Trzaska submits quarterly progress reports to the Board that include:
- (a) the written report and documentation provided by the treatment program pursuant to the contract,
 - (b) a written description of her progress towards recovery and what she has been doing during the previous three months.

(F) Further, Elaine Trzaska must have a psychiatric evaluation by a licensed physician and provide evidence of compliance with his/her recommendation for treatment. This documentation must be sent to the Board immediately.

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

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-0).

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

ELAINE TRZASKA, R.Ph.
Page Five
Order of the Board

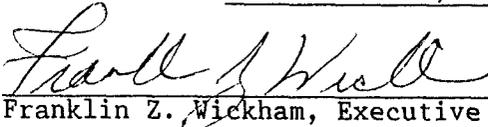
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section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

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 749 728 848

ORDER MAILED: MARCH 10, 1992

FZW/so

By 
Franklin Z. Wickham, Executive Director

cc: Ronda Anderson, Assistant Attorney General
Richard D. Colby, Attorney for Respondent;
50 W. Broad St.; Columbus, Ohio 43215