



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-931022-022)

In The Matter Of:

MICHAEL D. QUIGLEY

2364 Meadowwood

Toledo, Ohio 43606-3157

(D.O.B. 12/18/51)

INTRODUCTION

THE MATTER OF MICHAEL D. QUIGLEY CAME TO HEARING ON JANUARY 26, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; TIMOTHY D. MOORE, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

MICHAEL D. QUIGLEY WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY GREGG THORNTON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

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

Respondent's Witnesses:

- (1) Michael D. Quigley, Respondent
- (2) William Knapp, Pharmacists Rehabilitation Organization, Inc.
- (3) Gary Bunting
- (4) Gary Rutherford, Pharmacists Rehabilitation Organization, Inc.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Notice of Opportunity letter dated October 22, 1993.
- (2) Exhibit 1A - Hearing Request letter dated October 25, 1993.
- (3) Exhibit 1B - Hearing Schedule letter dated November 4, 1993.

- (4) Exhibit 1C - Two-page facsimile received on December 3, 1993: page one is a cover sheet, page two is a Continuance Request letter dated November 30, 1993.
- (5) Exhibit 1D - Hearing Schedule letter dated December 9, 1993.
- (6) Exhibit 2 - Application for Examination as a Pharmacist of Michael D. Quigley signed and notarized on August 30, 1993.
- (7) Exhibit 3 - Order of the State Board of Pharmacy, Docket No. D-890921-051, of Michael D. Quigley, R.Ph. dated December 18, 1989.
- (8) Exhibit 4 - Order of the State Board of Pharmacy, Docket No. D-920918-022, of Michael D. Quigley dated December 16, 1992.
- (9) Exhibit 5 - Pages 103-150 of the hearing transcript in the matter of Michael D. Quigley held October 23, 1989.

Respondent's Exhibits:

- (1) Exhibit A - Two-page copy of Pharmacists Rehabilitation Organization, Inc. Recovering Pharmacist's Contract of Mike Quigley dated March 6, 1992.
- (2) Exhibit B - Two-page copy of Pharmacists Rehabilitation Organization, Inc. Impaired Pharmacist's Contract of Mike Quigley dated May 18, 1989.
- (3) Exhibit C - Four-page copy of Pharmacists Rehabilitation Organization, Inc. Client Monitoring Sheet of Client Case No. 0038 dated from May 12, 1991, to September 27, 1992.
- (4) Exhibit D - Twelve-page copy of NA/AA Meeting attendance verification sheets of Michael Quigley dated approximately from September, 1989, through October, 1992.
- (5) Exhibit E - Copy of letter from Richard Martin Friedmar dated May 2, 1991; copy of letter from Richard W. Quigley, Jr. dated October 20, 1992; copy of letter from Richard C. Mitchell, III dated August 7, 1992; copy of letter from Dianne Nyitray, not dated; copy of letter from Robert J. Hoagland dated October 20, 1992; copy of letter from Mrs. R. (Jean) Quigley and Richard W. Quigley dated October 17, 1992; copy of letter from Alan Hersh dated October 17, 1992; and two-page copy of letter from Palco employee (name illegible) dated October 16, 1992.
- (6) Exhibit F - Copy of letter from Harry Chisholm dated October 20, 1992; copy of letter from Paul C. Redmond dated October 20, 1992; copy of letter from Fred N. Karaffa dated November 2, 1989; and copy of letter from Robert B. Forney, Jr. dated November 8, 1989.
- (7) Exhibit G - Eight-page copy of twenty-one certificates of continuing pharmaceutical education of Michael D. Quigley dated approximately from January, 1989, through April, 1992.
- (8) Exhibit H - Four-page copy of Pharmacists Rehabilitation Organization, Inc. Client Monitoring sheet of Client Case No. 0038 dated from October 4, 1992, through December 26, 1993.
- (9) Exhibit I - Six-page copy of NA/AA Meeting attendance verification sheets of Michael Quigley dated approximately from October, 1992, through December, 1993.
- (10) Exhibit J - Copy of letter from Carol A. Bobak dated December 29, 1993; copy of letter from J. Todd Fraker dated December 1, 1993; copy of letter from Mrs. R. (Jean) Quigley and Richard W. Quigley dated November 27, 1993; copy of letter from Richard W. Quigley, Jr. dated November 24, 1993; copy of letter from Robert J. Hoagland dated November 25, 1993; copy of letter from Richard Mitchell dated November 15, 1993; two-page copy of Diocese of Toledo Catholic Elementary Schools report card of Bryan Quigley for the first

semester of the 1993-1994 school year; and a copy of acceptance to the National Honor Society and 1st quarter report card from the Central Catholic High School of Casey Marie Quigley dated October 29, 1993.

- (11) Exhibit K - Copy of Pharmacist Recovery Network Convention Certificate of Completion of Michael Quigley dated October 23, 1993; two-page copy of six continuing pharmaceutical education certificates of Michael D. Quigley, all dated May 26, 1993; and copies of five letters regarding successful completion of: Recent Advances in ACE Inhibitor Therapy; Therapeutic Drug Monitoring-Class I Antiarrhythmics; Alzheimer's Disease: 1906-1991 Yesterday's Future... Tomorrow's Reality; The Pharmacology of Nicotine and Nicotine Replacement in Smoking Cessation Therapy; and Low Estrogen Oral Contraceptives; all letters signed by James G. Alexander, Pharm.D. and dated June 7, 1993.
- (12) Exhibit L - Copy of pages 1, 6, and 7 of a transcript in the Court of Common Pleas of Lucas County, Ohio, in the matter of Michael Quigley, Case Nos. CR89-6394 and CR89-7311, commencing on October 13, 1989.
- (13) Exhibit M - Two-page copy of letter from J. C. MacMillan dated July 7, 1993; copy of letter from Graeme M. Cunningham dated April 19, 1993; and copy of letter from David E. Smith dated May 13, 1993.
- (14) Exhibit N - Three-page copy of Anchor Hospital Talbott Marsh Recovery System Admission Note/Psychiatric Assessment of Michael D. Quigley examined by James W. Blevins, M.D. on October 5, 1993.
- (15) Exhibit O - Two-page copy of Anchor Hospital Talbott Marsh Recovery System Discharge Summary of Michael D. Quigley discharged on October 7, 1993, signed by Philip O. Wilson, M.D. and Joanne Royston, R.N.
- (16) Exhibit P - Three-page copy of O.A.S.I.S. Counseling Center Confidential Psychological Evaluation of Michael D. Quigley dated October 5-6, 1993, signed by Robert J. Daniell, Ph.D.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board indicate that Michael D. Quigley submitted an Application for Examination as a Pharmacist on September 2, 1993.
- (2) Records further indicate that Michael D. Quigley was originally licensed to practice pharmacy in the state of Ohio pursuant to examination on August 4, 1975; and Mr. Quigley was the responsible pharmacist at Larry's Pharmacy, 12 E. Bancroft Street, Toledo, Ohio 43620.
- (3) On December 18, 1989, the State Board of Pharmacy found that:
 - (a) Michael D. Quigley 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.
 - (b) Michael D. Quigley did, on or about February 6, 1989, and dates prior thereto, obtain a dangerous drug by committing a theft offense, to wit: Michael D. Quigley stole the following schedule II controlled substances from Larry's Pharmacy:

<u>Drug</u>	<u>Quantity</u>
Percocet	62,060 tablets
Levo-Dromoran	5,019 tablets
Dolophine 5mg	4,883 tablets
Percodan	1,018 tablets
Tylox	802 tablets
Demerol 50mg	191 tablets
MS Contin 30mg	185 tablets

Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (4) On December 18, 1989, the Board found Michael D. Quigley to be guilty of a felony and gross immorality, guilty of dishonesty and unprofessional conduct in the practice of pharmacy, and guilty of willfully violating provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code. As a result of this conduct, the Board revoked Michael D. Quigley's pharmacist identification card, license number 03-2-11429.
- (5) Michael D. Quigley did, on or about July 27, 1992, submit an Application for Examination as a Pharmacist. On December 16, 1992, the Board affirmed its previous findings in that Michael D. Quigley has been guilty of a felony and gross immorality, guilty of dishonesty and unprofessional conduct, and guilty of willfully violating Chapters 2925., 3719., or 4729. of the Revised Code. The Board also found that Michael D. Quigley did, on or about October 30, 1989, enter a guilty plea to Trafficking in Drugs, a third degree felony, in the Common Pleas Court, Lucas County, Ohio. Michael D. Quigley was sentenced to two years imprisonment, ordered to pay a mandatory fine of \$2,500.00, and ordered to pay \$20,944.77 in restitution. The Board further found that Michael D. Quigley is not of good moral character and habits as provided in Rule 4729-5-04 of the Ohio Administrative Code. As a result, the Board denied the issuance of a certificate of registration or identification card, and therefor denied the Application for Examination as a Pharmacist.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (5) of the Findings of Fact constitutes being guilty of a felony, gross immorality, dishonesty and unprofessional conduct in the practice of pharmacy, and willful violations of Chapters 2925., 3715., 3719., and 4729., of the Ohio Revised Code as provided in 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 (3) through (5) of the Findings of Fact constitute not being of good moral character and habits as provided in Rule 4729-5-04 of the Ohio Administrative Code.

ACTION OF THE BOARD

Pursuant to Sections 4729.08 and 4729.16 of the Ohio Revised Code, and Rule 4729-5-04 of the Ohio Administrative Code, the State Board of Pharmacy hereby denies the issuance of a certificate of registration or identification card, and

therefore denies the Application for Examination as a Pharmacist submitted by Michael D. Quigley.

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

MOTION CARRIED.

SO ORDERED.