



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-900509-096)

In The Matter Of:

DONALD L. REBICH, R.Ph.
41 A Oak Circle Drive
Wheeling, West Virginia 26003
(R.Ph. No. 03-2-12671)

INTRODUCTION

THE MATTER OF DONALD L. REBICH CAME TO HEARING ON JUNE 29, 1990 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY D. MOORE, R.Ph. (pre-siding); GERALD CLOUSE, R.Ph.; METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; BETTY NICHOL, R.Ph.; AND JOSEPH SABINO, R.Ph.

DONALD L. REBICH WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY JEANNY EATON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Donald L. Rebich - Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice Of Opportunity letter dated May 9, 1990.
(2) Exhibit B - Request For Hearing letter dated May 21, 1990.
(3) Exhibit C - Hearing Schedule letter dated May 30, 1990.
(4) Exhibit D - Hearing Reschedule letter dated June 8, 1990.
(5) Exhibit 1 - Renewal Application for Donald Lee Rebich dated April 3, 1990.
(6) Exhibit 2 - Copy of Board's Order in the matter of Donald L. Rebich, R.Ph. dated December 18, 1989.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that, on December 18, 1989, the Board found that:
- (a) Donald L. Rebich was originally licensed to practice pharmacy in the state of Ohio pursuant to reciprocity on December 6, 1978, and this license has been lapsed since September 15, 1987;
 - (b) Donald L. Rebich was, on or about July 31, 1989, convicted in the United States District Court, Northern District West Virginia, of Distribution of Hydrocodone, a Schedule III controlled substance, a felony in violation of 21 USC 841(a)(1);
 - (c) Pursuant to Donald L. Rebich's conviction in federal court, Mr. Rebich was not permitted to renew his license to practice pharmacy in the state of West Virginia.
- (2) From the evidence presented, the State Board of Pharmacy finds that, on December 18, 1989, the Board refused to renew Donald L. Rebich's pharmacist identification card.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (1)(b) of the Findings Of Fact constitutes being guilty of a felony 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 (1)(b) of the Findings Of Fact constitutes 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 (1)(b) of the Findings Of Fact constitutes willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Chapters 2925., 3715., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

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Order of the Board

ORDER

The State Board of Pharmacy hereby grants renewal of Donald L. Rebich's pharmacist identification card pursuant to Mr. Rebich's submission to the Ohio Board of Pharmacy of original written documentation from the West Virginia Board of Pharmacy indicating reinstatement of Mr. Rebich's West Virginia pharmacist license with no restrictions. Pursuant to Section 4729.16 of the Ohio Revised Code, the Board places Donald L. Rebich's Ohio pharmacist identification card on probation until July 27, 1991.

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

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.

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 497 578 722

ORDER MAILED: AUGUST 21, 1990

FZW/sb

By


Franklin Z. Wickham, Executive Director

cc: Jeanny Eaton, Assistant Attorney General

OHIO STATE BOARD OF PHARMACY

THE STATE BOARD OF PHARMACY
(Docket No. D-890831-024)

In The Matter Of:

DONALD L. REBICH, R.Ph.
7 Ridgcrest Road
Wheeling, West Virginia 26003
(R.Ph. No. 03-2-12671)

INTRODUCTION

THE MATTER OF DONALD L. REBICH CAME TO HEARING ON OCTOBER 24, 1989 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY MOORE, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; METTA LOU HENDERSON, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

DONALD L. REBICH 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) Randy L. Rine - Drug Enforcement Administration

Respondent's Witnesses:

- (1) Donald L. Rebich - Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated August 31, 1989.
(2) Exhibit B - Request for Hearing letter dated September 5, 1989.
(3) Exhibit C - Hearing Schedule letter dated September 8, 1989.
(4) Exhibit 1 - Pharmacist Front Sheet for Donald Lee Rebich, Registration #03-2-12671, and letter from the Ohio Board of Pharmacy to Donald Lee Rebich informing him of his lapsed license status and the date lapsed.
(5) Exhibit 2 - Judgment from the United States District Court for Donald Rebich, Probation terms, and Standard Conditions of Supervision (Case Number 89-194).
(6) Exhibit 3 - Letter from William D. Wilmoth, Attorney to the Secretary of the West Virginia Board of Pharmacy dated July 28, 1989.

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Respondent's Exhibits:

- (1) Exhibit 1 - Letter from Rodney D. Fithen, R.Ph. of the Shadyside Pharmacy, Inc. dated 9-16-89.
- (2) Exhibit 2 - Letter from Warren P. Goodrich, D.O. of the Northern Panhandle Behavioral Health Center.
- (3) Exhibit 3 - Letter from Donald Rebich dated September 15, 1989; letter from Gary Mastomulelin, R.Ph. received September 25, 1989; letter from Don Orlando, Vice President, Pharmacy Services of Health Guard; and letter from Roy P. Clouston dated July 10, 1989.
- (4) Exhibit 4 - Handwritten statement from Donald Lee Rebich, R.Ph. given to Randy L. Rine, DEA on 4-6-89.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate Donald L. Rebich was originally licensed to practice pharmacy in the state of Ohio pursuant to reciprocity on December 6, 1978, and this license has been lapsed since September 15, 1987.
- (2) From the evidence presented, the State Board of Pharmacy finds that Donald L. Rebich was, on or about July 31, 1989, convicted in the United States District Court, Northern District West Virginia, of Distribution of Hydrocodone, a Schedule III controlled substance, a felony in violation of 21 USC 841(a)(1).
- (3) From the evidence presented, the State Board of Pharmacy finds that Donald L. Rebich, pursuant to his conviction in federal court, was not permitted to renew his license to practice pharmacy in the state of West Virginia.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (2) of the Findings Of Fact constitutes being guilty of a felony 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 the conduct set forth in paragraph (2) of the Findings Of Fact constitutes 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 the conduct set forth in paragraph (2) of the Findings Of Fact constitutes willfully violating, and

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aiding and abetting the violation of any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-2-12671, held by Donald L. Rebich:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby refuses to renew the pharmacist identification card under Chapter 4729. of the Ohio Revised Code of Donald L. Rebich.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby refuses to renew the pharmacist identification card under Chapter 4729. of the Ohio Revised Code of Donald L. Rebich.

(C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby refuses to renew the pharmacist identification card under Chapter 4729. of the Ohio Revised Code of Donald L. Rebich.

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

MOTION CARRIED.

SO ORDERED.