



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-940630-094)

In The Matter Of:

**JERI LEE KOLES, R.Ph.**  
113 Central Avenue  
Tiltonville, Ohio 43963  
(R.Ph. No. 03-2-12752)

### INTRODUCTION

THE MATTER OF JERI LEE KOLES CAME TO HEARING ON DECEMBER 6, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JERI LEE KOLES WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY ROBERT J. McCLAREN, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Nancy Enold, Hook Super-X, Inc. (nka Revco)
- (2) Patrolman Beth A. Scales, Martins Ferry, Ohio Police Department
- (3) Christopher Reed, Ohio State Board of Pharmacy
- (4) Joseph Dusellier, Hook Super-X, Inc. (nka Revco) Loss Prevention
- (5) Jeri Lee Koles, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Summary Suspension Order/Notice of Opportunity letter dated June 30, 1994.
- (2) Exhibit 1A - Hearing Request letter dated July 12, 1994.

- (3) Exhibit 1B - Hearing Schedule letter dated July 15, 1994.
- (4) Exhibit 1C - Pharmacist File Front Sheet of Jeri Lee Koles showing original date of registration as February 23, 1979; and Renewal Application for Pharmacist License, No. 03-2-12752, for a license to practice pharmacy in Ohio from September 15, 1993, to September 15, 1994, of Jeri Lee Koles dated August 11, 1993.
- (5) Exhibit 1D - Hearing Schedule letter dated December 1, 1994.
- (6) Exhibit 4 - Copy of handwritten statement of Nancy Enold, not dated.
- (7) Exhibit 5 - Three-page copy of Ohio Traffic Crash Report regarding Jeri L. Koles dated January 23, 1994.
- (8) Exhibit 7 - Copy of Martins Ferry Traffic Citation, Ticket No. B 119 regarding Jeri Lee Koles dated May 14, 1994.
- (9) Exhibit 8 - Copy of Department of Police Martins Ferry, Ohio Incident Report of Ptlm. Scales and Billitter dated May 14, 1994.
- (10) Exhibit 9 - Two-page copy of Intoxilyzer Test Report Form of Jeri Lee Koles dated May 14, 1994.
- (11) Exhibit 10 - Handwritten statement of Jeri L. Koles signed and notarized on May 2, 1994.
- (12) Exhibit 11 - Two-page copy of handwritten statement of Jeri L. Koles signed and witnessed on May 2, 1994.
- (13) Exhibit 12 - Ohio Board of Pharmacy Release of Medical Information Form of Jeri L. Koles dated May 2, 1994.
- (14) Exhibit 13 - Copy of Ohio Valley Medical Center Toxicology Screen of Jeri L. Koles dated January 23, 1994; and copy of CPF MetPath Laboratories Clinical Laboratory Report of Jeri L. Koles dated January 26, 1994.
- (15) Exhibit 14 - Four prescriptions numbered as follows: 60197502, 60197503, 60198524, and 60198525.
- (16) Exhibit 15 - Belmont County Court Northern Division - Martins Ferry Docket and Journal Entry, Case No. 94TRC00890-01, of Jeri L. Koles dated May 18, 1994.

Respondent's Exhibits:

- (1) None

#### 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 Jeri Lee Koles was originally licensed to practice pharmacy in the state of Ohio on February 23, 1979; and on June 30, 1994, Jeri Lee Koles' identification card was suspended in accordance with Section 3719.121(B) of the Ohio Revised Code.
- (2) Jeri Lee Koles is addicted to or abusing alcohol and/or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: while practicing pharmacy at Hook Super-X on January 23, 1994, Jeri Lee Koles was observed appearing to work late; having difficulty filling thirty prescriptions in an eight and one-half hour period due to an impaired state; having difficulty closing the pharmacy while falling down when trying to enter the alarm code and not being able to get the key in the door lock; and Jeri Lee Koles was involved in a single vehicle injury accident in Belmont County, Ohio, after having left work. Additionally, Jeri Lee Koles was arrested on May 14, 1994, for operating a motor vehicle while under the

influence of alcohol, testing .198 grams of alcohol per 210 liters of breath. Such conduct indicates that Jeri Lee Koles falls within the ambit of Section 4729.16(A)(3) of the Ohio Revised Code.

- (3) Jeri Lee Koles did, from December, 1993, through January 23, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Hook Super-X, beyond the express or implied consent of the owner, to wit: Jeri Lee Koles admittedly stole approximately 100 unit doses of Hydrocodone Bitartrate with APAP 5/500 and/or Butalbital with APAP 50/325, and 10 unit doses of Carisoprodol 350mg. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Jeri Lee Koles did, on or about the following dates, make and/or utter a false or forged prescription for a dangerous drug, to wit: Jeri Lee Koles created the following prescriptions without authorization by a practitioner:

<u>Rx No.</u>	<u>Drug</u>	<u>Qty.</u>	<u>Date</u>
60197502	Lorabid 200mg	40	11-27-93
60198524	Lorabid 200mg	40	12-14-93

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.

- (5) Jeri Lee Koles did, on or about May 14, 1994, operate a motor vehicle while under the influence of alcohol and/or drugs, to wit: Jeri Lee Koles tested .198 grams of alcohol per 210 liters of breath after having operated a motor vehicle. Such conduct is in violation of Section 4511.19 of the Ohio Revised Code.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) 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 paragraphs (2) through (5) of the Findings of Fact constitute 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.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (4) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of 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 issued June 30, 1994.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Jeri Lee Koles:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Jeri Lee Koles indefinitely and such suspension is effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Jeri Lee Koles may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Twelve months after the effective date of this Order, the Board will consider any petition filed by Jeri Lee Koles for a hearing, pursuant to Revised Code Chapter 119., upon the question of the reinstatement of her license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met:
- (1) Jeri Lee Koles must obtain a full psychiatric or psychological evaluation, by a licensed psychiatrist or psychologist that specializes in treating drug addicted professionals, to determine the severity of her addiction. The evaluation must include a recommended treatment plan and Jeri Lee Koles must abide by the treatment plan as designed by the professional.
  - (2) Jeri Lee Koles must enter into a contract with a certified Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment program acceptable to the Board for a period of not less than one year and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:
    - (a) random, **observed** urine screens shall be conducted at least every three months. The urinalysis drug screens must include checking for specific gravity;
    - (b) regular attendance, at least three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meetings, is required during outpatient treatment and/or during aftercare;
    - (c) the intervener shall provide copies of all urine screens to the Board of Pharmacy in a timely fashion; and
    - (d) the program shall immediately report to the Board of Pharmacy any violations of the contract.
  - (3) At the time of petitioning the Board for reinstatement, Jeri Lee Koles must provide:
    - (a) written documentation from her ODADAS treatment provider regarding compliance with the program pursuant to the contract;
    - (b) results of her full psychiatric or psychological evaluation;
    - (c) documentation of the recommended treatment plan resulting from the psychiatric or psychological evaluation; and
    - (d) compliance with the recommended treatment plan.

Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, 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.

MOTION CARRIED.

SO ORDERED.