



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
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ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-910723-005)

In The Matter Of:

DOUGLAS ALLAN BOLDEN, R.Ph.
20305 Scottsdale Blvd.
Shaker Heights, Ohio 44120
(R.Ph. No. 03-2-12756)

Introduction

THE MATTER OF DOUGLAS ALLAN BOLDEN CAME TO HEARING ON OCTOBER 24, 1991 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: BETTY J. NICHOL, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; NORMAN D. LEIBOW, R.Ph.; TIMOTHY D. MOORE, R.Ph.; RUTH A. PLANT, R.Ph.; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

DOUGLAS ALLAN BOLDEN WAS REPRESENTED BY WAYNE L. KERER, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Douglas Allan Bolden, Respondent
- (2) Cathy Ayers, R.Ph., Meridia Hillcrest Hospital

Respondent's Witnesses:

- (1) Walter Knox, M.S.W., Community Action Against Addiction
- (2) Robert L. Kerek, R.Ph., Pharmacists Rehabilitation Organization, Inc.

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Summary Suspension dated July 23, 1991; and Notice of Opportunity letter dated July 23, 1991.
- (2) Exhibit B - Void of Summary Suspension letter dated August 6, 1991.
- (3) Exhibit C - Hearing Request letter dated August 14, 1991.
- (4) Exhibit D - Hearing Schedule letter dated August 23, 1991.
- (5) Exhibit E - Hearing Schedule letter dated September 20, 1991.

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- (6) Exhibit 1 - Pharmacist File Front Sheet of Douglas Allan Bolden showing original date of licensure as February 23, 1979.
- (7) Exhibit 2 - Renewal Application For Pharmacist License, number 03-2-12756, of Douglas Allan Bolden dated August 1, 1990.
- (8) Exhibit 3 - Two certified journal entries in the Court of Common Pleas, State of Ohio, Cuyahoga County in the Matter of State of Ohio vs. Douglas Bolden; one dated April 3, 1991, and one dated June 6, 1991.
- (9) Exhibit 4 - Statement of Cathy Ayers dated and notarized August 22, 1991.
- (10) Exhibit 5 - Four-page copy of Meridia Hillcrest Hospital, Department of Pharmacy, Controlled Substance Perpetual Inventory record for Cocaine 4%, 4ml from the dates December 24, 1990 to March 1, 1991.
- (11) Exhibit 6 - Two-page audit of Cathy Ayers, Meridia Hillcrest Hospital, for the drug Cocaine 4%, 4ml from the dates December 31, 1990 to February 25, 1991.
- (12) Exhibit 7 - Report of Cocaine 4% Doses Signed Out by R.Ph. Bolden from December 31, 1990 to February 25, 1991.
- (13) Exhibit 8 - Statement of Douglas Allan Bolden dated and notarized on March 6, 1991.

Respondent's Exhibits:

- (1) Exhibit A - Two-page letter from Walter Knox and Don See of Community Action Against Addiction, dated October 21, 1991.
- (2) Exhibit B - List of counseling and urinalysis dates of Douglas Allan Bolden from March 29, 1991 to October 15, 1991.
- (3) Exhibit C - Copies of five Preferred Laboratories Drug Screens of Douglas Allan Bolden, dates submitted as follows: March 29, 1991; April 5, 1991; April 24, 1991; June 29, 1991; and August 14, 1991.
- (4) Exhibit D -

- (5) Exhibit E - Copy of letter from Dr. Roderick H. Adams dated June 4, 1991.
- (6) Exhibit F - Letter from Madge Potts Williams, D.D.S. not dated.
- (7) Exhibit G - Copy of three-page Pharmacists Rehabilitation Organization, Inc. Impaired Pharmacist's Contract of Doug Bolden dated February 7, 1991.
- (8) Exhibit H -

- (9) Exhibit I - Letter from Pan Ho Kim, St. Alexis Hospital, dated October 6, 1991; two-page letter from Wendy Calta-Hanson, B.S.N., C.C.R.N., Meridia Hillcrest Hospital, dated October 16, 1991; letter from David M. Boyer, R.Ph. dated October 20, 1991; letter from Sharon Adams, R.N., Meridia Hillcrest Hospital, dated

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(10)

Findings Of Fact

(1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Douglas Allan Bolden was originally licensed in the state of Ohio on February 23, 1979, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.

(2)

(3)

(4)

Conclusions Of Law

(1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings Of Fact constitute being guilty of 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 paragraphs (2) and (3) 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.
- (3) 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 addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him 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 paragraphs (2) and (3) of the Findings Of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or 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.

Action Of The Board

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby suspends the pharmacist license, No: 03-2-12756, held by Douglas Allan Bolden for five years, effective January 1, 1992. Further, the Board will suspend the suspension and place on probation the identification card of Mr. Bolden for the five-year period provided that:

(A) Douglas Allan Bolden provides evidence that he 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 starting from the effective date of the probation, and shall comply with all provisions of the contract. The contract must provide that:

(1) random, observed urine screens shall be conducted at least every three months,

(2) regular attendance at an Alcoholics Anonymous, Narcotics Anonymous, or a similar support group meeting, is required during outpatient treatment and/or during aftercare,

(3) the program will immediately report to the Board of Pharmacy failure to comply with or any violations of the contract (paragraph 8 of the P.R.O. contract must read "shall").

(B) Douglas Allan Bolden submits a copy of the contract to the Board as soon as it has been agreed to by the program.

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(C) Douglas Allan Bolden submits quarterly progress reports to the Board that include:

- (1) the written report and documentation provided by the treatment program pursuant to the contract,
- (2) a written description of his progress towards recovery and what he has been doing during the previous three months.

(D) Douglas Allan Bolden immediately informs the responsible pharmacist at his current site of professional practice, and any future sites of practice, of his addiction problem.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY
(Aye-7/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.

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 497 578 956

ORDER MAILED: December 19, 1991

FZW/so

By


Franklin Z. Wickham, Executive Director

cc: Ronda Anderson, Assistant Attorney General
Wayne L. Kerek, Attorney for Respondent; Pearl South Plaza, Suite
206; 15300 Pearl Road; Strongsville, Ohio 44136