



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-890901-033)

In The Matter Of:

JOHN M. WECHTER, R.Ph.
4338 Plymouth-Springmill Road
Shelby, Ohio 44875
(R.Ph. No. 03-2-13294)

INTRODUCTION

THE MATTER OF JOHN M. WECHTER CAME TO HEARING ON OCTOBER 26, 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.

JOHN M. WECHTER WAS REPRESENTED BY FRANK L. BENHAM, AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Frederick Charles Williams - Board of Pharmacy
- (2) Detective Michael L. Bennett - Shelby Police Department

Respondent's Witnesses:

- (1) John Wechter - Respondent
- (2) Phil Parsons
- (3) Robert Elliott

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated September 1, 1989.
- (2) Exhibit B - Request for hearing letter dated September 7, 1989.
- (3) Exhibit C - Hearing Schedule letter dated September 11, 1989.
- (4) Exhibit 1 - Pharmacist Front Sheet for John M. Wechter, Registration Number 03-2-13294; Pharmacist Renewal Applications for John M. Wechter for 1978 through 1988.

- (5) Exhibit 2 - Terminal Distributor of Dangerous Drugs Renewal Applications for Shelby Memorial Hospital for 1980, 1981, and 1983 through 1986 all signed by John M. Wechter as Responsible Pharmacist.
- (6) Exhibit 3 - D.E.A. 222 FORM #P20207239, D.E.A. 222 FORM #P20207240, D.E.A. 222 FORM #P20207241, D.E.A. 222 FORM #P20207244, D.E.A. 222 FORM #P20207245, D.E.A. 222 FORM #850075071, D.E.A. 222 FORM #850075058, D.E.A. 222 FORM #850075073, D.E.A. 222 FORM #850075078, D.E.A. 222 FORM #850075080, D.E.A. 222 FORM #850075081, D.E.A. 222 FORM #850075082, D.E.A. 222 FORM #850075085, D.E.A. 222 FORM #850075086, D.E.A. 222 FORM #850075087, D.E.A. 222 FORM #850075088, D.E.A. 222 FORM #850075089, D.E.A. 222 FORM #850075090, D.E.A. 222 FORM #850075091, D.E.A. 222 FORM #850075092, D.E.A. 222 FORM #850075093, D.E.A. 222 FORM #850075094, D.E.A. 222 FORM #850075095, D.E.A. 222 FORM #850075096, D.E.A. 222 FORM #850075099, D.E.A. 222 FORM #850075098, D.E.A. 222 FORM #850075059, D.E.A. 222 FORM #850075062, D.E.A. 222 FORM #850075063, D.E.A. 222 FORM #850075064, D.E.A. 222 FORM #850075066, D.E.A. 222 FORM #850075068, D.E.A. 222 FORM #870901971.
- (7) Exhibit 4 - One bottle of 82 Cocaine tablets.
- (8) Exhibit 5 - One baggie containing white powder and straw.
- (9) Exhibit 6 - One tablet of Valium 5mg.
- (10) Exhibit 7 - Five tablets of Tagamet 300mg.
- (11) Exhibit 8 - Five tablets of Fioricet.
- (12) Exhibit 9 - Five tablets of Xanax.
- (13) Exhibit 10 - Two tablets of Zantac.
- (14) Exhibit 11 - Receipt for property from Shelby Police Department dated 8/14/87 Case No. 5300.
- (15) Exhibit 12 - Consent to Search return dated 8/14/87.
- (16) Exhibit 13 - Certified copy of Journal Entry from the Richland County Court of Common Pleas for John M. Wechter, for Case No. 88-CR-44.
- (17) Exhibit 14 - One bottle of Cocaine Solution 10%.

Respondent's Exhibits:

- (1) Exhibit 1 - Letter from Max K. Chilcote dated September 29, 1989; Letter from Maurice Keyes, R.Ph. dated October 9, 1989; Letter from Eva Csejtey, LSW, CAC of Parkside Lodge of Columbus/Dublin dated October 10, 1989; Letter from Stuart A. Bishop of Pharmacy Systems Inc. dated October 9, 1989; Letter from Michael J. Banchy, R.Ph. dated October 10, 1989; Letter from Larry J. McClatchey dated October 5, 1989; Letter from Robert J. Elliott, R.Ph. of Marion General Hospital dated October 11, 1989; Letter from Phil Parsons, R.Ph. dated October 15, 1989 with attached letters from Max K. Chilcote, Judge from the Court of Common Pleas of Richland County; Letter from Neal L. Grafton dated October 25, 1989.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that on or about August 13, 1987 and dates prior thereto, John M. Wechter was the responsible pharmacist at the Shelby Memorial Hospital, Morris Road, Shelby, Ohio 44875 pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code. Further, John M. Wechter has been a licensed pharmacist in Ohio pursuant to examination since August 9, 1978.
- (2) From the evidence presented, the State Board of Pharmacy finds that John M. Wechter 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, to wit: using authority of the Shelby Memorial Hospital, John M. Wechter ordered Cocaine Hydrochloride and admitted that it was, over a two year period, for his own personal use, and he altered records to conceal this practice. Such use while working in the pharmacy, and at other times, without a prescription was deleterious to the proper practice of pharmacy.
- (3) From the evidence presented, the State Board of Pharmacy finds that John M. Wechter did, between the dates of January 3, 1986 and August 12, 1987, obtain dangerous drugs by attempting or committing a theft offense, to wit: John M. Wechter obtained without the consent of Shelby Memorial Hospital the following drugs in the following amounts:

<u>Drug</u>	<u>Amount</u>
Cocaine Hydrochloride	3,800 tablets
Valium 5mg	1 tablet
Tagamet 300mg	5 tablets
Fioricet	5 tablets
Xanax	5 tablets
Zantac	2 tablets

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

- (4) From the evidence presented, the State Board of Pharmacy finds that John M. Wechter did, on or about August 13, 1987, knowingly possess a controlled substance in an amount equal to or exceeding three times the bulk amount when his conduct was not in accordance with Chapters 3719. and 4729. of the Revised Code, to wit: John M. Wechter possessed the 82 full tablets plus an undetermined number of crushed tablets of Cocaine Hydrochloride, a Schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(6) of the Ohio Revised Code.

- (5) From the evidence presented, the State Board of Pharmacy finds that John M. Wechter was, on or about January 12, 1988, convicted in the Common Pleas Court of Richland County, Ohio, of two counts of Drug Abuse, felonies of the 4th degree, in violation of Section 2925.11(A) of the Ohio Revised Code, and one count of Permitting Drug Abuse, a misdemeanor of the first degree, in violation of Section 2925.13 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (5) of the Findings Of Fact constitutes being guilty of a felony and 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 the conduct set forth in paragraphs (2) through (5) of the Findings Of Fact constitutes 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 the conduct set forth in paragraph (5) of the Findings Of Fact constitutes being convicted of a misdemeanor related to, or committed in, the practice of pharmacy as provided in Division (A)(4) 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 the conduct set forth in paragraphs (2) through (5) of the Findings Of Fact constitutes willfully violating 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. 03-2-13294, held by John M. Wechter:

- (A) On the basis of paragraphs (1), (2), and (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by John M. Wechter, No. 03-2-13294, for five years. 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.

(B) On the basis of paragraph (4) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of two thousand five hundred dollars (\$2,500.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

(C) Further, the Board will set aside the suspension imposed in paragraph (A) above on the condition that John M. Wechter:

- (1) contract with Pharmacist Rehabilitation Organization or an equivalent program approved by the Board and submit a copy of his contract to the Board office;
- (2) arrange for quarterly reports and all urine screens to be submitted to the Board office by the Pharmacist Rehabilitation Organization while under contract;
- (3) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and
- (4) abides by the rules of the State Board of Pharmacy.

Pursuant to Paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that John M. Wechter's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns for a period of five years from the effective date of this Order.

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.

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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-417-664-082

ORDER MAILED: DECEMBER 18, 1989

FZW/pw

By 
Franklin Z. Wickham, Executive Director

cc: Steve Dlott, Assistant Attorney General
Frank L. Benham, Attorney At Law; 23 W. Main St.; Shelby, OH 44875