



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-990126-027)

In The Matter Of:

STEVEN A. GOLDBLATT, R.Ph.

6388 Rugosa Avenue

Reynoldsburg, Ohio 43068

(R.Ph. No. 03-2-13785)

INTRODUCTION

THE MATTER OF STEVEN A. GOLDBLATT, R.Ph. CAME TO HEARING ON AUGUST 2, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

STEVEN A. GOLDBLATT, R.Ph. WAS REPRESENTED BY DANIEL D. CONNOR, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) None

Respondent's Witnesses:

- (1) Steven A. Goldblatt, Respondent
- (2) Jacqueline Goldblatt, Respondent's Spouse
- (3) Arch J. Weber, R.Ph., Sponsor, Pharmacists Rehabilitation Organization, Inc.
- (4) Jerome Edward Driesen, M.D., Assistant Medical Director, Ohio Physicians Effectiveness Program
- (5) David W. Baker, President, Pharmacists Rehabilitation Organization, Inc.
- (6) Wayne C. Miller, R.Ph.-Retired

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Seven-page Settlement Agreement, Docket No. D-980928-018, effective November 19, 1998.
- (2) Exhibit 1A--Hearing Request letter dated January 13, 1999.
- (3) Exhibit 1B--Hearing Confirmation letter dated June 18, 1999.
- (4) Exhibit 1C--Copy of Hearing Schedule letter dated January 26, 1999
- (5) Exhibit 1D--Copy of Pharmacist File Front Sheet of Steven A. Goldblatt showing original date of registration as August 1, 1980.

Respondent's Exhibits:

- (1) Exhibit 1--Letter from Richard E. Overton, Sr. dated April 30, 1998.
- (2) Exhibit 2--Copy of letter from Gloria J. Bryan dated July 13, 1999, and Release of Information Concerning Alcohol/Drug Treatment for Steve Goldblatt signed and dated July 13, 1999.
- (3) Exhibit 3--Copy of two-page Pharmacist's Recovery Contract for Steve Goldblatt dated April 5, 1998.
- (4) Exhibit 4--Copy of two-page Pharmacist's Recovery Contract for Steve Goldblatt dated December 1, 1998.
- (5) Exhibit 5--Copies of fifteen urine drug screen reports of Steve Goldblatt, dated as follows: April 23, 1998; June 3, 1998; June 10, 1998; August 6, 1998; August 27, 1998; October 10, 1998; November 6, 1998; December 4, 1998; December 30, 1998; February 5, 1999; June 8, 1999; March 31, 1999; May 4, 1999; June 14, 1999; and July 6, 1999.
- (6) Exhibit 6--Copy of four pages from a spiral-bound notebook of meeting attendance verifications dated March 23, 1998, through July 20, 1999.
- (7) Exhibit 7--Copy of seventeen pages from a spiral-bound notebook of meeting attendance verifications dated March 25, 1998, through July 15, 1999.
- (8) Exhibit 8--Copies of letters as follows: Nick A. Kallis dated July 8, 1999; Dennis M. Cox, Sr. dated July 3, 1999; Arch J. Weber dated July 12, 1999; Wayne C. Miller dated July 11, 1999; David W. Baker dated July 11, 1999; and Jerome E. Driesen dated July 8, 1999.
- (9) Exhibit 9--Table titled "C.E. Credits 9/96 through 8/99"; copies of the following Certificates of Attendance of Steven A. Goldblatt: 718-000-96-003-L04 dated September 4, 1996; 702-000-95-030-H03 dated December 8, 1996; 048-000-97-041-L03 dated June 14, 1997; 356-000-94-016-H01 dated August 14, 1997; 424-999-96-009-H04 dated October 12, 1998; 202-000-98-086-H01 dated December 11, 1998; 430-000-97-042-H04 dated January 15, 1999; 424-000-96-002-H04 dated January 25, 1999; 430-999-98-042-H01 dated January 29, 1999; 342-000-98-026-H01 dated February 23, 1999; 401-000-99-002-H01 dated February 25, 1999; 401-000-99-001-H01 dated March 4, 1999; 057-999-97-077-H01 dated March 9, 1999; 401-000-99-003-H01 dated March 25, 1999; 430-000-98-012-H01 dated May 3, 1999; 342-000-99-001-H04 dated May 12, 1999; 401-000-99-018-H01 dated May 14, 1999; 036-300-99-01-H03 dated May 15, 1999; 036-106-99-004-

L01 and 036-106-99-005-L03-J dated May 16, 1999; and 811-000-97-001-H01 dated June 7, 1999.

FINDING OF FACT

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

- (1) Steven A. Goldblatt has complied with the terms set forth in the Settlement Agreement with the State Board of Pharmacy, Docket No. D-980928-018, effective November 19, 1998.

ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card of Steven A. Goldblatt to practice pharmacy in the state of Ohio and places him on probation for five years from the date his identification card is issued, with the following conditions:

- (A) Steven A. Goldblatt must enter into a contract, after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office with the renewal application. The contract must provide that:
 - (1) Random, **observed** urine drug screens shall be conducted at least every three months.
 - (a) The urine sample must be given within twelve hours of notification and the **collection time must be documented**. The urine screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Stadol (butorphanol) must be added to the standard urine drug screen. **Documentation must be provided to prove testing of the sample was conducted within forty-eight hours of the collection time.**
 - (c) Results of all urine screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.
 - (2) The intervener/sponsor shall provide copies of all urine screen reports and documentation to the Ohio Board of Pharmacy in a timely fashion.

- (3) Regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required.
 - (4) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Steven A. Goldblatt must submit quarterly progress reports to the Board; due January 10; April 10; July 10; and October 10; of each year of probation, that include:
- (1) the written report and documentation provided by the treatment program pursuant to the contract, and
 - (2) a written description of his progress towards recovery and what he has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Steven A. Goldblatt's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - (2) Steven A. Goldblatt may not serve as a responsible pharmacist.
 - (3) Steven A. Goldblatt may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) Steven A. Goldblatt must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (5) Steven A. Goldblatt must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (6) Steven A. Goldblatt must abide by the rules of the Ohio State Board of Pharmacy.
 - (7) Steven A. Goldblatt must comply with the terms of this Order.

Steven A. Goldblatt is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

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

MOTION CARRIED.

SO ORDERED.



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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-980928-018)

In The Matter Of:

STEVEN A. GOLDBLATT, R.Ph.

6388 Rugosa Avenue

Reynoldsburg, Ohio 43068

(R.Ph. No. 03-2-13785)

This Settlement Agreement is entered into by and between Steven A. Goldblatt and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act (Chapter 4729. of the Ohio Revised Code).

Steven A. Goldblatt enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues contained herein.

Steven A. Goldblatt is knowingly and voluntarily acknowledging that, in order to preclude the charges that have been filed by the Board against him and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Steven A. Goldblatt 's license to practice pharmacy in the state of Ohio, this Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

- (A) The Ohio State Board of Pharmacy is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card, or impose a monetary penalty on the license holder for violation of any of the enumerated grounds.
- (B) Steven A. Goldblatt neither admits nor denies the following allegations; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same:
 - (1) Records of the Board of Pharmacy indicate that Steven A. Goldblatt was originally licensed in the state of Ohio on August 1, 1980, pursuant to examination and is currently licensed to practice pharmacy in the state of Ohio. Records further indicate that, during the relevant time periods stated herein, Steven A. Goldblatt was a Pharmacy Supervisor for CVS/pharmacy.
 - (2) Steven A. Goldblatt is addicted to or abusing alcohol or drugs to such a degree as to render him unfit to practice pharmacy, to wit: Steven A. Goldblatt admitted to David Henry of CVS/pharmacy that he is drug dependent and that he had forged prescriptions for Stadol Nasal Spray. The Board investigation revealed that between the dates of October 4, 1995, and March 1, 1998, on at least thirty-

two different occasions, Steven A. Goldblatt visited four different CVS Pharmacies and entered false information into the computer system in order to obtain dangerous drugs or controlled substances. These prescriptions were in Steven A. Goldblatt's name as the patient. Additionally, after Stadol Nasal Spray became a Schedule IV controlled substance (effective date was October 31, 1997), on at least nine occasions, Steven A. Goldblatt visited four different CVS pharmacies and entered false information into the computer system in order to obtain Stadol Nasal Spray. These prescriptions were in the names of legitimate patients that had not recently had prescriptions filled at the pharmacies in question. Such conduct indicates that Steven A. Goldblatt is addicted to controlled substances within the meaning of Section 4729.16 of the Ohio Revised Code.

- (3) Steven A. Goldblatt did, from July 23, 1996, to January 29, 1998, knowingly make a false statement in a prescription, to wit: Steven A. Goldblatt entered the following false prescriptions for dangerous drugs into the computer system at CVS Pharmacy #3438 in order to obtain the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
0438-580045	Stadol Nasal Spray	2.5ml	07/23/96
0438-587969	Stadol Nasal Spray	2.5ml	10/14/96
0438-587969	Stadol Nasal Spray	2.5ml	10/30/96
0438-587969	Stadol Nasal Spray	5ml	11/30/96
0438-596070	Stadol Nasal Spray	2.5 ml	12/26/96
0438-596070	Stadol Nasal Spray	5ml	01/23/97
0438-602057	Stadol Nasal Spray	5ml	02/21/97
0438-609420	Stadol Nasal Spray	2.5ml	05/05/97
0438-609420	Stadol Nasal Spray	5ml	06/15/97
0438-609420	Stadol Nasal Spray	2.5ml	06/28/97
0438-609420	Stadol Nasal Spray	5ml	07/31/97
0438-609420	Stadol Nasal Spray	2.5ml	08/12/97
0438-609420	Stadol Nasal Spray	2.5ml	10/19/97
3438-630268	Flonase Nasal Spray	16ml	12/14/97
3438-630268	Flonase Nasal Spray	16ml	01/29/98

Such conduct is in violation of Section 2925.23 (A) of the Ohio Revised Code.

- (4) Steven A. Goldblatt did, from December 14, 1997, to March 19, 1997, intentionally make, utter, or sell, or knowingly possess a false or forged prescription, to wit: Steven A. Goldblatt entered the following false prescriptions for controlled substances into the computer system at CVS Pharmacy #3438 in order to obtain the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
3438-630267	Stadol Nasal Spray	2.5ml	12/14/97
3438-630267	Stadol Nasal Spray	2.5ml	01/04/98
3438-630267	Stadol Nasal Spray	5ml	01/29/98
3438-630267	Stadol Nasal Spray	2.5ml	03/01/98
0438-604631	Fiorinal w/Codeine	30 capsules	03/19/97

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (5) Steven A. Goldblatt did, from October 4, 1995, to October 6, 1996, make or utter false or forged prescriptions for dangerous drugs, to wit: Steven A. Goldblatt entered the following false prescriptions for dangerous drugs into the computer system at CVS Pharmacy #5715 in order to obtain the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
2715-057004	Stadol Nasal Spray	2.5ml	10/04/95
2715-072684	Stadol Nasal Spray	5ml	01/08/96
2715-072684	Stadol Nasal Spray	5ml	02/01/96
2715-072684	Stadol Nasal Spray	5ml	02/19/96

Such conduct is in violation of Section 4729.61(C) (as in effect during this time period) of the Ohio Revised Code.

- (6) Steven A. Goldblatt did, on or about October 6, 1996, knowingly make a false statement in a prescription, to wit: Steven A. Goldblatt entered the following false prescription for a dangerous drug into the computer system at CVS Pharmacy #5715 in order to obtain the drug:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
2715-118998	Stadol Nasal Spray	5ml	10/06/96

Such conduct is in violation of Section 2925.23 (A) of the Ohio Revised Code.

- (7) Steven A. Goldblatt did, from October 28, 1995, to April 18, 1996, make or utter false or forged prescriptions for a dangerous drug, to wit: Steven A. Goldblatt entered the following false prescriptions for dangerous drugs into the computer system at CVS Pharmacy #4223 in order to obtain the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
1223-030517	Stadol Nasal Spray	2.5ml	10/28/95
1223-030517	Stadol Nasal Spray	2.5ml	11/16/95
1223-037685	Stadol Nasal Spray	2.5ml	12/31/95
1223-046794	Stadol Nasal Spray	5ml	03/17/96
1223-046794	Stadol Nasal Spray	5ml	04/18/96

Such conduct is in violation of Section 4729.61(C) (as in effect during this time period) of the Ohio Revised Code.

- (8) Steven A. Goldblatt did, on or about February 10, 1997, and again on or about September 26, 1997, intentionally make, utter, or sell, or knowingly possess a false or forged prescription, to wit: Steven A. Goldblatt entered the following false prescription information into the computer system at CVS Pharmacy #6949 in order to obtain the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
3949-171826	Stadol Nasal Spray	2.5ml	02/10/97
3949-226420	Stadol Nasal Spray	2.5ml	09/26/97

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (9) Steven A. Goldblatt did, on or about December 14, 1997, intentionally make, utter, or sell, or knowingly possess a false or forged prescription, to wit: Steven A. Goldblatt entered the following false prescription information into the computer system at CVS Pharmacy #5717 in order to obtain the drug:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
5717-127760	Stadol Nasal Spray	2.5ml	12/14/97

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (10) Steven A. Goldblatt did, on December 22, 1997, and again on December 26, 1997, intentionally make, utter, or sell, or knowingly possess a false or forged prescription, to wit: Steven A. Goldblatt entered the following false prescription information into the computer system at CVS Pharmacy #3080 in order to obtain the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
3080-100115	Stadol Nasal Spray	7.5ml	12/22/97
3080-100115	Stadol Nasal Spray	7.5ml	12/26/97

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (11) Steven A. Goldblatt did, on or about December 14, 1997, intentionally make, utter, or sell, or knowingly possess a false or forged prescription, to wit: Steven A. Goldblatt entered the following false prescription information into the computer system at CVS Pharmacy #3438 in order to obtain the drug:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
3438-630269	Stadol Nasal Spray	2.5ml	12/14/97

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (12) Steven A. Goldblatt did, from November 14, 1997, through February 27, 1998, intentionally make, utter, or sell, or knowingly possess a false or forged prescription, to wit: Steven A. Goldblatt entered the following false prescription information into the computer system at CVS Pharmacy #6949 in order to obtain the drugs:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
6949-240005	Stadol Nasal Spray	2.5ml	11/14/97
6949-242415	Stadol Nasal Spray	2.5ml	11/24/97
6949-245731	Stadol Nasal Spray	2.5ml	12/08/97
6949-256883	Stadol Nasal Spray	10ml	01/21/98
6949-266084	Stadol Nasal Spray	10ml	02/27/98

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Steven A. Goldblatt knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) The indefinite suspension of his pharmacist identification card, No. 03-2-13785, from the effective date of this Agreement.
- (1) Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Steven A. Goldblatt 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.
 - (2) 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 the notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.
- (B) June 17, 1999, or thereafter, the Board will consider any petition filed by Steven A. Goldblatt for a hearing, pursuant to Revised Code Chapter 119. of the Ohio Revised Code, upon the question of the reinstatement of his license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met:
- (1) Steven A. Goldblatt must enter into a contract with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider acceptable to the Board for a period of not less than five years from the effective date of this Agreement and, upon signing, submit a copy of the contract to the Board office. The contract must provide:
 - (a) random, observed urine drug screens shall be conducted at least every three months. The urine sample must be given within twelve hours of notification. Stadol must be added to the standard urine drug screen, and must include testing for creatinine or specific gravity of the sample as the dilutional standard;
 - (b) regular attendance, at least three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meetings, and at meetings of a professional support group, is required during outpatient treatment and/or during aftercare; and
 - (c) the program shall immediately report to the Board of Pharmacy any positive urine screens and/or other violations of the contract.
- Results of urine screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
- (2) Steven A. Goldblatt must provide, at the time of petitioning the Board for reinstatement, evidence of his evaluation of chemical dependency status and recommendation for treatment by the ODADAS professional, written documentation from his treatment provider regarding compliance with the program pursuant to the

contract; copies of AA/NA meeting attendance verification; and copies of all urine drug screen reports.

If, in the judgment of the Board, Steven A. Goldblatt appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, modify the conditions of this Agreement, and/or the Board may institute formal disciplinary proceedings for any and all possible violations or breaches including, but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Steven A. Goldblatt acknowledges that he has had an opportunity to ask questions concerning the terms of this Agreement and that all questions asked have been answered in a satisfactory manner. Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act (Chapter 119. of the Ohio Revised Code).

Steven A. Goldblatt waives any and all claims or causes of action he may have against the State of Ohio or the Board, and its members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Steven A. Goldblatt waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

In the event the Board, in its discretion, does not adopt this Agreement as its Adjudication, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. Steven A. Goldblatt agrees that should the Board reject this Agreement and if this case proceeds to hearing, he will assert no claim that the Board was prejudiced by its review and discussion of this Agreement or of any information relating thereto.

This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of the Board President's signature below.

/s/ Steven A Goldblatt
Steven A. Goldblatt, R.Ph., Respondent

/d/ 10-22-98
Date of Signature

/s/ Daniel D Conner
Daniel D. Connor, Attorney for Respondent

/d/ 11-3-98
Date of Signature

/s/ Joseph J Maslak, Jr
Joseph J. Maslak, Jr., President, Ohio State Board of Pharmacy

/d/ 11/19/98
Date of Signature

/s/ Sally Ann Steuk
Sally Ann Steuk, Ohio Assistant Attorney General

/d/ 11-19-98
Date of Signature