



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-980909-012)

In The Matter Of:

WILLIAM STEVEN KINNAIRD, R.Ph.

14736 Westwood Drive

Novelty, Ohio 44072

(R.Ph. No. 03-2-13822)

INTRODUCTION

THE MATTER OF WILLIAM STEVEN KINNAIRD CAME TO HEARING ON JANUARY 6, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

WILLIAM STEVEN KINNAIRD WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Frank Bodi, Ohio State Board of Pharmacy
- (2) Joann Predina, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) William Steven Kinnaird, Respondent
- (2) Margaret Kinnaird, Wife of Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of four-page Summary Suspension Order/Notice of Opportunity for Hearing letter dated September 9, 1998.
- (2) Exhibit 1A--Hearing Request letter dated September 13, 1998, with attached Ohio State Board of Pharmacy Pharmacist Identification Card, No. 03-2-13822, of William Steven Kinnaird, expiration date of September 15, 1998.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated September 17, 1998.

- (4) Exhibit 1C--Copy of Hearing Schedule letter dated November 27, 1998.
- (5) Exhibit 1D--Copy of Pharmacist File Front Sheet of William Steven Kinnaird showing original date of registration as August 1, 1980; and two-page copy of Renewal Application for Pharmacist License, No. 03-2-13822, for a license to practice pharmacy in Ohio from September 15, 1997, to September 15, 1998, of William Steven Kinnaird dated July 30, 1997.
- (6) Exhibit 1E--Copy of Summary Suspension Order dated October 28, 1991; and copy of three-page Notice of Opportunity for Hearing letter dated October 28, 1991.
- (7) Exhibit 1F--Copy of five-page Order of the State Board of Pharmacy, Docket No. D-911028-070, in the matter of William Steven Kinnaird dated March 10, 1992.
- (8) Exhibit 1G--Copy of three-page Order of the State Board of Pharmacy, Docket No. D-911028-070, in the matter of William Steven Kinnaird dated May 5, 1993.
- (9) Exhibit 2--Two-page Handwritten Statement of William S. Kinnaird signed and notarized on August 6, 1998.
- (10) Exhibit 3—Two Laurelwood Hospital & Counseling Centers blank forms as follows: "Title: Disposition of Patient Medications" and "Pharmacy Log for Patient Medication Storage / Count Verification / Disposition."
- (11) Exhibit 4--Copy of memorandum from Andrew Bragalone dated May 11, 1998.
- (12) Exhibit 4A--Copy of memorandum from Carol Manders and Andrew Bragalone dated May 13, 1998.
- (13) Exhibit 5--Copy of nine-page Indictment in the Cuyahoga County Common Pleas Court, State of Ohio vs. William Kinnard (*sic* Kinnaird), Case No. CR 266544, dated April 30, 1991; copy of Journal Entry in the Cuyahoga County Common Pleas Court, State of Ohio vs. William Kinnard (*sic* Kinnaird), Case No. CR-266544, dated August 23, 1991; and copy of Journal Entry in the Cuyahoga County Common Pleas Court, State of Ohio vs. William Kinnard (*sic* Kinnaird), Case No. CR-266544, dated September 17, 1991.
- (14) Exhibit 6--Indictment in the Lake County Common Pleas Court, State of Ohio vs. William S. Kinnaird, Case No. 98CR 000 544, dated November 17, 1998; and two-page Judgment Entry in the Lake County Common Pleas Court, State of Ohio vs. William S. Kinnaird, Case No. 98-CR-000544, dated December 16, 1998, not signed by Judge Paul H. Mitrovich.
- (15) Exhibit 6A--Copy of newspaper article from *The News-Herald* titled "Man faces jail time for theft from hospital" dated December 12, 1998.
- (16) Exhibit 7--Release Form of William S. Kinnaird signed and notarized on August 6, 1998.
- (17) Exhibit 8--Copy of Urine Drug Screen Report of William Kinnaird dated August 5, 1998; and copy of Lake Hospital System-Emergency Center-Record of William Kinnaird dated August 4, 1998.
- (18) Exhibit 9--Handwritten statement of Andrew Bragalone signed and notarized on August 18, 1998, with attached two-page University Hospitals HealthSystem Laurelwood Hospital & Counseling Centers Incident Report regarding William Kinnaird dated August 4, 1998.
- (19) Exhibit 10--Copy of two-page handwritten statement of Valerie A. Gazzuolo dated August 5, 1998, with a second signature notarized on August 18, 1998.
- (20) Exhibit 11--Typewritten statement of Hugh G. Heffner signed and notarized on August 18, 1998.

Respondent's Exhibits:

- (1) Exhibit A--Copy of letter from C. J. Prusinski, D.O. and E. A. Carrillo, M.D. dated September 3, 1998.
- (2) Exhibit B--Copy of Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of William Kinnaird dated November 7, 1998.
- (3) Exhibit C--Urine drug screen report of William Kinnard (*sic* Kinnaird) dated September 17, 1998 and urine lab requisition of William Kinnaird dated September 16, 1998.
- (4) Exhibit D--Urine drug screen report of William Kinnaird dated November 1, 1998, and urine lab requisition of William Kinnaird dated October 29, 1998.
- (5) Exhibit E--Copy of urine drug screen report of William Kinnaird dated December 10, 1998, and copy of urine lab requisition of William Kinnaird dated December 8, 1998.
- (6) Exhibit F--Copy of urine drug screen report of Williams (*sic* William) Kinnaird (*sic* Kinnaird) dated December 2, 1998, and copy of urine lab requisition of William Kinnaird (*sic* Kinnaird) dated November 30, 1998.
- (7) Exhibit G--Record of Meeting Attendance of Bill Kinnaird dated from September 9, 1998, through December 2, 1998.
- (8) Exhibit H--Record of Meeting Attendance of Bill Kinnaird dated from September 4, 1998, through October 4, 1998.
- (9) Exhibit I--Record of Meeting Attendance of Bill Kinnaird dated from October 6, 1998, through November 10, 1998.

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 William Steven Kinnaird was originally licensed to practice pharmacy in the state of Ohio on August 1, 1980, pursuant to examination. On October 28, 1991, William Steven Kinnaird's license was summarily suspended in accordance with Section 3719.121(C) of the Ohio Revised Code. On January 28, 1992, the Board found that William Steven Kinnaird was guilty of Theft of Drugs, a violation of Section 2913.02 of the Ohio Revised Code; addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy; and eligible for Treatment in Lieu of Conviction for a felony drug abuse offense by the Common Pleas Court of Cuyahoga County, Ohio. The Board concluded that these findings constituted William Steven Kinnaird being guilty of a felony and gross immorality; guilty of dishonesty and unprofessional conduct in the practice of pharmacy; and addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code. For these reasons, on March 10, 1992, William Steven Kinnaird's license was indefinitely suspended. William Steven Kinnaird petitioned the Board for reinstatement and a hearing was held on March 11, 1993. William Steven Kinnaird's license was reinstated on or about May 26, 1993, and his identification card was placed on probation for five years. On September 9, 1998, William Steven Kinnaird's license was summarily suspended in accordance with Sections 3719.121(A) and 3719.121(B) of the Ohio Revised Code.

- (2) William Steven Kinnaird did, from May, 1998, through August, 1998, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of others, by deception, to wit: William Steven Kinnaird stole Ritalin, Fioricet, Soma, Ultram, Vicodin, Valium, and Klonopin from patients and/or former patients at his place of employment, Laurelwood Hospital. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) William Steven Kinnaird did, on or about August 4, 1998, knowing that an official proceeding or investigation was likely to be instituted, destroy controlled substances with purpose to impair their value or availability as evidence in such investigation, to wit: after having been confronted by his employer regarding theft and abuse of drugs and submitting to a drug screen, William Steven Kinnaird went to his home and flushed approximately 100 tablets of controlled substances that he had stolen from the hospital. Such conduct is in violation of Section 2921.12 of the Ohio Revised Code.
- (4) William Steven Kinnaird is addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: William Steven Kinnaird admitted being addicted to drugs dating back to 1992 or before; William Steven Kinnaird admitted to stealing controlled substances from his employer; and, William Steven Kinnaird admitted to abusing controlled substances while practicing pharmacy. Such conduct falls within the ambit of Sections 3719.121 and 4729.16 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (1) 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 paragraphs (1) 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.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (1) 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.

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 September 9, 1998.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of William Steven Kinnaird:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identifica-

tion card, No. 03-2-13822, held by William Steven Kinnaird effective as of the date of the mailing of this Order.

- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-2-13822, held by William Steven Kinnaird effective as of the date of the mailing of this Order.
- (C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-2-13822, held by William Steven Kinnaird effective as of the date of the mailing of this Order.

Division (B) of Section 4729.16 of the Ohio Revised Code provides: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and license to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The wall 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.