



OHIO STATE BOARD OF PHARMACY

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-Equal Opportunity Employer and Service Provider-

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-060612-085)

In The Matter Of:

JEFFREY P. KLINE, R.Ph.
438 Miner Road
Highland Heights, Ohio 44143
(R.Ph. No. 03-2-13825)

INTRODUCTION

THE MATTER OF JEFFREY P. KLINE CAME FOR HEARING ON FEBRUARY 6, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; HEATHER L. PASQUALE, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

JEFFREY P. KLINE WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witness

1. Jeffrey P. Kline, R.Ph., Respondent

State's Exhibits

1. Reinstatement Hearing Request letter from Jeffrey P. Kline [06-03-06]
1A-1C. Procedurals
2. State Board of Pharmacy Order In Re Jeffrey P. Kline, R.Ph. [01-11-06]

Respondent's Exhibits

- A. Two PRO Pharmacist's Recovery Contracts for Jeffrey P. Kline [08-25-05 and 01-27-06]
- B. Treatment Letter from Antonio Conway, CCDCI [not dated]; Progress Report from Jimmy Locke, MS [11-29-05]
- C. FirstLab Test History Report [09-28-05 to 01-04-07]; Drug Screen Reports [09-07-05 to 11-15-05]
- D. Support Group Attendance Records [08-30-05 to 01-31-07]; Certificate of Appreciation [12-17-06]
- E.

- F. Three Official Transcripts of Continuing Pharmaceutical Education Credits [06-13-06 and 01-26-07]
- G. Two Letters of Support [01-12-07 and 02-01-07]

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witness, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Jeffrey P. Kline has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-050810-014, effective January 11, 2006.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-2-13825, held Jeffrey P. Kline to practice pharmacy in Ohio and places Jeffrey P. Kline on probation for five years beginning on the effective date of this Order, with the following conditions:

- (A) Jeffrey P. Kline must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:
 - (1) **Random, observed** urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.
 - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Results of all drug screens must be negative. Refusal of a urine screen or a diluted urine screen is equivalent to a positive result. 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) The intervener/sponsor shall submit to the Board reports, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
 - (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Jeffrey P. Kline 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 Jeffrey P. Kline's progress towards recovery and what Jeffrey P. Kline 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 Jeffrey P. Kline'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) Jeffrey P. Kline may not serve as a responsible pharmacist.
- (3) Jeffrey P. Kline may not destroy, assist in, or witness the destruction of controlled substances.
- (4) Jeffrey P. Kline may not, during the first year of practice, work in a pharmacy more than 44 hours per week.
- (5) Jeffrey P. Kline must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
- (6) Jeffrey P. Kline must not violate the drug laws of Ohio, any other state, or the federal government.
- (7) Jeffrey P. Kline must abide by the rules of the State Board of Pharmacy.
- (8) Jeffrey P. Kline must comply with the terms of this Order.
- (9) Jeffrey P. Kline's license is deemed not in good standing until successful completion of the probationary period.

(D) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Jeffrey P. Kline 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 (Aye-6/Nay-1).

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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or

registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of 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 both the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: March 8, 2007

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9805 7929

WTW/lf

By: _____
William T. Winsley, M.S., R.Ph., Executive Director

cc: Sally Ann Steuk, Assistant Attorney General



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-050810-014)

In The Matter Of:

JEFFREY P. KLINE, R.Ph.

438 Miner Road

Highland Heights, Ohio 44143

(R.Ph. No. 03-2-13825)

INTRODUCTION

THE MATTER OF JEFFREY P. KLINE CAME FOR HEARING ON DECEMBER 7, 2005, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE R. EASTMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

JEFFREY P. KLINE WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness:

1. Joann Predina, R.Ph., Ohio State Board of Pharmacy

Respondent's Witness:

1. Jeffrey P. Kline, R.Ph., Respondent

State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [08-10-05]
1A-1E. Procedurals
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Respondent's Exhibits:

- A. Pharmacist's Recovery Contract for Jeffrey P. Kline [08-25-05]

- B. Progress Report letters from Jimmy Locke, MS [11-29-05]; Treatment letter from Antonio Conway, CCDCl [not dated]
- C. Lake West Hospital Drug Screen Reports [09-07-05 to 10-07-05]; Northwest Toxicology Drug Screen Reports [09-28-05 to 11-15-05]
- D. Support Group Attendance Records [08-30-05 to 11-30-05]
- E. Five Letters of Support [11-26-05 to 12-02-05]

FINDINGS 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) Records of the Board of Pharmacy indicate that Jeffrey P. Kline was originally licensed by the State of Ohio on August 1, 1980, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended effective August 10, 2005.
- (2)
- (3)
- (4)
- (5)

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) through (5) 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) The State Board of Pharmacy concludes that paragraphs (3) through (5) 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) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes 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) The State Board of Pharmacy concludes that paragraphs (3) through (5) 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 Chapters 2925. and 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION 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 to Jeffrey P. Kline on August 10, 2005.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-2-13825, held by Jeffrey P. Kline and such suspension is effective as of the date of the mailing of this Order.

- (A) Jeffrey P. Kline, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Jeffrey P. Kline, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after one year from the effective date of this Order, the Board will consider any petition filed by Jeffrey P. Kline for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (A) Jeffrey P. Kline must enter into a new contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) approved treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:
 - (1) Random, observed urine drug screens shall be conducted at least once each month.
 - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. 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) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Jeffrey P. Kline must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing drugs or impaired physically or mentally to such a

degree as to render him unfit to practice pharmacy, and that he is otherwise fit to practice pharmacy.

(C) Jeffrey P. Kline must provide, at the reinstatement petition hearing, documentation of the following:

(1)

(2) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);

(3) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;

(4) Compliance with the terms of this Order.

(D) If reinstatement is not accomplished within three years of the effective date of this Order, Jeffrey P. Kline must also show successful completion of the NAPLEX and MPJE examinations or equivalent examinations approved by the Board.

(E) Upon such time as the Board may consider reinstatement, Jeffrey P. Kline will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by filing the original Notice of Appeal with the State Board of Pharmacy and a copy with the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: JANUARY 11, 2006

CERTIFIED MAIL/Return Receipt
7003 0500 0002 4340 9753

WTW/lf

By: _____
William T. Winsley, M.S., R.Ph., Executive Director

cc: Sally Ann Steuk, Assistant Attorney General