

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-990317-040)

In The Matter Of:

MICHAEL JOSEPH FROST, R.Ph.
1045 Hazel Avenue
Englewood, Ohio 45322
(R.Ph. No. 03-2-15157)

INTRODUCTION

THE MATTER OF MICHAEL JOSEPH FROST CAME TO HEARING ON MAY 3, 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.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

MICHAEL JOSEPH FROST WAS REPRESENTED BY MARK SENFF, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Frederick Williams, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Michael Joseph Frost, Respondent
- (2) Eric Fisher, Financial Analyst
- (3) Paul Brown, Sales Representative for Liberty Mutual

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1—Copy of three-page Notice of Opportunity for Hearing letter dated March 17, 1999.
- (2) Exhibit 1A—Hearing Request letter submitted by Mark D. Senff, attorney for respondent, dated March 23, 1999.
- (3) Exhibit 1B—Copy of Hearing Schedule letter dated March 25, 1999.
- (4) Exhibit 1C—Copy of Pharmacist File Front Sheet of Michael Joseph Frost showing original date of registration as August 10, 1983, and a two-page copy of Renewal Application for Pharmacist License, No. 03-2-15157, for a license to practice pharmacy in Ohio from September 15, 1998, to September 15, 1999, of Michael Joseph Frost dated July 29, 1998.
- (5) Exhibit 2
- (6) Exhibit 3

- (7) Exhibit 4—Two-page copy of Renewal Application for Pharmacist License, No. 03-2-15157, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997, of Michael Joseph Frost dated June 28, 1996.
- (8) Exhibit 5

Respondent's Exhibits:

- (1) Exhibit A—Letter from Kevin L. Riddle, M.D., dated April 20, 1999.
- (2) Exhibit B—Letter from John Strickland dated April 14, 1999.
- (3) Exhibit C
- (4) Exhibit D
- (5) Exhibit E
- (6) Exhibit F
- (7) Exhibit G—Copy of CVS/pharmacy No. 4653 Customer Comment form signed by R. E. Chuck Youngs and dated June 9, 1998.
- (8) Exhibit H—Copy of CVS/pharmacy No. 4653 Customer Comment form signed by Mrs. Robert L. Thomas and dated January 26, 1999.
- (9) Exhibit I—Copy of letter from Robert H. Jackson dated April 16, 1999.
- (10) Exhibit J—Letter from Alan W. Schmidlapp dated April 15, 1999.
- (11) Exhibit K—Letter from Ernest Blouch and Carol Blouch dated April 15, 1999.
- (12) Exhibit L—Letter from Gary and Rosemary Shannon, not dated.
- (13) Exhibit M—Copy of letter from Mike Weaver, not dated.
- (14) Exhibit N—Letter from Jack Woodward dated April 15, 1999.

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 Ohio State Board of Pharmacy indicate that Michael Joseph Frost was originally licensed in the state of Ohio on August 10, 1983, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2)
- (3)

(4)

(5)

CONCLUSIONS OF LAW

(1)

- (2) Upon consideration of the record as a whole, 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.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Michael Joseph Frost:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card, No. 03-2-15157, held by Michael Joseph Frost for a period of twenty-seven months and such suspension is effective as of the date of the mailing of this Order.
- (B) Further, the Board stays the last 24 months of the suspension and places Michael Joseph Frost on probation during this 24-month period. The terms of probation are as follows:
- (1) Michael Joseph Frost must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (2) Michael Joseph Frost must abide by the rules of the Ohio State Board of Pharmacy.

(3) Michael Joseph Frost must comply with the terms of this Order.

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.

(C) Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Michael Joseph Frost may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs while his license is under active suspension.

Division (B) of Section 4729.16 of the Ohio Revised Code provides: "Any individual whose identification card is revoked, suspended, or refused, shall return the 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 (Aye-7/Nay-0).

MOTION CARRIED.

SO ORDERED.