



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-940818-010)

In The Matter Of:

**PAUL KENNETH DOVE, R.Ph.**

522 Glenmonte Drive

Howard, Ohio 43028

(R.Ph. No. 03-2-15376)

### INTRODUCTION

THE MATTER OF PAUL KENNETH DOVE CAME TO HEARING ON JANUARY 25, 1995, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

PAUL KENNETH DOVE WAS REPRESENTED BY ALAN P. GUSTAFSON, AND THE STATE OF OHIO WAS REPRESENTED BY ANNE B. STRAIT, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### (A) Testimony

State's Witnesses:

- (1) Mary Lou Montenery, R.Ph., The Medicine Shoppe
- (2) John Montenery, R.Ph., Fredericktown Pharmacy
- (3) William Padgett, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Nick Kallis, Pharmacists Rehabilitation Organization, Inc.
- (2) Paul Kenneth Dove, Respondent

#### (B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Summary Suspension Order/Notice of Opportunity letter dated August 18, 1994.
- (2) Exhibit 1A--Hearing Request letter dated August 29, 1994.
- (3) Exhibit 1B--Hearing Schedule letter dated August 31, 1994.

- (4) Exhibit 1C--Pharmacist File Front Sheet of Paul Kenneth Dove showing original date of registration as March 1, 1984; and Renewal Application for Pharmacist License, No. 03-2-15376, for a license to practice pharmacy in Ohio from September 15, 1994, to September 15, 1995, of Paul Kenneth Dove dated June 30, 1994.
- (5) Exhibit 2--Copy of Warning and Consent to Speak/Waiver of Rights form signed by P. Kenneth Dove and witnessed on August 12, 1994, with attached copy of eighteen-page transcript of interview of Paul K. Dove, Case No. 942262, on August 12, 1994.
- (6) Exhibit 3--Fredericktown Pharmacy Inventory taken on August 8, 1994, at 11:00 p.m.
- (7) Exhibit 4--Fredericktown Pharmacy Inventory taken on August 9, 1994, at 8:15 p.m.
- (8) Exhibit 5--Copy of four "still shot" photos of VCR tape recording dated August 9, 1994.
- (9) Exhibit 6--Medicine Shoppe Inventory taken on August 10, 1994, at 11:30 a.m.
- (10) Exhibit 7--Medicine Shoppe Inventory taken on August 11, 1994, at 11:10 p.m.
- (11) Exhibit 8--Fredericktown Pharmacy Inventory taken on August 11, 1994, at 7:55 a.m.
- (12) Exhibit 9--Fredericktown Pharmacy Inventory taken on August 11, 1994, at 6:30 p.m.
- (13) Exhibit 10--Five "still shot" photos of VCR tape recording on August 9, 1994, and August 11, 1994.
- (14) Exhibit 11--Copy of Fredericktown Pharmacy Patient Receipt, Prescription No. C134769, dated August 11, 1994.
- (15) Exhibit 11A--Two Fredericktown Pharmacy prescription vials numbered C134769.
- (16) Exhibit 12--Medicine Shoppe Inventory taken on August 12, 1994, at 8:00 a.m.
- (17) Exhibit 13--Medicine Shoppe Inventory taken on August 12, 1994, at 6:05 p.m.
- (18) Exhibit 14--Copy of Journal Entry in the Knox County Common Pleas Court, Case No. 91CR050061, of Paul Ken Dove dated May 12, 1992.
- (19) Exhibit 15--Summary Suspension Order of Paul Kenneth Dove dated May 19, 1992, and attached Notice of Opportunity letter dated May 19, 1992.
- (20) Exhibit 16--Order of the State Board of Pharmacy, Docket No. D-920519-143, of Paul Kenneth Dove dated October 27, 1992.
- (21) Exhibit 17--Ten "still shot" photos of VCR tape recordings on August 9, 1994, and August 11, 1994.
- (22) Exhibit 18--Five urinalysis drug screens of Ken Dove dated June 9, 1993; September 15, 1993; December 8, 1993; March 10, 1994; and June 9, 1994.
- (23) Exhibit 19--Copy of four-count Indictment in the Knox County Common Pleas Court, Case No. 94CR090088, of Paul Ken Dove dated September 12, 1994, with attached copy of Journal Entry in the Knox County Common Pleas Court, Case No. 94CR090088, of Paul Ken Dove dated October 21, 1994.
- (24) Exhibit 20--Ohio State Board of Pharmacy Record of the Proceedings for Fiscal Year 1992, pages 881 through 886 dated June 26, 1992.

Respondent's Exhibits:

- (1) Exhibit A--Letter from Keith D. Miller dated January 24, 1995.
- (2) Exhibit B--Letter from Rene' Sole dated January 23, 1994.
- (3) Exhibit C--Copy of Pharmacists Rehabilitation Organization Inc. Recovering Pharmacist's Contract of Ken Dove dated November 9, 1994.
- (4) Exhibit D--Shepherd Hill Hospital Recovery Monitoring Services Agreement of P. Kenneth Dove dated November 9, 1994.
- (5) Exhibit E--Three-page Verification of AA Attendance sheets of Ken Dove dated from October 29, 1994, through January 20, 1995.
- (6) Exhibit F--Copy of Shepherd Hill Hospital Counselor Discharge Summary of Paul Kenneth Dove dated October 28, 1994.
- (7) Exhibit G--Letter from Fred N. Karaffa dated January 19, 1995.
- (8) Exhibit H--Copy of letter from Deborah Berndt dated December 28, 1994.
- (9) Exhibit I--Letter from J. R. Abrahamsen dated January 17, 1995.

- (10) Exhibit J--Copies of nine urine drug screen reports of Paul K. Dove dated as follows: November 15, 1994; November 28, 1994; December 1, 1994; December 9, 1994; December 13, 1994; December 21, 1994; December 26, 1994; January 1, 1995; and January 8, 1995.
- (11) Exhibit K--Letter from George Perdue dated January 17, 1995.

#### 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 Paul Kenneth Dove was originally licensed to practice pharmacy in the state of Ohio on March 1, 1984. On or about August 18, 1994, Paul Kenneth Dove's license was summarily suspended in accordance with Section 3719.121(B) of the Ohio Revised Code.
- (2) Paul Kenneth Dove did, on or about August 9, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Fredericktown Pharmacy, beyond the express or implied consent of the owner, to wit: Paul Kenneth Dove stole 15 tablets of Roxicet, a schedule II controlled substance, for purposes of his own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) Paul Kenneth Dove did, on or about August 10, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Medicine Shoppe Pharmacy in Mt. Vernon, Ohio, beyond the express or implied consent of the owner, to wit: Paul Kenneth Dove stole 20 tablets of Hydrocodone 7.5mg with Acetaminophen 750mg, a schedule III controlled substance, for purposes of his own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Paul Kenneth Dove did, on or about August 11, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Fredericktown Pharmacy, beyond the express or implied consent of the owner, to wit: Paul Kenneth Dove stole 20 tablets of Roxicet, a schedule II controlled substance, 8 tablets of Hydrocodone 7.5mg with Acetaminophen 500mg, a schedule III controlled substance, and 2 tablets of Roxiprin, a schedule II controlled substance, for purposes of his own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) Paul Kenneth Dove did, on or about August 11, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs beyond the express or implied consent of the owner, to wit: while working at Fredericktown Pharmacy, Paul Kenneth Dove filled prescription number C134769 which was written for 240 units of Roxicet, a schedule II controlled substance. When filling the prescription, Paul Kenneth Dove dispensed 230 units of Roxicet and he stole the remaining 10 units from the person owning the prescription for purposes of his own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) Paul Kenneth Dove did, on or about August 12, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Medicine Shoppe Pharmacy in Mt. Vernon, Ohio, beyond the express or implied consent of the owner, to wit: Paul Kenneth Dove stole 10 tablets of Endocet, a schedule II controlled substance, 18 tablets of Hydrocodone 7.5mg with Acetaminophen 750mg, a schedule III controlled substance, 1 tablet of Hydrocodone 5mg with Acetaminophen 500mg, a schedule III controlled substance, and 5 tablets of Oxycodone with ASA, a schedule II controlled

substance, for purposes of his own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (7) Paul Kenneth Dove did, on or about August 9, 1994, August 11, 1994, and August 12, 1994, knowing that he had no privilege to do so, falsify and/or alter computer data, to wit: after stealing controlled substances from his places of employment, the Medicine Shoppe Pharmacy in Mt. Vernon, Ohio and Fredericktown Pharmacy, Paul Kenneth Dove falsified and altered the perpetual inventory records which were maintained as computer data. Such conduct is in violation of Section 2913.42 of the Ohio Revised Code.
- (8) Paul Kenneth Dove 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: Paul Kenneth Dove has admitted to Board agents that he is addicted to and abusing controlled substances; Paul Kenneth Dove has stolen and abused controlled substances while practicing pharmacy; Paul Kenneth Dove has been convicted of a felony drug abuse offense and disciplined by this Board; and Paul Kenneth Dove has been through drug treatment, but has continued to steal and abuse drugs.

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (8) 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 (2) through (8) 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 (2) through (6), and (8) 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (7) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of 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.

#### 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 August 18, 1994.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Paul Kenneth Dove:

- (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 identification card, No. 03-2-15376, held by Paul Kenneth Dove 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. 03-2-15376, held by Paul Kenneth Dove 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. 03-2-15376, held by Paul Kenneth Dove effective as of the date of the mailing of this Order.
- (D) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-2-15376, held by Paul Kenneth Dove effective as of the date of the mailing of this Order.

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 notice of such action." The 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.

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**OHIO STATE BOARD OF PHARMACY**

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ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-920519-143)

In The Matter Of:

**PAUL KENNETH DOVE, R.Ph.**  
12 East Vine Street  
Mount Vernon, Ohio 43050  
(R.Ph. No. 03-2-15376)

Introduction

THE MATTER OF PAUL KENNETH DOVE CAME TO HEARING ON JUNE 25, 1992 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: BETTY J. NICHOL, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; NORMAN D. LEIBOW, R.Ph.; TIMOTHY D. MOORE, R.Ph.; RUTH A. PLANT, R.Ph.; AND JOSEPH R. SABINO, R.Ph.

PAUL KENNETH DOVE WAS REPRESENTED BY ALAN P. GUSTAFSON, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

Summary Of Evidence

(A) Testimony

State's Witnesses:

- (1) Paul Kenneth Dove, Respondent

Respondent's Witnesses:

- (1) Maurice Keyes, Jr., Pharmacists Rehabilitation Organization, Inc.  
(2) Tom Zogg

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Summary Suspension Order of Paul Kenneth Dove dated May 19, 1992; and Notice of Opportunity letter dated May 19, 1992.  
(2) Exhibit 1A - Hearing Request letter dated June 2, 1992.  
(3) Exhibit 1B - Hearing Schedule letter dated June 4, 1992.  
(4) Exhibit 2 - Pharmacist File Front Sheet of Paul Kenneth Dove showing original date of licensure as March 1, 1984.  
(5) Exhibit 3 - Letter from Pam Coffing, Office of the Knox County Prosecuting Attorney, dated May 13, 1992; and copy of two-page journal entry in the Court of Common Pleas, Knox County, Ohio, of Paul Ken Dove, Case No. 91CR050061, dated May 12, 1992.  
(6) Exhibit 4 - Two-page copy of statement made by P. Kenneth Dove signed and witnessed on April 23, 1991; and two-page copy of statement made by P. Kenneth Dove signed and witnessed on April 19, 1991.

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Respondent's Exhibits:

- (1) Exhibit A - Flyer of Mansfield Chapter Full Gospel Business Men's Fellowship International featuring Kenneth Dove as Guest Speaker on Friday, June 26, 1992.
- (2) Exhibit B - Letter from Greg Emmerth dated June 17, 1992.
- (3) Exhibit C - Letter from Linda Sturtevant Stanley dated June 17, 1992.
- (4) Exhibit D - Letter from Joseph Perri dated June 22, 1992.
- (5) Exhibit E - Nine-page copy of AA//NA meetings attended by Paul Kenneth Dove from June 2, 1991 through June 5, 1992.
- (6) Exhibit F - Thirty-page copy of medical records from Freedom Hall of Paul Kenneth Dove.
- (7) Exhibit G - Copy of Contract for Employment of an Impaired Pharmacist at Knox Community Hospital of P. Kenneth Dove dated April 22, 1992.
- (8) Exhibit H - Letter from W. G. Chambers dated June 24.
- (9) Exhibit I - Two-page copy of Pharmacists Rehabilitation Organization, Inc. Impaired Pharmacist's Contract of P. Kenneth Dove dated June 21, 1991.
- (10) Exhibit J - Fifty-eight page copy of log book and notes of attended meetings from March 25, 1991 to June 24, 1992.

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Paul Kenneth Dove was originally licensed in the state of Ohio on March 1, 1984, pursuant to examination, and was summarily suspended on May 19, 1992 from the practice of pharmacy in Ohio.
- (2) From the evidence presented, the State Board of Pharmacy finds that Paul Kenneth Dove was, on or about August 23, 1991, convicted in the Common Pleas Court of Knox County, Ohio, for Theft of Drugs in violation of Section 2925.23 (now Section 2913.02) of the Ohio Revised Code, a felony of the fourth degree. This conviction was journalized and filed on May 12, 1992.
- (3) From the evidence presented, the State Board of Pharmacy finds that Paul Kenneth Dove did, between the dates of August, 1990, and March, 1991, with the purpose to deprive the owner, Rite Aid #2416, knowingly obtain and exert control over the property of Rite Aid, the property being dangerous drugs, beyond the express or implied consent of Rite Aid, to wit: Paul Kenneth Dove stole the following drugs:

<u>Drug</u>	<u>Amount</u>
Mepergan Fortis	24
Roxiprin	66
Tenuate Dospan 7.5mg	49
Diethylpropion CR	200
Hydrocodone Bitartrate w/APAP	200
Vicodin ES 7.5mg	721
Vicodin	400
Codiclear DH	2
Halcion .25mg	400

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<u>Drug</u>	<u>Amount</u>
Halcion .125mg	50
Bontril	70
Dexedrine 15mg	20
Azdone	50
Hycodan tablets	40

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Paul Kenneth Dove did, between the dates of August, 1990, and March, 1991, knowingly obtain, possess, and use controlled substances when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: after stealing the following controlled substances, Paul Kenneth Dove used them without having a legitimate medical purpose and without having a prescription for them:

<u>Drug</u>	<u>Amount</u>
Mepergan Fortis	24
Roxiprin	66
Tenuate Dospan 7.5mg	49
Diethylpropion CR	200
Hydrocodone Bitartrate w/APAP	200
Vicodin ES 7.5mg	721
Vicodin	400
Codclear DH	2
Halcion .25mg	400
Halcion .125mg	50
Dexedrine 15mg	20
Azdone	50
Hycodan tablets	40

Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings Of Fact constitute 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 paragraphs (2) 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 paragraph (4) 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.

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- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (4) of the Findings Of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Ohio Revised Code as provided in Division (A)(5) 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, Docket No. 920519-142, issued May 19, 1992.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-2-15376, held by Paul Kenneth Dove:

(A) On the basis of paragraphs (1), (2), (3), and (4) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist license held by Paul Kenneth Dove indefinitely, effective June 21, 1991.

(B) Further, the Board of Pharmacy will reinstate the license only if the following conditions have been met and satisfactory evidence has been submitted to the Board office:

(1) Paul Kenneth Dove provides evidence that he has entered into a new contract with the Pharmacists Rehabilitation Organization, Inc., or an equivalent program acceptable to the Board, for a period of five years. The program must provide that:

(a) random observed urine screens shall be conducted at least every three months by the intervening agency only, and copies of the results immediately forwarded to the Board of Pharmacy office,

(b) regular attendance at an Alcoholics Anonymous, Narcotics Anonymous, or a similar support group meeting is required during outpatient treatment and/or during aftercare,

(c) the program will immediately report to the Board of Pharmacy any violations of the contract.

(2) Paul Kenneth Dove submits a copy of the new contract to the Board as soon as it has been agreed to by the program.

(3) Paul Kenneth Dove submits quarterly progress reports to the Board that include:

(a) the written report and documentation provided by the treatment program pursuant to the contract,

(b) a written description of his progress towards recovery and what he has been doing during the previous three months.

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Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Paul Kenneth Dove'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.

The Board further stipulates that Paul Kenneth Dove may not serve as a responsible pharmacist during this five-year period.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part 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 notice of such action." The 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-5/Nay-1).

MOTION CARRIED.

SO ORDERED.