STATE BOARD OF PHARMACY

THE STATE BOARD OF PHARMACY

vs

MATTHEW M. MURAWSKI, R.Ph.

03-2-15378

THE MATTER OF MATTHEW M. MURAWSKI, DOCKET NO. 6-146-3, CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON THURSDAY, APRIL 24, 1986. MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

(1) On February 3, 1986, Matthew M. Murawski was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.

(2) As demonstrated by return receipt of February 7, 1986, Matthew M. Murawski received the letter of February 3, 1986 informing him of the allegations, and his rights.

(3) Matthew M. Murawski has not responded in any manner to the letter of February 3, 1986 informing him of the allegations.

(4) Upon consideration of the allegations against Matthew M. Murawski and his failure to request a hearing, submit his position, contentions, or arguments in writing, or to otherwise deny the allegations, the State Board of Pharmacy finds that:

(a) On January 13, 1982 the Ohio State Board of Pharmacy found that Matthew M. Murawski:

(i) did, between June 23, 1981 and September 11, 1981 at Cunningham Drug Store, 5020 Turney Road, Garfield Heights, Ohio, on a number of occasions, take various dangerous drugs, including Dilaudid, Demerol, and amphetamines, without a prescription and without the consent of said store.

(ii) did, between June 23, 1981 and September 11, 1981, knowingly use various controlled substances without a prescription on a number of occasions.

(iii) did, between January, 1979 and September 11, 1981, knowingly use various controlled substances, in violation of state and federal law, to such an extent as to become addicted to the use of such controlled substances.

(b) On January 13, 1982, the Ohio State Board of Pharmacy revoked Matthew M. Murawski's license to practice pharmacy in the state of Ohio. (Reinstated by exam on March 1, 1984)

(c) On September 18, 1985, the District Attorney of McKean County, Pennsylvania charged Matthew M. Murawski with failure to make, keep, or furnish records of distribution or dispensing of controlled substances, to wit: on or about December 19, 1984 through May 13, 1985, Mr. Murawski did fail to make or keep a record of the dispensing or distribution of five 30cc-vials of Demerol-50mg/cc.

(d) On September 18, 1985, the District Attorney of McKean County, Pennsylvania charged Matthew M. Murawski with failure to make or keep a record of 150 tablets of Demerol-100mg dispensed during the period of December 19, 1984 through May 13, 1985.

(e) On September 18, 1985, the District Attorney of McKean County, Pennsylvania charged Matthew M. Murawski with failure to make or keep a record of 10 grams of Cocaine which was dispensed or distributed after being received on April 30, 1985 by Mr. Murawski from Gregory Powell, R.Ph. at Powell's Pharmacy, Bradford, Pennsylvania.

(f) On September 18, 1985, the District Attorney of McKean County, Pennsylvania charged Matthew M. Murawski with failure to make or keep a record of the dispensing or distribution of approximately one ounce of Cocaine during the period of December 19, 1984 through May 13, 1985.

(g) On September 18, 1985, the District Attorney of McKean County, Pennsylvania charged Matthew M. Murawski with unlawfully and feloniously taking, or exercising, unlawful control over approximately one ounce of Cocaine with intent to deprive Port Allegany Pharmacy of such property.

(h) On September 18, 1985, the District Attorney of McKean County, Pennsylvania charged Matthew M. Murawski with unlawfully and feloniously taking, or exercising, unlawful control over five 30ml-vials of Demerol-50mg/ml, with intent to deprive Port Allegany Pharmacy of such property.

(i) On September 18, 1985, the District Attorney of McKean County, Pennsylvania charged Matthew M. Murawski with unlawfully and feloniously taking, or exercising, unlawful control over 150 tablets of Demerol-100mg, with intent to deprive Port Allegany Pharmacy of such property.

(j) On December 5, 1985, Matthew M. Murawski entered a plea of guilty to a charge of unlawful acquisition or obtaining possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge, to wit: Mr. Murawski requested and obtained 10 grams of Cocaine from Gregory F. Powell, R.Ph., Powell's Pharmacy, Bradford, Pennsylvania under the subterfuge that it was to be used in preparing a prescription for Bromptons Mixture for a terminal cancer patient.

Conclusions Of Law

(1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (4)(g) through (4)(i) of the Findings Of Fact constitutes being guilty of a felony.

(2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (4)(c) through (4)(j) of the Findings Of Fact constitutes gross immorality.

(3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (4)(c) through (4)(j) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law, the State Board of Pharmacy takes the following actions concerning the pharmacist license held by Matthew M. Murawski, No. 03-2-15378:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Matthew M. Murawski.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Matthew M. Murawski.

(C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Matthew M. Murawski.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, ..., 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.

THE STATE BOARD OF PHARMACY

VS

MATTHEW MICHAEL MURAWSKI

THE MATTER OF THE STATE BOARD OF PHARMACY VERSUS MATTHEW MICHAEL MURAWSKI, DOCKET NO. 6-50-1, WAS HEARD PURSUANT TO CHAPTERS 4729. AND 119. OF THE OHIO REVISED CODE. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTION WAS MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

FINDINGS OF FACT

(1) From the evidence presented, the State Board of Pharmacy finds that between June 23, 1981 and September 11, 1981, Matthew Murawski, while employed as a pharmacist at Cunningham Drug Store, 5020 Turney Road, Garfield Heights, Ohio, on a number of occasions took from said store various dangerous drugs including Dilaudid, Demerol and Amphetamines without a prescription and without the consent of said store.

(2) From the evidence presented, the State Board of Pharmacy finds that between June 23, 1981 and September 11, 1981, Matthew Murawski knowingly used various controlled substances without a prescription on a number of occasions.

(3) From the evidence presented, the State Board of Pharmacy finds that Matthew Murawski, between January 1979 and September 11, 1981 knowingly used various controlled substances in violation of federal and state law to such an extent as to become addicted to the use of such controlled substances.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that the conduct set forth in paragraph (1) of the Findings of Fact is prohibited by Section 2925.21, Ohio Revised Code and constitutes willful violation more than one time of the provisions of Chapter 2925. Ohio Revised Code.

(2) The State Board of Pharmacy concludes that the conduct set forth in paragraph (2) of the Findings of Fact is prohibited by Section 2925.11, Ohio Revised Code and constitutes willful violation more than one time of Chapter 2925., Ohio Revised Code.

(3) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (1), (2), and (3) of the Findings of Fact constitutes gross immorality within the meaning of Section 4729.16(A), Ohio Revised Code.

PURSUANT TO SECTION 4729.16, OHIO REVISED CODE, AND THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE STATE BOARD OF PHARMACY TAKES THE FOLLOWING ACTION CONCERNING THE PHARMACIST IDENTIFICATION CARD OF MATTHEW MICHAEL MURAWSKI:

(A) ON THE BASIS OF PARAGRAPH (1) OF THE CONCLUSIONS OF LAW, THE STATE BOARD OF PHARMACY HEREBY REVOKES THE REGISTERED PHARMACIST CARD HELD BY MATTHEW MICHAEL MURAWSKI.

(B) ON THE BASIS OF PARAGRAPH (2) OF THE CONCLUSIONS OF LAW, THE STATE BOARD OF PHARMACY HEREBY REVOKES THE REGISTERED PHARMACIST CARD HELD BY MATTHEW MICHAEL MURAWSKI.

(C) ON THE BASIS OF PARAGRAPH (3) OF THE CONCLUSIONS OF LAW, THE STATE BOARD OF PHARMACY HEREBY REVOKES THE REGISTERED PHARMACIST CARD HELD BY MATTHEW MICHAEL MURAWSKI.

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

MOTION CARRIED.

SO ORDERED.

(01/13/82)