



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-940729-005)

In The Matter Of:

**DARRELL ALLEN ROMER, R.Ph.**

614 Centerfield Drive  
Maumee, Ohio 43537  
(R.Ph. No. 03-2-15426)

### INTRODUCTION

THE MATTER OF DARRELL ALLEN ROMER CAME TO HEARING ON JANUARY 24, 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.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

DARRELL ALLEN ROMER WAS REPRESENTED BY DAVID W. GRAUER, AND THE STATE OF OHIO WAS REPRESENTED BY ROBERT J. McCLAREN, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy
- (2) Darrell Allen Romer, Respondent

Respondent's Witnesses:

- (1) Robert J. Vanderkelen
- (2) Don Rettig

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity letter dated July 29, 1994.
- (2) Exhibit 1A--Notice of Appearance and Request for Hearing dated August 19, 1994.
- (3) Exhibit 1B--Hearing Schedule letter dated August 19, 1994.

- (4) Exhibit 1C--Pharmacist File Front Sheet of Darrell Allen Romer showing original date of registration as March 1, 1984, and Renewal Application for Pharmacist License, No. 03-2-15426, for a license to practice pharmacy in Ohio from September 15, 1994, to September 15, 1995, of Darrell Allen Romer dated August 11, 1994.
- (5) Exhibit 2--Copy of two-page Toledo Police Division Crime Report, Records Section No. 079475-91, Arrest No. 300967, regarding Darrell A. Romer, report dated October 24, 1991; copy of two-page Toledo Police Division Supplemental Crime Report, Records Section No. 079475-91, regarding Darrell Allen Romer, report dated October 24, 1991; and copy of Property Receipt, Records Section No. 079475-91, regarding property obtained from Darrell A. Romer, receipt dated October 24, 1991.
- (6) Exhibit 3--Certified Criminal Docket Sheet from Lucas County Common Pleas Court, Case No. CR91-7660, of Darrell Allen Romer dated from December 4, 1991, through April 1, 1992.
- (7) Exhibit 4--Copy of Plea of No Contest in the Lucas County Common Pleas Court, Case No. CR91-7660, of Darrell Allen Romer dated February 13, 1992.
- (8) Exhibit 5--Certified Transcript of Proceedings in the Lucas County Common Pleas Court, Case No. CR91-7660, of Darrell Allen Romer, proceedings commencing on February 13, 1992.
- (9) Exhibit 6--Accountability Statement of Rite Aid #2025, Terminal Distributor No. 02-131400, for the drug Xanax .25mg tablets dated June 29, 1992.
- (10) Exhibit 7--Accountability Statement of Rite Aid #2025, Terminal Distributor No. 02-131400, for the drug Xanax .5mg tablets dated June 29, 1992.
- (11) Exhibit 8--Accountability Statement of Rite Aid #2025, Terminal Distributor No. 02-131400, for the drug Xanax 1mg tablets dated June 29, 1992.

Respondent's Exhibits:

- (1) Exhibit A--Fourteen-page copy of AA/NA support group meeting verification sheets of Darrell R. dated from August 7, 1994, through January 22, 1995.
- (2) Exhibit B--Letter from Ronald A. Sorg dated January 20, 1995; and attached copy of Comprehensive Addiction Service Systems Case Closure of Darrell Romer dated September 28, 1992.
- (3) Exhibit C--Letter from Joyce D. Williams dated January 20, 1995.
- (4) Exhibit D--Copy of Criminal Docket Sheet from Lucas County Common Pleas Court, Case No. CR91-7660, of Darrell Allen Romer dated from December 4, 1991, through February 10, 1993; copy of letter from Charles W. Donaldson dated February 24, 1992; copy of page two of the Plea of No Contest in the Lucas County Common Pleas Court, Case No. CR91-7660, of Darrell Allen Romer dated February 13, 1992; copy of letter from Lori Schuster, approved by Michael F. Collins, dated March 19, 1992; copy of Judgment Entry of Sentence in the Lucas County Common Pleas Court, Case No. CR91-7660A, of Darrell Allen Romer dated April 1, 1992; copy of Completion - Evaluation in the Lucas County Adult Probation Department, Case No. CR 91-7660 of Darrell Romer dated May 6, 1992; and copy of Journal Entry in the Lucas County Common Pleas Court, Re: 91-7600, of Darrell Romer dated February 10, 1993.
- (5) Exhibit E--Letter from Lori S. Christman dated August 15, 1994.
- (6) Exhibit F--Letter from Robert J. Vanderkelen dated August 8, 1994.
- (7) Exhibit G--Letter from Philip M. Neiman dated January 19, 1995.
- (8) Exhibit H--Letter from Alice Holly dated January 23, 1995.
- (9) Exhibit I--Letter from Elizabeth Rynn dated January 20, 1995.
- (10) Exhibit J--Letter from Scott L. Sheridan dated January 18, 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 of Pharmacy indicate that Darrell Allen Romer was originally licensed in the state of Ohio on March 1, 1984, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
- (2) Darrell Allen Romer did, on or about October 24, 1991, by force, stealth, or deception, trespass in an unoccupied structure with the purpose to commit a theft offense, to wit: Darrell Allen Romer broke into Patterson School, Toledo, Ohio, to steal computers and/or computer equipment. Pursuant to a plea agreement, Darrell Allen Romer was convicted of Attempt in violation of Section 2923.02 of the Ohio Revised Code, a misdemeanor of the first degree, in the Common Pleas Court of Lucas County, Ohio. Such conduct is in violation of Section 2911.13 of the Ohio Revised Code.
- (3) Darrell Allen Romer did, from May 1, 1991, through October 10, 1991, with the purpose to deprive, knowingly obtain or exert control over the dangerous drugs, the property of another, beyond the express or implied consent of the owner, Rite Aid, to wit: Darrell Allen Romer stole the following quantities of Xanax, a schedule IV controlled substance:

Xanax .25mg	551 tablets
Xanax .50mg	750 tablets
Xanax 1.0mg	807 tablets

Such conduct is in violation of Section 2913.02 (formerly Section 2925.21) of the Ohio Revised Code.

- (4) Darrell Allen Romer 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: Darrell Allen Romer has admitted to stealing drugs for personal abuse and to forging prescriptions to cover the thefts; Darrell Allen Romer has admitted addiction to alcohol and Xanax; Darrell Allen Romer has admitted to abusing between 3mg to 6mg Xanax per day; Darrell Allen Romer has admitted that his addiction has caused him to commit thefts of computers and/or computer equipment; Darrell Allen Romer has admitted that he has blacked out and has had memory loss due to alcohol abuse; and, Darrell Allen Romer has admitted to being involved in automobile accidents and to committing traffic offenses due to his impairment.

## CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of dishonesty as provided in Division (A)(2) 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 paragraph (3) of the Findings of Fact constitutes being guilty of

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.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of Chapter 2925. 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 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Darrell Allen Romer:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby places Darrell Allen Romer, License No. 03-2-15426, on probation for five years, with the following conditions:
  - (1) Darrell Allen Romer must enter into a contract with the Pharmacists Rehabilitation Organization, Inc., or a similar certified Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment program acceptable to the Board, for a period of not less than five years. The contract must provide that:
    - (a) random, **observed** urine screens shall be conducted at least once a month. The urine drug screens must include reporting of specific gravity;
    - (b) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required during outpatient treatment and/or during aftercare;
    - (c) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and
    - (d) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
  - (2) Darrell Allen Romer must submit a copy of the contract to the Board as soon as it has been agreed to by the program.
  - (3) Darrell Allen Romer must continue his counseling sessions with a mental health professional at West Center or other mental health agency accredited by the Joint Commission on Accreditation of Healthcare Organizations, at least once a month or more frequently (as deemed necessary by the mental

health professional), to assure a measure of discipline over his symptoms of anxiety.

(4) Darrell Allen Romer 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:

- (a) The written report and documentation provided by the addiction treatment program pursuant to the contract,
- (b) documentation and/or progress letters from the mental health professional regarding counseling and prognosis of his anxiety, and
- (c) a written description, by Mr. Romer, of his progress towards recovery and what he has been doing during the previous three months.

(5) Other terms of probation are as follows:

- (a) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Darrell Allen Romer's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns while on probation.
- (b) The Board further stipulates that Darrell Allen Romer may not serve as a responsible pharmacist while on probation.
- (c) Darrell Allen Romer must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (d) Darrell Allen Romer must abide by the rules of the Ohio State Board of Pharmacy.
- (e) Darrell Allen Romer must comply with the terms of this Order.

(B) Darrell Allen Romer 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.

MOTION CARRIED.

SO ORDERED.