



**STATE OF
OHIO**
BOARD OF PHARMACY

IN THE MATTER OF:

Bruce Franken, R.Ph.
2385 Brian Lane
Hermitage, PA 16148

CASE NO. 2014-1220

License No. 03-2-15485

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Bruce Franken, for the purpose of resolving all issues between the parties relating to the OSBP investigation of *United States v. Franken*. Together, OSBP and Bruce Franken are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Bruce Franken is a licensed pharmacist under license number 03-2-15485.

FACTS

1. On or about February 27, 2014, the OSBP initiated an investigation of Bruce Franken, pharmacist license number 03-2-15485, related to Bruce Franken's guilty plea to one count of Health Care Fraud, *United States v. Franken*.
2. On or about May 30, 2014, the OSBP sent a Notice of Opportunity for Hearing to Bruce Franken, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

77 South High Street, 17th Floor, Columbus, Ohio 43215

T: (614) 466.4143 | F: (614) 752.4836 | contact@pharmacy.ohio.gov | www.pharmacy.ohio.gov



TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Bruce Franken neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated May 30, 2014; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. **BRUCE FRANKEN PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE BOARD OF PHARMACY HIS LICENSE AND REGISTRATION TO PRACTICE PHARMACY, LICENSE NO. 03-2-15485.**
4. Bruce Franken agrees to immediately return his license and wall certificate to the OSBP.
5. Bruce Franken may never reapply for ay license issued by the State of Ohio Board of Pharmacy pursuant to Chapters 3719. and 4729. of the Revised Code.
6. Bruce Franken agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Bruce Franken understands that he has the right to be represented by counsel for review and execution of this agreement.
8. Bruce Franken agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties to this Agreement have executed it and/or cause it to be executed by their duly authorized representatives.

Approved by:

Bruce Franken
Bruce Franken, Respondent

4/22/16
Date of Signature

Attorney for Respondent (if applicable)

Kilee S. Yarosh R.Ph.
Kilee S. Yarosh, R.Ph., President,
Ohio State Board of Pharmacy

Date of Signature

5/2/16
Date of Signature

Matthew J. Lampke
Matthew J. Lampke, Ohio Assistant Attorney General

5/2/16
Date of Signature

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
(Docket No. D-000906-007)

In The Matter Of:

BRUCE ELLIOTT FRANKEN, R.Ph.
4689 Athalia Drive
Columbus, Ohio 43228
(R.Ph. No. 03-2-15485)

This Settlement Agreement is entered into by and between Bruce Elliott Franken (hereinafter referred to as "Respondent") and the Ohio State Board of Pharmacy (hereinafter referred to as "the Board"), a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

This matter commenced on September 6, 2000, when the Board issued a Summary Suspension Order, suspending Respondent's license to practice pharmacy pending adjudication pursuant to Chapter 119. of the Ohio Revised Code. The Board issued its final Order on January 11, 2002, wherein it revoked Respondent's license. Respondent timely appealed to the Franklin County Common Pleas Court, which reversed a portion of the Board's Order, and remanded the case to the Board to fashion a new penalty consistent with the decision of the Court. Prior to the Board's consideration of a new penalty, the parties have entered into this agreement to settle all issues.

Bruce Elliott Franken voluntarily enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to additional formal adjudication and court appeals on the issues contained herein. Bruce Elliott Franken acknowledges that by entering into this agreement, he has waived his rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Bruce Elliott Franken was licensed to practice pharmacy in the State of Ohio prior to, and at the time of, the commencement of these proceedings.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of additional formal hearings, Bruce Elliott Franken knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Bruce Elliott Franken's license to practice pharmacy in the State of Ohio, R.Ph. No. 03-2-15485, is hereby restored. (A renewal application will be given to Respondent and must be properly completed and returned to the Board.)
- (B) Bruce Elliott Franken must enter into a new, five-year contract, within thirty (30) days of the effective date of this agreement, with Pharmacist's Rehabilitation Organization, P.R.O. The contract must provide that:

- (1) Random, observed urine screens shall be conducted at least every three (3) months.
 - (a) The urine sample must be given within twelve (12) hours of notification. The urine screen must include testing for creatinine or specific gravity of the sample as the dilutional standard;
 - (b) Results of all urine screens must be negative. 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 and probation;
 - (2) The P.R.O. intervenor/sponsor shall provide copies of all urine screen reports to the Board in a timely fashion;
 - (3) Attendance is required, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meetings;
 - (4) P.R.O. shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (C) Bruce Elliott Franken must submit quarterly progress reports to the Board; due January 10, April 10, July 10, and October 10, of each year of the contract, which include:
- (1) A written report and documentation provided by P.R.O. pursuant to the contract;
 - (2) A written description of Bruce Elliott Franken's progress toward maintaining his recovery and what he has been doing during the previous three months.
- (D) Other terms of probation are as follows:
- (1) Bruce Elliott Franken may not destroy, assist in, or witness the destruction of controlled substances;
 - (2) Bruce Elliott Franken must abide by his P.R.O. contract, and any violation must be reported to the Board immediately;
 - (3) Bruce Elliott Franken must not violate the drug laws and regulations of the State of Ohio, any other state, or the federal government.
- (E) Bruce Elliott Franken will voluntarily dismiss, with prejudice, his motion for attorney's fees filed with the Franklin County Common Pleas Court on February 26, 2003.

Bruce Elliott Franken acknowledges that he has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner; and, that he has been represented by counsel of his choosing and he is satisfied with the representation that he has received.

Bruce Elliott Franken waives any and all claims or causes of action he may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement.

This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of the Board President's signature below.

SIGNED AND EFFECTIVE APRIL 7, 2003

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-000906-007)

In The Matter Of:

BRUCE ELLIOTT FRANKEN, R.Ph.
4689 Athalia Drive
Columbus, Ohio 43228
(R.Ph. No. 03-2-15485)

INTRODUCTION

THE MATTER OF BRUCE ELLIOTT FRANKEN CAME FOR HEARING ON DECEMBER 4, 2001, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph., (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

BRUCE ELLIOTT FRANKEN WAS REPRESENTED BY DANIEL D. CONNOR AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Todd Zevchik, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Bruce Elliott Franken, R.Ph., Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of four-page Summary Suspension Order/Notice of Opportunity dated September 6, 2000.
(2) Exhibit 1A--Hearing Request letter from Daniel D. Connor dated September 18, 2000.
(3) Exhibit 1B--Copy of Hearing Schedule letter dated September 20, 2000.
(4) Exhibit 1C--Copy of Hearing Schedule letter dated October 30, 2000.
(5) Exhibit 1D--Hearing Request letter from Daniel D. Connor dated November 20, 2000.
(6) Exhibit 1E--Copy of Hearing Schedule letter dated December 7, 2000.
(7) Exhibit 1F--Copy of Hearing Schedule letter dated February 15, 2001.
(8) Exhibit 1G--Copy of Ohio Pharmacist Computer Record of Bruce Elliott Franken.
(9) Exhibit 1H--Copy of Hearing Request letter from Daniel D. Connor dated August 1, 2001.
(10) Exhibit 1I--Copy of Hearing Schedule letter dated August 1, 2001.

- (11) Exhibit 2--Copy of End of Day Report re Bruce Franken covering August 30, 1997 to August 30, 2000.
- (12) Exhibit 3--Copy of Patient Information report re Bruce Franken dated August 31, 2000.
- (13) Exhibit 4--Prescription vial labeled RX# 100531 for Bruce Franken dated January 27, 2000.
- (14) Exhibit 5--Prescription vial labeled RX# 100531 for Bruce Franken dated March 8, 2000.
- (15) Exhibit 6--Six-page copy of transcript of a video-taped interview of Bruce E. Franken dated August 18, 2000.
- (16) Exhibit 6A--Thirteen 8-1/2 x 11 color photographs of Bruce Elliott Franken's residence.
- (17) Exhibit 7--One evidence box containing items taken from Bruce E. Franken's home (i.e.-various dangerous drugs in stock containers, baggies, vials, syringes, tubes, and inhalers; and carbon dioxide canisters).
- (18) Exhibit 8--Copy of Comparison Chart of Generic Drugs Found in Bruce Franken's Residence with Generic Drugs Stocked at O. C. I., not dated.
- (19) Exhibit 9--Copy of Drug Audit Accountability Sheet for Testosterone Cyp. Inj. 200mg/ml at Orient Correctional Institution dated September 15, 2000.
- (20) Exhibit 10--Copy of Drug Audit Accountability Sheet for Papaverine 30mg/ml X 2ml vials at Orient Correctional Institution dated September 15, 2000.
- (21) Exhibit 11--Copy of Drug Audit Accountability Sheet for Regitine Inj. 5mg/ml X 1ml at Orient Correctional Institution dated September 15, 2000.
- (22) Exhibit 12--Copy of Drug Audit Accountability Sheet for Clomid 50mg tabs at Orient Correctional Institution dated September 15, 2000.
- (23) Exhibit 12A--Copy of Drug Audit Accountability Sheet for Phenylephrine 1% Inj. at Orient Correctional Institution dated September 15, 2000.
- (24) Exhibit 13--Copy of four-page Indictment, State of Ohio vs. Bruce Elliott Franken, Case No. 01CR-02-649, Franklin County Common Pleas Court, dated February 1, 2001.
- (25) Exhibit 13A--Copy of Criminal Case Processing Sheet and copy of two-page Entry of Guilty Plea, State of Ohio vs. Bruce E. Franken, Case No. 01CR-02-649, Franklin County Common Pleas Court, dated September 11, 2001.
- (26) Exhibit 13B--Copy of three-page Judgement Entry, State of Ohio vs. Bruce E. Franken, Case No. 01CR-02-649, Franklin County Common Pleas Court, dated November 6, 2001.
- (27) Exhibit 14--Copy of four-page article titled "Review: Anabolic Steroids And The Mind" by Brian Corrigan (MJA August 1996; 165: 222-226); Copy of four-page article titled "Affective and Psychotic Symptoms Associated With Anabolic Steroid Use" by Harrison G. Pope, Jr., M.D., and David L. Katz, M.D. (Am J Psychiatry April 1988; 145:487-490); Copy of four-page article titled "Homicide and Near-Homicide by Anabolic Steroid Users" by Harrison G. Pope, Jr., M.D., and David L. Katz, M.D. (J Clin Psychiatry January 1990; 51:28-31).
- (28) Exhibit 15--Two-page Statement of Guenther R. G'Nosa, R.Ph. notarized August 18, 2000, Copy of two-page Incident Report by Guenther R. G'Nosa, R.Ph. notarized August 17, 2000.
- (29) Exhibit 16--Statement of Irene G'Nosa notarized August 28, 2000.
- (30) Exhibit 17--Statement of James R. Ricket notarized August 17, 2000.
- (31) Exhibit 18--Statement of Della M. Alltop notarized August 21, 2000.

- (32) Exhibit 19--Copy of two-page Indictment, State of Ohio vs. Bruce D.(sic) Franken, Case No. 2000-CR-189, Pickaway County Common Pleas Court, dated October 27, 2000.
- (33) Exhibit 19A--Four-page copy of Entry Granting Intervention In Lieu Of Conviction, State of Ohio vs. Bruce E. Franken, Pickaway County Common Pleas Court, dated February 9, 2001.

Respondent's Exhibits:

- (1) Exhibit A1--Three-page copy of PRO Inc. Pharmacist's Recovery Contract of Bruce Franken dated November 15, 2001.
- (2) Exhibit A2--Copies of sixty-five pages of Parkside Behavioral Healthcare, Inc. medical records of Bruce Elliott Franken dated from August 22, 2000 to November 12, 2001.
- (3) Exhibit A3--Licking Memorial Hospital Statement of Rediscovery re Bruce Franken dated July 26, 2001, and copies of one hundred twenty-seven pages of Shepherd Hills medical records of Bruce Elliott Franken dated from June 12, 1993 to October 31, 1993.
- (4) Exhibit A4--Copies of ten pages of drug screen reports for specimens collected from Bruce Elliott Franken on October 25, 2001; June 12, 2001; February 14, 2001; April 18, 2001; (*date illegible*); November 28, 2000; October 18, 2000; September (*illegible*), 2000; and two on September 11, 2000; Copy of Ohio Department of Rehabilitation and Corrections Cumulative Subject Report of two drug screen reports for specimens collected from Bruce Franken on April 25, 2001, and May 23, 2001.
- (5) Exhibit A5--Ten pages of support group attendance validation records dated from August 22, 2000 to November 25, 2001.
- (6) Exhibit A6--Copy of letter from Max Schorr dated July 25, 2001; Letter from C. Max Schorr dated November 19, 2001.
- (7) Exhibit A7--Copy of three-page letter from Donald R. Scott, M.A., L.P.C. dated July 24, 2001; Letter from Donald R. Scott, M.A., L.P.C. dated November 12, 2001.
- (8) Exhibit A8--Copy of three-page letter from Nick A. Kallis, R.Ph. dated November 27, 2001.
- (9) Exhibit A9--Copies of seven pages of letters from the following: Bart Martelli, R.N. dated November 21, 2001; Maurice Franck, R.N. not dated; Mehemet Kavak, M.D., not dated; Rosa Lemaster, not dated; Tonya J. Jenkins, LPN, dated November 22, 2001; Marvin Sheard, not dated; and Brent A. LeMaster dated November 18, 2001.
- (10) Exhibit A10--Copy of Quest Diagnostics Forensic Drug Testing Custody and Control Form of Bruce Franken dated August 15, 2001.

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 State Board of Pharmacy indicate that Bruce Elliott Franken was originally licensed in the state of Ohio on June 26, 1984, pursuant to reciprocity, and that his license to practice pharmacy in the state of Ohio was summarily suspended effective September 6, 2000.

- (2) Bruce Elliott Franken did, on or about January 27, 2000, and again on March 8, 2000, by deception, as defined in Section 2913.01 of the Ohio Revised Code, procure a prescription for, or the dispensing of a dangerous drug, to wit: Bruce Elliott Franken obtained a total of 30 tablets of Viagra 100mg from 1stonlinepharmacy.com by deception when Bruce Elliott Franken failed to indicate the medications Bruce Elliott Franken was taking at those times. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (3) Bruce Elliott Franken did, from on or about October 17, 1994, through August 16, 2000, with purpose to deprive, knowingly obtain or exert control over controlled substances and/or dangerous drugs, the property of Orient Correctional Institution, 11781 St. Rt. 762, Orient, Ohio, beyond the express or implied consent of the owner, to wit: Bruce Elliott Franken stole the following drugs from his employer:

Depo-Testosterone 200mg/ml (Schedule III C.S.)	10ml
Ambien 5mg tablets (Schedule IV C.S.)	16
Toradol tablets	23
SMZ-TMP DS	30
cyclobenzaprine 10mg tablets	25
Augmentin tablets 875mg	15
Cipro 500mg	13
Ceftin 250mg	11
Zovirax 200mg capsules	12
Diflucan 100mg	14
Cefaclor 500mg capsules	21
Betapen-VK 500mg	3
Prednisone 10mg	26
papaverine HCl Injection 30mg x 2ml	13 vials
phenylprop/guaifenesin tablets	18
Sonata 5mg capsules	35
cephalexin 500mg capsules	16
Zovirax 800mg capsules	8
Toradol Injection 60mgx2ml	1
Regitine 5mg injection	3
Clomid 50mg tablets	7
Atrovent Inhaler	3
betamethasone popro. 0.05% 45gm	1
clobetasol propion 0.05% 30gm	1
Lotrisone 15gm	1
TobraDex Opth. Drops 5ml	2
Cortomycin Otic Susp 10ml	1
Prevacid 15mg	43
Celebrex 100mg	29
ibuprofen 800mg	10
Nolvadex 10mg	14
Claritin 10mg	4
Maxitrol Opth drops 5ml	1
Viagra 100mg	16
phenylephrine 1% injection	1ml

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

- (4) Bruce Elliott Franken did, between October 17, 1994, and August 16, 2000, knowingly obtain, possess, or use a controlled substance, to wit: Bruce Elliott Franken abused anabolic steroids, without valid prescriptions and not for a legitimate medical purpose, which cause fits of rage and other lapses in judgment, thus, rendering Bruce Elliott Franken unfit to practice pharmacy. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code and indicates that Bruce Elliott Franken falls within the ambit of Section 3719.121(B) 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.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (4) 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 Chapter 2925. and 3719. 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 to Bruce Elliott Franken on September 6, 2001.

Pursuant to Section 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy takes the following actions in the matter of Bruce Elliott Franken:

- (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. 03-2-15485, held by Bruce Elliott Franken 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. 03-2-15485, held by Bruce Elliott Franken 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. 03-2-15485, held by Bruce Elliott Franken 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. 03-2-15485, held by Bruce Elliott Franken effective as of the date of the mailing of this Order.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).
MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE JANUARY 11, 2002

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

September 6, 2000

Bruce Elliott Franken, R.Ph.
4689 Athalia Drive
Columbus, Ohio 43228

Re: Ohio Registered Pharmacist
Number 03-2-15485

Dear Mr. Franken:

In accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the state of Ohio on June 26, 1984, pursuant to reciprocity, and are currently licensed to practice pharmacy in the state of Ohio.
- (2) You did, on or about January 27, 2000, and again on March 8, 2000, by deception, as defined in Section 2913.01 of the Ohio Revised Code, procure a prescription for, or the dispensing of a dangerous drug, to wit: you obtained a total of 30 tablets of Viagra 100mg from 1stonlinepharmacy.com by deception when you failed to indicate the medications you were taking at those times. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (3) You did, from on or about October 17, 1994, through August 16, 2000, with purpose to deprive, knowingly obtain or exert control over controlled substances, the property of Orient Correctional Institution, 11781 St. Rt. 762, Orient, Ohio, beyond the express or implied consent of the owner, to-wit: you stole the following drugs from your employer:

Depo-Testosterone 200mg/ml (Schedule III C.S.)	10ml
Ambien 5mg tablets (Schedule IV C.S.)	16
Toradol tablets	23
SMZ-TMP DS	30
Cyclobenzaprine 10mg tablets	25
Augmentin tablets 875mg	15
Cipro 500mg	13
Ceftin 250mg	11
Zovirax 200mg capsules	12
Diflucan 100mg	14
Cefaclor 500mg capsules	21
Betapen-VK 500mg	3
Prednisone 10mg	26

Papaverine HCl Injection 30mg x 2ml	13 vials
Phenylprop/Guaifenesin tablets	18
Sonata 5mg capsules	35
Cephalexin 500mg capsules	16
Zovirax 800mg capsules	8
Toradol Injection 60mgx2ml	1
Regitine 5mg injection	3
Clomid 50mg tablets	7
Atrovent Inhaler	3
Betamethasone Propro. 0.05% 45gm	1
Clobetasol Propion.0.05% 30gm	1
Lotrisone 15gm	1
Tobradex Opth. Drops 5ml	2
Cortomycin Otic Susp 10ml	1
Prevacid 15mg	43
Celebrex 100mg	29
Ibuprofen 800mg	10
Nolvadex 10mg	14
Claritin 10mg	4
Maxitrol Opth drops 5ml	1
Viagra 100mg	16

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

- (4) You did, between October 17, 1994, and August 16, 2000, knowingly obtain, possess, or use a controlled substance, to wit: you abused anabolic steroids without valid prescriptions and not for a legitimate medical purpose, which cause fits of rage and other lapses in judgment, thus, rendering you unfit to practice pharmacy. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code and indicates that you fall within the ambit of Section 3719.121(B) of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

(B) If the board under which a person has been issued a license, . . . , determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, . . . , without a prior hearing.

WHEREFORE, PURSUANT TO SECTION 3719.121(B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until a final adjudication order becomes effective, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code.

IF YOU REQUEST A HEARING within 30 days of the time of the mailing of this notice, such will be afforded. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE HEREBY ADVISED that if you do not request such a hearing within thirty (30) days of the mailing of this notice, the State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

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.

(D-000906-007)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE SEPTEMBER 6, 2000

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective January 11, 2002)*