



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

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E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

May 10, 2013

Lisa Ann Baker, R.Ph.
9875 Bimeler Street N.E.
Bolivar, Ohio 44612

Re: Ohio Registered Pharmacist
Number 03-2-15516

Dear Ms. Baker:

In accordance with Section 3719.121(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. Further, 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 August 8, 1984, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You are addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: in 2006, you admitted that you are addicted to hydrocodone, an opiate. In May of 2006, the Board summarily suspended your license due in part to your addiction. In February of 2007, the Board imposed an indefinite suspension of your license with various monitoring conditions. In April of 2008 the Board reinstated your license. The Board's Order required you to continue compliance with a treatment contract you had entered with an approved treatment provider. Such contract included random, observed urine drug screens conducted at least once each month for the first year and then at least once every three months thereafter. On or about March 13, 2012, while being on administrative probation with the Board and currently under a contract with PRO (the Pharmacist Rehabilitation Organization), you provided a urine sample that tested positive for alcohol consumption. On April 9, 2013, you provided a second urine sample that tested positive for hydrocodone. As such, you fall within the ambit of Sections 3719.121 and 4729.16(A)(3) of the Ohio Revised Code. You also fall directly under the control of Ohio Administrative Code Section 4729-6-10(2) for your failed compliance with your treatment contract from an approved treatment provider.

- (3) You did, on or about January 14, 2013, misbrand a drug, to wit: when you received a prescription for gabapentin 100mg, RX #6361761, you dispensed gabapentin 300mg, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (4) You did, on or about January 14, 2013, misbrand a drug, to wit: when you received a prescription for ferrous sulfate 325mg, RX #6361780, you dispensed ferrous gluconate 325mg, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (5) You did, on or about January 21, 2013, misbrand a drug, to wit: when you received a prescription for cephalexin 500mg, RX #6362949, you labeled and dispensed this prescription to the wrong patient. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (6) You did, on or about February 1, 2013, misbrand a drug, to wit: when you received a prescription for ceftriaxone 2mg, RX #6365338, you dispensed ceftriaxone 1mg, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (7) You did, on or about February 4, 2013, misbrand a drug, to wit: when you received a prescription for levofloxacin 500mg, RX #6365504, you dispensed prednisone 10mg, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (8) You did, on or about February 4, 2013, misbrand a drug, to wit: when you received a prescription for prednisone 10mg, RX #6365505, you dispensed levofloxacin 500mg, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (9) You did, on or about February 18, 2013, misbrand a drug, to wit: when you received a prescription for vancomycin 500mg, RX #6367243, you dispensed vancomycin 1000mg which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

- (10) You did, on or about February 27, 2013, misbrand a drug, to wit: when you received a prescription for prednisone 7.5mg, RX #6368635, you dispensed prednisone 2.5 mg which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (11) You did, on or about March 16, 2013, misbrand a drug, to wit: when you received a prescription for Detrol LA 4mg, RX #6362554, you dispensed omeprazole in a bubble pack which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (12) You did, on or about March 18, 2013, misbrand a drug, to wit: when you received a prescription for (16) .25ml Ativan Gel syringes, RX #4033727, you dispensed (4) 1ml Ativan Gel syringes which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (13) You did, on or about March 20, 2013, misbrand a drug, to wit: when you received a prescription for Percocet, directions for use, 1 tab BID, RX #2012859, you dispensed two Percocet tablets per pod in a bubble pack. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (14) You did, on or about April 1, 2013, misbrand a drug, to wit: when you received a prescription for Muro-128 5%, RX #6372354, you dispensed Muro-128-2%, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (15) You did, on or about April 8, 2013, misbrand a drug, to wit: when you received a prescription for Merrem 1000mg, RX #6373141, you dispensed Merrem 500mg, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (16) You did, on or about April 8, 2013, misbrand a drug, to wit: when you received a prescription for escitalopram 10mg, RX #6373347, you dispensed escitalopram 20mg, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

(17) You did, on or about April 22, 2013, fail to cooperate with a Board investigation and you failed to divulge all relevant information when requested by Board Agents. Specifically, you refused to divulge information relevant to an ongoing administrative investigation when questioned by Board Agents, thereby failing to cooperate in the investigation. Such conduct is in violation of Section 4729.19 of the Ohio Revised Code, and if proven constitutes being guilty of dishonesty or unprofessional conduct in the practice of pharmacy and/or guilty of willfully violating a provision of Chapter 4729. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(A) of the Ohio Revised Code states, in pertinent part: "any ... pharmacist, ... who is or becomes addicted to the use of controlled substances, shall be suspended by the board that authorized the person's license, certificate, or registration..."

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 SECTIONS 3719.121(A) and (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 an adjudicatory hearing has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, 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, limit, 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;

(10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

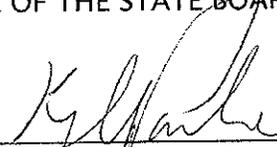
IF YOU REQUEST A HEARING within 30 days of the time of the mailing of this notice, such will be afforded. Such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. You may appear at such hearing in person, by your attorney, or by such other 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 FURTHER 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.

Baker, Lisa Ann, R.Ph.
Page 6
Summary Suspension

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.

BY ORDER OF THE STATE BOARD OF PHARMACY



Kyle W. Parker, M.B.A., R.Ph.
Executive Director

KWP/bte (Case No. 2013-1381)
Registered Mail / Return Receipt
RE 946 606 493 US

c: Alan P. Schwepe, Assistant Attorney General



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-070503-044)

In The Matter Of:

LISA ANN BAKER, R.Ph.
9875 Bimeler Street N.E.
Bolivar, Ohio 44612
(R.Ph. No. 03-2-15516)

INTRODUCTION

THE MATTER OF LISA ANN BAKER CAME FOR HEARING ON MARCH 3, 2008, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: GREGORY BRAYLOCK, R.Ph. (presiding); RICHARD F. KOLEZYNSKI, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; HEATHER L. PASQUALE, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; JAMES E. TURNER, R.Ph.; AND JEROME J. WIESENHAHN, R.Ph.

LISA ANN BAKER WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witnesses

1. Lisa Ann Baker, R.Ph., Respondent
2. Debra Lynn Basinger, R.Ph.

State's Exhibits

1. Reinstatement Hearing Request letter [04-31-07]
1A-1B. Procedurals
2. State Board of Pharmacy Order in re Lisa Ann Baker, R.Ph. [02-08-07]

Respondent's Exhibits

- A1. PRO Pharmacist's Recovery Contract for Lisa Baker [03-01-07]; Three Client Self-Reports [06-30-07, 10-01-07 and 12-28-07]
- A2. Support Group Attendance Records [01-02-07 to 02-28-08]; Calendar Pages for January 2007 to February 2008
- A3. Letter from Thomas W. Hiland [01-29-08]; Drug Screen Reports [09-11-06 to 02-06-08]

A4. Continuing Pharmaceutical Education Credits and Certificates [10-20-05 to 01-25-08]

A5.

A6. Two Progress Report Letters [02-01-07 and 02-05-08]; Five Letters of Support [02-04-08 to 2-15-08]

A7. Restitution Documentation [01-22-08]

A8. Correspondence between the Department of Health & Human Services and Lisa Ann Baker [07-31-07 to 10-31-07]

A9. Letter From Lisa Ann Baker [not dated]; Hearing Schedule Letter [05-03-07]; State Board of Pharmacy Order in re Lisa Ann Baker, R.Ph. [02-08-07]

FINDING 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 that Lisa Ann Baker has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-060511-072, effective February 8, 2007.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-2-15516, held by Lisa Ann Baker to practice pharmacy in Ohio and places Lisa Ann Baker on probation for five years beginning on the effective date of this Order, with the following conditions:

(A) Lisa Ann Baker must enter into a new contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, mail a copy of the contract to the Board office. The contract must provide that:

(1) Random, observed urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.

(a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

(b) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. 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.

(2) The intervener/sponsor shall submit to the Board reports, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

(3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(B) Lisa Ann Baker 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:

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

(2) A written description of Lisa Ann Baker's progress towards recovery and what Lisa Ann Baker has been doing during the previous three months.

(C) Other terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that Lisa Ann Baker's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.

(2) Lisa Ann Baker may not serve as a responsible pharmacist.

(3) Lisa Ann Baker may not destroy, assist in, or witness the destruction of controlled substances.

(4) Lisa Ann Baker must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.

(5) Lisa Ann Baker must not violate the drug laws of the State of Ohio, any other state, or the federal government.

(6) Lisa Ann Baker must abide by the rules of the State Board of Pharmacy.

(7) Lisa Ann Baker must comply with the terms of this Order.

(8) Lisa Ann Baker's license is deemed not in good standing until successful completion of the probationary period.

(D) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Lisa Ann Baker 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 (Aye-7/Nay-0).
MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio. Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: April 10, 2008

By: _____
William T. Winsley, M.S., R.Ph., Executive Director

WTW/lf

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9804 3519

c: Sally Ann Steuk, Assistant Attorney General



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-060511-072)

In The Matter Of:

LISA ANN BAKER, R.Ph.

9875 Bimeler Street N.E.

Bolivar, Ohio 44612

(R.Ph. No. 03-2-15516)

INTRODUCTION

THE MATTER OF LISA ANN BAKER CAME FOR HEARING ON JANUARY 8, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

LISA ANN BAKER WAS REPRESENTED BY JAMES LINDON. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness:

1. David Gallagher, Ohio State Board of Pharmacy

Respondent's Witnesses:

1. Lisa Ann Baker, R.Ph., Respondent
2. Bernadette Charles
3. Debra Basinger, R.Ph.

State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [05-11-06]
 - 1A-1D. Procedurals
 - 1E. Addendum Notice [10-24-06]
 - 1F. Procedural
2. Statement of Lisa Baker [04-26-06]
3. Drug Audit Accountability Sheet for hydrocodone/APAP 10/325 mg at Rite Aid Pharmacy #2401 [05-01-06]
 - 3A. Photocopy of hydrocodone/APAP 10/325 mg stock bottle [not dated]

4. Receipt for Evidence from Lisa Baker's pocket [04-26-06]; photocopies of hydrocodone/APAP 10/325 mg, Imprint Watson/853; hydrocodone/APAP 10/325 mg, Imprint M-367; and, Fioricet, Imprint A/2355 [not dated]
5. Receipt for Evidence from Lisa Baker's residence [04-26-06]; photocopies of sulfamethoxazole and trimethoprim double strength, Imprint 93-089; Fioricet, Imprint A-2355 and hydrocodone/APAP 10/500 mg, Imprint M-363 [not dated]; hydrocodone Bitartrate and Acetaminophen 10 mg-325 mg stock bottle [not dated]; hydrocodone/APAP 10/325 mg, Imprint Watson/853 [not dated]
6. Drug Audit Accountability Statement for hydrocodone/APAP 10/325 mg at Rite Aid Pharmacy #2401 [05-10-06]
7. Indictment, State of Ohio vs. Lisa A. Baker, Case No. 2006CR0935, Stark County Common Pleas Court [06-23-06]; Plea of Guilty [08-09-06]; Change of Plea and Intervention in Lieu of Conviction [08-15-06]

Respondent's Exhibits:

- A. PRO Pharmacist's Recovery Contract for Lisa A. Baker [08-17-06]; Mercy Medical Center Certificate of Achievement [09-07-06]; Mercy Impact Information letter [not dated]; Medical Records - Sealed
- B. Calendar pages for April 2006 to December 2006; Support Group Attendance Records [05-03-06 to 12-28-06]
- C. Drug Screen Reports [05-23-06 to 12-05-06]
- D. Continuing Pharmaceutical Education Credits and Certificates [08-31-05 to 07-19-06]
- E. Letters of Support [05-25-06 to 12-27-06]
- F. Meeting Attendance Record [09-22-06 to 12-29-06]; copy of letter from Steve Doss to Lisa Baker [10-10-06]; Summons in Lieu of Arrest, State of Ohio vs Lisa A. Baker, Case No. 2006CR0935, Stark County Common Pleas Court [06-23-06]; Request for Intervention in Lieu of Conviction [07-18-06]; Indictment [06-23-06]; Docket Entries [06-23-06 to 09-26-06]; Change of Plea and Intervention in Lieu of Conviction [08-09-06]; Plea of Guilty [08-09-06]
- G. Rite Aid Corporation Restitution Agreement [05-25-06]; Restitution Documentation [06-21-06 to 10-03-06]; Letter from Rite Aid Corporation to Lisa Baker [12-08-06]

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 Board of Pharmacy indicate that Lisa Ann Baker was originally licensed by the State of Ohio as a pharmacist on August 8, 1984, pursuant to examination, and that her license to practice pharmacy in Ohio was summarily suspended effective May 11, 2006.
- (2) Lisa Ann Baker is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Lisa Ann Baker admitted to a Board agent that she stole approximately 6,000 hydrocodone/APAP 10/325 mg tablets and 300 to 500 hydrocodone/APAP 10/500 mg tablets, Schedule III controlled substances, during the past year. Lisa Ann Baker has also admitted to using 12 to 18 tablets of hydrocodone in a 12-hour shift. Such conduct indicates that Lisa Ann Baker is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.

- (3) Lisa Ann Baker did, between April 15, 2006 and April 17, 2006, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rite Aid, beyond the express or implied consent of the owner, to wit: while practicing pharmacy this date, Lisa Ann Baker stole 143 hydrocodone/APAP 10/325 mg tablets, a Schedule III controlled substance, for her personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Lisa Ann Baker did, on or about April 19, 2006, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rite Aid, beyond the express or implied consent of the owner, to wit: while practicing pharmacy this date, Lisa Ann Baker stole 5 hydrocodone/APAP 10/325 mg tablets, a Schedule III controlled substance, for her personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) Lisa Ann Baker did, on or about April 21, 2006, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rite Aid, beyond the express or implied consent of the owner, to wit: while practicing pharmacy this date, Lisa Ann Baker stole 55 hydrocodone/APAP 10/325 mg tablets, a Schedule III controlled substance, for her personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) Lisa Ann Baker did, on or about April 22, 2006, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rite Aid, beyond the express or implied consent of the owner, to wit: while practicing pharmacy this date, Lisa Ann Baker stole 145 hydrocodone/APAP 10/325 mg tablets, a Schedule III controlled substance, for her personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) Lisa Ann Baker did, on or about April 24, 2006, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rite Aid, beyond the express or implied consent of the owner, to wit: while practicing pharmacy this date, Lisa Ann Baker stole 50 hydrocodone/APAP 10/325 mg tablets, a Schedule III controlled substance, for her personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (8) Lisa Ann Baker did, on or about April 26, 2006, knowingly possess a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Lisa Ann Baker possessed 7 hydrocodone/APAP 10/500 mg tablets, a Schedule III controlled substance, in her home without a valid prescription. Lisa Ann Baker surrendered the tablets to Board agents. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (9) On or about August 9, 2006, Lisa Ann Baker pled guilty to (2) two counts of Theft of Drugs, felonies of the fourth degree, under Section 2913.02 (A)(2) of the Ohio Revised Code. Lisa Ann Baker was granted Intervention in Lieu of Conviction. State of Ohio vs. Lisa A. Baker, Case No. 2006 CR 0935, Stark County Common Pleas Court. Such conduct indicates that Lisa Ann Baker is guilty of a felony or gross immorality and/or addicted to or abusing drugs to such a degree as to render her unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) through (9) 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) The State Board of Pharmacy concludes that paragraphs (3) through (9) 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) The State Board of Pharmacy concludes that paragraph (2) 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 her unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) The State Board of Pharmacy concludes that paragraph (8) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION 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 Lisa Ann Baker on May 11, 2006.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-2-15516, held by Lisa Ann Baker and such suspension is effective as of the date of the mailing of this Order.

- (A) Lisa Ann Baker, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Lisa Ann Baker, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after one year from the effective date of this Order, the Board will consider any petition filed by Lisa Ann Baker for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (A) Lisa Ann Baker must enter into a new contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, mail a copy of the contract to the Board office. The contract must provide that:

- (1) Random, observed urine drug screens shall be conducted at least once each month.
 - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. 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.
 - (2) The intervener/sponsor shall submit to the Board reports, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
 - (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Lisa Ann Baker must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
- (C) Lisa Ann Baker must provide, at the reinstatement petition hearing, documentation of the following:
- (1) Restitution to Rite Aid pursuant to Rite Aid's Restitution Agreement;
 - (2) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);
 - (3) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
 - (4) Compliance with the terms of this Order.
- (D) If reinstatement is not accomplished within three years of the effective date of this Order, Lisa Ann Baker must also show successful completion of the NAPLEX and MPJE examinations or equivalent examinations approved by the Board.
- (E) Upon such time as the Board may consider reinstatement, Lisa Ann Baker will be afforded a Chapter 119. hearing. At such time, the Board may consider

reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-0).
MOTION CARRIED.
SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with both the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: February 2, 2007

CERTIFIED MAIL/Return Receipt
7001 0360 0002 4139 2794

WTW/lf

By: _____
William T. Winsley, M.S., R.Ph., Executive Director