



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-050908-026)

In The Matter Of:

TIMOTHY SCOTT MacTAGGART

54 Kenilworth Drive
Akron, Ohio 44313

INTRODUCTION

THE MATTER OF TIMOTHY SCOTT MacTAGGART CAME FOR HEARING ON MAY 9, 2006, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE R. EASTMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

TIMOTHY SCOTT MacTAGGART WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

1. George Pavlich, Ohio State Board of Pharmacy

Respondent's Witness

1. Timothy S. MacTaggart, Respondent

State's Exhibits

1. Proposal to Deny/Notice of Opportunity For Hearing letter [09-08-05]
1A-1C. Procedurals
2. State Board of Pharmacy Order in re Timothy Scott MacTaggart, R.Ph. [05-05-93]
3. Application For Examination As A Pharmacist with attachments submitted by Timothy Scott MacTaggart [08-29-05]
4. Summit County Coroner's Report of Investigation in re Ferdinand Montanino, Jr. [12-30-90]
5. Two-page Prescription Dispensing Chart [not dated]
6. Friendly Drug Tax Insurance Summary for Fred Montanino [10-12-89 to 10-12-90]
7. Friendly Drug Tax Insurance Summary for Fred Montanino [01-01-90 to 01-14-91]
8. Complaint, State of Ohio vs Timothy Scott MacTaggart, Case No. B93-6-747, Wayne County Municipal Court [06-11-93]

TIMOTHY SCOTT MacTAGGART

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Order of the Board

9. Indictment, State of Ohio vs Timothy Scott MacTaggart, Case No. 93-CR-121, Wayne County Common Pleas Court [09-13-93]; Judgment Entry Change of Plea [11-10-93]; Judgment Entry Sentencing and Probation [12-16-93]

Respondent's Exhibits

- A. Fifteen Letters of Support [03-24-06 to 05-08-06]; Description of TSM Consulting [not dated]

DECISION OF THE BOARD

Pursuant to Section 4729.08 of the Ohio Revised Code and Rule 4729-5-04 of the Ohio Administrative Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby denies the issuance of a certificate of registration or an identification card and, therefore, denies the Application for Examination as a Pharmacist submitted by Timothy Scott MacTaggart on or about August 29, 2005.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-1).

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: JUNE 7, 2006

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9804 6855

By: Timothy J. Benedict
William T. Winsley, M.S., R.Ph., Executive Director

WTW/lf

cc: 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-920824-015)

In The Matter Of:

TIMOTHY SCOTT MacTAGGART, R.Ph.
1731 Shatto Avenue
Akron, Ohio 44313
(R.Ph. No. 03-2-15633)

INTRODUCTION

THE MATTER OF TIMOTHY SCOTT MacTAGGART CAME TO HEARING ON MARCH 8 AND 9, 1993, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY D. MOORE, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; WAYNE C. MILLER, R.Ph.; RUTH A. PLANT, R.Ph.; NICHOLAS R. REPKE; AND ROBERT W. VALENTINE, R.Ph.

TIMOTHY SCOTT MacTAGGART WAS REPRESENTED BY EDMUND M. SAWAN, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Detective Steve Stahl, Munroe Falls Police Department
- (2) William T. Winsley, Ohio State Board of Pharmacy
- (3) Joseph Szymanski
- (4) Timothy Scott MacTaggart, Respondent

Respondent's Witnesses:

- (1) Sam DiMeo
- (2) James Thompson
- (3) Thomas Hamilton
- (4) Carol MacTaggart
- (5) Randy D. Fasnacht
- (6) Timothy Scott MacTaggart, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Notice of Opportunity letter dated August 24, 1992.
- (2) Exhibit 1A - Amended Notice of Opportunity letter dated March 2, 1993.
- (3) Exhibit 1B - Hearing Request letter dated September 21, 1992.

- (4) Exhibit 1C - Hearing Schedule letter dated September 25, 1992.
- (5) Exhibit 1D - Continuance Request letter dated November 19, 1992.
- (6) Exhibit 1E - Hearing Schedule letter dated November 24, 1992.
- (7) Exhibit 6 - Five-page Dangerous Drug Distributor Inspection Report of Friendly Discount Drug, DDD No. 02-447550, dated February 5, 1990; and three-page pink sheet response to February 5, 1990, inspection of Friendly Discount Drug, not signed or dated.
- (8) Exhibit 13 - Pharmacist File Front sheet of Timothy Scott MacTaggart showing original date of registration as August 8, 1984; and Renewal Application for a Pharmacist License, number 03-2-15633, for a license to practice pharmacy in Ohio from September 15, 1992, to September 15, 1993, dated July 21, 1992.
- (9) Exhibit 14 - Nine-page copy of pages from three prescription refill log books of Friendly Discount Drug.
- (10) Exhibit 15 - Receipt for removal of records from Friendly Discount Drug dated May 1, 1991.
- (11) Exhibit 17 - Three-page Dangerous Drug Distributor Inspection Report of Friendly Discount Drug dated January 14, 1991.
- (12) Exhibit 27 - Dangerous Drug Distributor Inspection Report of Friendly Discount Drug dated June 18, 1992.
- (13) Exhibit 28 - Seven-page copy of Tax Insurance Summary of Friendly Discount Drug for patient Joe Szymanski from January 1, 1990 through February 15, 1991. Report dated February 15, 1991.
- (14) Exhibit 29 - Profile of Joe Szymanski from December 4, 1989 through May 23, 1990.
- (15) Exhibit 30 - Copy of letter from S. R. Scheinberg, M.D. dated March 5, 1991.
- (16) Exhibit 31 - Prescription No. 179160 and Prescription No. 179161.
- (17) Exhibit 32 - Prescription No. 184096.
- (18) Exhibit 35 - Prescription No. 189061.
- (19) Exhibit 36 - Prescription No. 189651.
- (20) Exhibit 37 - Prescription No. 189650.
- (21) Exhibit 38 - Prescription No. 192396.
- (22) Exhibit 39 - Prescription No. 196255.
- (23) Exhibit 40 - Prescription No. 196840.
- (24) Exhibit 41 - Prescription No. 196843.
- (25) Exhibit 45 - Prescription No. 202602.
- (26) Exhibit 46 - Prescription No. 203254 and Prescription No. 203255.
- (27) Exhibit 51 - Four prescriptions numbered as follows: 206041, 206043, 206044, and 206045.
- (28) Exhibit 52 - Prescription No. 206688 and Prescription No. 206689.
- (29) Exhibit 55 - Prescription No. 209563.
- (30) Exhibit 61 - Prescription No. 179159.
- (31) Exhibit 62 - Prescription No. 183294.
- (32) Exhibit 64 - Prescription No. 192397.
- (33) Exhibit 69 - Thirty-nine prescriptions numbered as follows: 181354, 181353, 190558, 198655, 207496, 182079, 182422, 182423, 188755, 192126, 178570, 178569, 187607, 197017, 188131, 190728, 195239, 204169, 188130, 190727, 205117, 193497, 188221, 197018, 199241, 210636, 176120, 173718, 175076, 175213, 177155, 180745, 180746, 181351, 190504, 191376, 196851, 199240, and 211563.

- (34) Exhibit 70 - Six-page copy of computer-generated report of Prescriptions filled at Friendly Drug, sorted by date, of patient Fred Montanino, from October 12, 1989 through December 28, 1990.
- (35) Exhibit 71 - Eight-page copy of computer-generated report of Prescriptions Filled at Friendly Drug, sorted by drug, of patient Fred Montanino.
- (36) Exhibit 72 - Nine-page copy of computer printout, Friendly Drug Tax Insurance Summary for patient Fred Montanino from October 12, 1989, through October 12, 1990. Report dated October 13, 1990.
- (37) Exhibit 73 - Six-page copy of computer printout, Friendly Drug Tax Insurance Summary for patient Fred Montanino from January 1, 1990, through January 14, 1991. Report dated January 14, 1991.
- (38) Exhibit 74 - Two-page statement of Eva H. Hu-Whittemore, M.D. signed and notarized on February 23, 1993; and attached six-page copy of computer-generated report of Prescriptions Filled at Friendly Drug, sorted by date, of patient Fred Montanino, from October 12, 1989 through December 28, 1990.
- (39) Exhibit 75 - Two-page statement of Ross R. Black, M.D. signed and notarized on February 4, 1993; and attached six-page copy of computer-generated report of Prescriptions Filled at Friendly Drug, sorted by date, of patient Fred Montanino, from October 12, 1989 through December 28, 1990.
- (40) Exhibit 76 - Two-page statement of John A. Karnoupakis, M.D. signed and notarized on February 10, 1993; and attached six-page copy of computer-generated report of Prescriptions Filled at Friendly Drug, sorted by date, of patient Fred Montanino, from October 12, 1989 through December 28, 1990.
- (41) Exhibit 77 - Two-page statement of Dr. Martin Finkelstein, M.D. signed and notarized on February 12, 1993; and attached six-page copy of computer-generated report of Prescriptions Filled at Friendly Drug, sorted by date, of patient Fred Montanino, from October 12, 1989 through December 28, 1990.
- (42) Exhibit 78 - Ten 9½ in. x 6 in. bound theme books, Prescription Refill Log books of Friendly Discount Pharmacy.
- (43) Exhibit 83 - Two-page copy of County of Summit, Office of Coroner, Coroner's Report of Investigation of Ferdinand Montanino, Jr. Date of examination December 30, 1990.
- (44) Exhibit 85 - Four-page copy of computer-generated report of illegal prescriptions filled at Friendly Drug by Timothy MacTaggart for patient Fred Montanino.
- (45) Exhibit 86 - Copies of two bar graphs, Montanino Rx's filled by R.Ph. Tim MacTaggart, and Percentage of Montanino Rx's filled by R.Ph. Tim MacTaggart.
- (46) Exhibit 87 - Six-page copy of LEADS Driving Record with criminal history of Timothy S. MacTaggart provided by the Ohio State Highway Patrol; copy of Facsimile Information Transmittal Cover Sheet to Sgt. Harold Neese, Ohio State Highway Patrol Communications Center, from Tim Benedict, Ohio State Board of Pharmacy; and copy of Request for Record Check of Timothy Scott MacTaggart dated June 16, 1992.
- (47) Exhibit 88 - Six-page statement of Schayel R. Scheinberg, M.D. signed and notarized on January 26, 1993.
- (48) Exhibit 89 - Two-page certified Journal Entry in the Court of Common Pleas, County of Summit, case number CR 91 03 0708, the State of Ohio vs. Joseph Szymanski dated June 3, 1991.
- (49) Exhibit 90 - Three-page certified Journal Entry in the Court of Common Pleas, County of Summit, case number CR 91 07 1597, the State of Ohio vs. Joseph Szymanski dated August 6, 1991.

Respondent's Exhibits:

- (1) Exhibit A - Two-page copy of Black's Law Dictionary, Definition of "Probable Cause".
- (2) Exhibit B - Three-page copy of Ohio Revised Code Sections 2939.08, 2941.03, 2901.22, and 2903.04.
- (3) Exhibit C - Copy of Ohio Rules of Criminal Procedure, Rule 7.
- (4) Exhibit D - Copy of letter from Michael E. Carroll dated October 9, 1991.
- (5) Exhibit E - Copy of letter from Edmund M. Sawan dated October 18, 1991.
- (6) Exhibit F - Copy of letter from Edmund M. Sawan dated October 22, 1991.
- (7) Exhibit G - Four-page file-stamped Indictment in the Court of Common Pleas, County of Summit, Ohio, Case No. 91-03-0708, of Joseph Szymanski dated April 19, 1991.
- (8) Exhibit H - Certified Journal Entry in the Court of Common Pleas, County of Summit, Case No. CR 91 03 0708, of Joseph Szymanski dated May 10, 1991.
- (9) Exhibit I - Certified Journal Entry in the Court of Common Pleas, County of Summit, Case No. CR 91 03 0708, of Joseph Szymanski dated June 3, 1991.
- (10) Exhibit J - Certified Journal Entry in the Court of Common Pleas, County of Summit, Case No. CR 91 03 0708, of Joseph Szymanski dated July 31, 1991.
- (11) Exhibit K - Three-page file-stamped Indictment in the Court of Common Pleas, County of Summit, Ohio, Case No. 91-07-1597, of Joseph Szymanski dated July 30, 1991.
- (12) Exhibit L - Two-page Certified Journal Entry in the Court of Common Pleas, County of Summit, Case No. CR 91 07 1597, of Joseph Szymanski dated August 6, 1991.
- (13) Exhibit M - Productivity Chart dated December 5, 1989; Productivity Chart dated January 30, 1990; and Productivity Chart dated March 28, 1990.
- (14) Exhibit N - Productivity Chart dated April 4, 1990; Productivity Chart dated May 6, 1990; and Productivity Chart dated June 25, 1990.
- (15) Exhibit O - Productivity Chart dated June 30, 1990; Productivity Chart dated September 17, 1990; and Productivity Chart dated September 23, 1990.
- (16) Exhibit P - Productivity Chart dated October 26, 1990; Productivity Chart dated November 4, 1990; and Productivity Chart dated December 5, 1990.
- (17) Exhibit Q - Productivity Chart dated January 22, 1990; and Productivity Chart dated December 4, 1989.
- (18) Exhibit R - Copy of test results of Ferdinand Montanino, Case No. 40542, in the County of Summit, Forensic Toxicology Laboratory, report dated January 30, 1991.
- (19) Exhibit S - Copy of SmithKline Beecham, Assay Report of Ferdinand (sic Ferdinand) Montanino, Lab No. 0649280, report dated January 28, 1991.
- (20) Exhibit T - Copy of SmithKline Beecham, Assay Report of Ferdinand (sic Ferdinand) Montanino, Lab No. 0649279, report dated January 28, 1991.
- (21) Exhibit U - Letter from M. Diana Thompson dated November 5, 1991; letter from M. Diana Thompson dated November 15, 1991; and letter from Tyler R. Holliday dated November 19, 1991.
- (22) Exhibit V - Shepherd Hill Hospital, Discharge Summary of Timothy MacTaggart, Patient No. 3650, discharged on November 14, 1991.
- (23) Exhibit W - Shepherd Hill Hospital, Discharge Summary/Instructions from Extended Treatment of Timothy MacTaggart, discharged on January 3, 1992.
- (24) Exhibit X - Copy of Pharmacists Rehabilitation Organization, Inc., Recovering Pharmacist's Contract of Tim McTaggart (sic MacTaggart) dated August 27, 1992.
- (25) Exhibit Y - Copy of Roche Biomedical Laboratories, Drug Profile of Tim McTaggart (sic MacTaggart), Patient No. 08159023, taken on October 1, 1992.

- (26) Exhibit Z - Letter from Shirley Lathem dated February 11, 1993.
- (27) Exhibit AA - Handwritten calendar of AA Meetings attended by Timothy MacTaggart from October 12, (year unknown) to January 30, (year unknown).
- (28) Exhibit BB - Handwritten letter from William H. Bailey, not dated.
- (29) Exhibit CC - List of AA meetings attended by Timothy MacTaggart from October 9, 1992 through February 26, 1993; list of AA meetings attended by Timothy MacTaggart from October 12, 1992 to December 21, 1992; list of AA meetings attended by Timothy MacTaggart from December 22, 1992 to January 25, 1993; and list of AA meetings attended by Timothy MacTaggart from February 1, 1993 to February 24, 1993.
- (30) Exhibit DD - Letter from Michael E. Mantsch dated March 3, 1993.
- (31) Exhibit EE - Two-page copy of Munroe Falls Police Department, Montanino Scripts by Dr. Hu-Whittmo (sic Hu-Whittemore), dated from November 16, 1989 through October 3, 1990; copy of Munroe Falls Police Department, Montanino Scripts by Dr. Black, dated from January 11, 1990 through March 16, 1990; and three-page copy of Munroe Falls Police Department, Montanino Scripts by Dr. Karnoupakis dated from February 13, 1989 through November 12, 1990.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Timothy Scott MacTaggart was originally licensed in the state of Ohio on August 8, 1984, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about January 14, 1991, and dates prior thereto, while practicing pharmacy at Friendly Discount Drug, 265 N. Main St., Munroe Falls, Ohio 44162, knowing that an official proceeding or investigation was likely to be instituted, conceal records of dispensing with the purpose to impair the value or availability as evidence, to wit: Timothy Scott MacTaggart indicated on the patient profile of Phyliss Montanino that he and the pharmacy had dispensed prescriptions written by Dr. Hu-Whittmo (sic Hu-Whittemore) when in fact the prescriptions had been written for patient Fred Montanino. Such conduct is in violation of Section 2921.12 of the Ohio Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about December 5, 1989, intentionally make and/or knowingly possess a false or forged prescription, to wit: Timothy Scott MacTaggart altered and/or possessed altered prescription number 179161, written by the physician for 240ml of a Codeine-based syrup with no refills to read 480ml with 5 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about March 28, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Timothy Scott MacTaggart created and subsequently possessed forged prescription number 189061 for 480ml of a Codeine-based syrup. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about April 4, 1990, intentionally make and/or

knowingly possess a false or forged prescription, to wit: Timothy Scott MacTaggart altered and/or possessed altered prescription number 189651, written by the physician for 240ml of a Codeine-based syrup with no refills to read 480ml with 5 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (6) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about April 4, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Timothy Scott MacTaggart altered and/or possessed altered prescription number 189650, written by the physician for 24 units of Darvocet with no refills to read 24 units with 5 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (7) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about May 6, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Timothy Scott MacTaggart created and subsequently possessed prescription number 192396 for 480ml of a Codeine-based syrup. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (8) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about June 25, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Timothy Scott MacTaggart created and/or possessed forged prescription number 196255 for 480ml of a Codeine-based syrup. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (9) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about June 30, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Timothy Scott MacTaggart altered and/or possessed altered prescription number 196840, written by the physician for 24 units of Darvocet with no refills to read 24 units of Darvocet with five refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (10) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about June 30, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Timothy Scott MacTaggart altered and/or possessed altered prescription number 196843, written by the physician for 240ml of a Codeine-based syrup with no refills to read 480ml with five refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (11) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about September 17, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Timothy Scott MacTaggart created and/or possessed forged prescription number 202602 for 480ml of a Codeine-based syrup. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (12) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about September 23, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Timothy

Scott MacTaggart altered and/or possessed altered prescription number 203255, written by the physician for 240ml of a Codeine-based syrup with no refills to read 480ml with 3 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (13) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about October 26, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Timothy Scott MacTaggart created and/or possessed forged prescription number 206045 for 480ml of a Codeine-based syrup with 5 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (14) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about December 5, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Timothy Scott MacTaggart altered and/or possessed altered prescription number 209563, written by the physician for 240ml of a Codeine-based syrup with no refills to read 480ml with two refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (15) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about January 22, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Timothy Scott MacTaggart altered and/or possessed altered prescription number 183294, written by the physician for 240ml of a Codeine-based syrup with no refills to read 480ml with five refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (16) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about May 6, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Timothy Scott MacTaggart created and/or possessed forged prescription number 192397 for 24 units of Darvocet. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (17) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about March 28, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold 480ml of a Codeine-based syrup pursuant to false or forged prescription number 189061 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (18) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about April 4, 1990; April 13, 1990; and again on April 30, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold 480ml of a Codeine-based syrup, on three separate occasions, pursuant to false or forged prescription number 189651 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (19) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about April 4, 1990, and again on April 13, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart and/or another pharmacist at Friendly Discount Drug sold 24 units of Darvocet, on two separate occasions, pursuant to false or forged prescription number 189650 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (20) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about May 6, 1990, and again on May 20, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold 480ml of a Codeine-based syrup, on two separate occasions, pursuant to false or forged prescription number 192396 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (21) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about June 25, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold 480ml of a Codeine-based syrup pursuant to false or forged prescription number 196255 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (22) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about July 10, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold 48 units of Darvocet pursuant to false or forged prescription number 196840 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (23) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about June 30, 1990; July 10, 1990; and July 14, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold 480ml of a Codeine-based syrup, on three separate occasions, pursuant to false or forged prescription number 196843 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (24) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about September 17, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold 480ml of a Codeine-based syrup pursuant to false or forged prescription number 202602 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (25) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about September 23, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold 480ml of a Codeine-based syrup pursuant to false or forged prescription number 203255 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (26) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about October 26, 1990, and again on October 31, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold 480ml of a Codeine-based syrup, on two separate occasions, pursuant to false or forged prescription number 206045 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (27) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about December 5, 1990, and again on December 12, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold 480ml of a Codeine-based syrup, on two separate occasions, pursuant to false or forged prescription number 209563 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (28) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about January 22, 1990; January 28, 1990; February 3, 1990; February 7, 1990; February 13, 1990 and again on February 20, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold 480ml of a Codeine-based syrup, on six separate occasions, pursuant to false or forged prescription number 183294 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (29) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about May 6, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold 24 units of Darvocet pursuant to false or forged prescription number 192397 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (30) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, from December 26, 1989, through October 31, 1990, sell and/or aid and abet the sale of a controlled substance in an amount equal to or greater than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised

Code, to wit: Timothy Scott MacTaggart sold to Fred Montanino 1,640 dosage units of Clorazepate 7.5mg over a 309 day time period pursuant to false or forged prescriptions and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (31) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, from January 14, 1990, through May 18, 1990, sell and/or aid and abet the sale of a controlled substance in an amount equal to or greater than bulk but less than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold to Fred Montanino 264 dosage units of Darvon over a 124 day time period pursuant to false or forged prescriptions and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.
- (32) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, from November 28, 1989, through December 1, 1990, sell and/or aid and abet the sale of a controlled substance in an amount equal to or greater than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold to Fred Montanino 1,930 dosage units of Hycodan over a 368 day time period pursuant to false or forged prescriptions and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (33) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, from June 10, 1990, through August 6, 1990, sell and/or aid and abet the sale of a controlled substance in an amount equal to or greater than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold to Fred Montanino 400 dosage units of Temazepam 30mg over a 57 day time period pursuant to false or forged prescriptions and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (34) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, from April 10, 1990, through December 24, 1990, sell and/or aid and abet the sale of a controlled substance in an amount equal to or greater than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold to Fred Montanino 1,200 dosage units of Vicodin over a 258 day time period pursuant to false or forged prescriptions and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (35) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, from October 30, 1989, through December 19, 1989, sell and/or aid and abet the sale of a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold to Fred Montanino 150 total dosage units of Xanax .5mg over a 50 day time period pursuant to false or forged prescriptions and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (36) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, from October 20, 1989, through November 12, 1990, sell and/or aid and abet the sale of a controlled substance in an amount equal to or greater than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Timothy Scott MacTaggart sold to Fred Montanino 10,320ml of Tussionex Suspension over a 388 day time period, pursuant to false or forged prescriptions and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (37) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart is addicted to or abusing alcohol and/or drugs to such a degree as to render him unfit to practice pharmacy, to wit: Timothy Scott MacTaggart was arrested on January 7, 1989, and convicted on March 5, 1989, for Driving Under the Influence of Alcohol; Timothy Scott MacTaggart's license to drive was suspended on June 19, 1991, for refusing to submit to alcohol/drug testing when required to do so upon being arrested for Driving Under the Influence; Timothy Scott MacTaggart was arrested on May 24, 1991, and convicted on July 1, 1991, for Driving Under the Influence; Timothy Scott MacTaggart was arrested on September 19, 1991, (in the state of Florida) for Driving Under the Influence; and, Timothy Scott MacTaggart's license to drive was suspended on May 6, 1992.
- (38) From the evidence presented, the State Board of Pharmacy finds that Timothy Scott MacTaggart did, on or about July 21, 1992, knowingly make a false statement, and knowingly swear the truth of a false statement, when the statement was made with purpose to secure the issuance by a governmental agency of a license, authorization, certificate, or registration, to wit: on the renewal application for a license to practice pharmacy in Ohio for the year of September 15, 1992, to September 15, 1993, Timothy Scott MacTaggart failed to indicate that there were charges and convictions against him for drug-related offenses. Such conduct is in violation of Section 2921.13 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 (36) of the Findings of Fact constitute being guilty of 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 (36), and (38) 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 (37) of the Findings of Fact constitutes being addicted to or abusing liquor 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 (3) through (36) 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 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 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-2-15633, held by Timothy Scott MacTaggart:

(A) On the basis of paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03-2-15633, held by Timothy Scott MacTaggart effective as of the date of the mailing of this Order.

(B) On the basis of paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03-2-15633, held by Timothy Scott MacTaggart effective as of the date of the mailing of this Order.

(C) On the basis of paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03-2-15633, held by Timothy Scott MacTaggart effective as of the date of the mailing of this Order.

(D) On the basis of paragraph (4) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03-2-15633, held by Timothy Scott MacTaggart 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-6/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 Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

TIMOTHY SCOTT MacTAGGART, R.Ph.
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Order of the Board

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 the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED
AND EFFECTIVE: MAY 5, 1993

CERTIFIED MAIL
Return Receipt
#P 749 728 944

FZW/so

By 
Franklin Z. Wickham, R.Ph., M.S.
Executive Director

cc: Ronda Anderson, Assistant Attorney General
Edmund M. Sawan, Attorney for Respondent; Sawan & Ferris; 529 Society
Building; 159 South Main Street; Akron, Ohio 44308-1317