



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-050819-021)

In The Matter Of:

DAVID MICHAEL REBECK, R.Ph.

3791 Reimer Road

Norton, Ohio 44203

(R.Ph. No. 03-2-15681)

INTRODUCTION

THE MATTER OF DAVID MICHAEL REBECK CAME FOR HEARING ON MARCH 6, 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.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

DAVID MICHAEL REBECK WAS REPRESENTED BY PETER T. CAHOON. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witness

1. Beverly Ann Rebeck
2. John Randall Tomko, R.Ph.
3. David Michael Rebeck, R.Ph., Respondent

State's Exhibits

1. Reinstatement Hearing Request letter from Peter T. Cahoon [08-10-05]
1A-1B. Procedurals
2. State Board of Pharmacy Order in re David Michael Rebeck, R.Ph. [02-10-05]
3. Constructive Advice Notice for David Rebeck [05-08-04]
4. Medtox Laboratories, Inc. Drug Screen Report [05-19-04]
5. Statement of David Rebeck [12-30-04]

Respondent's Exhibits

- A. PRO Pharmacist's Contract for David Michael Rebeck [10-18-04]
- B. Akron General Edwin Shaw Rehab Certificate of Achievement [11-28-05]
- C. Letter from Cheryl Shuttleworth, M.Ed., LICDC [01-27-06]

- D. Calendar Pages for January 2005 to January 2006; Support Group Attendance Records [01-01-05 to 01-30-06]
- E. Drug Screen Reports [12-13-05 to 01-24-06]
- F. Journal Entry, State of Ohio vs. David Rebeck, Case No. 04 12 4365, Summit County Common Pleas Court [04-13-05]
- G. Eleven Receipts from Clerk of Court of Common Pleas, Summit County, Ohio, Case No. CR-2004-12-4365 [04-22-05 to 01-31-06]
- H. State Board of Pharmacy Order in re David Michael Rebeck, R.Ph. [02-10-05]
- I. State Board of Pharmacy Hearing Schedule Letter [08-19-05]
- J. Continuing Pharmaceutical Education Summary, Credits and Certificates [01-02-05 to 02-02-06]
- K. Letter from Thomas A. Oswald [02-19-06]
- L. Letter from Keith Hochadel, M.Ed., PC [02-17-06]
- M. Letter from Kevin L. Reid [02-14-06]
- N. Letter from Joshua Eberts [01-24-06]
- O. Letter from Fred J. Blevins, M.A., LPCC [not dated]
- P. Letter from Tracy Ranier, MEd, NBPTS [02-10-06]
- Q. Letter from Ralph Meyer [02-14-06]
- R. Drug Screen Report [01-24-06]; Calendar for February 2006
- S. Support Group Attendance Record [02-01-06 to 03-04-06]
- T. Letter from Shari L. Kastor [03-03-06]
- U. Letter from John R. Tomko (Randy) [02-22-06]
- V. Letter from Michael D. Quigley, R.Ph. to David Rebeck [01-11-06]

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 that David Michael Rebeck has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-040802-007, effective February 10, 2005.

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. 03-2-15681, held by David Michael Rebeck to practice pharmacy in Ohio and places David Michael Rebeck on probation for five years beginning on the effective date of this Order, with the following conditions:

- (A) David Michael Rebeck 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 submit a copy of the signed contract to the Board office with the renewal application. 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 urine screen or a diluted urine 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) David Michael Rebeck 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 David Michael Rebeck's progress towards recovery and what he 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 David Michael Rebeck'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) David Michael Rebeck may not serve as a responsible pharmacist.
 - (3) David Michael Rebeck must make full and complete restitution to Marc's Pharmacy, prior to the end of probation.
 - (4) David Michael Rebeck may not destroy, assist in, or witness the destruction of controlled substances.
 - (5) David Michael Rebeck must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
 - (6) David Michael Rebeck must not violate the drug laws of Ohio, any other state, or the federal government.

- (7) David Michael Rebeck must abide by the rules of the State Board of Pharmacy.
- (8) David Michael Rebeck must comply with the terms of this Order.
- (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.

David Michael Rebeck 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.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: APRIL 7, 2006

CERTIFIED MAIL / Return Receipt
7001 0360 0002 4139 4880

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



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-040802-007)

In The Matter Of:

DAVID MICHAEL REBECK, R.Ph.

3791 Reimer Road

Norton, Ohio 44203

(R.Ph. No. 03-2-15681)

INTRODUCTION

THE MATTER OF DAVID MICHAEL REBECK CAME FOR HEARING ON JANUARY 5, 2005, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

DAVID MICHAEL REBECK WAS REPRESENTED BY PETER T. CAHOON AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Thomas Miksch, Ohio State Board of Pharmacy

Respondent's Witnesses

1. David Michael Rebeck, R.Ph., Respondent
2. Beverly Rebeck

State's Exhibits

1. Summary Suspension Order/Notice of Opportunity For Hearing letter[08-02-04]
- 1A-1C. Procedurals
2. Constructive Advice Notice to David Rebeck [05-08-04]
3. Drug & Alcohol Test Consent Agreement of Dave Rebeck to Marc Glassman, Inc.[05-19-04]
4. Alcohol Testing Form (Non-DOT) in re David M. Rebeck [05-19-04]
5. Medtox Laboratories Inc. Computer-Generated Laboratory Report for David Rebeck[05-19-04]

6. Ohio State Board of Pharmacy Written Statement Requesting the Release of Records Issued to Marcs Pharmacy [06-03-04]
7. Notarized Statement of Marla Waldman [06-09-04]
8. Notarized Statement of Naomi Bennett [06-09-04]
9. Notarized Statement of Alvin S. Moses, R.Ph. [06-09-04]
10. Eighteen Accountability Statements completed at Marcs Fairlawn Inc. for the following drugs: alprazolam 0.25 mg, alprazolam 0.5 mg, alprazolam 2 mg, Ativan 0.5 mg, clonazepam 0.5 mg, clonazepam 2 mg, clorazepate 3.75 mg, clorazepate 7.5 mg, clorazepate 15 mg, diazepam 5 mg, diazepam 10 mg, flurazepam 30 mg, Halcion 0.25 mg, Klonopin 1 mg, lorazepam 0.5 mg, Tranxene 3.75 mg, Tranxene 7.5 mg, Xanax 1 mg [07-26-04]
11. Statement of David M. Rebeck [12-30-04]

Respondent's Exhibits

- A. Edwin Shaw Hospital for Rehabilitation Certificate of Achievement for David Rebeck [11-06-04]
- B. Letter from Kevin L. Reid [12-10-04]
- C. Letter from Bill Plumley [12-16-04]
- D. SMART Recovery® Attendance Record for David Rebeck [06-16-04 to 10-27-04]
- E. Support Group Attendance Records [06-18-04 to 12-29-04]
- F. Sixteen Drug Screen Reports [06-18-04 to 10-07-04]
- G-H. Complaint; State of Ohio vs. David Rebeck, Case No. 04CRA16489, Akron Municipal Court [12-20-04]
- I. Edwin Shaw Hospital for Rehabilitation Chemical Dependency Continued Care Plan for David Rebeck [11-02-04]
- J. Continued Care Progress Report from Cheryl Shuttleworth, M.Ed, CCDC III-E [12-29-04]
- K. PRO Pharmacist's Recovery Contract for David Rebeck [10-18-04]
- L. Continuing Pharmaceutical Education Credit Statements and Certificate [04-01-03 to 01-02-05]
- M. Calendar pages from June 2004 to December 2004
- N. Letter from Ralph W. Meyer, Jr. [12-30-04]
- O. Letter from Julie A. Stone [12-29-04]

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 David Michael Rebeck was originally licensed by the State of Ohio as a pharmacist on August 8, 1984, pursuant to examination, and was summarily suspended effective August 8, 2004.

- (2) David Michael Rebeck is addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code, to wit: David Michael Rebeck has been observed falling asleep while engaged in the practice of pharmacy; and, on May 19, 2004, David Michael Rebeck tested positive for having benzodiazepines in his system.
- (3) David Michael Rebeck did, on or about May 19, 2004, knowingly possess or use a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a valid prescription, David Michael Rebeck consumed benzodiazepines which were confirmed by a urine screen. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (4) David Michael Rebeck did, from May 1, 2003, through June 2, 2004, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Marc's Pharmacy in Fairlawn, beyond the express or implied consent of the owner, to wit: David Michael Rebeck stole the following controlled substances:

Drug	Shortage
alprazolam 0.25 mg	29
alprazolam 0.5 mg	90
alprazolam 2 mg	1108
Ativan 0.5 mg	17
clonazepam 0.5 mg	110
clonazepam 2 mg	94
clorazepate 3.75 mg	8
clorazepate 7.5 mg	14
clorazepate 15 mg	1286
diazepam 5 mg	368
diazepam 10 mg	2072
flurazepam 30 mg	19
Halcion 0.25 mg	7
Klonopin 1 mg	5
lorazepam 0.5 mg	306
Tranxene 3.75 mg	300
Tranxene 7.5 mg	50
Xanax 1 mg	79
<u>Total:</u>	<u>5962 unit doses</u>

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

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) and (4) 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) The State Board of Pharmacy concludes that paragraphs (3) and (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) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs and 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) The State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of 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 David Michael Rebeck on August 2, 2004.

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. 03-2-15681, held by David Michael Rebeck and such suspension is effective as of the date of the mailing of this Order.

- (A) David Michael Rebeck, 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) David Michael Rebeck, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his 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 David Michael Rebeck 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) David Michael Rebeck 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, submit 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) Benzodiazepines must be added to the standard urine drug screen.
 - (c) 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) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) David Michael Rebeck must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
- (C) David Michael Rebeck must provide, at the reinstatement petition hearing, documentation of the following:
- (1) 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.);
 - (2) 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;

(3) Compliance with the terms of this Order.

- (D) If reinstatement is not accomplished within three years of the effective date of this Order, David Michael Rebeck must also show successful completion of the NAPLEX examination or an equivalent examination approved by the Board.

Upon such time as the Board may consider reinstatement, David Michael Rebeck 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.

MOTION CARRIED.

SO ORDERED.



OHIO STATE BOARD OF PHARMACY

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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

August 2, 2004

David Michael Rebeck, R.Ph.

3791 Reimer Road
Norton, Ohio 44203

Re: Ohio Registered Pharmacist
Number 03-2-15681

Dear Mr. Rebeck:

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 or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code, to wit: you have been observed falling asleep while engaged in the practice of pharmacy; and, on May 19, 2004, you tested positive for having benzodiazepines in your system.
- (3) You did, on or about May 19, 2004, knowingly possess or use a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a valid prescription, you consumed benzodiazepines which were confirmed by a urine screen. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (4) You did, from May 1, 2003, through June 2, 2004, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Marc's Pharmacy in

Fairlawn, beyond the express or implied consent of the owner, to wit: you stole the following controlled substances:

Drug	Shortage
alprazolam 0.25 mg	29
alprazolam 0.5 mg	90
alprazolam 2 mg	1108
Ativan 0.5 mg	17
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clorazepate 3.75 mg	8
clorazepate 7.5 mg	14
clorazepate 15 mg	1286
diazepam 5 mg	368
diazepam 10 mg	2072
flurazepam 30 mg	19
Halcion 0.25 mg	7
Klonopin 1 mg	5
lorazepam 0.5 mg	312
Tranxene 3.75 mg	300
Tranxene 7.5 mg	50
Xanax 1 mg	79

Total 5968 unit doses

Such conduct is in violation of Section 2913.02 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.

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

William T. Winsley, M.S., R.Ph.
Executive Director