



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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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-060406-068)

In The Matter Of:

JAMES M. ROSSELIT, JR., D.O., R.Ph.

7890 Winding Way South

Tipp City, Ohio 45371

(R.Ph. No. 03-2-16535)

INTRODUCTION

THE MATTER OF JAMES M. ROSSELIT, JR. CAME FOR HEARING ON MAY 9, 2006, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE R. EASTMAN, R.Ph. (presiding); 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.

JAMES M. ROSSELIT, JR. WAS REPRESENTED BY DOUGLAS E. GRAFF. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witness

1. James M. Rosselit, Jr., D.O., R.Ph., Respondent

State's Exhibits

1. Reinstatement Hearing Request letter from Douglas E. Graff, Esq. [04-06-06]
1A-1B. Procedurals
2. State Board of Pharmacy Order in re James M. Rosselit, Jr., D.O., R.Ph. [05-15-03]
3. State Medical Board Consent Agreement in re James M. Rosselit, Jr., D.O. [02-13-03]

Respondent's Exhibits

- A. Letter of Compliance from the Ohio Medical Board of Ohio [05-03-06]; State Medical Board of Ohio Consent Agreement Step I re James M. Rosselit, Jr., D.O. [02-13-03]; State Medical Board of Ohio Consent Agreement Step II re James M. Rosselit, Jr., D.O. [03-10-04]
- B. Decision and Order of Intervention in Lieu of Conviction, State of Ohio vs James Rosselit, Montgomery County Common Pleas Court [04-23-03]
- C. Treatment Compliance letter from David D. Goldberg, D.O. [04-13-06]
- D. Treatment Compliance letter from R. Jason Jones, MA, LICDC, PC, LSW [04-18-06]; Ohio Physicians Effectiveness Program, Inc. Advocacy Contract for James Rosselit, D.O. [03-17-

- 03]; Three Drug Screen Reports [04-11-06 to 04-26-06]; Fourteen Status Reports [05-07-03 to 01-30-06]
- E. Treatment Compliance letter from R. Jason Jones, MA, LICDC, PC, LSW [04-18-06]; Drug Screen Reports [07-11-05 to 04-05-06]; Computer E-Mail letter between James M. Rosselit Jr. D.O. and Danielle Bickers [06-21-05 and 06-30-05]; Drug Screen Reports [03-12-03 to 06-28-05]
 - F. Support Group Attendance Records [01-31-05 to 04-28-06]
 - G. C.P.E. Report Form for James M. Rosselit [04-30-06]; Continuing Pharmaceutical Education Credits and Certificates [05-03-04 to 04-30-06]
 - H. Support Group Attendance Records [02-08-03 to 05-06-06]

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witness, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that James M. Rosselit has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-030305-003, effective May 15, 2003.

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. 03-2-16535, held by James M. Rosselit to practice pharmacy in Ohio with the stipulation that James M. Rosselit shows continuous compliance with his March 10, 2004 State Medical Board of Ohio Consent Agreement. In order to show compliance, James M. Rosselit must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year until the termination of his Medical Board Agreement) that states that he remains in compliance with his Medical Board Consent Agreement.

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.



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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

December 24, 2003

James Joseph Parsley, R.Ph.
2223 Concord Drive
Wheelersburg, Ohio 45694

Re: Ohio Registered Pharmacist
Number 03-1-24212

Dear Mr. Parsley:

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 reason for the Board's action is 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 1, 2000, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio
- (2) You are addicted to or abusing controlled drugs to such a degree as to render you unfit to practice pharmacy, to wit: you have admitted to being addicted to controlled substances; you have admitted to stealing controlled substances for your personal abuse; and, you have admitted to forging prescription numbers onto the perpetual inventory to cover the thefts. You have indicated to a Board agent that you have been stealing controlled substances for 3 to 4 years; you have, for the previous six months, been consuming up to 200 mg of OxyContin every 30 minutes to an hour. You have also indicated that approximately a year and a half ago, you had been taking 80 tablets of Norco 10/325 mg each day, 20 tablets of which you would take each morning "just to get going." Such conduct indicates that you fall within the ambit of Sections 3719.121 and 4729.16(A)(3) 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.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

(D-031224-047)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE DECEMBER 24, 2003

This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-030305-003)

In The Matter Of:

JAMES M. ROSSELIT, JR., D.O., R.Ph.

7890 Winding Way South

Tipp City, Ohio 45371

(R.Ph. No. 03-2-16535)

INTRODUCTION

THE MATTER OF JAMES M. ROSSELIT CAME FOR HEARING ON APRIL 8, 2003, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: DIANE C. ADELMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

JAMES M. ROSSELIT WAS REPRESENTED BY DOUGLAS E. GRAFF AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Robert W. Burdick, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses

1. James M. Rosselit, Jr., D.O., R.Ph., Respondent

State's Exhibits

1. Copy of Summary Suspension Order/Notice of Opportunity For Hearing [03-05-03]
1A-1D. Procedurals
2. Notarized Statement of James M. Rosselit, Jr. [03-11-03]
3. Notarized Statement of A. Kirk Bodary, M.D. [02-25-03]; Letter from A. Kirk Bodary, M.D., M.M.M. [02-24-03]
4. Copy of Consent Agreement between James M. Rosselit, Jr., D.O. and the State Medical Board of Ohio [02-13-03]
5. Controlled Substance Audit Reports [09-16-02 to 01-31-03]
6. Summary of Pyxis Withdrawals [01-27-03 to 01-30-03]

7. Anesthesia Record for Patient #1 [01-27-03]
8. Anesthesia Record for Patient #2 [01-26-03]
9. Anesthesia Record for Patient #3 [01-27-03]
10. Anesthesia Record for Patient #4 [01-28-03]
11. Anesthesia Record for Patient #5 [01-29-03]
12. Anesthesia Record for Patient #6 [01-29-03]
13. Copy of Notarized Statement of Wendy Dobie [03-31-03]
14. Copy of Notarized Statement of Marie A. Bashaw [03-31-03]

Respondent's Exhibits

- A. Ohio Medical Board Licensee Profile & Status Report of Formal Action Against James M. Rosselit [04-07-03]; Copy of Step I Consent Agreement between James M. Rosselit, Jr., D.O. and the State Medical Board of Ohio [02-13-03]
- B. Cleveland Clinic Individual Psychiatric Treatment Summary re James Rosselit, D.O., R.Ph. [04-04-03]
- C. Ohio Physicians Effectiveness Program, Inc. Advocacy Contract re James Rosselit, DO [03-17-03]; Urine Drug Screen Reports [03-12-03 and 03-18-03]
- D. Letter from David D. Goldberg, D.O. [04-04-03]
- E. Indictment, [03-17-03]; Entry of Appearance and Time Waiver [04-01-03]; Petition for Intervention in Lieu of Conviction [04-01-03]. State of Ohio vs James Rosselit, Case No. 2003 CR 00584, Montgomery County Common Pleas Court
- F. Shepherd Hill Hospital Discharge Summary [05-15-95]; Counselor Discharge Summary [05-12-95]; and Integrated Summary [05-07-95]

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 James M. Rosselit was originally licensed by the State of Ohio as a pharmacist on August 6, 1986, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended effective March 5, 2003.

(2) James M. Rosselit is addicted to the use of controlled substances to such a degree as to render him unfit to practice pharmacy, to wit: James M. Rosselit has admitted that he has stolen controlled substances for his addiction. James M. Rosselit admitted himself into a 28-day in-patient treatment program due to his addiction to sufentanil, a Schedule II controlled substance.

(3) James M. Rosselit did, on or about the following dates, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Grandview Hospital, beyond the scope of the express or implied consent of the owner, to wit: James M. Rosselit has stolen the following:

1-27-03	sufentanil inj. 250 mcg/5 ml amp.	8:24 a.m.
1-27-03	sufentanil inj. 100 mcg/2 ml amp.	9:06 a.m.
1-27-03	sufentanil inj. 100 mcg/2 ml amp.	9:43 a.m.
1-27-03	sufentanil inj. 100 mcg/2 ml amp.	6:37 p.m.
1-28-03	sufentanil inj. 250 mcg/5 ml amp.	12:24 p.m.
1-28-03	sufentanil inj. 100 mcg/2 ml amp.	2:50 p.m.

1-29-03	sufentanil inj. 250 mcg/5 ml amp.	8:32 a.m.
1-29-03	sufentanil inj. 100 mcg/2 ml amp.	8:32 a.m.
1-29-03	sufentanil inj. 100 mcg/2 ml amp.	11:51 a.m.

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 paragraph (3) of the Findings of Fact constitutes 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 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.

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 James M. Rosselit on March 5, 2003.

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. 03-2-16535, held by James M. Rosselit and such suspension is effective as of the date of the mailing of this Order.

(A) James M. Rosselit, 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. This condition will be removed upon reinstatement by the Medical Board of Ohio.

(B) James M. Rosselit, 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 James M. Rosselit for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of his license to practice pharmacy in Ohio if the following conditions have been met:

(A) James M. Rosselit must comply with his State Medical Board of Ohio Step I Consent Agreement dated February 13, 2003.

(B) James M. Rosselit must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

(C) James M. Rosselit must provide, at the reinstatement petition hearing, documentation of the following:

