



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-980402-052)

In The Matter Of:

HAROLD ROBERT PETERS, R.Ph.

7652 Saratoga Road

Middleburg Heights, Ohio 44130

(R.Ph. No. 03-2-16710)

INTRODUCTION

THE MATTER OF HAROLD ROBERT PETERS CAME TO HEARING ON MAY 6, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: AMONTE B. LITTLEJOHN, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; JOSEPH J. MASLAK, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

HAROLD ROBERT PETERS WAS REPRESENTED BY DOMINIC VANNUCCI, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) James Reye, Ohio State Board of Pharmacy
- (2) Richard Rob, Consultant for Health Care Fraud (formerly with Blue Cross & Blue Shield)

Respondent's Witnesses:

- (1) Harold Robert Peters, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of seven-page Summary Suspension Order/Notice of Opportunity for Hearing letter dated April 2, 1998.
- (2) Exhibit 1A--Certified copy of Journal Entry in the Court of Common Pleas, Cuyahoga County, Case No. CR 356362, State of Ohio vs. Harold Peters dated March 13, 1998.

- (3) Exhibit 1B--Hearing Request letter dated April 17, 1998.
- (4) Exhibit 1C--Copy of Hearing Schedule letter dated April 21, 1998.
- (5) Exhibit 1D--Copy of Pharmacist File Front Sheet of Harold Peters showing original date of registration as March 6, 1987; and two-page copy of Renewal Application for Pharmacist License, No. 03-2-16710, for a license to practice pharmacy in Ohio from September 15, 1997, to September 15, 1998, of Harold Robert Peters dated July 24, 1997.
- (6) Exhibit 2--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 1287043499 with attached copy of fourteen Fox Discount Drugs prescription labels.
- (7) Exhibit 3--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 1310035528 with attached copy of fifteen Fox Discount Drugs prescription labels.
- (8) Exhibit 4--Two-page copy of Blue Cross Blue Shield of Ohio Claim Form No. 1337039141 with attached copies of twenty-two Medic Discount Drugstores prescription labels.
- (9) Exhibit 5--Two-page copy of Blue Cross Blue Shield of Ohio Claim Form No. 2009033880 with attached copies of twenty-two Medic Discount Drugstores prescription labels.
- (10) Exhibit 6--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 2031036103 with attached copy of Medic Discount Drug #560 Tax Insurance Summary of Harold R. Peters dated from January 1, 1992, through January 23, 1992.
- (11) Exhibit 7--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 2045037540 with the following attachments: copy of Medic Discount Drug #560 Tax Insurance Summary of Harold R. Peters dated from November 11, 1991, through November 11, 1991, and copy of Medic Discount Drug #560 Tax Insurance Summary of Harold R. Peters dated from December 31, 1991, through December 31, 1991.
- (12) Exhibit 8--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 2071036201 with attached copy of Medic Discount Drug #560 Tax Insurance Summary of Harold R. Peters dated from January 23, 1992, through January 31, 1992.
- (13) Exhibit 9--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 2079038172 with attached copy of Medic Discount Drug #560 Tax Insurance Summary of Harold R. Peters dated from February 1, 1992, through February 7, 1992.
- (14) Exhibit 10--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 2114039133 with attached copy of Medic Discount Drug #560 Tax Insurance Summary of Harold R. Peters dated from February 15, 1992, through February 16, 1992.
- (15) Exhibit 11--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 2226041926 with attached copy of Medic Discount Drug #560 Tax Insurance Summary of Harold R. Peters dated from February 20, 1992, through February 20, 1992.
- (16) Exhibit 12--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 2366035581 with attached copy of Medic Discount Drug #560 Tax Insurance Summary of Harold R. Peters dated from February 23, 1992, through February 23, 1992.
- (17) Exhibit 13--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 4140039581 with attached copies of two Parma-Ridge Pharmacy receipts.
- (18) Exhibit 14--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 4307031875 with attached copy of one Parma-Ridge Pharmacy receipt.
- (19) Exhibit 15--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5034036394 with attached copy of one Parma-Ridge Pharmacy receipt.
- (20) Exhibit 16--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5072047022 with attached copy of two Parma-Ridge Pharmacy receipts.
- (21) Exhibit 17--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5101033123 with attached copies of three Parma-Ridge Pharmacy receipts.
- (22) Exhibit 18--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5121052455 with attached copies of two Parma-Ridge Pharmacy receipts.
- (23) Exhibit 19--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5144036331 with attached copies of three Parma-Ridge Pharmacy receipts.
- (24) Exhibit 20--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5158051569 with attached copies of four Parma-Ridge Pharmacy receipts.

- (25) Exhibit 21--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5171051132 with attached copies of four Parma-Ridge Pharmacy receipts.
- (26) Exhibit 22--Two-page copy of Blue Cross Blue Shield of Ohio Claim Form No. 5174031895 with attached copies of four Parma-Ridge Pharmacy receipts.
- (27) Exhibit 23--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 4032034401 with attached copies of two Parma-Ridge Pharmacy receipts.
- (28) Exhibit 24--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5184049243 with attached copies of four Parma-Ridge Pharmacy receipts.
- (29) Exhibit 25--Two-page copy of Blue Cross Blue Shield of Ohio Claim Form No. 5198035382 with attached copy of four Parma-Ridge Pharmacy receipts.
- (30) Exhibit 26--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5207033594 with attached copy of Blue Cross Blue Shield of Ohio Explanation of Benefits of Harold Peters for claims paid on check number 4251672; and five Parma-Ridge Pharmacy receipts.
- (31) Exhibit 27--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5219043427 with attached copies of four Parma-Ridge Pharmacy receipts.
- (32) Exhibit 28--Two-page copy of Blue Cross Blue Shield of Ohio Claim Form No. 5230037344 with attached copies of four Parma-Ridge Pharmacy receipts.
- (33) Exhibit 29--Two-page copy of Blue Cross Blue Shield of Ohio Claim Form No. 5241035028 with attached copies of four Parma-Ridge Pharmacy receipts.
- (34) Exhibit 30--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5254052517 with attached copies of four Parma-Ridge Pharmacy receipts.
- (35) Exhibit 31--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5270035549 with attached copies of four Parma-Ridge Pharmacy receipts.
- (36) Exhibit 32--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5283031801 with attached copies of four Parma-Ridge Pharmacy receipts.
- (37) Exhibit 33--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5293042055 with attached copies of four Parma-Ridge Pharmacy receipts.
- (38) Exhibit 34--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5304034289 with attached copies of four Parma-Ridge Pharmacy receipts.
- (39) Exhibit 35--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5318540168 with attached copies of four Parma-Ridge Pharmacy receipts.
- (40) Exhibit 36--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5338551514 with attached copies of four Parma-Ridge Pharmacy receipts.
- (41) Exhibit 37--Two-page copy of Blue Cross Blue Shield of Ohio Claim Form No. 6004540927 with attached copies of seven Parma-Ridge Pharmacy receipts.
- (42) Exhibit 38--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 4290038860 with attached copy of Parma-Ridge Pharmacy receipt.
- (43) Exhibit 39--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5024032082 with attached copy of Parma-Ridge Pharmacy receipt.
- (44) Exhibit 40--Two-page copy of Blue Cross Blue Shield of Ohio Claim Form No. 5198043585 with attached copies of four Parma-Ridge Pharmacy receipts.
- (45) Exhibit 41--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5255034046 with attached copies of two Parma-Ridge Pharmacy receipts.
- (46) Exhibit 42--Two-page copy of Blue Cross Blue Shield of Ohio Claim Form No. 5342546787 with attached copies of three Parma-Ridge Pharmacy receipts.
- (47) Exhibit 43--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 6004541111 with attached copy of Parma-Ridge Pharmacy receipt.
- (48) Exhibit 44--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 6012543680 with attached copies of three Parma-Ridge Pharmacy receipts.
- (49) Exhibit 45--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5296043919 with attached copies of four Parma-Ridge Pharmacy receipts.
- (50) Exhibit 46--Two-page copy of Blue Cross Blue Shield of Ohio Claim Form No. 5314036157 with attached copies of four Parma-Ridge Pharmacy receipts.

- (51) Exhibit 47--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5345548632 with attached copies of three Parma-Ridge Pharmacy receipts.
- (52) Exhibit 48--Copy of Blue Cross Blue Shield of Ohio Claim Form No. 5363541665 with attached copies of two Parma-Ridge Pharmacy receipts.
- (53) Exhibit 49--Copy of sixty-seven-page Blue Cross & Blue Shield of Ohio Financial Investigations Department report of Peters dated February 28, 1996.
- (54) Exhibit 50--Copy of Third Federal Savings Official Check, No. 61-317778409-8, for \$97,000.00 payable to Blue Cross Blue Shield of Ohio dated March 8, 1996; copy of Dollar Bank Cashiers Check, No. 01061105, for \$79,500.00 payable to Blue Cross Blue Shield of Ohio dated March 8, 1996, copy of Star Bank Cashier's Check, No. 242969, for \$45,100.00 payable to Blue Cross Blue Shield of Ohio dated March 8, 1996; copy of Strongsville Savings Bank Official Check, No. 158008, for \$37,400 payable to Blue Cross Blue Shield of Ohio dated March 8, 1996; and copy of Third Federal Savings Official Check, No. 61-317778410-7, for \$17,564.36 payable to Blue Cross Blue Shield of Ohio dated March 8, 1996.
- (55) Exhibit 51--Two-page Financial Investigations Case Overview of Harold Peters signed by Kathy A. Shortridge and Greg Beck dated November 30, 1995, with the following attachment: copy of four-page Community Choice Application Insurance for One signed by Harold R. Peters and Connie A. Peters on March 23, 1995.
- (56) Exhibit 52--Prescription number 6629748.
- (57) Exhibit 53--Prescription number 8800368.
- (58) Exhibit 54--Prescription number 6629859.
- (59) Exhibit 55--Prescriptions numbered 6630012 and 6630013.
- (60) Exhibit 56--Prescriptions numbered 6630193, 6630194, and 6630195.
- (61) Exhibit 57--Prescription number 6631586.
- (62) Exhibit 58--Prescription number 6631733.
- (63) Exhibit 59--Prescription number 6632433.
- (64) Exhibit 60--Prescription number 6632434.
- (65) Exhibit 61--Prescription number 6632445.
- (66) Exhibit 62--Prescription number 6632446.
- (67) Exhibit 63--Prescription number 6632450.
- (68) Exhibit 64--Prescriptions numbered 6632460 and 6632461.
- (69) Exhibit 65--Prescription number 6632817.
- (70) Exhibit 66--Prescription number 6633331.
- (71) Exhibit 67--Prescriptions numbered 6633330 and 6633329.
- (72) Exhibit 68--Prescription number 6633810.
- (73) Exhibit 69--Prescriptions numbered 6634305 and 6634304.
- (74) Exhibit 70--Prescriptions numbered 6634331 and 6634332.
- (75) Exhibit 71--Prescription number 6634389.
- (76) Exhibit 72--Prescription number 6634466.
- (77) Exhibit 73--Prescriptions numbered 6634458 and 6634459.
- (78) Exhibit 74--Prescriptions numbered 6634574 and 6634575.
- (79) Exhibit 75--Prescription number 6634687.
- (80) Exhibit 76--Prescription number 6634727.
- (81) Exhibit 77--Prescription number 6634723.
- (82) Exhibit 78--Prescription number 6634721.
- (83) Exhibit 80--Prescription number 6635463.
- (84) Exhibit 81--Prescription number 6635754.
- (85) Exhibit 82--Prescription number 6635884.
- (86) Exhibit 83--Prescription number 6635885.
- (87) Exhibit 84--Prescription number 6636043.
- (88) Exhibit 86--Prescription number 6636445.
- (89) Exhibit 87--Prescription number 6636488.

- (90) Exhibit 88--Prescription number 6636984.
- (91) Exhibit 89--Prescription number 6637486.
- (92) Exhibit 90--Prescription number 6639256.
- (93) Exhibit 91--Prescription number 6641788.
- (94) Exhibit 92--Prescription number 6641891.
- (95) Exhibit 93--Prescription number 6641863.
- (96) Exhibit 94--Prescription number 6641877.
- (97) Exhibit 95--Prescription number 6642142.
- (98) Exhibit 96--Prescription number 6642166.
- (99) Exhibit 97--Prescription number 6642174.
- (100) Exhibit 98--Prescription number 6642283.
- (101) Exhibit 99--Prescription number 6642459.
- (102) Exhibit 100--Prescriptions numbered 6642693 and 6642694.
- (103) Exhibit 101--Prescription number 6642783.
- (104) Exhibit 102--Prescription number 6642925.
- (105) Exhibit 103--Prescription number 6642936.
- (106) Exhibit 104--Prescription number 6643140.
- (107) Exhibit 105--Prescription number 6642926.
- (108) Exhibit 106--Prescriptions numbered 6643120 and 6643119.
- (109) Exhibit 107--Prescription number 6643123.
- (110) Exhibit 108--Prescriptions numbered 6643121 and 6643122.
- (111) Exhibit 109--Prescription number 6643171.
- (112) Exhibit 110--Prescription number 6643124.
- (113) Exhibit 111--Prescription number 6643125.
- (114) Exhibit 112--Prescription number 6643392.
- (115) Exhibit 113--Prescription number 6643812.
- (116) Exhibit 114--Prescription number 6644104.
- (117) Exhibit 115--Prescription number 6644110.
- (118) Exhibit 116--Prescription number 6644224.
- (119) Exhibit 117--Prescription number 6644244.
- (120) Exhibit 118--Prescription number 6644499.
- (121) Exhibit 119--Prescription number 6644506.
- (122) Exhibit 120--Prescriptions numbered 6644687 and 6644688.
- (123) Exhibit 121--Prescriptions numbered 6644682 and 6644683.
- (124) Exhibit 122--Prescription number 6644690.
- (125) Exhibit 123--Prescription number 6647108.
- (126) Exhibit 124--Forty-page transcription of taped interview of Harold Peters conducted by James Reye and Robert Cole on January 10, 1996.
- (127) Exhibit 126--Ohio State Board of Pharmacy Statement Form of Stephen J. Tymcio, M.D. signed and notarized on February 9, 1996.
- (128) Exhibit 127--Three-page Ohio State Board of Pharmacy Statement Form of Mohammad Bahadori, M.D. signed and notarized on February 22, 1996.
- (129) Exhibit 128--Eight-page computer-generated printout dated February 9, 1996, of Kmart Pharmacy #3278 Reports as follows: Comprehensive Audit Listing, Summary, RPh Brand Summary, Billing Type T/P Summary, and Summary.
- (130) Exhibit 129--Six-page computer-generated printout dated February 9, 1996 of Kmart Pharmacy #3278 Reports as follows: Comprehensive Audit Listing, Summary, RPh Brand Summary, Billing Type T/P Summary, and Summary.
- (131) Exhibit 130--Copy of two-page handwritten statement of Pete Peters signed and witnessed on March 27, 1993.
- (132) Exhibit 131--Two-page computer-generated printout dated October 19, 1995, of Kmart Pharmacy #3278 Comprehensive Audit Listing report.

- (133) Exhibit 132--Three-page computer-generated printout dated April 29, 1995, of Kmart Pharmacy #3278 Comprehensive Audit Listing report.
- (134) Exhibit 133--Two-page computer-generated printout dated October 29, 1994, of Kmart Pharmacy #3278 Comprehensive Audit Listing report.
- (135) Exhibit 134--Two-page computer-generated printout dated November 13, 1994, of Kmart Pharmacy #3278 Comprehensive Audit Listing report.
- (136) Exhibit 135--Two-page computer-generated printout dated September 14, 1994, of Kmart Pharmacy #3278 Comprehensive Audit Listing report.
- (137) Exhibit 136--Four-page computer-generated printout dated September 29, 1995, of Kmart Pharmacy #3278 Comprehensive Audit Listing report.
- (138) Exhibit 137--Prescription number 4406209.
- (139) Exhibit 138--Prescriptions numbered 4405265 and 4405266.
- (140) Exhibit 139--Prescription number 4406449.
- (141) Exhibit 140--Prescription number 4407052.
- (142) Exhibit 141--Prescription number 4407050.
- (143) Exhibit 142--Prescription number 4407887.
- (144) Exhibit 143--Prescription number 4407961.
- (145) Exhibit 144--Prescription number 4405631.
- (146) Exhibit 145--Prescription number 6633225.
- (147) Exhibit 146--Prescription number 6640834.
- (148) Exhibit 147--Prescription number 6635611.
- (149) Exhibit 148--Prescription number 6637602.
- (150) Exhibit 149--Prescription number 6635590.
- (151) Exhibit 150--Prescription number 6633939.
- (152) Exhibit 151--Prescription number 6633236.
- (153) Exhibit 152--Prescription number 6641479.
- (154) Exhibit 153--Prescription number 6642280 and 6635590.
- (155) Exhibit 154--Prescription number 6635440.
- (156) Exhibit 155--Prescription number 6635391.
- (157) Exhibit 156--Prescriptions numbered 6635386 and 6635385.
- (158) Exhibit 157--Two-page Ohio State Board of Pharmacy Statement Form of W. J. Perng, M.D. signed and notarized on May 6, 1997.
- (159) Exhibit 158--Three-page Ohio State Board of Pharmacy Statement Form of W. J. Perng, M.D. signed and notarized on May 6, 1997.
- (160) Exhibit 159--Duplicate receipt for prescription number 6642035 dated November 22, 1995, and attached Hytrin Rebate Certificate, No. 235002 072273.
- (161) Exhibit 160--Duplicate receipt for prescription number 6642035 dated December 23, 1995, and attached Hytrin rebate form.
- (162) Exhibit 161--Duplicate receipt for prescription number 6642035 dated November 30, 1995, and attached Hytrin rebate form.
- (163) Exhibit 162--Duplicate receipt for prescription number 6642035 dated December 8, 1995, and attached Hytrin rebate form.
- (164) Exhibit 163--Duplicate receipt for prescription number 6642035 dated October 14, 1995, and attached Rebate Certificate, No. 235002 069498.
- (165) Exhibit 164--Duplicate receipt for prescription number 6641863 dated November 22, 1995, and attached Rebate Certificate, No. 235002 070799.
- (166) Exhibit 165--Duplicate receipt for prescription number 6641863 dated October 14, 1995, and attached Rebate Certificate, No. 235002 061218.
- (167) Exhibit 166--Duplicate receipt for prescription number 6641863 dated December 23, 1995, and attached Hytrin rebate form.
- (168) Exhibit 167--Duplicate receipt for prescription number 6641863 dated November 9, 1995, and attached Rebate Certificate, No. 235002 072308.

- (169) Exhibit 168--Duplicate receipt for prescription number 6641863 dated December 1, 1995, and attached Hytrin rebate form.
- (170) Exhibit 169--Duplicate receipt for prescription number 6641863 dated December 11, 1995, and attached Hytrin rebate form.
- (171) Exhibit 170--Duplicate receipt for prescription number 6641863 dated November 26, 1995, and attached Hytrin rebate form.
- (172) Exhibit 171--Duplicate receipt for prescription number 6641863 dated December 8, 1995, and attached Hytrin rebate form.
- (173) Exhibit 172--Duplicate receipt for prescription number 6641863 dated December 15, 1995, and attached Hytrin rebate form.
- (174) Exhibit 173--Duplicate receipt for prescription number 6641863 dated December 27, 1995, and attached Hytrin rebate form.
- (175) Exhibit 174--Duplicate receipt for prescription number 6642006 dated December 23, 1995, and attached Hytrin Rebate Certificate, No. 235002 057353.
- (176) Exhibit 175--Duplicate receipt for prescription number 6642006 dated October 14, 1995, and attached Hytrin rebate form.
- (177) Exhibit 176--Duplicate receipt for prescription number 6642006 dated November 25, 1995, and attached Hytrin Rebate Certificate, No. 235002 031785.
- (178) Exhibit 177--Duplicate receipt for prescription number 6642006 dated November 30, 1995, and attached Hytrin rebate form.
- (179) Exhibit 178--Duplicate receipt for prescription number 6642006 dated December 14, 1995, and attached Hytrin rebate form.
- (180) Exhibit 179--Duplicate receipt for prescription number 6642035 dated December 19, 1995, and attached Hytrin rebate form.
- (181) Exhibit 180--Duplicate receipt for prescription number 6642035 dated September 29, 1995, and attached Hytrin rebate form.
- (182) Exhibit 181--Duplicate receipt for prescription number 6642035 dated November 9, 1995, and attached Hytrin rebate form.
- (183) Exhibit 182--Duplicate receipt for prescription number 6642035 dated December 28, 1995, and attached Hytrin rebate form.
- (184) Exhibit 183--Duplicate receipt for prescription number 6642035 dated December 11, 1995, and attached Hytrin rebate form.
- (185) Exhibit 184--Duplicate receipt for prescription number 6642035 dated September 21, 1995, and attached Hytrin rebate form.
- (186) Exhibit 185--Duplicate receipt for prescription number 6642035 dated December 5, 1995, and attached Hytrin rebate form.
- (187) Exhibit 186--Duplicate receipt for prescription number 6642459 dated December 24, 1995, and attached Hytrin rebate form.
- (188) Exhibit 187--Duplicate receipt for prescription number 6642459 dated September 29, 1995, and attached Hytrin rebate form.
- (189) Exhibit 188--Duplicate receipt for prescription number 6642459 dated September 21, 1995, and attached Hytrin rebate form.
- (190) Exhibit 189--Duplicate receipt for prescription number 6642459 dated November 9, 1995, and attached Hytrin rebate form.
- (191) Exhibit 190--Duplicate receipt for prescription number 6642459 dated December 20, 1995, and attached Hytrin rebate form.
- (192) Exhibit 191--Duplicate receipt for prescription number 6642459 dated December 10, 1995, and attached Hytrin rebate form.
- (193) Exhibit 192--Duplicate receipt for prescription number 6642459 dated December 6, 1995, and attached Hytrin rebate form.
- (194) Exhibit 193--Duplicate receipt for prescription number 6642459 dated November 26, 1995, and attached Hytrin rebate form.

- (195) Exhibit 194--Duplicate receipt for prescription number 6642459 dated December 1, 1995, and attached Hytrin rebate form.
- (196) Exhibit 195--Duplicate receipt for prescription number 6641877 dated November 9, 1995, and attached Hytrin Rebate Certificate, No. 235002 055683.
- (197) Exhibit 196--Duplicate receipt for prescription number 6641877 dated December 9, 1995, and attached Hytrin rebate form.
- (198) Exhibit 197--Duplicate receipt for prescription number 6641877 dated November 26, 1995, and attached Hytrin Rebate Certificate, No. 235002 043762.
- (199) Exhibit 198--Duplicate receipt for prescription number 6641877 dated December 24, 1995, and attached Hytrin Rebate Certificate, No. 235002 072420.
- (200) Exhibit 199--Duplicate receipt for prescription number 6641877 dated December 5, 1995, and attached Hytrin rebate form.
- (201) Exhibit 200--Duplicate receipt for prescription number 6641877 dated November 30, 1995, and attached Hytrin rebate form.
- (202) Exhibit 201--Duplicate receipt for prescription number 6641877 dated September 21, 1995, and attached Hytrin rebate form.
- (203) Exhibit 202--Duplicate receipt for prescription number 6641877 dated October 14, 1995, and attached Hytrin Rebate Certificate, No. 235002 034691.
- (204) Exhibit 203--Duplicate receipt for prescription number 6641877 dated December 29, 1995, and attached Hytrin rebate form.
- (205) Exhibit 204--Duplicate receipt for prescription number 6641877 dated December 20, 1995, and attached Hytrin rebate form.
- (206) Exhibit 205--Duplicate receipt for prescription number 6641877 dated December 14, 1995, and attached Hytrin rebate form.
- (207) Exhibit 206--Copy of letter from Cynthia DeJong dated January 30, 1996, and attached copies of fifty-five cancelled checks from Complimentary Prescription Service.
- (208) Exhibit 206A--Two-page copy of memo to Paul Soucie from Jim Reye, not dated.
- (209) Exhibit 207--Copy of Community Mutual Medical Claim Form, No. 14445653820, with attached copies of two Parma-Ridge Pharmacy receipts.
- (210) Exhibit 208--Community Mutual Medical Claim Form, No. 15245972290, with two attached Parma-Ridge Pharmacy receipts.
- (211) Exhibit 209--Community Mutual Medical Claim Form, No. 16046310351, with two attached Parma-Ridge Pharmacy receipts.
- (212) Exhibit 210--Community Mutual Medical Claim Form, No. 16746592421, with two attached Parma-Ridge Pharmacy receipts.
- (213) Exhibit 211--Community Mutual Medical Claim Form, No. 17446940049, with two attached Parma-Ridge Pharmacy receipts.
- (214) Exhibit 212--Community Mutual Medical Claim Form, No. 17947110550, with two attached Parma-Ridge Pharmacy receipts.
- (215) Exhibit 213--Community Mutual Medical Claim Form, No. 18647370055, with two attached Parma-Ridge Pharmacy receipts.
- (216) Exhibit 214--Community Mutual Medical Claim Form, No. 18147444652, with two attached Parma-Ridge Pharmacy receipts.
- (217) Exhibit 215--Community Mutual Medical Claim Form, No. 19847840104, with two attached Parma-Ridge Pharmacy receipts.
- (218) Exhibit 216--Community Mutual Medical Claim Form, No. 20548071384, with two attached Parma-Ridge Pharmacy receipts.
- (219) Exhibit 217--Community Mutual Medical Claim Form, No. 20748211265, with two attached Parma-Ridge Pharmacy receipts.
- (220) Exhibit 218--Community Mutual Medical Claim Form, No. 16446462961, with two attached Parma-Ridge Pharmacy receipts.
- (221) Exhibit 219--Community Mutual Medical Claim Form, No. 17046751013, with two attached Parma-Ridge Pharmacy receipts.

- (222) Exhibit 220--Community Mutual Medical Claim Form, No. 17246821402, with two attached Parma-Ridge Pharmacy receipts.
- (223) Exhibit 221--Community Mutual Medical Claim Form, No. 17847082183, with two attached Parma-Ridge Pharmacy receipts.
- (224) Exhibit 222--Community Mutual Medical Claim Form, No. 18647281956, with two attached Parma-Ridge Pharmacy receipts.
- (225) Exhibit 223--Community Mutual Medical Claim Form, No. 20148130768, with two attached Parma-Ridge Pharmacy receipts.
- (226) Exhibit 224--Community Mutual Medical Claim Form, No. 19447664331, with two attached Parma-Ridge Pharmacy receipts.
- (227) Exhibit 225--Community Mutual Medical Claim Form, No. 20147933906, with two attached Parma-Ridge Pharmacy receipts.
- (228) Exhibit 226--Community Mutual Medical Claim Form, No. 20848241880, with two attached Parma-Ridge Pharmacy receipts.
- (229) Exhibit 227--Community Mutual Medical Claim Form, No. 16046336049, with two attached Parma-Ridge Pharmacy receipts.
- (230) Exhibit 228--Community Mutual Medical Claim Form, No. 16546531288, with two attached Parma-Ridge Pharmacy receipts.
- (231) Exhibit 229--Community Mutual Medical Claim Form, No. 17046751113, with two attached Parma-Ridge Pharmacy receipts.
- (232) Exhibit 230--Community Mutual Medical Claim Form, No. 18647350335, with two attached Parma-Ridge Pharmacy receipts.
- (233) Exhibit 231--Community Mutual Medical Claim Form, No. 19948010126, with two attached Parma-Ridge Pharmacy receipts.
- (234) Exhibit 232--Community Mutual Medical Claim Form, No. 19247620379, with two attached Parma-Ridge Pharmacy receipts.
- (235) Exhibit 233--Community Mutual Medical Claim Form, No. 20548071389 with two attached Parma-Ridge Pharmacy receipts.

Respondent's Exhibits:

- (1) Exhibit 1A--Copy of six-page letter from Dr. Gintautas Z. Sabataitis dated May 2, 1998.
- (2) Exhibit 1B--Copy of eight-page letter from Dr. Gintautas Z. Sabataitis dated February 28, 1998.
- (3) Exhibit 1C--Copy of four-page letter from Dr. Gintautas Z. Sabataitis dated March 1, 1996.
- (4) Exhibit 1D--Copy of letter from Rev. William G. Bouhall, not dated.
- (5) Exhibit 2A--Copy of five-page Pharmacist/Pharmacy Manager Performance Appraisal Form of Harold Peters signed by Harold Peters on June 1, 1994.
- (6) Exhibit 2B--Copy of four-page Performance Appraisal of Harold Peters dated June 8, 1995.
- (7) Exhibit 3A--Copy of Cleveland State University Education Reference Form regarding Harold R. Peters by William Schmitt dated February 21, 1997.
- (8) Exhibit 3B--Copy of Cleveland State University Education Reference Form regarding Harold R. Peters by Paul D. Dubitsky dated September 9, 1997.
- (9) Exhibit 3C--Copy of Cleveland State University Education Reference Form regarding Harold R. Peters by Daniel D. Drake dated February 11, 1997.
- (10) Exhibit 3D--Copy of Cleveland State University Education Reference Form regarding Harold R. Peters by Joan M. Baker dated January 14, 1997.
- (11) Exhibit 3E--Copy of Cleveland State University Student Teaching Evaluation of Pete Peters dated May 30, 1997.
- (12) Exhibit 3F--Copy of letter from Shelley Weber dated May 5, 1998.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board of Pharmacy indicate that Harold Robert Peters was originally licensed in the state of Ohio on March 6, 1987, pursuant to examination; and, on April 2, 1998, Harold Robert Peters' license was summarily suspended in accordance with Section 3719.121(C) of the Ohio Revised Code.
- (2) Harold Robert Peters did, on or about March 13, 1998, plead guilty to one count of Insurance Fraud in violation of Section 2913.47 of the Ohio Revised Code, a third degree felony, and two counts of Illegal Processing of Drug Documents in violation of Section 2925.23 of the Ohio Revised Code, fourth degree felonies. State of Ohio vs. Harold Peters, Case No. CR 356362, Cuyahoga County Common Pleas Court.
- (3) Harold Robert Peters did, on or about October 21, 1991, through March 27, 1993, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs and other property of Medic Drug beyond the express or implied consent of the owner, to wit: Harold Robert Peters admitted that while practicing pharmacy at Medic Drug in Parma, Ohio, he stole dangerous drugs, merchandise, and cash, for which he made restitution to Medic Drug in the amount \$45,000.00. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Harold Robert Peters did, on or about January 3, 1991, through July 29, 1995, with purpose to defraud, present to an insurer written statements as claims for payment, knowing that the statements were false and deceptive, to wit: Harold Robert Peters forged 3,197 false prescription receipts while practicing pharmacy at Fox Drugs, Parma-Ridge Drugs, and/or Medic Drug, and he submitted false claims to Blue Cross and Blue Shield of Ohio totaling \$302,551.85; however, after figuring in the deductibles, Harold Robert Peters received \$290,439.82 for reimbursement of the fraudulent claims. To authenticate false prescription claims from Parma-Ridge Drugs, Harold Robert Peters forged the signature of Walter Leissa, R.Ph., after Leissa's death in June of 1993. Such conduct is in violation of Section 2913.47 of the Ohio Revised Code.
- (5) Harold Robert Peters did, on or about April 1, 1995, through July 27, 1995, with purpose to defraud, present to an insurer written statements as claims for payment, knowing that the statements were false and deceptive, to wit: Harold Robert Peters submitted 38 false claims to Anthem Blue Cross and Blue Shield of Cincinnati, Ohio, for a total of \$14,805.85, attempting to seek reimbursement for the fraudulent claims. Such conduct is in violation of Section 2923.02 of the Ohio Revised Code as it relates to Section 2913.47 of the Ohio Revised Code.
- (6) Harold Robert Peters did, on or about the following dates, make false or forged prescriptions for dangerous drugs, to wit: Harold Robert Peters created the following documents purporting to be prescriptions to obtain rebate checks from numerous pharmaceutical manufacturers:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
6629748	03/20/94	Tagamet 400mg	15
8800368	03/21/94	Bromtapp	120
6629859	03/23/94	Monistat 7, 2%	45
6630012	03/28/94	Zantac 150mg	60
6630013	03/28/94	Calan SR 180mg	30
6630193	04/02/94	Entex-LA	100
6630194	04/02/94	Biaxin 500mg	28
6630195	04/02/94	Rhon-Poul	10
6631586	05/15/94	Tagamet 800mg	30
6631733	05/19/94	Tagamet 400mg	60
6631735	05/20/94	Tagamet 300mg	100
6632433	06/10/94	Claritin 10mg	10
6632434	06/10/94	Claritin 10mg	10
6632445	06/11/94	Claritin 10mg	20
6632446	06/11/94	Nitro-Dur 0.2mg	30
6632450	06/11/94	Imdur 60mg	100
6632460	06/12/94	Imdur 60mg	60
6632461	06/12/94	Nitro-Dur 0.2mg	30
6632917	06/21/94	Nitro-Dur 0.2mg	30
6633331	07/08/94	Tagamet 400mg	60
6633330	07/08/94	Elocon 0.10%	45
6633329	07/08/94	Methylprednisol 4mg	21
6633810	07/24/94	Nitro-Dur 0.2mg	30
6634305	08/10/94	Proventil 90mcg	17
6634304	08/10/94	Vancenase AQ 0.04%	25
6634331	08/11/94	Vanceril 42mcg	17
6634332	08/11/94	Proventil 90mcg	17
6634389	08/12/94	Chlorzoxazone 500mg	30
6634466	08/15/94	Diltiazem ER 90mg	60
6634458	08/15/94	Proventil 90mcg	17
6634459	08/15/94	Vancenase Aq 0.04%	25
6634574	08/20/94	Vancenase AQ 0.04%	25gm
6634575	08/20/94	Vanceril 42MCG	17gm
6634687	08/24/94	Zantac 150mg	68
6634727	08/25/94	Diltiazem ER 90mg	60
6634723	08/25/94	Relafen 500mg	60
6634721	08/25/94	Migquin	60
6635463	09/21/94	Trimox 250/5ml	150
6635754	10/02/94	Claritin 10mg	20
6635884	10/06/94	Diltiazem ER 60mg	60
6635885	10/06/94	Diltiazem ER 90mg	60
6636043	10/12/94	Erythromycin 250mg	100
6636445	10/24/94	K-Dur 20meq	30
6636488	10/25/94	K-Dur 20meq	30
6636984	11/13/94	Ibuprofen 800mg	100
6637486	11/30/94	K-Dur 20meq	30
6639256	01/31/95	Nitro-Dur 0.3mg	30
6641788	05/01/95	Synthroid 0.1 mg	200
6641891	05/04/95	Hytrin 10mg	30
6641863	05/04/95	Hytrin 5mg	30
6641877	05/04/95	Hytrin 2mg	30
6642142	05/12/95	Hytrin 5mg	30

6642166	05/13/95	Flonase 0.05%	16
6642174	05/14/95	Hytrin 5mg	30
6642283	05/18/95	Flonase 0.05%	16
<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
6642459	05/24/95	Hytrin 5mg	30
6642693	06/02/95	Claritin-D 5-120	30
6642694	06/02/95	Theo-Dur 200mg	60
6642783	06/06/95	Claritin-D 5-120	30
6642925	06/10/95	Claritin-D 5-120	30
6642936	06/10/95	Imdur 60mg	30
6643140	06/17/95	Claritin 10mg	20
6642926	06/17/95	Claritin-D 5-120	20
6643120	06/17/95	Claritin 10mg	20
6643119	06/17/95	Imdur 60mg	100
6643123	06/17/95	Claritin 10mg	30
6643121	06/17/95	Imdur 60mg	30
6643122	06/17/95	Nitro-Dur 0.2mg	30
6643171	06/19/95	Synthorid 0.05mg	100
6643124	06/21/95	Nitro-Dur 0.4mg	30
6643125	06/21/95	Claritin 10mg	30
6643392	06/27/95	Nitro-Dur 0.4mg	30
6643812	07/12/95	Nitro-Dur 0.6mg	30
6644104	07/23/95	Flonase 0.05%	16
6644110	07/23/95	Flonase 0.05%	16
6644224	07/26/95	Vanceril 42mcg	17
6644244	07/28/95	Vanceril 42mcg	17
6644499	08/05/95	Nitro-Dur 0.2mg	30
6644506	08/06/95	Flonase 0.05%	16
6644687	08/12/95	Proventil 90mcg	17
6644688	08/12/95	Vanceril 42mcg	17
6644682	08/12/95	Proventil 90mcg	17
6644683	08/12/95	Vanceril 42mcg	17
6644690	08/12/95	Proventil 90mcg	17
6647108	11/09/95	Vanceril 42mcg	17

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code (as it existed prior to July 1, 1996).

- (7) Harold Robert Peters did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: Harold Robert Peters created and possessed on file in the pharmacy the following prescriptions so as to facilitate insurance fraud:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
4405265	04/29/94	Xanax 0.5mg	30 tablets
4405266	04/29/94	Darvocet- N 100	50 tablets
4405631	07/06/94	Xanax 0.5mg	30 tablets
4405266	09/14/94	Darvocet- N 100	50 tablets
4405631	09/14/94	Xanax 0.5mg	30 tablets
4405265	10/29/94	Xanax 0.5mg	30 tablets
4406209	11/02/94	Darvocet - N 100	50 tablets
4405631	11/13/94	Xanax 0.5mg	30 tablets
4406449	01/04/95	Lortab 5/500mg	30 tablets

4407050	04/19/95	Dimetane -DC	240 ml
4407052	04/19/95	Darvocet - N 100	100 tablets
4407050	04/29/95	Dimetane -DC	240 ml
4407887	09/20/95	Histussin-HC	40 ml
4407887	09/29/95	Histussin-HC	240 ml
4407961	10/04/95	Xanax 0.25mg	30 tablets
4407887	10/19/95	Histussin-HC	240 ml

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (8) Harold Robert Peters did, on or about the following dates, make false or forged prescriptions for dangerous drugs, to wit: Harold Robert Peters created the following documents purporting to be prescriptions to facilitate insurance fraud:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
6633236	07/08/94	Amoxicillin 500mg	30 caps
6633939	07/28/94	Quinine Sulfa 260mg	30 tabs
6635386	09/18/94	Zantac 150mg	60 tabs
6635391	09/18/94	Retin-A 20gm	
6635440	09/20/94	Cardec DM 480ml	
6635590	09/26/94	Prilosec 20mg	30 caps
6635611	09/27/94	Relafen 500mg	120 tabs
6637602	12/02/94	Tavist - D	24 tabs
6640834	03/27/95	Otic Solution 10ml	
6635590	04/05/95	Prilosec 20mg	30 caps
6641479	04/19/95	Trimox 500mg	30 caps
6633225	07/05/95	Cyclobenzaprine 10mg	30 tabs

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code (as it existed prior to July 1, 1996).

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitute being guilty of a felony 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 (8) 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 paragraphs (2) and (6) through (8) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. 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 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued April 2, 1998.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Harold Robert Peters:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-2-16710, held by Harold Robert Peters effective as of the date of the mailing of this Order.
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-2-16710, held by Harold Robert Peters effective as of the date of the mailing of this Order.
- (C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-2-16710, held by Harold Robert Peters effective as of the date of the mailing of this Order.

Division (B) of Section 4729.16 of the Ohio Revised Code provides: "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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-4/Nay-3).

MOTION CARRIED.

SO ORDERED.