

# **ORDER OF THE STATE BOARD OF PHARMACY**

(Docket No. D-990629-052)

In The Matter Of:

## **GARY ANDREW GERST**

5452 Burr Oak Road

Lisle, Illinois 60532

(D.O.B. 4/25/63)

## INTRODUCTION

THE MATTER OF GARY ANDREW GERST CAME TO HEARING ON OCTOBER 5, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

GARY ANDREW GERST WAS REPRESENTED BY MICHAEL J. GOLDBERG, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

## SUMMARY OF EVIDENCE

### (A) Testimony

State's Witnesses:

- (1) Frank Bodi, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Gary Andrew Gerst, Respondent

### (B) Exhibits

State's Exhibits:

- (1) Exhibit 1—Copy of three-page Proposal To Deny/Notice Of Opportunity For A Hearing letter dated June 29, 1999.
- (2) Exhibit 1A—Application For Examination As A Pharmacist with attached Statement of Gary Gerst and copy of
- (3) Exhibit 1B—Hearing Request letter dated July 12, 1999.
- (4) Exhibit 1C—Copy of Hearing Schedule letter dated July 20, 1999.
- (5) Exhibit 1D—Copy of eight-page Order of the State Board of Pharmacy, Docket No. D-940125-039 dated October 31, 1994.
- (6) Exhibit 1E—Copy of Pharmacist File Front Sheet of Gary Gerst showing original date of registration as March 6, 1987.
- (7) Exhibit 1F—Copy of Notice of Appearance of Michael J. Goldberg dated September 17, 1999.

Respondent's Exhibits:

- (1) Exhibit A—Copy of letter from Mitchell S. Swieca dated September 25, 1999.
- (2) Exhibit B—Copy of memorandum from M. Mitrovic dated November 19, 1998.

- (3) Exhibit C—Copy of Certificate of Completion of Addiction Orientation for Health Care Providers Course for the dates November 16-19, 1998.
- (4) Exhibit D—Copy of letter from Robert P. Reid dated September 30, 1999.
- (5) Exhibit E—Copy of letter from Lyndi Locke Wheatley dated October 1, 1999.
- (6) Exhibit F—Copy of letter from George Muhvic dated October 4, 1999.
- (7) Exhibit G—Copy of diploma from Midwestern University of Gary Andrew Gerst for the degree of Bachelor of Medical Science in Physician Assistant Studies dated May 29, 1999.
- (8) Exhibit H—Copy of two-page Midwestern University transcript of Gary A. Gerst covering from Summer Quarter 1997 to Spring Quarter 1999 dated May 24, 1999.
- (9) Exhibit I—Copy of letter from Meredith Davison dated June 15, 1999.
- (10) Exhibit J1—Copy of a two-page Student Evaluation Form for Gary Gerst dated April 29, 1999.
- (11) Exhibit J2—Copy of a two-page Student Evaluation Form for Gary Gerst dated May 25, 1999.
- (12) Exhibit J3—Copy of a two-page Student Evaluation Form for Gary Gerst dated February 24, 1999.
- (13) Exhibit J4—Copy of a two-page Student Evaluation Form for Gary Gerst dated October 22, 1998.
- (14) Exhibit J5—Copy of a two-page Student Evaluation Form for Gary Gerst dated April 1, 1999.
- (15) Exhibit J6—Copy of a two-page Student Evaluation Form for Gary Gerst dated December 24, 1998.
- (16) Exhibit J7—Copy of a two-page Student Evaluation Form for Gary Gerst dated July 29, 1998.
- (17) Exhibit J8—Copy of a two-page Student Evaluation Form for Gary Gerst dated August 26, 1998.
- (18) Exhibit J9—Copy of a two-page Student Evaluation Form for Gary Gerst dated January 27, 1999.
- (19) Exhibit J10—Copy of a two-page Student Evaluation Form for Gary Gerst dated November 17, 1998.
- (20) Exhibit K

#### 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 Ohio State Board of Pharmacy indicate that Gary Andrew Gerst submitted an Application For Examination As A Pharmacist on or about June 9, 1999.
- (2) Records further indicate that Gary Andrew Gerst was originally licensed to practice pharmacy as a pharmacist in the state of Ohio on March 6, 1987, and on October 31, 1994, his identification card, No. 03-2-16769, was revoked.
- (3) This action of the Board was based upon \_\_\_\_\_ and/or the underlying facts upon which \_\_\_\_\_ was based. Such conduct indicates that Gary Andrew Gerst does not qualify for licensure as a pharmacist pursuant to Section 4729.08(B) of the Ohio Revised Code.

## 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 constitutes having been disciplined by the Ohio State Board of Pharmacy pursuant to Section 4729.16 of the Revised Code as provided in paragraph (E) of Rule 4729-5-04 of the Ohio Administrative Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes 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 (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 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 4729.08 of the Ohio Revised Code and Rule 4729-5-04 of the Ohio Administrative Code, and on the basis of the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy hereby denies the issuance of a certificate of registration or an identification card to practice pharmacy and, therefore, denies the Application for Examination as a Pharmacist submitted by Gary Andrew Gerst. Further, Gary Andrew Gerst may not submit an Application for Examination as a Pharmacist prior to twenty years from the date of this order.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).

MOTION CARRIED.

SO ORDERED.

**ORDER EFFECTIVE NOVEMBER 15, 1999**

# **ORDER OF THE STATE BOARD OF PHARMACY**

(Docket No. D-940125-039)

In The Matter Of:

**GARY A. GERST, R.Ph.**  
310 South Eureka Avenue  
Columbus, Ohio 43204  
(R.Ph. No. 03-2-16769)

## INTRODUCTION

THE MATTER OF GARY A. GERST CAME TO HEARING ON SEPTEMBER 29, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

GARY GERST WAS REPRESENTED BY GORDON S. FRIEDMAN, AND THE STATE OF OHIO WAS REPRESENTED BY ELIZABETH COLLIS AND ANNE BERRY STRAIT, ASSISTANT ATTORNEYS GENERAL.

## SUMMARY OF EVIDENCE

### (A) Testimony

State's Witnesses:

- (1) Gary A. Gerst, Respondent
- (2) Dr. Robert Portnow, D.P.M.
- (3) Deputy Dale Smith, Cuyahoga County Sheriff's Department, Narcotics Unit
- (4) Frank Bodi, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) George Muhbic, Revco

### (B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Notice of Opportunity letter dated January 25, 1994.
- (2) Exhibit 1A - Hearing Request letter dated February 1, 1994.
- (3) Exhibit 1B - Hearing Schedule letter dated February 1, 1994.
- (4) Exhibit 1C - Hearing Schedule letter dated February 2, 1994.
- (5) Exhibit 1D
- (6) Exhibit 1E - Hearing Schedule letter dated February 9, 1994.
- (7) Exhibit 1F - Letter from Franklin Z. Wickham dated March 2, 1994.
- (8) Exhibit 1G - Hearing Schedule letter dated March 7, 1994.
- (9) Exhibit 1H
- (10) Exhibit 1I - Letter from David L. Rowland dated March 10, 1994.
- (11) Exhibit 1J

- (12) Exhibit 2 - Pharmacist File Front Sheet of Gary Gerst showing original date of registration as March 6, 1987; and Renewal Application for Pharmacist License, No. 03-2-16769, for a license to practice pharmacy in Ohio from September 15, 1993, to September 15, 1994, of Gary A. Gerst dated July 25, 1993.
- (13) Exhibit 4
- (14) Exhibit 7
- (15) Exhibit 8
- (16) Exhibit 9
- (17) Exhibit 10
- (18) Exhibit 11 -

Respondent's Exhibits:

- (1) Exhibit A
- (2) Exhibit B
- (3) Exhibit C
- (4) Exhibit D.
- (5) Exhibit E
- (6) Exhibit F

#### 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 indicate that Gary A. Gerst was originally licensed to practice pharmacy in the state of Ohio on March 6, 1987, and on January 25, 1994, his identification card was suspended in accordance with Section 3719.121(B) of the Ohio Revised Code.
- (2)
- (3)
- (4)
- (5)
- (6)

#### CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (5) 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.
- (2)
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (5) 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 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued January 25, 1994.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Gary A. Gerst:

- (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. 03-2-16769, held by Gary A. Gerst.
- (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. 03-2-16769, held by Gary A. Gerst.
- (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 imposes a monetary penalty of six thousand dollars (\$6,000.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

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

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).

MOTION CARRIED.

SO ORDERED.

**ORDER EFFECTIVE OCTOBER 31, 1994**

## SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

January 25, 1994

**Gary A. Gerst, R.Ph.**  
1939 Green Rd., Apt. 307  
South Euclid, Ohio 44121

Re: Ohio Registered Pharmacist  
Number 03-2-16769

Dear Pharmacist:

Records of the Board indicate that you are a pharmacist registered by this Board to practice pharmacy in the state of Ohio.

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 and/or your method of distributing controlled substances 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) You did, on or about the following dates, knowingly sell a controlled substance in an amount greater than bulk but less than three times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: each of the following occasions you sold the following drugs in the following amounts to a person whom you knew or should have known was a drug addict and pursuant to prescriptions which you either forged or knew were forged:

<u>RX #</u>	<u>DATE</u>	<u>DRUG</u>	<u>QTY.</u>
056488	11-29-91	Vicodin ES	40 tablets
064564	12-28-91	Vicodin ES	40 tablets
068017	01-10-92	Vicodin ES	40 tablets
077568	02-17-92	Vicodin ES	30 tablets
081567	03-03-92	Vicodin ES	30 tablets
082361	03-06-92	Lorcet Plus	40 tablets
088601	03-31-92	Lorcet Plus	40 tablets
091969	04-13-92	Vicodin ES	40 tablets
092910	04-16-92	Vicodin ES	40 tablets
100062	05-13-92	Vicodin ES	40 tablets
100891	05-16-92	Vicodin ES	40 tablets
103664	05-27-92	Lorcet Plus	40 tablets
111407	06-25-92	Vicodin ES	30 tablets
112010	06-27-92	Lorcet Plus	30 tablets
117501	07-20-92	Lorcet Plus	30 tablets
118903	07-25-92	Vicodin ES	30 tablets
121605	08-05-92	Vicodin ES	30 tablets
128048	08-31-92	Vicodin ES	30 tablets
<u>RX #</u>	<u>DATE</u>	<u>DRUG</u>	<u>QTY.</u>
142610	10-27-92	Vicodin ES	30 tablets
	(Refill RX# 118903)		
143481	10-30-92	Vicodin ES	30 tablets
157337	12-21-92	Vicodin ES	30 tablets

160929	01-04-93	Lorcet Plus	30 tablets
161717	01-06-93	Lorcet Plus	30 tablets
164770	01-18-93	Lorcet Plus	30 tablets
132453	09-17-92	Vicodin ES	30 tablets
135442	09-28-92	Vicodin ES	30 tablets
135712	09-30-92	Vicodin ES	30 tablets
135987	10-01-92	Vicodin ES	30 tablets
136821	10-04-92	Lorcet Plus	30 tablets
138745	10-12-92	Lorcet Plus	30 tablets
139436	10-14-92	Vicodin ES	30 tablets
146915	11-12-92	Vicodin ES	30 tablets
150244	11-25-92	Vicodin ES	30 tablets
150699	11-27-92	Lorcet Plus	30 tablets
157752	12-22-92	Vicodin ES	30 tablets
158467	12-24-92	Vicodin ES	30 tablets
172851	02-16-93	Vicodin ES	30 tablets
176675	03-02-93	Vicodin ES	30 tablets

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

(2) You did, on or about the following dates, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each of the following occasions you sold the following drugs in the following amounts to a person whom you knew or should have known was a drug addict and pursuant to prescriptions which you either forged or knew were forged:

<u>RX #</u>	<u>DATE</u>	<u>DRUG</u>	<u>QTY.</u>
135439	09-29-92	Vicodin ES	16 tablets
118365	07-23-92	Vicodin ES	20 tablets
120583	07-31-92	Vicodin ES	20 tablets
125648	08-21-92	Lorcet Plus	20 tablets
125649	08-21-92	Temazepam 30mg	5 capsules
138211	09-16-92	Lorcet Plus	20 tablets
139437	10-14-92	Temazepam 30mg	2 capsules
140258	10-17-92	Diazepam 10mg	1 tablet
143482	10-30-92	Temazepam 30mg	2 capsules
143982	11-01-92	Lorcet Plus	25 tablets
145998	11-09-92	Diazepam 10mg	1 tablet
145997	11-09-92	Vicodin ES	25 tablets
153778	12-08-92	Lorcet Plus	20 tablets
168584	02-01-93	Lorcet Plus	24 tablets
168945	02-02-93	Lorcet Plus	24 tablets

Such conduct is in violation of Section 2925.23(A)(1) of the Ohio Revised Code.

(3) You did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: you created, aided and abetted the creation of, and/or possessed in the files of Revco the following prescriptions which were created for the purpose of selling drugs to a person whom you knew or should have known was a drug addict:

<u>RX #</u>	<u>DATE</u>	<u>DRUG</u>	<u>QTY.</u>
056488	11/29/91	Vicodin ES	40 tablets
064564	12/28/91	Vicodin ES	40 tablets

068017	01/10/92	Vicodin ES	40 tablets
077568	02/17/92	Vicodin ES	30 tablets
081567	03/03/92	Vicodin ES	30 tablets
082361	03/06/92	Lorcet Plus	40 tablets
088601	03/31/92	Lorcet Plus	40 tablets
091969	04/13/92	Vicodin ES	40 tablets
092910	04/16/92	Vicodin ES	40 tablets
100062	05/13/92	Vicodin ES	40 tablets
100891	05/16/92	Vicodin ES	40 tablets
103664	05/27/92	Lorcet Plus	40 tablets
111407	06/25/92	Vicodin ES	30 tablets
135439	09/29/92	Vicodin ES	16 tablets
112010	06/27/92	Lorcet Plus	30 tablets
117501	07/20/92	Lorcet Plus	30 tablets
118365	07/23/92	Vicodin ES	20 tablets
118903	07/25/92	Vicodin ES	30 tablets
120583	07/31/92	Vicodin ES	20 tablets
121605	08/05/92	Vicodin ES	30 tablets
125648	08/21/92	Lorcet Plus	20 tablets
125649	08/21/92	Temazepam 30mg	5 capsules
128048	08/31/92	Vicodin ES	30 tablets
138211	09/16/92	Lorcet Plus	20 tablets
142610	10/27/92	Vicodin ES	30 tablets
	(Refill RX# 118903)		
143481	10/30/92	Vicodin ES	30 tablets
157337	12/21/92	Vicodin ES	30 tablets
160929	01/04/93	Lorcet Plus	30 tablets
161717	01/06/93	Lorcet Plus	30 tablets
164770	01/18/93	Lorcet Plus	30 tablets
132453	09/17/92	Vicodin ES	30 tablets
135442	09/28/92	Vicodin ES	30 tablets
135712	09/30/92	Vicodin ES	30 tablets
135987	10/01/92	Vicodin ES	30 tablets
136821	10/04/92	Lorcet Plus	30 tablets
138745	10/12/92	Lorcet Plus	30 tablets
139436	10/14/92	Vicodin ES	30 tablets
139437	10/14/92	Temazepam 30mg	2 capsules
140257	10/17/92	Lorcet Plus	30 tablets
140258	10/17/92	Diazepam 10mg	1 tablet
143482	10/30/92	Temazepam 30mg	2 capsules
<u>RX #</u>	<u>DATE</u>	<u>DRUG</u>	<u>QTY.</u>
143982	11/01/92	Lorcet Plus	25 tablets
145997	11/09/92	Vicodin ES	25 tablets
145998	11/09/92	Diazepam 10mg	1 tablet
146915	11/12/92	Vicodin ES	30 tablets
150244	11/25/92	Vicodin ES	30 tablets
150699	11/27/92	Lorcet Plus	30 tablets
153778	12/08/92	Lorcet Plus	20 tablets
157752	12/22/92	Vicodin ES	30 tablets
158467	12/24/92	Vicodin ES	30 tablets
168584	02/01/93	Lorcet Plus	24 tablets
168945	02/02/93	Lorcet Plus	24 tablets
172851	02/16/93	Vicodin ES	30 tablets

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

(4) You did, from June 27, 1992, through March 2, 1993, knowingly gain access to a computer, computer system, or computer network beyond the scope of the express or implied consent of the owner or other person authorized to give consent, to wit: you used Revco's P.A.L. computer to obtain physician's names and D.E.A. numbers in order to falsify prescriptions to make them appear legitimate and to avoid detection. Such conduct is in violation of Section 2913.04(B) of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

(B) The license or registration of a ... pharmacist, ... may be suspended without a prior hearing by the board under which he has been licensed or registered if the board determines that there is clear and convincing evidence that continuation of his professional practice or his method of distributing controlled substances presents a danger of immediate and serious harm to others. ...

WHEREFORE, PURSUANT TO SECTION 3719.121(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 is held by the Board under Chapter 119. of the Revised Code, during which time you may not engage in the practice of pharmacy. If you request a hearing within 30 days of the time of the mailing of this notice, such will be afforded. You may appear at such hearing in person, by or with your attorney, or you may present your position, arguments, or contentions in writing; and at this hearing, you may present evidence and examine any witnesses appearing for and against you.

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 sections 119.01 to 119.13 of the Revised Code, may revoke, suspend, 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 Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not 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 him 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 sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code;

(6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;

(7) Guilty of knowingly lending his name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy; or

(8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, a practitioner or any owner, manager, or employee of a health care facility, rest home, or nursing home.

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-940125-039)

BY ORDER OF THE STATE BOARD OF PHARMACY

**SUMMARY SUSPENSION EFFECTIVE JANUARY 25, 1994**

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.  
(Order Effective October 31, 1994)*