



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-960305-057)

In The Matter Of:

**KEITH MICHAEL WIRE, R.Ph.**

671 W. Broadway, Apt. H

Granville, Ohio 43023

(R.Ph. No. 03-1-17369)

### INTRODUCTION

THE MATTER OF KEITH MICHAEL WIRE CAME TO HEARING ON SEPTEMBER 17, 1996, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; JOHN L. HANNA, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

KEITH MICHAEL WIRE WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) None

Respondent's Witnesses:

- (1) Keith Wire, Respondent
- (2) Rick Kryc, Pharmacist Rehabilitation Organization, Inc.
- (3) Nick Kallis, Pharmacist Rehabilitation Organization, Inc.
- (4) John Marshall White, Jr.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Eleven-page Order of the State Board of Pharmacy, Docket No. D-940210-046, in the matter of Keith Michael Wire dated January 31, 1995.

- (2) Exhibit 1A--Hearing Request letter from Keith M. Wire, not dated, received in the Board office on August 24, 1995.
- (3) Exhibit 1B--Hearing Schedule letter dated September 8, 1995.
- (4) Exhibit 1C--Two-page Hearing Schedule letter dated March 5, 1996.

Respondent's Exhibits:

- (1) Exhibit A1--Copies of the following: two-page Pharmacists Rehabilitation Organization, Inc., Pharmacist's Recovery Contract of Keith M. Wire showing date of contract as February 22, 1995; Shepherd Hill Hospital RMS Extended Service Agreement of Keith M. Wire dated April 4, 1996; two-page Shepherd Hill Hospital Recovery Monitoring Services Agreement of Keith Wire dated May 5, 1994; letter from Fred N. Karaffa dated August 30, 1996; two-page letter from Fred N. Karaffa dated February 26, 1996; letter from Nick A. Kallis dated February 26, 1996; and letter from Mary Spain dated August 1, 1996.
- (2) Exhibit A2--Copies of urine drug screen reports dated as follows: August 13, 1996; August 17, 1996; two dated August 20, 1996; July 17, 1996; July 24, 1996; August 28, 1996; June 25, 1996; June 29, 1996; June 22, 1996; May 21, 1996; May 24, 1996; May 18, 1996; May 6, 1996; March 28, 1996; April 18, 1996; March 23, 1996; April 17, 1996; March 5, 1996; February 13, 1996; January 24, 1996; January 23, 1996; January 3, 1996; December 27, 1995; December 8, 1995; two-page report dated November 22, 1995; October 27, 1995; October 18, 1995; October 3, 1995; September 22, 1995; August 28, 1995; August 18, 1995; July 24, 1995; July 26, 1995; June 13, 1995; June 3, 1995; May 11, 1995; May 4, 1995; April 28, 1995; April 20, 1995; May 1, 1995; April 7, 1995; April 3, 1995; March 24, 1995; March 17, 1995; March 9, 1995; March 8, 1995; February 7, 1995; February 28, 1995; two dated February 21, 1995; two dated February 13, 1995; two dated January 31, 1995; two dated January 26, 1995; two dated January 17, 1995; January 1, 1995; two dated December 26, 1994; two dated December 15, 1994; December 9, 1994; two-page fax from Fred Karaffa dated April 17, 1996; Activity Report dated March 27, 1996; and two-page fax from Anne Anderson dated March 27, 1996.
- (3) Exhibit A3--Copies of twenty-eight pages of Verification of A.A. Attendance of Keith Wire dated from December 2, 1994, through August 28, 1996.
- (4) Exhibit A4--Copies of three pages of Verification of G.A. Attendance of Keith Wire dated from February 6, 1995, through August 5, 1996.
- (5) Exhibit A5--Copies of the following: letter from J. R. Abrahamsen dated February 28, 1996; letter from Jo Jordan dated January 26, 1996; letter from H. Ray Bower dated January 10, 1996; letter from Lori Ann Wenner dated August 22, 1996; letter from Alexandra R. Cavanaugh, not dated; and letter from Kathryn Hayward dated January 12, 1996.
- (6) Exhibit A6--Copies of the following: letter from John H. and Carole J. Wire dated February 20, 1996; letter from Barbara E. Stacy dated February 20, 1996; letter from Jeffrey Lewis Smith dated February 5, 1996; letter from Henry Lynn Hook dated February 2, 1996; letter from Laurie Wells dated August 20, 1996; and letter from Deborah L. Hnat dated February 20, 1996.

- (7) Exhibit A7--Copies of three pages of continuing pharmacy education course certificates numbered and dated as follows: 679-068-95-023 dated July 18, 1995; 679-406-93-011, 679-406-93-012, 679-406-93-013, 679-406-93-014, and 679-406-93-015 dated January 30, 1996; 679-105-95-13 dated May 6, 1995; and 679-702-92-014 dated December 20, 1995.
- (8) Exhibit B--Copy of Pharmacist Rehabilitation Organization, Inc. Client Reporting Sheet/Client Monitoring Sheet of Client Case No. 84 - Keith Wire for the period of January 4, 1996, to April 3, 1996; letter from Keith M. Wire dated June 26, 1996; letter from Keith M. Wire dated April 5, 1996; letter from Fred N. Karaffa dated April 4, 1996; and copies of urine drug screen reports dated March 28, 1996; March 5, 1996; February 13, 1996; January 24, 1996; and January 23, 1996.

#### FINDING 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) Keith Michael Wire is in compliance with the Order of the State Board of Pharmacy, Docket No. D-940210-046, dated January 31, 1995.

#### ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card of Keith Michael Wire to practice pharmacy in the state of Ohio and places him on probation for five years from the date his identification card is issued, with the following conditions:

- (A) Keith Michael Wire must enter into a new contract, after the effective date of this Order, with a limited 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 screens shall be conducted at least every three months. The urine drug screens must report testing for Methylphenidate, alcohol and must also report testing for creatinine as the dilutional standard or specific gravity;
  - (2) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required during outpatient treatment and/or during aftercare;
  - (3) attendance, a minimum of one time per month, at Gamblers Anonymous is required;

- (4) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and
  - (5) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Keith Michael Wire must submit original continuing pharmacy education certificates documenting 4.5 C.E.U.s in compliance with Chapter 4729-7 of the Ohio Administrative Code for the three-year period prior to the date of submitting the application for renewal. One hour of the 4.5 C.E.U. requirement must be an approved Jurisprudence course in accordance with Rule 4729-7-02 of the Ohio Administrative Code.
- (C) Keith Michael Wire 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 his progress towards recovery and what he has been doing during the previous three months.
- (D) Other terms of probation are as follows:
- (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that the pharmacist identification card of Keith Michael Wire is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
  - (2) Keith Michael Wire may not serve as a responsible pharmacist.
  - (3) Keith Michael Wire may not destroy, or may not assist in or witness the destruction of, controlled substances.
  - (4) Keith Michael Wire must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
  - (5) Keith Michael Wire must not violate the drug laws of the state of Ohio, any other state, or the federal government.
  - (6) Keith Michael Wire must abide by the rules of the Ohio State Board of Pharmacy.
  - (7) Keith Michael Wire must comply with the terms of this Order.

Keith Michael Wire 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.

MOTION CARRIED.

SO ORDERED.



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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-940210-046)

In The Matter Of:

**KEITH MICHAEL WIRE, R.Ph.**

311 Foresthill Drive  
Austintown, Ohio 44515  
(R.Ph. No. 03-1-17369)

### INTRODUCTION

THE MATTER OF KEITH MICHAEL WIRE CAME TO HEARING ON DECEMBER 8, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

KEITH MICHAEL WIRE WAS REPRESENTED BY DAVID W. GRAUER, AND THE STATE OF OHIO WAS REPRESENTED BY ROBERT J. McCLAREN, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Joseph R. Sabino, R.Ph., Revco Pharmacy Supervisor
- (2) David Henrey, Revco Loss Prevention
- (3) David Gallagher, Ohio State Board of Pharmacy
- (4) Keith Michael Wire, Respondent

Respondent's Witnesses:

- (1) Richard Kryc, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (2) Nick Andrew Kallis, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (3) Tyler Holiday, Shepherd Hill Hospital Counselor

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Summary Suspension Order/Notice of Opportunity letter dated February 10, 1994.
- (2) Exhibit 1A - Request for Hearing and Notice of Appearance dated March 16, 1994.
- (3) Exhibit 1B - Hearing Schedule letter dated March 21, 1994.
- (4) Exhibit 1C - Addendum Notice dated August 8, 1994.
- (5) Exhibit 1D - Motion to Continue Hearing dated August 29, 1994.
- (6) Exhibit 1E - Hearing Schedule letter dated August 31, 1994.
- (7) Exhibit 1F - Pharmacist File Front Sheet of Keith Michael Wire showing original date of registration as October 5, 1988; and

Renewal Application for Pharmacist License, No. 03-1-17369, for a license to practice pharmacy in Ohio from September 15, 1993, to September 15, 1994, of Keith Michael Wire dated July 30, 1993.

- (8) Exhibit 2 - Revco computer label for prescription number 0352-814853 dated December 19, 1993.
- (9) Exhibit 2A - Revco computer label for prescription number 0352-815366 dated December 22, 1993.
- (10) Exhibit 3 - Revco computer label for prescription number 0352-820127 dated January 25, 1994.
- (11) Exhibit 3A - Revco computer label for prescription number 0352-820334 dated January 26, 1994.
- (12) Exhibit 7 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed items, showing that evidence was turned over to the Portage County Drug Task Force on March 8, 1994.
- (13) Exhibit 8 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed items.
- (14) Exhibit 8A - Two small pieces of paper with notations, the first is approximately 3" x 2" noting "Danny's Bar 652-8729"; and the second is approximately 2" x 2" noting names and/or places with telephone numbers.
- (15) Exhibit 8B - Piece of note pad paper approximately 5" x 7½" with notes regarding sports gambling statistics.
- (16) Exhibit 8C - One clear, glass pestle approximately 4" in length.
- (17) Exhibit 9 - Number on Hand Accountability Sheet, Closing Inventory of Revco D.S. #352, Terminal Distributor License No. 02-121950, dated February 2, 1994.
- (18) Exhibit 9A - Number on Hand Accountability Sheet, Closing Inventory of Revco D.S. #352, Terminal Distributor License No. 02-121950, dated February 3, 1994.
- (19) Exhibit 10 - Two-page handwritten receipt for listed items removed from 311 S. Forest Hill, Austintown, Ohio 44515, signed and notarized on February 4, 1994.
- (20) Exhibit 11 - Two-page typewritten list of articles, by exhibit number, removed from 311 S. Forest Hill, Austintown, Ohio .
- (21) Exhibit 12 - Three-page Handwritten Statement of Keith M. Wire signed and notarized on February 4, 1994.
- (22) Exhibit 13 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed item, showing that evidence was turned over to the Portage County Drug Task Force on March 8, 1994.
- (23) Exhibit 14 - Piece of note pad paper approximately 5" x 7" with handwritten notes regarding three people, including telephone numbers.
- (24) Exhibit 14A - Piece of note pad paper approximately 5" x 7" with handwritten list of seven names.
- (25) Exhibit 14B - Blank Revco prescription with handwritten list of four names.
- (26) Exhibit 14C - Revco Drug/Price Display for 500 Zantac 150mg tablets last changed on September 15, 1993.
- (27) Exhibit 14D - Revco Drug/Price Display for 100 Zantac 150mg last changed on September 15, 1993.

- (28) Exhibit 15 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed items and attached copy of two Zantac stock bottles; and two sealed 100-unit stock bottles of Zantac 150mg.
- (29) Exhibit 16 - One unlabeled dispensing vial with package insert for Diazepam; and one unit of Vicodin 5mg.
- (30) Exhibit 17 - Two Revco computer labels for prescriptions numbered 1355-307319 dated April 2, 1993; and 1355-298081 dated April 2, 1993.
- (31) Exhibit 18 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed items and attached copy of stock bottle of Diazepam; one empty 100-unit stock bottle of Diazepam 10mg manufactured by Schein.
- (32) Exhibit 19 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed items and two-page attached copy of two Vicodin stock bottles; and one empty 100-unit stock bottle of Vicodin 5mg.
- (33) Exhibit 19A - One empty 100-unit stock bottle of Vicodin 5mg.
- (34) Exhibit 20 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed items and two-page attached copy of Vicodin ES stock bottle; and one empty 100-unit stock bottle Vicodin ES 7.5mg, Lot No. 10770433, expiration date 10/95.
- (35) Exhibit 21 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed items and attached copy of DHC Plus stock bottle; and one 100-unit stock bottle of DHC Plus capsules containing 51 units of DHC Plus capsules.
- (36) Exhibit 22 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed items; and three unlabeled dispensing containers with white powder residue.
- (37) Exhibit 23 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed items; and Giant Eagle Prescription Vial No. 6221012.
- (38) Exhibit 24 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed item and attached copy of Ansaid stock bottle; and one sealed 100-unit Revco Repack of Ansaid 100mg tablets.
- (39) Exhibit 25 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed item and attached copy of Vicodin ES stock bottle; and one empty 100-unit stock bottle of Vicodin ES 7.5mg, Lot No. 10770303.
- (40) Exhibit 26 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed item and attached copy of Vicodin ES stock bottle; and one empty 100-unit stock bottle of Vicodin 5mg, Lot No. 10760653.
- (41) Exhibit 27 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed item and attached two-page copy of Xanax 1mg stock bottle; and one empty 100-unit stock bottle of Xanax 1mg, Lot No. 286YH.
- (42) Exhibit 28 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed item; and one "Derby 118" drinking glass with white powder residue.

- (43) Exhibit 29 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed items, showing that evidence was turned over to the Portage County Drug Task Force on March 8, 1994.
- (44) Exhibit 30 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed items; and six plastic, cut straws with white powder residue.
- (45) Exhibit 31 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed items; twenty white tablets inscribed 285; six white tablets inscribed Hoechst/Lasix-80; and one yellow tablets inscribed Ciba/34.
- (46) Exhibit 32 - Revco computer generated label for prescription number 1355-299753.
- (47) Exhibit 32A - Revco computer generated label for prescription number 1355-306441.
- (48) Exhibit 33 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed items and attached copy of Memorex computer disk jacket; eight units of Halcion .25mg; and a 5¼" Memorex computer disk jacket.
- (49) Exhibit 34 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed items; and two plastic bags containing a substance alleged to be marijuana.
- (50) Exhibit 35 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed items; one Bruce Springsteen calendar containing white powder residue and fragments of substance alleged to be marijuana; and one razor blade with white powder residue.
- (51) Exhibit 36 - Prescription No. 0352-818949.
- (52) Exhibit 36A - Revco #0352 Prescription Access Link for patient Maria Amodio dated March 8, 1994.
- (53) Exhibit 37 - Prescription No. 0352-809772.
- (54) Exhibit 37A - Revco computer generated label for prescriptions numbered 0352-809772 and 0352-818944.
- (55) Exhibit 37B - Revco computer generated label for prescriptions numbered 0352-818944 and 0352-820625.
- (56) Exhibit 38 - Prescription No. 0352-818945.
- (57) Exhibit 39 - Prescription No. 0352-820194 and Prescription No. 0352-820195.
- (58) Exhibit 39A - Four-page Revco #0352 Prescription Access Link for patient Barbara Martin dated March 8, 1994.
- (59) Exhibit 40 - Handwritten Statement of Dr. Tony Adamle, M.D. signed and notarized on March 22, 1994.
- (60) Exhibit 40A - Handwritten Statement of Dr. Okap Kwon, M.D. signed and notarized on March 22, 1994.
- (61) Exhibit 40B - Handwritten Statement of Dr. John M. Baron, D.O. signed and notarized on March 22, 1994.
- (62) Exhibit 40C - Handwritten Statement of Dr. Michele Hatherill, M.D. signed and notarized on March 22, 1994.
- (63) Exhibit 40D - Handwritten Statement of B. V. Hegde, M.D. signed and notarized on March 31, 1994.
- (64) Exhibit 40E - Handwritten Statement of Dr. Selwyn-Lloyd McPherson, M.D. signed and notarized on March 31, 1994.

- (65) Exhibit 40F - Handwritten Statement of Dr. Fu-Shan Lin, M.D. signed and notarized on August 29, 1994.
- (66) Exhibit 41 - Copy of Release of Information form of Maria Amodio signed and notarized on March 24, 1994.
- (67) Exhibit 41A - Copy of Release of Information form of Dorothy Osborne signed and notarized on March 24, 1994.
- (68) Exhibit 41B - Copy of Release of Information form of Gerald H. Semprock signed and notarized on March 24, 1994.
- (69) Exhibit 41C - Copy of Release of Information form of George Appleby signed by his mother, Linda Wilson, and notarized on March 31, 1994.
- (70) Exhibit 41D - Copy of Release of Information form of Barbara Martin signed and notarized on March 24, 1994.
- (71) Exhibit 41E - Copy of Release of Information form of Nicholas Backes signed by Constance Backes and notarized on March 31, 1994.
- (72) Exhibit 42 - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Tylox 5mg capsules dated April 6, 1994.
- (73) Exhibit 42A - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Oxycodone 5mg/APAP 500mg capsules dated April 6, 1994.
- (74) Exhibit 42B - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Percodan 5mg tablets dated April 6, 1994.
- (75) Exhibit 42C - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Oxycodone 5mg/APAP tablets dated April 6, 1994.
- (76) Exhibit 42D - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Ritalin 5mg tablets dated April 6, 1994.
- (77) Exhibit 42E - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Ritalin 10mg tablets dated April 6, 1994.
- (78) Exhibit 42F - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Methylphenidate 10mg tablets dated April 6, 1994.
- (79) Exhibit 42G - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Ritalin 20mg tablets dated April 6, 1994.
- (80) Exhibit 42H - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Methylphenidate 20mg tablets dated April 6, 1994.
- (81) Exhibit 42I - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Methylphenidate ER 20mg dated April 6, 1994.
- (82) Exhibit 42J - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for DHC Plus 16mg/APAP capsules dated April 6, 1994.
- (83) Exhibit 42K - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Valium 10mg tablets dated April 6, 1994.
- (84) Exhibit 42L - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Diazepam 10mg tablets dated April 6, 1994.
- (85) Exhibit 42M - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Xanax 1mg tablets dated April 6, 1994.

- (86) Exhibit 42N - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Vicodin 5mg tablets dated April 6, 1994.
- (87) Exhibit 42O - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Hydrocodone 5mg/APAP tablets dated April 6, 1994.
- (88) Exhibit 42P - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Vicodin 7.5mg tablets dated April 6, 1994.
- (89) Exhibit 42Q - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Revco #352 for Hydrocodone 7.5mg/APAP tablets dated April 6, 1994.
- (90) Exhibit 43 - Two-page letter from Robert L. Cole dated April 6, 1994; and letter from J. Robert Eccles dated April 11, 1994.
- (91) Exhibit 43A - Two-page letter from Robert L. Cole dated April 6, 1994; and letter from Sheri B. Harris dated April 11, 1994.
- (92) Exhibit 43B - Two-page letter from Robert L. Cole dated April 6, 1994; and letter from David E. Stamm dated April 14, 1994, with attached Pharmacy History Claims Detail Inquiry dated April 7, 1994.
- (93) Exhibit 43C - Copy of Memo to Rana Groves from David Gallagher dated April 11, 1994, with five pages of attachments regarding patient prescription information.
- (94) Exhibit 45 - First page of Bureau of Criminal Identification and Investigation Laboratory Report, No. 94-31772, dated April 29, 1994, addressed to Portage County Drug Task Force; and two-page Affidavit of Laura M. Risdon signed and notarized on May 18, 1994.
- (95) Exhibit 46 - Ohio State Board of Pharmacy Receipt, Case No. 94-1055, dated February 4, 1994, for listed items; showing that evidence was turned over to the Portage County Drug Task Force on March 8, 1994.
- (96) Exhibit 47 - Eight-page handwritten Revco #0352 Audit.
- (97) Exhibit 48 - Twenty-page Revco #0352 Prescription Access Link, Schedule II Drug Audit from September 1, 1993, to December 1, 1993, dated December 5, 1993; and two-page Revco #0352 Prescription Access Link, Schedule II Drug Audit from December 1, 1993, to December 5, 1993, dated December 5, 1993.
- (98) Exhibit 49 - Yellow carbon copy of Revco #352 Pharmacy Checklist dated November 16, 1993.  
Respondent's Exhibits:
  - (1) Exhibit A - Two-page copy of Pharmacists Rehabilitation Organization, Inc. Recovering Pharmacist's Contract of Keith Wire dated May 18, 1994.
  - (2) Exhibit B - Copy of Shepherd Hill Hospital Recovery Monitoring Services Agreement of Keith Wire dated May 5, 1994.
  - (3) Exhibit C - Letter from Fred N. Karaffa dated November 9, 1994.
  - (4) Exhibit D - Two-page copy of letter from Mary Spain dated December 1, 1994.
  - (5) Exhibit E - Letter from J. R. Abrahamsen dated November 23, 1994.
  - (6) Exhibit F - Letter from James Pfister dated November 8, 1994.
  - (7) Exhibit G - Letter from J. Marshall White dated November 30, 1994.
  - (8) Exhibit H - Letter from John and Carole Wire, not dated.
  - (9) Exhibit I - Letter from Wilbur and Mary Wire dated November 14, 1994.

- (10) Exhibit J - Copy of letter from Barbara E. Stacy dated November 9, 1994.
- (11) Exhibit K - Letter from Teresa A. McMahon, not dated.
- (12) Exhibit L - Copy of letter from Cathy A. DiMuccio, not dated.
- (13) Exhibit M - Copy of letter from Deborah L. Hnat dated November 9, 1994.
- (14) Exhibit N - Seven-page copy of Verification of A.A. Attendance of Keith Wire dated June 13, 1994, through October 2, 1994; and Five-page Verification of A.A. Attendance of Keith Wire dated from October 2, 1994, through November 30, 1994.
- (15) Exhibit O - Copies of twenty-five urine drug screen reports of Keith M. Wire dated as follows: November 28, 1994; November 15, 1994; November 10, 1994; November 7, 1994; October 27, 1994; October 17, 1994; October 10, 1994; October 4, 1994; September 17, 1994; September 3, 1994; August 27, 1994; August 20, 1994; August 16, 1994; August 8, 1994; July 29, 1994; July 27, 1994; July 14, 1994; July 11, 1994; July 5, 1994; June 27, 1994; June 10, 1994; June 3, 1994; May 28, 1994; May 21, 1994; and May 14, 1994.
- (16) Exhibit P - Letter from Fred N. Karaffa dated December 7, 1994.
- (17) Exhibit Q - Copy of urine drug screen report of Keith M. Wire dated December 1, 1994.

#### 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 Keith Michael Wire was originally licensed to practice pharmacy in the state of Ohio on October 5, 1988. On February 10, 1994, Keith Michael Wire's license was summarily suspended in accordance with Section 3719.121(B) of the Ohio Revised Code.
- (2) Keith Michael Wire is addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Keith Michael Wire was observed on the following dates engaged in the following activity:
  - (a) On December 31, 1993, at 10:42 p.m., Keith Michael Wire snorted an unknown powder off the pharmacy countertop;
  - (b) On January 15, 1994, at 9:36 p.m., Keith Michael Wire crushed up tablets removed from his pocket and snorted the powder off the pharmacy countertop;
  - (c) On January 15, 1994, at 11:49 p.m., Keith Michael Wire removed schedule II controlled substances from the pharmacy safe when no prescriptions existed for schedule II controlled substances.

Further, Keith Michael Wire admitted to Board agents on February 3, 1994, that he had been stealing Methylphenidate from Revco #0352. Keith Michael Wire also admitted to crushing the Methylphenidate and snorting it while practicing pharmacy at Revco #0352. On February 3, 1994, Keith Michael Wire possessed, on his person, a cut down plastic straw containing powder residue and a pestle. In

his left pants pocket, Keith Michael Wire possessed six Methylphenidate 20mg tablets, one to two crushed Methylphenidate 20mg tablets, 2 Vicodin ES 7.5mg tablets, and three Triazolam .25mg tablets, for which Mr. Wire did not have a prescription. Keith Michael Wire admitted consuming an unknown amount of Methylphenidate 20mg and several Vicodin ES 7.5mg tablets on this date. Keith Michael Wire also admitted to Board agents that he had been stealing and/or abusing drugs since he was in high school.

- (3) Keith Michael Wire did, on or about February 3, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs beyond the express or implied consent of the owner, Revco #0352, to wit: Keith Michael Wire stole twenty-two units of Methylphenidate 20mg, a schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Keith Michael Wire did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: Keith Michael Wire admittedly created the following false prescriptions under actual patient names and profiles, and then billed the false prescriptions to the patient's insurance company to cover thefts and the false prescriptions Mr. Wire created.

<u>Rx No.</u>	<u>Filled</u>	<u>Issued</u>	<u>Drug</u>	<u>Quantity</u>
820127	01/25/94	01/25/94	Ritalin 20mg	30
820334	01/26/94	01/26/94	Methylphenidate 20mg	30

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

- (5) Keith Michael Wire did, from May 1, 1993, through February 8, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of another, Revco #0352, beyond the express or implied consent of Revco, to wit: Keith Michael Wire stole the following controlled substances in the following amounts:

<u>Drug</u>	<u>Quantity</u>
Oxycodone 5mg w/APAP	223
Methylphenidate 5mg	1
Methylphenidate 10mg	125
Methylphenidate 20mg	105
Methylphenidate ER 20mg	20
DHC Plus 16mg w/APAP	111
Diazepam 10mg	2,131
Xanax 1mg	695
Hydrocodone 5mg w/APAP	3,028
Hydrocodone 7.5mg w/APAP	6,024

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

- (6) Keith Michael Wire did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: Keith Michael Wire created the following prescriptions for controlled substances which were not written or authorized by a practitioner:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
814853	12/19/93	Methlylphenidate 10mg	30
818949	01/15/94	Vicodin 5mg	100
809772	11/15/93	Vicodin ES	100
809772R	12/04/93	Vicodin ES	100
809772R	12/13/93	Vicodin ES	100
818944	01/15/94	Vicodin ES	100
818945	01/15/94	Vicodin ES	50
820625	01/28/94	Vicodin ES	100

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

- (7) Keith Michael Wire did, on or about the following dates, make false or forged prescriptions for dangerous drugs, to wit: Keith Michael Wire created the following prescriptions for dangerous drugs which were not written or authorized by a practitioner:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
820195	01/25/94	Glynase 3mg	100
820196	01/25/94	Novolin 70/30 Insulin	10ml

Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.

- (8) Keith Michael Wire did, from November 15, 1993, through January 28, 1994, with the purpose to deprive, knowingly obtain or exert control over the property of another by deception, to wit: Keith Michael Wire submitted false claims to the following insurance companies and obtained payment for fraudulent prescriptions:

UMWA Health & Retirement Funds	\$198.05
ValueRx	\$14.96
CoreSource Columbus	\$19.94

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

- (9) Keith Michael Wire did, from December 29, 1993, through January 25, 1994, knowingly make or cause to be made false statements for use in obtaining reimbursement from the medical assistance program, to wit: Keith Michael Wire submitted false billings to the Ohio Department of Human Services and received \$82.86. Such conduct is in violation of Section 2913.40 of the Ohio Revised Code.

## CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (9) 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (4) through (6) 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., 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 February 10, 1994.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Keith Michael Wire:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card, No. 03-1-17369, held by Keith Michael Wire indefinitely and such suspension is effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Keith Michael Wire may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) After February, 1996, the Board will consider any petition filed by Keith Michael Wire for a hearing, pursuant to Revised Code Chapter 119., upon the question of the reinstatement of his license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met:
  - (1) Keith Michael Wire must enter into a new contract, from the effective date of this Order, with a certified Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment program acceptable to the Board, for a period of not less than two years and, upon

signing, submit a copy of the contract to the Board office. The contract must provide that:

- (a) random, **observed** urine screens shall be conducted at least every three months. The urinalysis drug screens must include reporting of specific gravity;
  - (b) regular attendance, at least three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meetings, is required during outpatient treatment and/or during aftercare;
  - (c) the intervener shall provide copies of all urine screens to the Board of Pharmacy in a timely fashion; and
  - (d) the program shall immediately report to the Board of Pharmacy any violations of the contract.
- (2) Keith Michael Wire must regularly attend Gamblers Anonymous and/or a similar support group meeting. Keith Michael Wire shall keep a separate calendar or other record indicating the dates of attendance at such meetings and obtain the signature or initials of the leader of each meeting verifying his attendance at the meetings.
- (3) Keith Michael Wire must submit quarterly progress reports to the Board, due January 10; April 10; July 10; and October 10; that include:
- (a) The written report and documentation provided by the treatment program pursuant to the contract, and
  - (b) a written description of his/her progress towards recovery and what he/she has been doing during the previous three months.
- (4) Keith Michael Wire must provide, at the time of petitioning the Board for reinstatement, written documentation from his treatment provider regarding compliance with the program pursuant to the contract, and documentation of regular attendance at Gamblers Anonymous and at Alcoholics Anonymous/Narcotics Anonymous and/or other support group meetings.

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.

MOTION CARRIED.

SO ORDERED.