



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-020514-055)

In The Matter Of:

LARRY DEVONNE SHAFFER, JR., R.Ph.

312 Walnut Street
Uhrichsville, Ohio 44683
(R.Ph. No. 03-2-17555)

INTRODUCTION

THE MATTER OF LARRY DEVONNE SHAFFER, JR., CAME FOR HEARING ON NOVEMBER 5, 2002, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: DIANE C. ADELMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

LARRY DEVONNE SHAFFER, JR., WAS REPRESENTED BY ELIZABETH Y. COLLIS AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. David G. Gallagher, Ohio State Board of Pharmacy

Respondent's Witnesses

1. Kent Douglas Potts, R.Ph.
2. Larry Devonne Shaffer, Jr., R.Ph., Respondent

State's Exhibits

1. Copy of Notice of Opportunity for Hearing letter [05-14-02]
1A-1D. Procedurals.
2. Copy of State Board of Pharmacy Order in re Larry Devonne Shaffer, Jr., R.Ph [05-18-01]
3. Copy of State Board of Pharmacy Order in re Larry Devonne Shaffer, Jr., R.Ph [01-13-00]
4. Copy of State Board of Pharmacy Order in re Larry Devonne Shaffer, Jr., R.Ph [04-13-98]
5. Copy of State Board of Pharmacy Order in re Larry Devonne Shaffer, Jr., R.Ph [10-29-96]
6. Copy of State Board of Pharmacy Order in re Larry Devonne Shaffer, Jr., R.Ph [06-30-95]

7. Copy of Indictment [10-11-94] and Journal Entry [03-29-95], State of Ohio vs. Larry Shaffer, Case No. 94-CR-189, Wayne County Common Pleas Court
8. Copy of Consent Order in re Larry D. Shaffer, Virginia Board of Pharmacy [08-16-93]
9. Copy of Renewal Application for Pharmacist License To Practice from 09/15/01 to 09/15/02 [01-04-02]
10. Statement by Larry D. Shaffer [01-03-02]
11. Rx #C853850 - Lorazepam 0.5 mg [12-26-01]
12. Rx #C853872 - Hydrocodone/APAP 10/650 mg [12-26-01]
13. Rx #C853896 - Guaifenesin w/Codeine [12-26-01]
14. Rx #C853975 - Alprazolam 1 mg [12-27-01]
15. Rx #C853990 - Hydrocodone/APAP 5/500 mg [12-27-01]
16. Rx #854416 - Lactulose 10 gm/15 ml [01-03-02]
17. Rx #C854418 - Histinex HC [01-03-02]
18. Rx #C853972 - Tussionex Pennkinetic Susp. [12-27-01]
19. Rx #853973 - Diflucan 150 mg [12-27-01]
20. Rx #N853856 - Duragesic 75 mcg/hr [12-26-01]

Respondent's Exhibits

- A. Letter from Doug Potts, R.Ph. [10-24-02]
- B. Letter from Marie Savini, R.Ph. [10-22-02]
- C. Letter from Nancy A. Shaffer [10-19-02]
- D. Letter from Al Moses, R.Ph. [10-15-02]
- E. Letter from Rev. Charles McNatt [09-30-02]
- F. Letter from Mary Boney, R.Ph. [09-17-02]
- G. Letter from Nancy Dugan [09-16-02]
- H. PRO Inc. Pharmacist's Recover Contract for Larry Shaffer [06-30-01]
- I. Support Group Attendance Records [07-02-01 to 10-29-02]
- J. Drug Screen Reports [06-18-01 to 08-22-02]
- K. Letter from Mary Spain, LSW, LPC [08-21-96]
- L. Letter from Gregory M. Weber, M.D. [03-23-01]

FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that Larry Devonne Shaffer was originally licensed by the State of Ohio as a pharmacist on October 31, 1988, pursuant to examination, and is currently licensed to practice pharmacy in Ohio. Records further reflect that Larry Devonne Shaffer was previously disciplined by the Board on June 30, 1995, October 29, 1996, April 13, 1998, January 13, 2000, and May 18, 2001.
- (2) Larry Devonne Shaffer did, from September 15, 2001, to January 3, 2002, while not a pharmacist as defined in Rule 4729-5-01(G) of the Ohio Administrative Code, or a pharmacy intern, sell dangerous drugs or otherwise engage in the practice of pharmacy, to wit: after Larry Devonne Shaffer's license to practice pharmacy had lapsed, and prior to its renewal, Larry Devonne Shaffer dispensed medications at CVS/pharmacy #3316. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (3) Larry Devonne Shaffer did, from September 15, 2001, to January 3, 2002, while employed at CVS/pharmacy #3316, violate terms of his probation, to wit: by committing the violations as stated in paragraph (2) of the Findings of Fact, Larry Devonne Shaffer violated the terms of his probation as stated in the Order of the State Board of Pharmacy, Docket No. D-001222-033, dated May 18, 2001.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby imposes a monetary penalty of one hundred dollars (\$100.00) on Larry Devonne Shaffer and payment of the monetary penalty is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-001222-033)

In The Matter Of:

LARRY DEVONNE SHAFFER, JR., R.Ph.

312 Walnut Street

Uhrichsville, Ohio 44683-1957

(R.Ph. No. 03-2-17555)

INTRODUCTION

THE MATTER OF LARRY DEVONNE SHAFFER, JR. CAME FOR HEARING ON APRIL 3, 2001, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); 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.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

LARRY DEVONNE SHAFFER, JR. WAS NOT REPRESENTED BY COUNSEL AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) None

Respondent's Witnesses:

- (1) Larry Devonne Shaffer, Jr., Respondent
- (2) David W. Baker, R.Ph.
- (3) Sherie Shaffer, Respondent's wife
- (4) Philip Strosnider
- (5) Wayne C. Miller, R.Ph.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Hearing Request letter dated December 15, 2000.
- (2) Exhibit 1A--Copy of Hearing Schedule letter dated December 22, 2000.

- (3) Exhibit 1B--Copy of Pharmacist Computer File Front Page of Larry Devonne Shaffer.
- (4) Exhibit 2--Copy of four-page Virginia Board of Pharmacy Consent Order of Larry D. Shaffer dated August 11, 1993.
- (5) Exhibit 3--Two-page copy of renewal application for pharmacist license, No. 03-1-17555, of Larry D. Shaffer dated July 9, 1994.
- (6) Exhibit 4--Copy of Buehler Food Markets, Inc. Statement of Larry Shaffer dated September 1, 1994.
- (7) Exhibit 5--Copy of two-page Indictment of Larry Shaffer, Case No. 94-CR-189, filed in the Wayne County Common Pleas Court on October 11, 1994.
- (8) Exhibit 6--Copy of two-page Journal Entry for State of Ohio vs. Larry Shaffer, Case No. 94-CR-189, filed in the Wayne County Common Pleas Court on March 29, 1995.
- (9) Exhibit 7--Copy of seven-page Order of the State Board of Pharmacy, Docket No. D-940915-016, in the matter of Larry Devonne Shaffer, Jr. effective June 30, 1995.
- (10) Exhibit 8--Copy of five-page Order of the State Board of Pharmacy, Docket No. D-960126-037 in the matter of Larry Devonne Shaffer, Jr. effective October 29, 1996.
- (11) Exhibit 9--Two-page copy of PRO Inc. Pharmacist's Recovery Contract of Larry Shaffer dated November 16, 1996.
- (12) Exhibit 10--Copy of PRO Inc. Client Reporting Sheet/Client Monitoring Sheet for Larry Shaffer covering July 1, 1997 to September 30, 1997.
- (13) Exhibit 11--Copy of PRO Inc. Client Reporting Sheet/Client Monitoring Sheet for Larry Shaffer covering October 1, 1997 to December 31, 1997.
- (14) Exhibit 12--Copy of letter from Christopher Hart, R.Ph. dated March 9, 1998.
- (15) Exhibit 13--Copy of PRO Contract Termination letter from Nick A. Kallis, R.Ph. dated March 15, 1998.
- (16) Exhibit 14--Copy of five-page Order of the State Board of Pharmacy, Docket No. D-980320-050, in the matter of Larry Devonne Shaffer, Jr. dated April 13, 1998.
- (17) Exhibit 15--Copy of six-page Order of the State Board of Pharmacy, Docket No. D-990916-002, in the matter of Larry Devonne Shaffer, Jr. dated January 13, 2000.

Respondent's Exhibits:

- (1) Exhibit A--Two-page copy of PRO Inc. Pharmacist's Recovery Contract of Larry Shaffer dated May 21, 2000; Copy of letter from Fred N. Karaffa, M.D. and Chris Lindskog, R.N. dated May 31, 2000; Copy of letter from Larry D. Shaffer, Jr. dated June 7, 2000; Copy of Shepherd Hill RMS Extended Service Agreement of Larry Shaffer dated February 16, 2000.
- (2) Exhibit B--Copy of nine Quest Diagnostics two-page drug screen reports for samples collected from Larry Shaffer on March 10, 2001, February 9, 2001, January 23, 2001, December 27, 2000, November 29, 2000, November 8, 2000, October 16, 2000, September 15, 2000, and August 25, 2000; Copy of two Chain of Custody forms and two LabCorp drug screen reports for samples collected from Larry Shaffer on May 18, 2000 and February 16, 2000; Copy of three Quest Diagnostics drug screen reports for samples collected from Larry Shaffer on June 7, 2000, July 6, 2000, and August 1, 2000; Copy of eleven Quest Diagnostics Chain of Custody Document/Request Form for samples collected from Larry Shaffer on June 7, 2000, July 6, 2000, August 1, 2000,

- August 25, 2000, September 15, 2000, October 16, 2000, November 8, 2000, November 29, 2000, December 27, 2000, January 23, 2001, and February 9, 2001.
- (3) Exhibit C--Thirty-six pages of Continuing Pharmacy Education certificates of participation dated from May 22, 1999, to March 24, 2001.
 - (4) Exhibit D--Eight pages of support meeting attendance records of Larry Shaffer dated from January 11, 2000, to February 28, 2001.
 - (5) Exhibit E--Copies of letters from: Gregory M. Weber, M.D. dated March 23, 2001; Doug Potts dated March 20, 2001; Joseph R. McCartney dated March 27, 2001; Rev. Charles McNatt dated January 17, 2001; Nancy Shaffer dated March 24, 2001; Larry D. Shaffer, Jr. dated October 3, 1999.

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Larry Devonne Shaffer, Jr. has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-990916-002, effective January 13, 2000.

ACTION OF THE BOARD

On the basis of the Finding of Fact set forth above, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-2-17555, held by Larry Devonne Shaffer, Jr. to practice pharmacy in the state of Ohio and places Larry Devonne Shaffer, Jr. on probation for five years from the date the identification card is issued, with the following conditions:

- (A) Larry Devonne Shaffer, Jr. must enter into a contract, signed within sixty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office with the renewal application. The contract must provide that:
 - (1) Random, observed urine drug screens shall be conducted at least once every three months.
 - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.
 - (c) Results of all drug and alcohol screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.

- (2) The intervener/sponsor shall provide copies of all drug and alcohol screen reports to the Board in a timely fashion.
 - (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Larry Devonne Shaffer, Jr. must submit quarterly (due January 10, April 10, July 10, and October 10) progress reports to the Board 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 Larry Devonne Shaffer, Jr.'s progress towards recovery and what he has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Larry Devonne Shaffer, Jr.'s pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - (2) Larry Devonne Shaffer, Jr. may not serve as a responsible pharmacist.
 - (3) Larry Devonne Shaffer, Jr. may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) Larry Devonne Shaffer, Jr. must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (5) Larry Devonne Shaffer, Jr. must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (6) Larry Devonne Shaffer, Jr. must abide by the rules of the State Board of Pharmacy.
 - (7) Larry Devonne Shaffer, Jr. must comply with the terms of this Order.

Larry Devonne Shaffer, Jr. 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-990916-022)

In The Matter Of:

LARRY DEVONNE SHAFFER, JR., R.Ph.

6366 South Water Street Ext.

Urichsville, Ohio 44683

(R.Ph. No. 03-2-17555)

INTRODUCTION

THE MATTER OF LARRY DEVONNE SHAFFER, JR. CAME TO HEARING ON DECEMBER 14, 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.

LARRY DEVONNE SHAFFER, JR. WAS REPRESENTED BY STEPHEN B. YURIK, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) None

Respondent's Witnesses:

- (1) Larry Devonne Shaffer, Jr., Respondent
- (2) Larry D. Shaffer, Sr., R.Ph., Father of Respondent
- (3) Sherie Shaffer, Wife of Respondent
- (4) Wesley W. Bailey, Polygraph Examiner
- (5) Charles McNatt, Pastor, Calvary United Methodist Church
- (6) Joseph McCartney, Owner, Pioneer Programming

(B) Exhibits

State's Exhibits:

- (1) Copy of five-page "Larry D. Shaffer's Motion to Exclude" in the matter of Ohio State Board of Pharmacy vs. Larry Devonne Shaffer, Jr., not dated.
- (2) Exhibit 1--Copy of five-page Order of the State Board of Pharmacy, Docket No. D-980320-050, in the matter of Larry Devonne Shaffer, Jr., R.Ph., dated April 13, 1998.
- (3) Exhibit 1A--Hearing Request letter dated May 13, 1998.
- (4) Exhibit 1B--Copy of letter from David L. Rowland dated May 19, 1998.
- (5) Exhibit 1C--Hearing Request letter dated July 14, 1999.
- (6) Exhibit 1D--Hearing Schedule letter dated July 16, 1999.
- (7) Exhibit 1E--Two-page Continuance Request letter dated September 29, 1999.
- (8) Exhibit 1F--Hearing Schedule letter dated October 5, 1999.
- (9) Exhibit 1G--Letter of Representation in the matter of Larry D. Shaffer, Jr., R.Ph. dated October 14, 1999.
- (10) Exhibit 1H--Copy of Pharmacist File Front Sheet of Larry Devonne Shaffer, Jr. showing original date of registration as October 31, 1988, with attached two-page copy of Renewal Application For Pharmacist License No. 03-2-17555, for a license to practice pharmacy in Ohio from September 15, 1997, to September 15, 1998, of Larry Devonne Shaffer, Jr. dated August 4, 1997.
- (11) Exhibit 2--Copy of four-page Consent Order Before the Virginia Board of Pharmacy certified on August 16, 1993.
- (12) Exhibit 3--Two-page copy of Renewal Application For Pharmacist License No. 03-1-17555, for a license to practice pharmacy in Ohio from September 15, 1994, to September 15, 1995, of Larry Devonne Shaffer, Jr., dated July 9, 1994.
- (13) Exhibit 4--Copy of handwritten statement of Larry Shaffer dated September 1, 1994.
- (14) Exhibit 5--Copy of two-page Indictment in the matter of State of Ohio vs. Larry Shaffer, Case No. 94-CR-189, Wayne County Common Pleas Court, dated October 11, 1994.
- (15) Exhibit 6--Certified copy of two-page Journal Entry in the matter of State of Ohio vs. Larry Shaffer, Case No. 94-CR-189, Wayne County Common Pleas Court, dated March 29, 1995.
- (16) Exhibit 7--Copy of seven-page Order of the State Board of Pharmacy, Docket No. D-940915-016, in the matter of Larry Devonne Shaffer, Jr., R.Ph. dated June 30, 1995.
- (17) Exhibit 8--Copy of five-page Order of the State Board of Pharmacy, Docket No. D-960126-037, in the matter of Larry Devonne Shaffer, Jr., R.Ph., dated October 29, 1996.
- (18) Exhibit 9--Two-page copy of Pharmacist's Recovery Contract of Larry Shaffer dated November 16, 1996.
- (19) Exhibit 10--Copy of two-page Client Reporting Sheet/Client Monitoring Sheet for the period from July 1, 1997, to September 30, 1997.
- (20) Exhibit 11--Copy of two-page Client Reporting Sheet/Client Monitoring Sheet for the period from October 1, 1997, to December 31, 1997.
- (21) Exhibit 12--Copy of letter from Christopher Hart dated March 9, 1998.
- (22) Exhibit 13--Copy of letter from Nick A. Kallis dated March 15, 1998.

Respondent's Exhibits:

- (1) Exhibit A--Copy of two-page Shepherd Hill Hospital Recovery Monitoring Services Agreement of Larry Shaffer dated January 25, 1995.
- (2) Exhibit B--Copy of RMS Extended Service Agreement of Larry Shaffer dated November 20, 1996.
- (3) Exhibit C--Copy of letter from Christine Lindskog dated December 8, 1999.
- (4) Exhibit D--Copy of letter from Chris Lindskog dated April 8, 1998, with attached copy of letter from Christine Lindskog dated August 9, 1999.
- (5) Exhibit E--Forty-eight pages of copies of urine drug screen reports of Larry Shaffer for samples collected between January 6, 1997, and November 9, 1999.
- (6) Exhibit F--Copy of three pages of meeting attendance records dated from April 7, 1998, through December 10, 1999.
- (7) Exhibit G--Copy of letter from Gregory M. Weber dated October 4, 1999.
- (8) Exhibit H--Copy of letter from Rev. Charles McNatt dated September 15, 1999.
- (9) Exhibit I--Copy of Calvary United Methodist Church service program for December 13, 1998.
- (10) Exhibit J--Copy of letter from Joseph R. McCartney dated September 24, 1999.
- (11) Exhibit K--Copy of letter from Victor W. Roth dated September 24, 1999.
- (12) Exhibit L--Copy of two-page letter from Mariann Money maker dated October 1, 1999.
- (13) Exhibit M--Copy of letter from Robert S. Carnahan dated September 28, 1999.
- (14) Exhibit N--Copy of letter from Tom Haugh dated September 9, 1999.
- (15) Exhibit O--Copy of letter from Patricia Ready dated September 12, 1999.
- (16) Exhibit P--Copy of letter from Bob Swickard not dated.
- (17) Exhibit Q--Copy of letter from Larry D. Shaffer, Sr., dated September 21, 1999, with attached copy of two-page letter from Larry D. Shaffer, Sr. and Betty L. Shaffer.
- (18) Exhibit R--Copy of letter from Christopher A. Shaffer dated September 23, 1999.
- (19) Exhibit S--Copy of letter from Mrs. Rachel Shaffer dated September 13, 1999.
- (20) Exhibit T--Copy of letter from Michelle McLaughlin dated September 28, 1999.
- (21) Exhibit U--Copy of letter from Helen Culbertson and Terry Culbertson dated September 28, 1999.
- (22) Exhibit V--Copy of letter from Pamela L. Oliver dated September 23, 1999.
- (23) Exhibit W--Copy of letter from Cathy Burdette dated September 1, 1999.
- (24) Exhibit X--Copy of letter from Denise Groves dated September 25, 1999.
- (25) Exhibit Y--Copy of letter from Joan Reed dated September 22, 1999.
- (26) Exhibit Z--Copy of letter from Ohio Rep. Jerry W. Krupinski dated February 9, 1999.
- (27) Exhibit AA--Copy of page Z6-13 from "The Shopper" dated October 1989.
- (28) Exhibit BB--Copy of pages one and three of "AMS System" dated August 1992.
- (29) Exhibit CC--Copies of a Fax Cover Sheet from Chris Lindskog dated December 14, 1999, a letter from Christine Lindskog dated December 14, 1999, and two urine drug screen reports of Larry Shaffer for samples collected on October 9, 1997 and on (date illegible).

FINDING 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) Larry Devonne Shaffer, Jr. has not complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-980320-050, dated April 13, 1998.

ACTION OF THE BOARD

On the basis of the Finding of Fact set forth above, the State Board of Pharmacy hereby denies the reinstatement petition of Larry Devonne Shaffer, Jr. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Larry Devonne Shaffer, Jr. may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during suspension.

Further, on November 1, 2000, or thereafter, the Board will consider any petition filed by Larry Devonne Shaffer, Jr. for a hearing, pursuant to Ohio Revised Code Chapter 119., upon the question of reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (A) Larry Devonne Shaffer, Jr. must enter into a new contract, after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:
 - (1) Random, observed urine drug screens shall be conducted at least every three months.
 - (a) The urine sample must be given within twelve hours of notification. The urine screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but the test must be conducted by an appropriately certified individual within twelve hours of notification.
 - (c) Results of all urine screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.
 - (2) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

- (3) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Larry Devonne Shaffer, Jr. must provide, at the reinstatement petition hearing, documentation of the following:
- (1) Compliance with the contract required in paragraph (A) above (e.g.-copies of all urine screen reports, proof of giving the urine sample within twelve hours of notification, copies of meeting attendance records, copies of treatment program reports, etc.);
 - (2) Compliance with the continuing pharmacy education requirements as set forth in Chapter 4729-7 of the Ohio Administrative Code (if applicable);
 - (3) Compliance with the terms of this Order.
- (C) If reinstatement is not accomplished within three years of the effective date of this Order, Larry Devonne Shaffer, Jr. must show successful completion of the NAPLEX examination or an equivalent examination approved by the Board.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.
MOTION CARRIED.
SO ORDERED.



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-980320-050)

In The Matter Of:

LARRY DEVONNE SHAFFER, JR., R.Ph.

6366 S. Water St. Ext., SE

Uhrichsville, Ohio 44683

(R.Ph. No. 03-2-17555)

INTRODUCTION

THE MATTER OF LARRY DEVONNE SHAFFER CAME TO HEARING ON APRIL 7, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

LARRY DEVONNE SHAFFER, JR. WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Timothy J. Benedict, R.Ph., Ohio State Board of Pharmacy
- (2) Chris Hart, R.Ph., Pharmacists Rehabilitation Organization, Inc.

Respondent's Witnesses:

- (1) Larry Devonne Shaffer, Jr., Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Probation Violation Hearing letter dated March 20, 1998.
- (2) Exhibit 1A--Copy of Pharmacist File Front Sheet of Larry Devonne Shaffer, Jr. showing original date of registration as October 31, 1988; and copy of Renewal Application for Pharmacist License, No. 03-2-17555, for a license

- to practice pharmacy in Ohio from September 15, 1997, to September 15, 1998, of Larry Devonne Shaffer, Jr. dated August 21, 1997.
- (3) Exhibit 2--Copy of seven-page Order of the State Board of Pharmacy, Docket No. D-940915-016, in the matter of Larry Devonne Shaffer, Jr., R.Ph., dated June 30, 1995.
 - (4) Exhibit 3--Copy of five-page Order of the State Board of Pharmacy, Docket No. D-960126-037, in the matter of Larry Devonne Shaffer, Jr., R.Ph. dated October 29, 1996.
 - (5) Exhibit 4--Copy of two-page Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Larry Shaffer dated November 16, 1996.
 - (6) Exhibit 5--Copy of Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet/Client Monitoring Sheet of Larry Shaffer for the period of July 1, 1997, to September 30, 1997.
 - (7) Exhibit 6--Copy of Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet/Client Monitoring Sheet of Larry Shaffer for the period of October 1, 1997, to December 31, 1997.
 - (8) Exhibit 7--Copy of letter from Nick A. Kallis, R.Ph. dated March 15, 1998.
 - (9) Exhibit 8--Copy of letter from Christopher Hart, R.Ph. dated March 9, 1998.

Respondent's Exhibits:

- (1) Exhibit A--Copy of Shepherd Hill RMS Extended Service Agreement of Larry Shaffer dated November 20, 1996.
- (2) Exhibit B--Copy of two-page Shepherd Hill Hospital Recovery Monitoring Services Extended Agreement of Larry Shaffer dated January 25, 1995, and witnessed January 25, 1997.
- (3) Exhibit C--Copy of four pages of Ameritech telephone bills as follows: one for Account No. 614 922-1501 110 2 dated October 4, 1997; and three for Account No. 740 922-1501 110 5 dated December 4, 1997; January 4, 1998; and February 4, 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 Larry Devonne Shaffer's license to practice pharmacy in the state of Ohio was summarily suspended on September 14, 1994. On June 30, 1995, the summary suspension was removed and his identification card was suspended indefinitely. On October 29, 1996, Larry Devonne Shaffer's identification card was reinstated and placed on probation for a period of five years pursuant to the provisions of Section 4729.16 of the Ohio Revised Code. The terms of probation included: a new five-year contract with a treatment provider; submission to random urine screens; regular physical attendance at AA, NA, or other support group meetings, a minimum of three times per week; immediate report(s) from the treatment program for violations of the contract and/or lack of cooperation; and, submission of quarterly reports to the Board.

- (2) Pursuant to the terms of his probation, Larry Devonne Shaffer entered into a contract with Pharmacists Rehabilitation Organization, Inc. (PRO), a limited treatment provider, on November 16, 1996. However, due to his noncompliance, PRO terminated Larry Devonne Shaffer's contract on or about March 15, 1998.
- (3) Contrary to the terms of his probation, and contrary to the terms of his contract with PRO, Larry Devonne Shaffer failed to call his PRO Intervenor once per month, to wit: Larry Devonne Shaffer called only once during the six months immediately preceding his contract's termination. Such conduct is in violation of the terms of probation as set forth in paragraphs (A)(2), (A)(4), and (D)(4) of of the Board's Order of October 29, 1996.
- (4) Contrary to the terms of his probation, and contrary to the terms of his contract with PRO, Larry Devonne Shaffer failed to submit documentation of Alcoholics Anonymous [or other] meeting attendance. Such conduct is in violation of the terms of probation as set forth in paragraphs (A)(2), (A)(4), and (D)(4) of of the Board's Order of October 29, 1996.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute violating probation.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy reaffirms the Findings of Fact and Conclusions of Law set forth in the Board's Orders of June 30, 1995, and October 29, 1996. The Board also concludes that paragraphs (2) through (4) of the Findings of Fact set forth above constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

On the basis of the Findings of Fact and Conclusion of Law set forth above, the State Board of Pharmacy hereby revokes the probation granted pursuant to the Board Order, Docket No. D-960126-037, dated October 29, 1996, and takes the following actions in the matter of Larry Devonne Shaffer, Jr.:

- (A) Larry Devonne Shaffer's pharmacist identification card, No. 03-1-17555, is hereby suspended 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, Larry Devonne Shaffer 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) Twelve months after the effective date of this Order, the Board will consider any petition filed by Larry Devonne Shaffer 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) Larry Devonne Shaffer must enter into a new contract, after 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 five 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 once a month. The urine drug screens must report testing for alcohol and must also report testing for creatinine as the dilutional standard or specific gravity;
 - (b) regular physical attendance (on-line meetings excluded), 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;
 - (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) Larry Devonne Shaffer 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.

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.

MOTION CARRIED.

SO ORDERED.



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-960126-037)

In The Matter Of:

LARRY DEVONNE SHAFFER, JR., R.Ph.

6366 S. Water St. Ext
Uhrichsville, Ohio 44683
(R.Ph. No. 03-1-17555)

INTRODUCTION

THE MATTER OF LARRY DEVONNE SHAFFER, JR. CAME TO HEARING ON SEPTEMBER 16, 1996, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

LARRY DEVONNE SHAFFER, JR. 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) Larry Devonne Shaffer, Jr., Respondent

(B) Exhibits

State's Exhibits:

(1) Exhibit 1--Order of the State Board of Pharmacy, Docket No. D-940915-016, in the matter of Larry Devonne Shaffer, Jr. dated June 30, 1995.

(2) Exhibit 2--Hearing Request letter dated January 17, 1996.

(3) Exhibit 3--Hearing Schedule letter dated January 26, 1996.

Respondent's Exhibits:

- (1) Exhibit A--Two-page letter from Larry Shaffer dated August 29, 1996; copy of two-page letter from Gregory M. Weber dated August 27, 1996; letter from Larry D. Shaffer, Sr. dated August 27, 1996; copy of two-page letter from Mary Spain dated August 21, 1996; two-page letter from D. Christopher Hart dated August 26, 1996; letter from Gregory M. Weber dated August 29, 1996; letter from Sherie Shaffer dated August 27, 1996; letter from Nancy A. Shaffer, not dated; letter from Terry and Helen Culbertson dated August 24, 1996; Certificate of Appreciation of Larry S. dated November 5, 1995; letter from Larry Shaffer dated August 17, 1996; two-page letter from Fred M. Wagner dated August 18, 1996; two-page letter from Joe Fincher dated August 18, 1996; two-page letter from Larry D. Shaffer dated August 24, 1996; letter from Fred M. Wagner dated August 26, 1996; letter from Jim Martyn dated August 26, 1996; letter from Bjorn dated May 19, 1996; letter from Larry Shaffer dated July 24, 1996; letter from Dr. Tony Komninos dated July 25, 1996; two-page letter from Larry Shaffer dated June 24, 1996; copy of SHH Aftercare Attendance Record Wednesday Evening Group of Larry Shaffer with attendance dated from March 6, 1996, through August 28, 1996; copy of Aftercare Attendance for RMS of Larry Shaffer dated from January 4, 1995, through February 28, 1996; copy of Shepherd Hill Hospital Recovery Monitoring Services Agreement of Larry Shaffer dated January 25, 1995; and Certification of Debbie Znosko, Licking Memorial Hospital, for copies of records and/or photographs of Larry Shaffer dated August 28, 1996.
- (2) Exhibit B--Sixty-nine Meeting Verification Lists of Larry D. Shaffer dated from January 11, 1995, through August 17, 1996.
- (3) Exhibit C--Seventy-nine copies of urine drug screen reports of Larry Shaffer dated as follows: August 27, 1996; August 14, 1996; July 23, 1996; July 15, 1996; June 27, 1996; June 11, 1996; May 26, 1996; May 10, 1996; April 30, 1996; April 16, 1996; two-page report dated April 11, 1996; two-page report dated April 4, 1996; two-page report dated March 30, 1996; two-page report dated March 16, 1996; two-page report dated March 14, 1996; two-page report dated March 9, 1996; two-page report dated March 8, 1996; two-page report dated March 5, 1996; two-page report dated February 16, 1996; two-page report dated February 8, 1996; two-page report dated February 1, 1996; two-page report dated January 25, 1996; two-page report dated January 19, 1996; two-page report dated January 17, 1996; 2 two-page reports dated January 6, 1996; January 24, 1995; February 2, 1995; January 19, 1995; two-page report dated December 29, 1995; two-page report dated December 22, 1995; two-page report dated December 13, 1995; two-page report dated December 8, 1995, and December 11, 1995; two-page report dated November 30, 1995; two-page report dated November 23, 1995; November 22, 1995; two-page report dated November 14, 1995; two-page report dated November 10, 1995; October 30, 1995; October 25, 1995; 2 dated October 18, 1995; October 8, 1995; September 27, 1995; September 21, 1995; September 18, 1995; September 7, 1995; August 31, 1995; August 22, 1995; August 15, 1995; August 9, 1995; July 28, 1995; July 27, 1995; July 17, 1995; July 12, 1995; July 6, 1995; July 4, 1995; June 27, 1995; June 21, 1995; June 13, 1995; June 7, 1995; May 27, 1995; May 24, 1995; May 18, 1995; May 10, 1995; May 1, 1995; April 25, 1995; April 21, 1995; April 8, 1995; March 31, 1995; March 29, 1995; March 24, 1995; 2

dated March 14, 1995; March 1, 1995; February 21, 1995; February 15, 1995; February 7, 1995; January 31, 1995; and one copy of Shepherd Hill Hospital Multidisciplinary Progress Notes of Larry Shaffer dated August 15, 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) Larry Devonne Shaffer, Jr. is in compliance with the Order of the State Board of Pharmacy, Docket No. D-940915-016, dated June 30, 1995.

ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card of Larry Devonne Shaffer, Jr. 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) Larry Devonne Shaffer, Jr. 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 his 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 alcohol and must also report testing for creatinine as the dilutional standard or specific gravity;
 - (2) regular **physical** attendance (On-Line meetings excluded), 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) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and
 - (4) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Larry Devonne Shaffer, Jr. 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) Larry Devonne Shaffer, Jr. 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 Larry Devonne Shaffer, Jr. is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
 - (2) Larry Devonne Shaffer, Jr. may not serve as a responsible pharmacist.
 - (3) Larry Devonne Shaffer, Jr. may not destroy, or may not assist in or witness the destruction of, controlled substances.
 - (4) Larry Devonne Shaffer, Jr. must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (5) Larry Devonne Shaffer, Jr. must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (6) Larry Devonne Shaffer, Jr. must abide by the rules of the Ohio State Board of Pharmacy.
 - (7) Larry Devonne Shaffer, Jr. must comply with the terms of this Order.

Larry Devonne Shaffer, Jr. 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.



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D940915-016)

In The Matter Of:

LARRY DEVONNE SHAFFER, JR., R.Ph.

6366 Water Ext. S.E.

Uhrichsville, Ohio 44683

(R.Ph. No. 03-1-17555)

INTRODUCTION

THE MATTER OF LARRY DEVONNE SHAFFER CAME TO HEARING ON APRIL 25, 1995, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

LARRY DEVONNE SHAFFER WAS REPRESENTED BY JANICE K. LANIER, AND THE STATE OF OHIO WAS REPRESENTED BY ROBERT J. McCLAREN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Bruce L. Adams, Director of Security, Buehler's Supermarket
- (2) David Gallagher, Ohio State Board of Pharmacy
- (3) Larry Shaffer, Respondent

Respondent's Witnesses:

- (1) Chris Hart, Pharmacists Rehabilitation Organization, Inc.
- (2) Larry Shaffer, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Summary Suspension Order/Notice of Opportunity letter dated September 14, 1994.
- (2) Exhibit 1A--Hearing Request letter, not dated, received in the Board office on January 10, 1995.

- (3) Exhibit 1B--Hearing Schedule letter dated January 11, 1995.
- (4) Exhibit 1C--Notice of Appearance from Janice K. Lanier dated March 27, 1995.
- (5) Exhibit 1D--Pharmacist File Front Sheet of Larry Devonne Shaffer, Jr. showing original date of registration as October 31, 1988; and Renewal Application for Pharmacist License, No. 03-1-17555, for a license to practice pharmacy in Ohio from September 15, 1994, through September 15, 1995 of Larry Devonne Shaffer, Jr. dated July 9, 1994.
- (6) Exhibit 1E--Certified Journal Entry in the Common Pleas Court of Wayne County, Ohio of Larry Shaffer, Case No. 94-CR-189, dated March 29, 1995.
- (7) Exhibit 1F--Addendum Notice dated April 14, 1995.
- (8) Exhibit 2--Three-page Number on Hand Accountability Sheet of Buehler's Pharmacy #9, Terminal Distributor License Number 02-377050, dated August 29, 1994.
- (9) Exhibit 2A--Three-page Number on Hand Accountability Sheet of Buehler's Pharmacy #9, Terminal Distributor License Number 02-377050, dated August 30, 1994.
- (10) Exhibit 2B--Three-page Number on Hand Accountability Sheet of Buehler's Pharmacy #9, Terminal Distributor License Number 02-377050, dated August 31, 1994.
- (11) Exhibit 3--Twelve-page printout of Buehler's Pharmacy #9 containing a Controlled Substance Report, Rx Register, Rebill Register, Refill Register and Audit Report:Grand Totals dated August 29, 1994.
- (12) Exhibit 3A--Thirteen-page printout of Buehler's Pharmacy #9 containing a Controlled Substance Report, Rx Register, Rebill Register, Refill Register and Audit Report:Grand Totals dated August 30, 1994.
- (13) Exhibit 3B--Twelve-page printout of Buehler's Pharmacy #9 containing a Controlled Substance Report, Rx Register, Rebill Register, Refill Register and Audit Report:Grand Totals dated August 31, 1994.
- (14) Exhibit 4--Five computer generated labels for prescription number 167303 dated August 11, 1994.
- (15) Exhibit 5--Empty, amber vial labeled as prescription number 167303, dated August 11, 1994.
- (16) Exhibit 6--Buehler's Pharmacy #9 Record of Prescriptions for Larry Shaffer from January 1, 1994, to September 1, 1994.
- (17) Exhibit 7--Prescription number 167303.
- (18) Exhibit 8--Maxell VCR tape of incidents recorded at Buehler's Pharmacy from August 27, 1994, through August 30, 1994.
- (19) Exhibit 8A--Outline of thefts from Saturday, August 27, 1994, through Tuesday, August 30, 1994.
- (20) Exhibit 9--Copy of handwritten statement of Larry Shaffer dated September 1, 1994.
- (21) Exhibit 10--Empty, amber vial labeled as prescription number 167571 dated August 20, 1994.
- (22) Exhibit 11--Empty, amber vial labeled as prescription number 167571 dated August 17, 1994.
- (23) Exhibit 11A--Computer-generated label for prescription number 167571 dated August 17, 1994, and cash register receipt of Buehler Food Market totaling \$5.81 dated August 19, 1994.
- (24) Exhibit 12--Amber vial labeled as prescription number 167572 dated August 17, 1994, containing 1 unit of Orudis 75mg and 2 units of Fluoxymesterone.

- (25) Exhibit 13--Amber vial labeled as Mini Thins Asthma Relief Bronchodilator containing one pink heart Ephedrine HCl 25mg.
- (26) Exhibit 14--Olympus microcassette tape of interview of Larry Shaffer with David Gallagher on September 1, 1994.
- (27) Exhibit 15--Maxell VCR tape of Interview of Larry Shaffer with Bruce Adams on September 1, 1994.
- (28) Exhibit 16--Drug Audit Accountability Sheet of Buehler's Food, Terminal Distributor No. 02-377050, for Fluoxymesterone 10mg dated December 7, 1994.
- (29) Exhibit 16A--Drug Audit Accountability Sheet of Buehler's Food, Terminal Distributor No. 02-377050, for Hycodan Syrup dated December 7, 1994.
- (30) Exhibit 16B--Drug Audit Accountability Sheet of Buehler's Food, Terminal Distributor No. 02-377050, for Promethazine with Codeine Syrup dated December 7, 1994.
- (31) Exhibit 16C--Drug Audit Accountability Sheet of Buehler's Food, Terminal Distributor No. 02-377050, for Codimal DH Syrup dated December 7, 1994.
- (32) Exhibit 16D--Drug Audit Accountability Sheet of Buehler's Food, Terminal Distributor No. 02-377050, for Codiclear DH Syrup dated December 7, 1994.
- (33) Exhibit 17--Virginia Board of Pharmacy Consent Order of Larry D. Shaffer dated August 11, 1993.

Respondent's Exhibits:

- (1) Exhibit A --Copy of ten pages of meeting verification sheets of Larry Shaffer dated from February 14, 1995, through April 23, 1995; and three pages of AA attendance verification sheets of Larry Shaffer dated from January 11, 1995, through February 12, 1994(*sic*).
- (2) Exhibit B--Copies of eleven urine drug screen reports of Larry Shaffer dated as follows: January 30, 1995; February 6, 1995; February 15, 1995; February 20, 1995; March 1, 1995; two dated March 13, 1995; March 23, 1995; March 28, 1995; March 31, 1995; and April 7, 1995.
- (3) Exhibit C--Copy of Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Larry Shaffer dated January 11, 1995.
- (4) Exhibit D--Letter from Gregory M. Weber dated April 14, 1995.
- (5) Exhibit E--Two-page letter from Michael D. McNeer dated April 20, 1995.
- (6) Exhibit F--Three-page letter from Sherri dated April 22, 1995.
- (7) Exhibit G--Two-page letter from Larry D. Shaffer, Sr., not dated.
- (8) Exhibit H--Two-page letter from Betty L. Shaffer, not dated.
- (9) Exhibit I--Letter from Richard A. Kryc dated April 20, 1995.
- (10) Exhibit J--Letter from Kenneth Brown dated April 17, 1995.
- (11) Exhibit K--Letter from Tom Haugh dated April 20, 1995.
- (12) Exhibit L--Letter from Terry and Helen Culbertson dated April 23, 1995.
- (13) Exhibit M--Copy of page Z6-13 from "The Shopper", October 1989; copy of page Z6-13 from "The Shopper", September 1989; and copy of page 49 of "Drug Topics", November 6, 1989.
- (14) Exhibit N--Copy of Award Certificate of Larry Shaffer from Comp-U-Dose, not dated.
- (15) Exhibit O--Copy of plaque from Comp-U-Dose, Rookie of the Year 1989, of Larry D. Shaffer.
- (16) Exhibit P--Copy of three pages Anderson Medical Services "System" Vol. 2, Issue 7, August 1992.

- (17) Exhibit Q--Letter from Joe McCartney dated April 22, 1995.
(18) Exhibit R--Letter from Nancy Shaffer dated April 24, 1995.

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 State Board of Pharmacy indicate that Larry Devonne Shaffer was originally licensed to practice pharmacy in the state of Ohio on October 31, 1988. On September 14, 1994, Larry Devonne Shaffer's license was summarily suspended in accordance with Divisions (A) and (B) of Section 3719.121 of the Ohio Revised Code.
- (2) Larry Devonne Shaffer 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: Larry Devonne Shaffer admitted to Board agent David Gallagher that he is addicted to controlled substances, that he stole controlled substances and abused them while practicing pharmacy, and that he altered or forged documents and/or computer records to cover for drug shortages.
- (3) Larry Devonne Shaffer did, on or about August 26, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of another, beyond the express or implied consent of the owner, Buehler's Pharmacy, to wit: Larry Devonne Shaffer stole 11 units of Orudis 75mg, a dangerous drug. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Larry Devonne Shaffer did, on or about August 29, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of another, beyond the express or implied consent of the owner, Buehler's Pharmacy, to wit: Larry Devonne Shaffer stole 15 units of Orudis 200mg, a dangerous drug. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) Larry Devonne Shaffer did, on or about August 30, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of another, beyond the express or implied consent of the owner, Buehler's Pharmacy, to wit: Larry Devonne Shaffer stole 4 units of Hydrocodone 7.5mg/APAP 750mg, a schedule III controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) Larry Devonne Shaffer did, on or about August 30, 1994, knowing that he had no privilege to do so, falsify and/or alter computer data, to wit: to cover for drug thefts, Larry Devonne Shaffer altered the computer drug records. Such conduct is in violation of Section 2913.42 of the Ohio Revised Code.
- (7) Larry Devonne Shaffer did, on or about August 17, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of another, beyond the express or implied consent of the owner, Buehler's Pharmacy, to wit: Larry Devonne Shaffer stole 8 units of Fluoxymesterone 10mg, a schedule III controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (8) Larry Devonne Shaffer did, on or about August 17, 1994, knowingly make and/or affix a false or forged label to a package or receptacle containing dangerous drugs, to wit: after stealing drugs, Larry Devonne Shaffer made and attached a false label to prescription container number 167572. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (9) Larry Devonne Shaffer did, on or about July 9, 1994, knowingly make a false statement, or knowingly swear or affirm the truth of a false statement when the statement was made with purpose to secure the issuance by a governmental agency of a license, to wit: on or about July 9, 1994, Larry Devonne Shaffer answered no to the legal questions on his 1994-1995 renewal application for a pharmacist license, when Larry Devonne Shaffer knew that on or about August 11, 1993, he had been Reprimanded by the Virginia Board of Pharmacy, and that he signed his name to a Consent Order wherein Larry Devonne Shaffer may not be reinstated without petitioning the Virginia Board and appearing before them at a formal hearing. Such conduct is in violation of Section 2921.13(A)(5) 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 (3) 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 paragraph (8) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

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 September 14, 1994.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Larry Devonne Shaffer:

- (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. 03-1-17555, held by Larry Devonne Shaffer 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, Larry Devonne Shaffer 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) Twelve months after the effective date of this Order, the Board will consider any petition filed by Larry Devonne Shaffer 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) Larry Devonne Shaffer 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 five 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 once every month. 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, and at meetings of a professional support group, 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) Larry Devonne Shaffer 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.

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 the 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-5/Nay-0).

MOTION CARRIED.

SO ORDERED.



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

September 14, 1994

LARRY DEVONNE SHAFFER, JR., R.Ph.

6366 Water Ext. S.E.

Uhrichsville, Ohio 44683

Re: Ohio Registered Pharmacist
Number 03-1-17555

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(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. Further, in accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice 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 are addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have admitted to Board agent Gallagher that you are addicted to controlled substances, that you have stolen controlled substances and abused them while practicing pharmacy, and that you have altered or forged documents and/or computer records to cover for drug shortages.
- (2) You did, on or about August 26, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of another, beyond the express or implied consent of the owner, Buehler's Pharmacy, to wit: you stole 11 units of Orudis 75mg, a dangerous drug. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) You did, on or about August 29, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of another, beyond the express or implied consent of the owner, Buehler's Pharmacy, to wit: you stole 15 units of Oruvail 200mg, a dangerous drug. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) You did, on or about August 30, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of another, beyond the express or implied consent of the owner, Buehler's Pharmacy, to wit: you stole 4 units of

Hydrocodone 7.5mg/APAP 750mg, a schedule III controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (5) You did, on or about August 30, 1994, knowing that you had no privilege to do so, falsify and/or alter computer data, to wit: to cover for drug thefts, you altered the computer drug records. Such conduct is in violation of Section 2913.42 of the Ohio Revised Code.
- (6) You did, on or about August 17, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of another, beyond the express or implied consent of the owner, Buehler's Pharmacy, to wit: you stole 8 units of Fluoxymesterone 10mg, a schedule III controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) You did, on or about August 17, 1994, knowingly make and/or affix a false or forged label to a package or receptacle containing dangerous drugs, to wit: after stealing drugs, you made and attached a false label to prescription container number 167572. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (8) You did, on or about July 9, 1994, knowingly make a false statement, or knowingly swear or affirm the truth of a false statement when the statement was made with purpose to secure the issuance by a governmental agency of a license, to wit: on or about July 9, 1994, you answered no to the legal questions on your 1994-1995 renewal application for pharmacist license, when you knew that on or about August 11, 1993, you had been Reprimanded by the Virginia Board of Pharmacy, and that you signed your name to a Consent Order wherein you may not be reinstated without petitioning the Virginia Board and appearing before them at a formal hearing. Such conduct is in violation of Section 2921.13(A)(5) of the Ohio Revised Code.

[paragraph added by Notice dated 04/14/95]

YOU ARE HEREBY NOTIFIED that Section 3719.121(A) of the Ohio Revised Code states, in pertinent part: "any ... pharmacist, ... who is or becomes addicted to the use of controlled substances, shall have his license or registration suspended by the board" Additionally, 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 SECTIONS 3719.121(A) and (B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until an adjudicatory hearing 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.