



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-990807-012)

In The Matter Of:

RANDY J. PATRICK, R.Ph.

3883 Patriot Road

Patriot, Ohio 45658

(R.Ph. No. 03-2-17941)

INTRODUCTION

THE MATTER OF RANDY J. PATRICK CAME TO HEARING ON AUGUST 4, 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.; AND SUZANNE L. NEUBER, R.Ph.

RANDY J. PATRICK 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) Randy J. Patrick, R.Ph., Respondent
- (2) David Baker, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (3) Christopher Hart, R.Ph., Pharmacists Rehabilitation Organization, Inc.
- (4) Kelly J. Patrick, Wife of Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of five-page Order of the State Board of Pharmacy, Docket No. D-971210-026, in the matter of Randy J. Patrick dated March 19, 1998.
- (2) Exhibit 1A--Copy of Hearing Request letter dated June 1, 1999.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated June 3, 1999.
- (4) Exhibit 1C--Copy of Pharmacist File Front Sheet of Randall J. Patrick showing original date of registration as July 27, 1989.

Respondent's Exhibits:

- (1) Exhibit A--Copies of documents bound and sectioned as follows: NA/AA Meetings--Twenty-five pages of NA/AA attendance verifications of Randy J. Patrick dated from May 2, 1998, through July 25, 1999. Monthly Drops--Ten urine drug screen reports of Randy Patrick dated as follows: October 8, 1998; October 30, 1998; November 18, 1998; December 22, 1998; February 6, 1999; March 9, 1999; March 29, 1999; May 4, 1999; May 12, 1999; and June 14, 1999. Letters--Two-page letter from Charlotte Patrick, not dated; letter from Marilyn Browning dated July 27, 1999; two-page letter from Kelly J. Patrick, not dated; letter from Norm Gilmore dated June 29, 1999; letter from Denny Coburn dated June 29, 1999; letter from Wayne C. Miller dated July 11, 1999; letter from Ronald M. Miller dated July 10, 1999; letter from D. Christopher Hart dated July 6, 1999; letter from Michael Francis, not dated; and letter from Michael R. Litafik, not dated. CEU's--Sixteen pages consisting of twenty-seven continuing pharmacy education certificates of Randy J. Patrick dated from February 13, 1999, through July 20, 1999. PRO Inc.--P.R.O. Intervenor Information Update of Chris Hart for Randy Patrick, not dated; two-page letter from Christopher Hart dated October 28, 1998; Client Reporting Sheet/Client Monitoring Sheet regarding Client #130 for period from August 23, 1998, to September 30, 1998; Client Reporting Sheet/Client Monitoring Sheet regarding Client #130 for period from October 1, 1998, to December 31, 1998; Client Reporting Sheet/Client Monitoring Sheet regarding Client #130 for period from January 1, 1999, to March 31, 1999; Client Reporting Sheet/Client Monitoring Sheet regarding Client #130 for period from April 1, 1999, to June 30, 1999; and Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Randall Patrick dated August 23, 1998. F.A.C.T.S.--Letter from Norman L. Gilmore dated September 28, 1998; three-page Family Addiction Community Treatment Service, Clients Rights: Policy and Procedure (blank form); Appointment Policy, Recovery Program Policy, and Non-Compliance Policy contract (blank form); and Treatment Agreement, Terms and Conditions Agreed Upon by Prospective Client contract (blank form). Gallia County Court--Warrant to Arrest on Indictment in the Gallia County Common Pleas Court, State of Ohio vs. Randy J. Patrick, Case No. 98CR000081 dated September 14, 1998; three-page Indictment of Randy J. Patrick in the Gallia County Common Pleas Court dated September 14, 1998; Entry in the Gallia County Common Pleas Court, State of Ohio vs. Randy J.

Patrick, Case No. 98-CR-81 dated January 22, 1999; and three-page Diversion Program Agreement in the Gallia County Common Pleas Court, State of Ohio vs. Randy J. Patrick, Case No. 98-CR-81 dated January 22, 1999.

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) Randy J. Patrick has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-971210-026, dated March 19, 1998.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card of Randy J. Patrick 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) Randy J. Patrick must enter into a new contract, after the effective date of this Order, with 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 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) Results of 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) The intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion.
 - (3) Regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required.

- (4) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Randy J. Patrick 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.
- (C) Other terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Randy J. Patrick'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) Randy J. Patrick may not serve as a responsible pharmacist.
 - (3) Randy J. Patrick may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) Randy J. Patrick must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (5) Randy J. Patrick must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (6) Randy J. Patrick must abide by the rules of the Ohio State Board of Pharmacy.
 - (7) Randy J. Patrick must comply with the terms of this Order.

Randy J. Patrick 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.

There is an Amendment from Jan. 27, 1998 and a Summary Suspension from Feb. 2, 1998 that are in the file but not available on line.