

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-030610-079)

In The Matter Of:

MELANIE A. BECKEMEYER
8030 Kingfisher Lane
West Chester, Ohio 45069
R.Ph. No. 03-2-18118

INTRODUCTION

THE MATTER OF MELANIE A. BECKEMEYER CAME FOR HEARING ON AUGUST 6, 2003 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, 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.

MELANIE A. BECKEMEYER WAS REPRESENTED BY LAWRENCE T. BENNETT AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witnesses

1. Melanie A. Beckemeyer, R.Ph., Respondent

State's Exhibits

1. Reinstatement Hearing Request letter from Lawrence T. Bennett [02-11-03]
1A-1B. Procedurals
2. Copy of State Board of Pharmacy Order in re Melanie A. Beckemeyer, R.Ph. [10-30-95]
2A. Copy of State Board of Pharmacy Order in re Melanie A. Beckemeyer, R.Ph [12-05-02]
3. Springdale Police Department Arrest and Investigation Report No. 95AN713 [04-25-95]
4. Indictment [05-30-95]; Entry Finding Defendant Eligible for Treatment in Lieu of Conviction, Staying Proceedings, and Ordering Period of Rehabilitation [07-19-95]; and Entry Terminating Period of Rehabilitation and Dismissing Indictment [11-14-96] State of Ohio vs. Melanie Beckemeyer, Case No. B9504454, Hamilton County Common Pleas Court
5. Rx #4045295 [04-25-95]
6. Copy of Notarized Statement of Robert Chait, M.D. [08-15-95]
7. Copy of Statement of Specialist George Rudemiller, Cinti Police Division [04-26-95]
8. Findings of Fact and Order, State of Indiana v. Melanie A. Beckemeyer, R.Ph., Cause No. 96-IBP-007, before the Indiana State Board of Pharmacy [07-26-96]
9. Copy of Letter from Mary Ellen McCabe, Esq. [09-15-95]
10. Checks/Refunds Search Report for Melanie Beckemeyer [01-01-95 thru 11-05-02]

11. Letter from Charles R. Young, R.Ph., Executive Director, Massachusetts Board of Registration in Pharmacy [06-25-03]
12. Criminal Complaint, Commonwealth of Kentucky vs. Melanie Beckemeyer, Case No. 95-237, Campbell County District Court [05-11-95]
13. Agreed Order, Commonwealth of Kentucky vs. Melanie Beckemeyer, Case No. 95-CR-213, Campbell Circuit Court Division Two [11-20-95]
14. Investigation Report, Kentucky State Police [05-15-95]
16. RADP-Alexandria Park Patient Profile for Melanie Beckemeyer [09-16-94 to 03-20-95]

Respondent's Exhibits

- A1. Copy of Letter from Pamela Gregg, R.N.C. [07-21-03]; Copy of seventeen Drug Screen Reports [04-09-02 to 07-16-03]
- A2-A7. Copy of six Letters of Support [07-15-03 to 07-17-03]
- A8. Copy of Letter from Cathy Jo Veroni, MA, LPC, CCDCIII-E [02-27-02]
- A9. Copy of Letter from Lawrence T. Bennett [06-28-01]

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witness, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Melanie A. Beckemeyer has substantially complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. 020503-053, effective December 5, 2002.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-2-18118, held by Melanie A. Beckemeyer to practice pharmacy in Ohio and places Melanie A. Beckemeyer on probation for five years effective from the date her pharmacist identification card is issued, with the following conditions:

- (A) Melanie A. Beckemeyer must take and pass both the NAPLEX examination or an equivalent examination acceptable to the Board and the MPJE or an equivalent examination acceptable to the Board before her pharmacist identification card will be issued.
- (B) Melanie A. Beckemeyer must fulfill the continuing pharmacy education requirements as set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable.
- (C) Other terms of probation are as follows:
 - (1) The State Board of Pharmacy hereby declares that Melanie A. Beckemeyer'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) Melanie A. Beckemeyer may not serve as a responsible pharmacist.

(3) Melanie A. Beckemeyer may not destroy, assist in, or witness the destruction of controlled substances.

(4) Melanie A. Beckemeyer must not violate the drug laws of Ohio, any other state, or the federal government.

(5) Melanie A. Beckemeyer must abide by the rules of the State Board of Pharmacy.

(6) Melanie A. Beckemeyer must comply with the terms of this Order.

(D) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Melanie A. Beckemeyer 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 (Aye-7/Nay-1).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE SEPTEMBER 10, 2003

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-020503-053)

In The Matter Of:

MELANIE A. BECKEMEYER, R.Ph.

P.O. Box 636

West Chester, Ohio 45069

(R.Ph. No. 03-2-18118)

INTRODUCTION

THE MATTER OF MELANIE A. BECKEMEYER CAME FOR HEARING ON NOVEMBER 6, 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.

MELANIE A. BECKEMEYER WAS REPRESENTED BY LAWRENCE T. BENNETT AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witnesses

None

State's Exhibits

1. Reinstatement Hearing Request letter from Lawrence T. Bennett [04-25-02]
1A-1F. Procedurals
2. Copy of State Board of Pharmacy Order in re Melanie A. Beckemeyer [10-30-95]
3. Arrest and Investigation Report, No. 95AN713, Springdale Police Department [04-25-95]
4. Indictment, State of Ohio vs. Melanie Beckemeyer, Case No. B954454, Hamilton County Common Pleas Court [05-30-95]; Entry Finding Defendant Eligible for Treatment in Lieu of Conviction, Staying Proceedings, and Ordering Period of Rehabilitation [07-19-95]; Entry Terminating Period of Rehabilitation and Dismissing Indictment [11-14-96]
5. Rx 4045295 [04-25-95]
6. Statement of Robert Chait, M.D. [08-15-95]
7. Report of Specialist George Rudemiller, Cincinnati Police Department [04-26-95]
8. Findings of Fact and Order, State of Indiana v. Melanie A. Beckemeyer, before the Indiana State Board of Pharmacy [07-26-96]
9. Letter from Mary Ellen McCabe, Esq., Assistant Director of Health (Legal Services), Rhode Island Department of Health [09-15-95]
10. Checks/Refunds Search Report for Melanie Beckemeyer [11-06-2002]

Respondent's Exhibits

- A. Copy of Fax Transmittal Sheet from Larry Bennett [11-06-02]; Copy of letter from Lawrence T. Bennett [11-06-02]; Copy of fax cover sheet from Bethesda Care Sharonville [11-05-02]; Copy of fax transmittal from Melanie Beckemeyer to Bethesda Care [11-04-02]; Drug Screen Reports [04-10-02 to 10-23-02]; Six Letters of Support [11-03-02 to 11-04-02].

FINDING OF FACT

After having heard the testimony, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Melanie A. Beckemeyer has not complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-950427-049, effective October 30, 1995.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby denies the reinstatement petition of Melanie A. Beckemeyer. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Melanie A. Beckemeyer may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during suspension.

Further, the Board will consider any petition presented by Melanie A. Beckemeyer for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions are met:

- (A) Melanie A. Beckemeyer must provide documentation of continuous compliance with the Board's October 30, 1995 Order.
- (B) Melanie A. Beckemeyer must demonstrate satisfactory proof that she is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
- (C) Melanie A. Beckemeyer must, since reinstatement was not accomplished within three years of the effective date of the Order of the State Board of Pharmacy, Docket No. D-950427-049, effective October 30, 1995, take and pass both the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board, and the Multistate Pharmacy Jurisprudence Examination (MPJE), or an equivalent examination approved by the Board.

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

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE DECEMBER 5, 2002

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-950427-049)

In The Matter Of:

MELANIE A. BECKEMEYER, R.Ph.

8030 Kingfisher Lane
West Chester, Ohio 45069
(R.Ph. No. 03-2-18118)

INTRODUCTION

THE MATTER OF MELANIE A. BECKEMEYER CAME TO HEARING ON SEPTEMBER 20, 1995, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: PAUL F. LAMPING, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

MELANIE A. BECKEMEYER WAS REPRESENTED BY STEVEN D. HALPER AND THE STATE OF OHIO WAS REPRESENTED BY LAWRENCE D. PRATT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Specialist George Rudemiller, Pharmaceutical Diversion Unit, Cincinnati Police Dept.
- (2) Cheryl Rooks, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Melanie A. Beckemeyer, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity letter dated April 27, 1995.
- (2) Exhibit 1A--Two-page Hearing Request letter dated May 5, 1995.
- (3) Exhibit 1B--Hearing Schedule letter dated May 11, 1995.
- (4) Exhibit 1C--Pharmacist File Front Sheet of Melanie A. Couturier showing original date of registration as October 24, 1989.
- (5) Exhibit 1D--Renewal Application for Pharmacist License, No. 03-2-18118, for a license to practice pharmacy in Ohio from September 15, 1994, to September 15, 1995, of Melanie A. Beckemeyer dated August 20, 1994.

- (6) Exhibit 2--Copy of Springdale Police Department Arrest and Investigation Report of Melanie Beckemeyer, Arrest Report No. 95AN713, dated April 25, 1995.
- (7) Exhibit 3--Certified Entry Finding Defendant Eligible for Treatment in Lieu of Conviction, Staying Proceedings, and Ordering Period of Rehabilitation, in the Hamilton County Common Pleas Court, Case No. B-954454, of Melanie Beckemeyer dated July 19, 1995.
- (8) Exhibit 4--Prescription No. 4045295.
- (9) Exhibit 5--Handwritten Statement of Robert Chait, M.D. signed and notarized on August 15, 1995.
- (10) Exhibit 6--Report of Specialist George Rudemiller regarding Melanie Beckemeyer, R.Ph. dated April 26, 1995.

Respondent's Exhibits:

- (1) Exhibit A--Copy of records of Dr. Samuel Varghese regarding patient Melanie Beckemeyer dated from September 14, 1990, through October 11, 1994.
- (2) Exhibit B--Copy of letter from Fred N. Karaffa dated May 23, 1995.
- (3) Exhibit C--Copy of letter from William W. Morris dated July 7, 1995.
- (4) Exhibit D--Copy of letter from Cheryl Owen dated September 14, 1995.
- (5) Exhibit E--Copies of two urine drug screen reports of Melanie A. Beckemeyer dated August 7, 1995, and August 18, 1995.
- (6) Exhibit F--Copy of letter from David W. Merrell dated September 19, 1995.
- (7) Exhibit G--Copy of Sections 218A.140 and 218A.1401 of the Kentucky Revised Statute; copy of Criminal Complaint in the Campbell District Court, Commonwealth of Kentucky, Case No. 95-237, of Melanie Beckemeyer dated May 11, 1995; and Criminal Summons in the Campbell District Court, Commonwealth of Kentucky, Case No. 95-237, of Melanie Beckemeyer dated May 11, 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 Board indicate that Melanie A. Beckemeyer was originally licensed to practice pharmacy in the state of Ohio on October 24, 1989; and her license was summarily suspended on April 27, 1995, in accordance with Section 3719.121(A) of the Ohio Revised Code.
- (2) Melanie A. Beckemeyer abused drugs to such a degree as to render her unfit to practice pharmacy, to wit: Melanie A. Beckemeyer has admitted to being addicted to controlled substances; Melanie A. Beckemeyer has admitted exerting control over controlled substances from her employer; Melanie A. Beckemeyer was arrested while in illegal possession of controlled substances; and, Melanie A. Beckemeyer was arrested while committing deception to obtain controlled substances. Such conduct indicates that Melanie A. Beckemeyer has abused controlled substances within the meaning of Section 4729.16 of the Ohio Revised Code.

- (3) Melanie A. Beckemeyer did, on or about April 25, 1995, by deception, procure the dispensing of a dangerous drug, to wit: without authorization from a practitioner, Melanie A. Beckemeyer telephoned a false prescription into a pharmacy, causing the pharmacist to dispense to her 90 tablets of Alprazolam 1mg (prescription number 4045295). Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (4) Melanie A. Beckemeyer did, on or about April 25, 1995, knowingly obtain and/or possess a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Melanie A. Beckemeyer possessed 32 whole-tablets and 28 half-tablets of Xanax 1mg (in addition to the 90 tablets from false prescription number 4045295), which were not authorized by a practitioner and were obtained for her personal drug abuse. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (5) Melanie A. Beckemeyer did, on various dates, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rite Aid, beyond the express or implied consent of the owner, to wit: from one or more Rite Aid drug stores under her purview as a Rite Aid supervisor in Ohio and Kentucky, Melanie A. Beckemeyer admittedly exerted control over an unknown quantity of Xanax for her personal drug abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes being guilty of a felony as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (5) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (5) of the Findings of Fact constitute being guilty of abusing drugs to such a degree as to render her unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) and (4) 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. 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 to Melanie A. Beckemeyer.

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

(A) On the basis of the Findings of Fact and paragraphs (1) through (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card, No. 03-2-18118, held by Melanie A. Beckemeyer 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, Melanie A. Beckemeyer 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.

(1) On April 27, 1996, Melanie A. Beckemeyer's license to practice pharmacy in Ohio will be reinstated provided the following conditions have been met:

(a) Melanie A. Beckemeyer must provide a written report from each of her treating physicians regarding any condition requiring medication, all drugs prescribed, the prescribed dosage, and the prescribed duration.

(b) Melanie A. Beckemeyer must enter into an agreement with her employer for a period of four years, which requires:

(i) random, **observed** urine screens shall be conducted at least every three months. The urine drug screens must include testing for specific gravity;

(ii) the employer shall immediately report to the Ohio Board of Pharmacy any positive screen results, violations of the agreement, and/or lack of cooperation.

Melanie A. Beckemeyer must submit a copy of the signed agreement to the Board.

(2) Upon reinstatement of Melanie A. Beckemeyer's license to practice pharmacy in Ohio, her identification card will be placed on probation for three years with the following stipulations and conditions:

(a) Melanie A. Beckemeyer shall promptly advise the Board in writing of any change of treating physician(s).

- (b) Melanie A. Beckemeyer must provide documentation from each of her treating physicians when there is a change in any condition requiring prescribed medication, drugs prescribed, prescribed dosage, and/or prescribed duration.
- (c) Melanie A. Beckemeyer must abide by the agreement with her employer and any violation must be reported to the Board immediately.
- (d) Melanie A. Beckemeyer must submit quarterly progress reports to the Board due January 1; April 1; July 1; and October 1; of each year of probation, that include:
 - (i) Written reports and/or documentation provided by her employer pursuant to the agreement, and
 - (ii) A written description of her progress towards recovery and what she has been doing during the previous three months.
- (e) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares Melanie A. Beckemeyer's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
- (f) Melanie A. Beckemeyer may not serve as a responsible pharmacist.
- (g) Melanie A. Beckemeyer may not destroy, or may not assist in or witness the destruction of, controlled substances.
- (h) Melanie A. Beckemeyer must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (i) Melanie A. Beckemeyer must abide by the rules of the Ohio State Board of Pharmacy.
- (j) Melanie A. Beckemeyer must comply with the terms of this Order.

Melanie A. Beckemeyer 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.

- (B) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of six thousand dollars (\$6,000.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

Division (B) of Section 4729.16 of the Ohio Revised Code provides: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

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

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE OCTOBER 30, 1995

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

April 27, 1995

Melanie A. Beckemeyer, R.Ph.
8030 Kingfisher Lane
Westchester, Ohio 45069

Re: Ohio Registered Pharmacist
Number 03-2-18118

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 being addicted to controlled substances; you have admitted stealing controlled substances from your employer; you were arrested while in illegal possession of controlled substances; and, you were arrested while committing deception to obtain controlled substances. Such conduct indicates that you are addicted to controlled substances within the meaning of Section 4729.16 of the Ohio Revised Code.

(2) You did, on or about April 25, 1995, by deception, procure the dispensing of a dangerous drug, to wit: without authorization from a practitioner, you telephoned a false prescription into a pharmacy, causing the pharmacist to dispense to you 90 tablets of Alprazolam 1mg. (prescription number 4045295). Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.

(3) You did, on or about April 25, 1995, knowingly obtain and/or possess a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you possessed 32 whole-tablets and 28 half-tablets of Xanax 1mg (in addition to the 90 tablets from false prescription number 4045295), which were not authorized by a practitioner and were obtained for personal drug abuse. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

(4) You did, on various dates, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rite Aid, beyond the express or implied consent of the owner, to wit: from one or more Rite Aid drug stores under your purview as a Rite Aid supervisor in Ohio and Kentucky, you admittedly stole an unknown quantity of Xanax for your personal drug abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

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.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

(A) The state board of pharmacy, after notice and hearing in accordance with Sections 119.01 to 119.13 of the Revised Code, may revoke, suspend, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not more than five hundred dollars, if the board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;

(5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code;

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

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

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

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

(D-950427-049)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE APRIL 27, 1995

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective October 30, 1995)*