



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-890515-117)

In The Matter Of:

NICK ANDREW KALLIS
14619 Country Club Drive
Livonia, Michigan 48154
(DOB 08-29-53)

INTRODUCTION

THE MATTER OF NICK ANDREW KALLIS CAME TO HEARING ON JUNE 30, 1989 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JEROME WIESENHAHN, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

NICK ANDREW KALLIS WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Nick Andrew Kallis - Respondent

Respondent's Witnesses:

- (1) Gary Rutherford - Pharmacist Rehabilitation Organization

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated May 15, 1989.
- (2) Exhibit B - Hearing Request letter received May 19, 1989.
- (3) Exhibit C - Hearing Schedule letter dated May 24, 1989.
- (4) Exhibit 1 - Application for Examination as Pharmacist for Nick Andrew Kallis.
- (5) Exhibit 2 - Application for Intern Registration for Nick Andrew Kallis.

- (6) Exhibit 3 - Certified copies of court documents from the Municipal or District Court for the County of Wayne, State of Michigan.
- (7) Exhibit 4 - Certified copies of Michigan State Final Order on Nick Andrew Kallis, R.Ph.

Respondent's Exhibits:

- (1) Exhibit 1 - Letter from Don P. Bowermaster, D.D.S. of the Shepherd Hill Hospital dated June 7, 1989; letter from Rebecca L. Morris, R.Ph. dated June 29, 1989; letter from Penny Hunter, R.Ph. dated June 7, 1989; letter from Hershel E. Neff, Jr., R.Ph. dated June 6, 1989; letter from John Pontones dated June 5, 1989; Copies of 6 Continuing Pharmaceutical Education Participation Certificates issued to Nick Kallis all dated December 6th or 7th, 1988; Final Order Granting Reinstatement from the Michigan Board of Pharmacy In the Matter of Nick Andrew Kallis, R.Ph. dated May 24, 1989 by Herman Fishman, Licensing Executive.
- (2) Exhibit 2 - Contract for Nick Kallis with Pharmacists Rehabilitation Organization Inc. dated June 23, 1988.
- (3) Exhibit 3 - Ten pages of Verification of A.A. Attendance dated from June 11, 1988 to August 28, 1988 and from March 5, 1989 to June 19, 1989.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Nick Andrew Kallis was, on or about October 14, 1980, after being indicted for Fraudulent Procurement of a controlled substance, convicted of Unlawful Use of a Controlled Substance in the Circuit Court in Wayne County, Michigan.
- (2) From the evidence presented, the State Board of Pharmacy finds that Nick Andrew Kallis' license to practice pharmacy in the State of Michigan was, on or about June 26, 1979, suspended for an indefinite period not less than one year. Such Order was made pursuant to findings that he had stolen controlled substances for personal use, that he was habitually under the influence of drugs and potentially endangered the safety of others, and that his conduct impaired his ability to safely and skillfully practice pharmacy.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) and (2) of the Findings Of Fact constitutes being guilty of a felony or gross immorality.

- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) and (2) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (2) of the Findings Of Fact constitutes being addicted to or abusing liquor or drugs or being impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (1) of the Findings Of Fact constitutes being convicted of a misdemeanor related to, or committed in, the practice of pharmacy.
- (5) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (2) of the Findings Of Fact constitutes willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of the provisions of Chapters 2925., 3715., 3719., or 4729. of the Revised Code.
- (6) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) and (2) of the Findings Of Fact constitutes failing to be of good moral character and habits.

ORDER

Pursuant to Sections 4729.08 and 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the Application for Registration by Examination and the Application for Intern Registration of Nick Andrew Kallis:

(A) On the basis of paragraphs (1) through (6) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby denies the application for registration by examination submitted by Nick Andrew Kallis, and hereby approves the Application for Intern Registration submitted by Nick Andrew Kallis with the stipulation that the Mr. Kallis shall be and hereby is placed on probation for a period of five (5) years subject to the following terms and conditions:

(1) Nick Andrew Kallis shall continue treatment in an outpatient program sponsored by the Pharmacist Rehabilitation Organization and Shepherd Hill Hospital. The program directors of the aforesaid programs shall submit written reports to the Executive Director of the Ohio Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, regarding Mr. Kallis' attendance and progress. The initial report shall be submitted three (3) months from the effective date of this order and every three (3) months thereafter during the term of probation.

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(2) Nick Andrew Kallis, during the first two (2) years of the probationary period shall obtain an additional ten (10) hours of continuing pharmacy education per year, five (5) of which must be personally attended, in any of the following areas: new drugs, pharmacology, or jurisprudence. Mr. Kallis shall submit evidence of the additional ten (10) hours of continuing pharmacy education at the end of each of the first two (2) years of probation.

(B) Further, the timely filing of all reports as herein required shall be the responsibility of Nick Andrew Kallis, and the failure to file said reports within the time limitations herein provided shall be deemed a violation of an order of the Board.

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

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

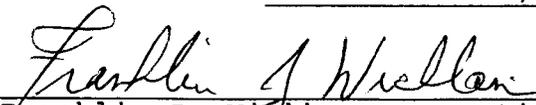
BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 417 664 891

ORDER MAILED: AUGUST 23, 1989

FZW/pw

By


Franklin Z. Wickham, Executive Director

cc: Steve Dlott, Assistant Attorney General