

ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-000218-047)

In The Matter Of:

**RONALD H. ELMORE, R.Ph.**  
20150 S. Woodland Road  
Shaker Heights, Ohio 44120  
(R.Ph. No. 03-2-18518)

INTRODUCTION

THE MATTER OF RONALD H. ELMORE CAME FOR CONSIDERATION ON AUGUST 8, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; AND JAMES E. TURNER, R.Ph.

RONALD H. ELMORE WAS NOT PRESENT NOR WAS HE 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) Lynn Mudra, Ohio State Board of Pharmacy
- (2) James Reye, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Four-page Notice of Opportunity letter dated February 18, 2000, with envelope showing attempted deliveries and stating "Return to Sender."
- (2) Exhibit 1A--Memorandum to David Rowland from Agent Mudra dated April 12, 2000.
- (3) Exhibit 1B--Notarized Certification of Publication from The Plain Dealer Publishing Company dated May 25, 2000, for article regarding Ronald Elmore published in *The Plain Dealer* on April 28, 2000; May 5, 2000; and May 12, 2000.
- (4) Exhibit 1C--Copy of Pharmacist File Front Sheet of Ronald H. Elmore showing original date of registration as June 26, 1990; and two-page copy of Renewal Application for Pharmacist License, No. 03-2-18518, for a license to practice pharmacy in Ohio from September 15, 1999, to September 15, 2000 dated August 1, 1999.

- (5) Exhibit 1D--*The Plain Dealer*, Cleveland, edition for Friday, April 28, 2000; and envelope for attempted delivery to Ronald H. Elmore stating "Return to Sender, Attempted-Unknown".
- (6) Exhibit 2--Copy of Arrest Warrant, Commonwealth of Virginia v. Ronald Hayse Elmore, Case No. 8737-00; copy of three-page Williamsburg Police Department Arrest Report in the matter of Ronald H. Elmore dated May 19, 1995; copy of Waiver of Preliminary Hearing signed by Hayse Elmore (*sic* Ronald H. Elmore) dated July 13, 1995; copy of Indictment No. 8737-00 for Ronald Hayse Elmore, dated September 11, 1995, issued by Virginia: In The Circuit Court for the City of Williamsburg and County of James City; copy of two-page Arraignment and Plea issued by Virginia: In The Circuit Court for the City of Williamsburg and County of James City, Commonwealth v. Ronald Hayse Elmore, Case No. 8737-00, dated October 11, 1995; and copy of three-page Motion for Re-Hearing and Sentencing issued by Virginia: In The Circuit Court for the City of Williamsburg and County of James City, Commonwealth v. Ronald Hayse Elmore, Case No. 8737-00, dated February 21, 1996.
- (7) Exhibit 2A--Memo to Sally A. Steuk from Frank Brookman dated February 10, 2000.
- (8) Exhibit 3--Two-page copy of Renewal Application for Pharmacist License, No. 03-2-18518, for a license to practice pharmacy in Ohio from September 15, 1995, to September 15, 1996 of Ronald H. Elmore dated June 3, 1995.
- (9) Exhibit 4--Two-page copy of Renewal Application for Pharmacist License, No. 03-2-18518, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997, of Ronald H. Elmore dated October 28, 1996.
- (10) Exhibit 5--Two-page copy of Renewal Application for Pharmacist License, No. 03-2-18518, for a license to practice pharmacy in Ohio from September 15, 1998, to September 15, 1999, of Ronald H. Elmore dated April 5, 1999.
- (11) Exhibit 6--Copy of two-page letter from Cathy M. Reiniers-Day dated October 10, 1998.
- (12) Exhibit 6A--Copy of four-page letter, titled, "Amended Notice of Informal Conference," from Cathy M. Reiniers-Day dated June 17, 1997.
- (13) Exhibit 7--Copy of five-page Notice of Hearing before the Virginia Board of Pharmacy, In Re: Ronald H. Elmore, Pharmacist dated October 15, 1997.
- (14) Exhibit 8--Copy of six-page Order before the Virginia Board of Pharmacy, In Re: Ronald H. Elmore, Pharmacist dated December 23, 1997.
- (15) Exhibit 9--Copy of five-page Notice of Hearing before the Virginia Board of Pharmacy, In Re: Ronald H. Elmore, Pharmacist dated January 29, 1999.
- (16) Exhibit 10--Copy of five-page Order before the Virginia Board of Pharmacy, In Re: Ronald H. Elmore, Pharmacist dated April 29, 1999.
- (17) Exhibit 11--Two-page copy of Rite Aid Corporation Application for Employment of Ronald Elmore dated May 28, 1999.
- (18) Exhibit 12--Copy of prescription number 03041 93580.
- (19) Exhibit 13--Copy of prescription number 03041 93582.
- (20) Exhibit 14--Copy of prescription number 03041 94104.
- (21) Exhibit 15--Copy of three-page Dangerous Drug Distributor Inspection Report of Rite Aid Discount Pharmacy #3041 dated June 9, 1999.
- (22) Exhibit 16--Copy of handwritten statement of Ronald Elmore signed and notarized on June 9, 1999.

Respondent's Exhibits:

(1) None

#### 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) On February 18, 2000, Ronald H. Elmore was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) As demonstrated by the returned letter, Ronald H. Elmore did not receive the letter of February 18, 2000, informing him of the allegations against him, and his rights.
- (3) After attempts had failed to personally deliver the letter, the State Board of Pharmacy published the charges against Ronald H. Elmore. The charges in the letter of February 18, 2000, were published in *The Plain Dealer*, Cleveland, Ohio, on April 25, 2000; May 5, 2000; and again on May 12, 2000; in accordance with Section 119.07 of the Ohio Revised Code.
- (4) Ronald H. Elmore has not responded in any manner to the letter of February 18, 2000, and has not requested a hearing in this matter.
- (5) Records of the State Board of Pharmacy indicate that Ronald H. Elmore was originally licensed in the state of Ohio on June 26, 1990, pursuant to reciprocity, and is currently licensed to practice pharmacy in the state of Ohio.
- (6) Ronald H. Elmore did, prior to May 19, 1995, with purpose to deprive, knowingly obtain or exert control over the property of another, CVS Pharmacy #1550, beyond the express or implied consent of the owner, to wit: Ronald H. Elmore stole items valued at one thousand four hundred dollars (\$1,400.00). Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) Ronald H. Elmore did, on or about October 11, 1995, plead guilty to grand larceny/-embezzlement, a felony. Commonwealth vs. Ronald Hayse Elmore, Case No. 8737-00, Virginia: Circuit Court of Williamsburg and County of James City. Thereafter, upon a Motion to Re-Hear, Ronald H. Elmore was found guilty of petit larceny, a misdemeanor, on February 21, 1996,
- (8) Ronald H. Elmore did, on or about June 3, 1995, knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when the statement was made with purpose to secure the issuance by a governmental agency of a license or registration, to wit: on his 1996 Renewal Application For Pharmacist License, Ronald H. Elmore declared that "within the past 18 months" there were no "charges pending" against him when fourteen (14) days earlier, on May 19, 1995, Ronald H. Elmore had been arrested for grand larceny/embezzlement. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

- (9) Ronald H. Elmore did, on or about October 28, 1996, knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when the statement was made with purpose to secure the issuance by a governmental agency of a license or registration, to wit: on his 1997 Renewal Application For Pharmacist License, Ronald H. Elmore declared that "within the past 18 months" he had not been "convicted of a felony or a misdemeanor other than a minor traffic violation (even if expunged or sealed)" when Ronald H. Elmore had plead guilty to a felony on October 11, 1995 and thereafter plead to a reduced misdemeanor on February 21, 1996. Further, Ronald H. Elmore stated that his primary place of employment had not changed since the previous renewal, yet he had been hired and subsequently fired by several different pharmacy employers in that time period. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.
- (10) Ronald H. Elmore did, on or about April 5, 1999, knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when the statement was made with purpose to secure the issuance by a governmental agency of a license or registration, to wit: on his 1999 Renewal Application For Pharmacist License, Ronald H. Elmore declared that "within the past 18 months" he had not "been the subject of disciplinary action by any state or federal agency" when on December 27, 1997, an Order had been issued against Ronald H. Elmore by the Virginia Board of Pharmacy. Further, Ronald H. Elmore stated that his primary place of employment had not changed since the previous renewal, yet he had been hired and subsequently fired by several different pharmacy employers in that time period. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.
- (11) On or about December 23, 1997, Ronald H. Elmore's license to practice pharmacy in the Commonwealth of Virginia was placed on probation due to embezzlement from CVS/pharmacy, dispensing errors, falsifying applications for employment, and termination from employment. On or about April 29, 1999, Ronald H. Elmore's Virginia license was suspended for violating the terms of his probation.
- (12) Ronald H. Elmore did, on or about May 28, 1999, knowingly make a false statement when the statement was in writing and is made with purpose to induce another to employ him, to wit: when applying for a job as a pharmacist with Rite Aid, Ronald H. Elmore stated that he had never worked under or used a different name. In fact, Ronald H. Elmore was using the name "Elmore Hayes" when practicing pharmacy at CVS and arrested by the Williamsburg, Virginia Police Department. Further, when asked if he had been dismissed or forced to resign from any employment, Ronald H. Elmore answered "no" on the Rite Aid employment application when in fact he had been fired several times. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.
- (13) Ronald H. Elmore did, on or about the following dates, dispense a drug pursuant to an original prescription but failed to manually record his name or initials on the original prescription, to wit: Ronald H. Elmore failed to manually sign or initial the following prescriptions when practicing pharmacy at Rite Aid Discount Pharmacy, 28600 Chagrin Rd., Woodmere, Ohio:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>
03041 93580	6/1/99	Ambien 10mg
03041 93582	6/1/99	Fiorinal with Codeine #3
03041 94104	6/7/99	Vicodin ES

Such conduct is in violation of Rule 4729-5-27(B) of the Ohio Administrative Code.

- (14) Ronald H. Elmore did, on or before June 9, 1999, without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within his official capacity, hamper or impede a public official in the performance of his lawful duties, to wit: Ronald H. Elmore provided false information to Board investigators who were attempting to verify information on his renewal applications for pharmacist license. Such conduct is in violation of Section 2921.31 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 (6) through (14) of the Findings of Fact constitute being guilty of gross immorality 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 (7) through (14) 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 paragraph (7) of the Findings of Fact constitutes being convicted of a misdemeanor related to, or committed in, the practice of pharmacy as provided in Division (A)(4) of Section 4729.16 of the Ohio Revised Code.

#### ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Ronald H. Elmore:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-2-18518, held by Ronald H. Elmore effective as of the date of the mailing of this Order.
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-2-18518, held by Ronald H. Elmore effective as of the date of the mailing of this Order.

- (C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-2-18518, held by Ronald H. Elmore effective as of the date of the mailing of this Order.

Pursuant to Section 4729.16(B) of the Ohio Revised Code, Ronald H. Elmore must return the identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-0).  
MOTION CARRIED.  
SO ORDERED.

**ORDER EFFECTIVE SEPTEMBER 11, 2000**