



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>

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-060607-081)

In The Matter Of:

DANIEL RAYMOND BEHRENS, R.Ph.

P.O. Box 794

Oxford, Ohio 45056

(R.Ph. No. 03-2-19310)

INTRODUCTION

THE MATTER OF DANIEL RAYMOND BEHRENS CAME FOR CONSIDERATION ON APRIL 10, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; HEATHER L. PASQUALE, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

DANIEL RAYMOND BEHRENS WAS NOT PRESENT NOR WAS HE REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

1. Kevin J. Kinner, Ohio State Board of Pharmacy

Respondent's Witnesses

None

State's Exhibits

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [06-07-06]
1A-1F. Procedurals
2. Prescription Profile at Fitzgerald's Mt. Orab Pharmacy [01-01-05 to 04-01-06]
3. Excel Spreadsheet of False Prescriptions [02-02-05 to 01-20-06]
4. Statement of Daniel Behrens [05-23-06]
5. Eight Accountability Statements for OxyContin 10 mg, OxyContin 20 mg, Oxycodone ER 10 mg, Oxycodone ER 20 mg, OxyContin 40 mg, Oxycodone ER 40 mg, OxyContin 80 mg, Oxycodone ER 80 mg [04-17-06]
6. Statement of LaVerne Sheppard [05-16-06]
7. Statement of Forrest E. Pack, Jr., R.Ph. [not dated]

Respondent's Exhibits

None

FINDINGS 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 the following to be fact:

- (1) On June 7, 2006, Daniel Raymond Behrens, R.Ph. was issued a Summary Suspension/Notice of Opportunity for Hearing letter, by Certified Mail, notifying him of his right to a hearing, his rights in such hearing, and his right to submit any contentions in writing.
- (2) As demonstrated by the returned envelope dated August 24, 2006, September 5, 2006, and September 15, 2006, Daniel Raymond Behrens did not claim the certified letter.
- (3) The Summary Suspension/Notice of Opportunity for Hearing letter was served by publication in the Oxford Press on February 16, 2007, February 23, 2007, and March 2, 2007. Daniel Raymond Behrens has not responded in any manner to the letter of June 7, 2006, nor to the publication service. He has not requested a hearing, therefore the matter was referred to the Board for consideration.
- (4) Records of the Board of Pharmacy indicate that Daniel Raymond Behrens was originally licensed by the State of Ohio as a pharmacist on July 30, 1992, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended effective June 7, 2006.
- (5) Daniel Raymond Behrens is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Daniel Raymond Behrens has admitted to a Board agent that he is addicted to the use of OxyContin; Daniel Raymond Behrens has admitted stealing controlled substances to support his addiction; and, he has admitted to creating false prescriptions and billing Medicaid insurance pursuant to false prescriptions to cover for the thefts. Such conduct indicates that Daniel Raymond Behrens is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (6) Daniel Raymond Behrens did, from July 7, 2004, through January 27, 2006, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of F & F Pharmacies, beyond the express or implied consent of the owner, to wit: Daniel Raymond Behrens stole the following Schedule II controlled substances for his personal abuse:

| <u>drug</u> | <u>shortage</u> |
|--------------------|-----------------|
| OxyContin 20 mg | 410 |
| OxyContin 40 mg | 502 |
| OxyContin 80 mg | 436 |
| oxycodone ER 20 mg | 240 |
| oxycodone ER 40 mg | 100 |
| oxycodone ER 80 mg | 180 |

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (7) Daniel Raymond Behrens did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: Daniel Raymond Behrens created the following prescriptions to cover for his drug thefts:

| Date | Rx No. | Medicaid No. | Billed Amt | Drug | Amt |
|----------|---------|-------------------|------------|-------------------|-----|
| 02/02/05 | 1131203 | 102-811-517-699 | \$580.00 | OxyContin 80 mg | 60 |
| 02/09/05 | 1131595 | 103-245-413-299 | \$583.00 | OxyContin 40 mg | 120 |
| 02/17/05 | 1131935 | 105-834-846-599 | \$583.00 | OxyContin 40 mg | 120 |
| 02/23/05 | 1132217 | Cash | \$950.00 | OxyContin 40 mg | 200 |
| 03/09/05 | 1132965 | 103-245-413-299 | \$911.70 | OxyContin 80 mg | 100 |
| 03/16/05 | 1133339 | 105-834-846-599 | \$583.00 | OxyContin 40 mg | 120 |
| 03/23/05 | 1133700 | 102-811-517-699 | \$950.00 | OxyContin 80 mg | 100 |
| 03/25/05 | 1133833 | 104-460-065-699 | \$583.06 | OxyContin 40 mg | 120 |
| 04/01/05 | 1134104 | Cash | \$950.00 | OxyContin 80 mg | 100 |
| 04/05/05 | 1134303 | 084-004-137-005 | \$911.70 | OxyContin 80 mg | 100 |
| 04/12/05 | 1134652 | 103-245-413-299 | \$911.70 | OxyContin 80 mg | 100 |
| 04/14/05 | 1134769 | 105-834-846-599 | \$911.70 | OxyContin 80 mg | 100 |
| 04/21/05 | 1135107 | 104-460-065-699 | \$911.70 | OxyContin 80 mg | 100 |
| 04/27/05 | 1135387 | 102-811-517-699 | \$950.00 | OxyContin 40 mg | 200 |
| 05/04/05 | 1135754 | 102-791-669-999 | \$911.70 | OxyContin 80 mg | 100 |
| 05/12/05 | 1136184 | 103-245-413-299 | \$911.70 | OxyContin 80 mg | 100 |
| 05/17/05 | 1136394 | 105-834-846-599 | \$911.70 | OxyContin 80 mg | 100 |
| 05/19/05 | 1136531 | 104-460-065-699 | \$911.70 | OxyContin 80 mg | 100 |
| 05/20/05 | 1136575 | 134-015-701-303 | \$486.50 | OxyContin 40 mg | 100 |
| 05/31/05 | 1137046 | 102-791-669-999 | \$911.70 | OxyContin 80 mg | 100 |
| 06/08/05 | 1137507 | 103-245-413-299 | \$1,093.30 | OxyContin 80 mg | 120 |
| 06/14/05 | 1137784 | 105-834-846-599 | \$911.70 | OxyContin 80 mg | 100 |
| 06/15/05 | 1137833 | 102-811-517-699 | \$475.00 | OxyContin 40 mg | 100 |
| 06/15/05 | 1137832 | 104-460-065-699 | \$911.70 | OxyContin 80 mg | 100 |
| 06/21/05 | 1138096 | 134-015-701-303 | \$486.50 | OxyContin 40 mg | 100 |
| 06/28/05 | 1138393 | 102-791-669-999 | \$911.70 | OxyContin 80 mg | 100 |
| 07/05/05 | 1138730 | 103-245-413-299 | \$1,093.30 | OxyContin 80 mg | 120 |
| 07/05/05 | 1138729 | 102-811-517-699 | \$950.00 | OxyContin 40 mg | 200 |
| 07/19/05 | 1139387 | 105-834-846-599 | \$911.70 | OxyContin 80 mg | 100 |
| 07/20/05 | 1139447 | 104-460-065-699 | \$583.06 | OxyContin 40 mg | 120 |
| 07/22/05 | 1139561 | 134-015-701-303 | \$583.06 | OxyContin 40 mg | 120 |
| 07/27/05 | 1139797 | 102-791-669-999 | \$911.70 | OxyContin 80 mg | 100 |
| 07/31/05 | 1140290 | 103-134-490-499 | \$486.50 | OxyContin 40 mg | 100 |
| 08/02/05 | 1140096 | 103-245-413-299 | \$1,093.30 | OxyContin 80 mg | 120 |
| 08/12/05 | 1140631 | 104-460-065-699 | \$774.00 | OxyContin 40 mg | 120 |
| 08/12/05 | 1140633 | Private Insurance | \$887.16 | OxyContin 80 mg | 100 |
| 08/12/05 | 1140629 | 105-834-846-599 | \$185.30 | OxyContin 80 mg | 20 |
| 08/12/05 | 1140630 | 102-791-669-999 | \$100.26 | OxyContin 40 mg | 20 |
| 08/17/05 | 1140874 | 104-460-065-699 | \$583.06 | OxyContin 40 mg | 120 |
| 08/18/05 | 1140939 | 134-015-701-303 | \$911.70 | OxyContin 80 mg | 100 |
| 08/24/05 | 1141203 | 105-834-846-599 | \$911.70 | OxyContin 80 mg | 100 |
| 08/25/05 | 1141245 | 102-791-669-999 | \$486.50 | OxyContin 40 mg | 100 |
| 09/01/05 | 1141636 | 103-245-413-299 | \$911.70 | OxyContin 80 mg | 100 |
| 09/01/05 | 1141637 | 103-134-490-499 | \$486.50 | OxyContin 40 mg | 100 |
| 09/07/05 | 1141895 | 102-811-517-699 | \$950.00 | OxyContin 40 mg | 200 |
| 09/08/05 | 1141980 | Cash | \$850.00 | OxyContin 80 mg | 90 |
| 09/15/05 | 1142367 | 104-460-065-699 | \$184.54 | OxyContin 40 mg | 30 |
| 09/15/05 | 1142368 | 104-460-065-699 | \$820.90 | OxyContin 80 mg | 90 |
| 09/21/05 | 1142659 | 105-834-846-599 | \$911.70 | OxyContin 80 mg | 100 |
| 09/21/05 | 1142658 | 102-791-669-999 | \$583.06 | OxyContin 40 mg | 120 |
| 09/22/05 | 1142715 | 102-811-517-699 | \$43.24 | Adderall 10 mg | 20 |
| 09/22/05 | 1142714 | 102-811-517-699 | \$36.19 | Adderall XR 30 mg | 10 |
| 09/28/05 | 1143030 | 103-245-413-299 | \$820.90 | OxyContin 80 mg | 90 |

| Date | Rx No. | Medicaid No. | Billed Amt | Drug | Amt |
|--------------|---------|-------------------|------------|-----------------|-----|
| 09/28/05 | 1143029 | 103-134-490-499 | \$486.50 | OxyContin 40 mg | 100 |
| 10/04/05 | 1143358 | Cash | \$950.00 | OxyContin 80 mg | 100 |
| 10/13/05 | 1143950 | 104-460-065-699 | \$895.10 | OxyContin 80 mg | 100 |
| 10/14/05 | 1144019 | 102-811-517-699 | \$450.00 | OxyContin 40 mg | 100 |
| 10/20/05 | 1144186 | 103-016-531-899 | \$538.54 | OxyContin 80 mg | 60 |
| 10/20/05 | 1144187 | 103-016-531-899 | \$288.10 | OxyContin 40 mg | 60 |
| 10/25/05 | 1144458 | 103-245-413-299 | \$477.70 | OxyContin 40 mg | 100 |
| 10/25/05 | 1144457 | 105-834-846-599 | \$895.10 | OxyContin 80 mg | 100 |
| 11/04/05 | 1145266 | 104-460-065-699 | \$16.30 | methadone 10 mg | 100 |
| 11/04/05 | 1145265 | 369-009-293-101 | \$895.10 | OxyContin 80 mg | 100 |
| 11/04/05 | 1143358 | Cash | \$950.00 | OxyContin 80 mg | 100 |
| 11/11/05 | 1145662 | 103-134-490-499 | \$895.10 | OxyContin 80 mg | 100 |
| 11/23/05 | 1140632 | Private Insurance | \$887.16 | OxyContin 80 mg | 100 |
| 11/23/05 | 1146348 | 105-834-846-599 | \$911.70 | OxyContin 80 mg | 100 |
| 11/30/05 | 1146659 | 104-460-065-699 | \$895.10 | OxyContin 80 mg | 100 |
| 12/10/05 | 1147208 | 103-245-413-299 | \$1,073.38 | OxyContin 80 mg | 120 |
| 12/16/05 | 1147624 | Cash | \$1,000.00 | OxyContin 80 mg | 100 |
| 12/22/05 | 1147954 | 105-834-846-599 | \$1,073.38 | OxyContin 80 mg | 120 |
| 12/30/05 | 1148401 | 102-811-517-699 | \$895.10 | OxyContin 80 mg | 100 |
| 01/06/06 | 1148834 | Private Insurance | \$1,064.19 | OxyContin 80 mg | 120 |
| 01/11/06 | 1149123 | 103-245-413-299 | \$1,073.38 | OxyContin 80 mg | 120 |
| 01/20/06 | 1149718 | 105-834-846-599 | \$1,073.38 | OxyContin 80 mg | 120 |
| No fill date | 1133555 | 314-007-487-702 | not billed | OxyContin 40 mg | 100 |

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

- (8) Daniel Raymond Behrens did, on or about the following dates, knowingly make or cause to be made false or misleading statements or representations for use in obtaining reimbursement from the medical assistance program, to wit: Daniel Raymond Behrens created and submitted the following false billings for Medicaid and obtained remuneration for drugs actually stolen rather than dispensed to legitimate patients:

| Date | Rx No. | Medicaid No. | Billed Amt | Drug | Amt |
|----------|---------|-----------------|------------|-----------------|-----|
| 02/02/05 | 1131203 | 102-811-517-699 | \$580.00 | OxyContin 80 mg | 60 |
| 02/09/05 | 1131595 | 103-245-413-299 | \$583.00 | OxyContin 40 mg | 120 |
| 02/17/05 | 1131935 | 105-834-846-599 | \$583.00 | OxyContin 40 mg | 120 |
| 03/09/05 | 1132965 | 103-245-413-299 | \$911.70 | OxyContin 80 mg | 100 |
| 03/16/05 | 1133339 | 105-834-846-599 | \$583.00 | OxyContin 40 mg | 120 |
| 03/23/05 | 1133700 | 102-811-517-699 | \$950.00 | OxyContin 80 mg | 100 |
| 03/25/05 | 1133833 | 104-460-065-699 | \$583.06 | OxyContin 40 mg | 120 |
| 04/05/05 | 1134303 | 084-004-137-005 | \$911.70 | OxyContin 80 mg | 100 |
| 04/12/05 | 1134652 | 103-245-413-299 | \$911.70 | OxyContin 80 mg | 100 |
| 04/14/05 | 1134769 | 105-834-846-599 | \$911.70 | OxyContin 80 mg | 100 |
| 04/21/05 | 1135107 | 104-460-065-699 | \$911.70 | OxyContin 80 mg | 100 |
| 04/27/05 | 1135387 | 102-811-517-699 | \$950.00 | OxyContin 40 mg | 200 |
| 05/04/05 | 1135754 | 102-791-669-999 | \$911.70 | OxyContin 80 mg | 100 |
| 05/12/05 | 1136184 | 103-245-413-299 | \$911.70 | OxyContin 80 mg | 100 |
| 05/17/05 | 1136394 | 105-834-846-599 | \$911.70 | OxyContin 80 mg | 100 |
| 05/19/05 | 1136531 | 104-460-065-699 | \$911.70 | OxyContin 80 mg | 100 |
| 05/20/05 | 1136575 | 134-015-701-303 | \$486.50 | OxyContin 40 mg | 100 |
| 05/31/05 | 1137046 | 102-791-669-999 | \$911.70 | OxyContin 80 mg | 100 |
| 06/08/05 | 1137507 | 103-245-413-299 | \$1,093.30 | OxyContin 80 mg | 120 |
| 06/14/05 | 1137784 | 105-834-846-599 | \$911.70 | OxyContin 80 mg | 100 |
| 06/15/05 | 1137833 | 102-811-517-699 | \$475.00 | OxyContin 40 mg | 100 |
| 06/15/05 | 1137832 | 104-460-065-699 | \$911.70 | OxyContin 80 mg | 100 |

| Date | Rx No. | Medicaid No. | Billed Amt | Drug | Amt |
|--------------|---------|-----------------|------------|-------------------|-----|
| 06/21/05 | 1138096 | 134-015-701-303 | \$486.50 | OxyContin 40 mg | 100 |
| 06/28/05 | 1138393 | 102-791-669-999 | \$911.70 | OxyContin 80 mg | 100 |
| 07/05/05 | 1138730 | 103-245-413-299 | \$1,093.30 | OxyContin 80 mg | 120 |
| 07/05/05 | 1138729 | 102-811-517-699 | \$950.00 | OxyContin 40 mg | 200 |
| 07/19/05 | 1139387 | 105-834-846-599 | \$911.70 | OxyContin 80 mg | 100 |
| 07/20/05 | 1139447 | 104-460-065-699 | \$583.06 | OxyContin 40 mg | 120 |
| 07/22/05 | 1139561 | 134-015-701-303 | \$583.06 | OxyContin 40 mg | 120 |
| 07/27/05 | 1139797 | 102-791-669-999 | \$911.70 | OxyContin 80 mg | 100 |
| 07/31/05 | 1140290 | 103-134-490-499 | \$486.50 | OxyContin 40 mg | 100 |
| 08/02/05 | 1140096 | 103-245-413-299 | \$1,093.30 | OxyContin 80 mg | 120 |
| 08/12/05 | 1140631 | 104-460-065-699 | \$774.00 | OxyContin 40 mg | 120 |
| 08/12/05 | 1140629 | 105-834-846-599 | \$185.30 | OxyContin 80 mg | 20 |
| 08/12/05 | 1140630 | 102-791-669-999 | \$100.26 | OxyContin 40 mg | 20 |
| 08/17/05 | 1140874 | 104-460-065-699 | \$583.06 | OxyContin 40 mg | 120 |
| 08/18/05 | 1140939 | 134-015-701-303 | \$911.70 | OxyContin 80 mg | 100 |
| 08/24/05 | 1141203 | 105-834-846-599 | \$911.70 | OxyContin 80 mg | 100 |
| 08/25/05 | 1141245 | 102-791-669-999 | \$486.50 | OxyContin 40 mg | 100 |
| 09/01/05 | 1141636 | 103-245-413-299 | \$911.70 | OxyContin 80 mg | 100 |
| 09/01/05 | 1141637 | 103-134-490-499 | \$486.50 | OxyContin 40 mg | 100 |
| 09/07/05 | 1141895 | 102-811-517-699 | \$950.00 | OxyContin 40 mg | 200 |
| 09/15/05 | 1142367 | 104-460-065-699 | \$184.54 | OxyContin 40 mg | 30 |
| 09/15/05 | 1142368 | 104-460-065-699 | \$820.90 | OxyContin 80 mg | 90 |
| 09/21/05 | 1142659 | 105-834-846-599 | \$911.70 | OxyContin 80 mg | 100 |
| 09/21/05 | 1142658 | 102-791-669-999 | \$583.06 | OxyContin 40 mg | 120 |
| 09/22/05 | 1142715 | 102-811-517-699 | \$43.24 | Adderall 10 mg | 20 |
| 09/22/05 | 1142714 | 102-811-517-699 | \$36.19 | Adderall XR 30 mg | 10 |
| 09/28/05 | 1143030 | 103-245-413-299 | \$820.90 | OxyContin 80 mg | 90 |
| 09/28/05 | 1143029 | 103-134-490-499 | \$486.50 | OxyContin 40 mg | 100 |
| 10/13/05 | 1143950 | 104-460-065-699 | \$895.10 | OxyContin 80 mg | 100 |
| 10/14/05 | 1144019 | 102-811-517-699 | \$450.00 | OxyContin 40 mg | 100 |
| 10/20/05 | 1144186 | 103-016-531-899 | \$538.54 | OxyContin 80 mg | 60 |
| 10/20/05 | 1144187 | 103-016-531-899 | \$288.10 | OxyContin 40 mg | 60 |
| 10/25/05 | 1144458 | 103-245-413-299 | \$477.70 | OxyContin 40 mg | 100 |
| 10/25/05 | 1144457 | 105-834-846-599 | \$895.10 | OxyContin 80 mg | 100 |
| 11/04/05 | 1145266 | 104-460-065-699 | \$16.30 | methadone 10 mg | 100 |
| 11/04/05 | 1145265 | 369-009-293-101 | \$895.10 | OxyContin 80 mg | 100 |
| 11/11/05 | 1145662 | 103-134-490-499 | \$895.10 | OxyContin 80 mg | 100 |
| 11/23/05 | 1146348 | 105-834-846-599 | \$911.70 | OxyContin 80 mg | 100 |
| 11/30/05 | 1146659 | 104-460-065-699 | \$895.10 | OxyContin 80 mg | 100 |
| 12/10/05 | 1147208 | 103-245-413-299 | \$1,073.38 | OxyContin 80 mg | 120 |
| 12/22/05 | 1147954 | 105-834-846-599 | \$1,073.38 | OxyContin 80 mg | 120 |
| 12/30/05 | 1148401 | 102-811-517-699 | \$895.10 | OxyContin 80 mg | 100 |
| 01/11/06 | 1149123 | 103-245-413-299 | \$1,073.38 | OxyContin 80 mg | 120 |
| 01/20/06 | 1149718 | 105-834-846-599 | \$1,073.38 | OxyContin 80 mg | 120 |
| No fill date | 1133555 | 314-007-487-702 | not billed | OxyContin 40 mg | 100 |

Such conduct is in violation of Section 2913.40 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (6) through (8) 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) The State Board of Pharmacy concludes that paragraphs (6) through (8) 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) The State Board of Pharmacy concludes that paragraph (5) 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.
- (4) The State Board of Pharmacy concludes that paragraph (7) 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.

DECISION 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 Daniel Raymond Behrens on June 7, 2006.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Daniel Raymond Behrens as follows:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-2-19310, held by Daniel Raymond Behrens 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, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-2-19310, held by Daniel Raymond Behrens 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, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-2-19310, held by Daniel Raymond Behrens effective as of the date of the mailing of this Order.
- (D) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-2-19310, held by Daniel Raymond Behrens effective as of the date of the mailing of this Order.

Daniel Raymond Behrens, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his license to practice (pocket ID card) and registration (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-1).

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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of 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 the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: **May 14, 2007**

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9805 7608

WTW/lf

By: _____
William T. Winsley, M.S., R.Ph., Executive Director

cc: Sally Ann Steuk, Assistant Attorney General