



OHIO STATE BOARD OF PHARMACY

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY VOLUNTARY SURRENDER WITH DISCIPLINARY ACTION PENDING

In The Matter Of:

Michael M. Fraulini, R.Ph.
8 Williams Street
Nashua, NH 03060
(R.Ph. No. 03-2-19444)

This Settlement Agreement is entered into by and between Michael M. Fraulini and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Michael M. Fraulini enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues contained herein.

Michael M. Fraulini is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that are filed by the Board against him and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Michael M. Fraulini 's license to practice pharmacy in the State of Ohio, this Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

- (A) The Ohio State Board of Pharmacy is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card, or impose a monetary penalty on the license holder for violation of any of the enumerated grounds.
- (B) Michael M. Fraulini neither admits nor denies the allegations pending in the Board's investigation; however, the Board has initiated and conducted an investigation pursuant to the mandate of Sections 3719.18 and 4729.25 of the Ohio Revised Code.
- (C) Michael M. Fraulini acknowledges that he has been made aware of the investigation and has not failed to cooperate in said investigation. Michael M. Fraulini further acknowledges that he has not been promised or given anything to indicate that the State of Ohio will not proceed with criminal charges; that criminal charges may be or may have been filed pursuant to the discretion of the appropriate prosecuting attorney and/or grand jury. The execution of this agreement does not affect, and is not affected by, any such criminal proceedings.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of the filing of formal ADMINISTRATIVE charges and/or holding a 119. hearing at this

time, Michael M. Fraulini knowingly and voluntarily **SURRENDERS PERMANENTLY TO THE STATE BOARD OF PHARMACY HIS LICENSE AND REGISTRATION TO PRACTICE PHARMACY, WITH DISCIPLINARY ACTION PENDING.** Pursuant to Rule 4729-9-01(F), Michael M. Fraulini may not be employed by, or work in, any facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs.

Michael M. Fraulini acknowledges that he has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner.

Michael M. Fraulini waives any and all claims or causes of action he may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Michael M. Fraulini waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of the Board President's signature below.

Michael M. Fraulini , R.Ph. 08/02/2006

Date of Signature

Michael L. Schultz, Witness 08/02/2006

Date of Signature

Julie Val (*illegible*), Witness 08/02/2006

Date of Signature

James E. Turner, R.Ph., President, Ohio State Board of Pharmacy 08/07/2006

Date of Signature

Sally Ann Steuk, Ohio Assistant Attorney General 08/07/2006

Date of Signature

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-030716-003)

In The Matter Of:

MICHAEL M. FRAULINI, R.Ph.

3232 Big Pete Road
Franklin Furnace, Ohio 45629
(R.Ph. No. 03-2-19444)

INTRODUCTION

THE MATTER OF MICHAEL M. FRAULINI CAME FOR HEARING ON SEPTEMBER 9, 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.

MICHAEL M. FRAULINI WAS REPRESENTED BY JACK D. YOUNG 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. Michel M. Fraulini, R.Ph., Respondent
2. Dina Fraulini
3. Juanita Fraulini
4. John J. Gill
5. Ann Shepherd, D.D.S.
6. Steven Griffith
7. James Reneau
8. Jason Bentley
9. Thomas A. Scott, R.Ph.

State's Exhibits

1. Reinstatement Hearing Request letter from Jack D. Young [07-11-03]
1A-1D. Procedurals
2. Portsmouth Police Department Incident Report, CFS No. 2002-002862 [02-08-02]
2A. Copy of State Board of Pharmacy Order in re Michael M. Fraulini, R.Ph. [07-11-02]
3. Portsmouth Police Department Traffic Crash Report [01-11-02]
4. Indictment, State of Ohio vs. Michael M. Fraulini, Case No. 02-CR-157, Scioto County Common Pleas Court [03-07-02]
5. Drug Screen Report [02-08-02]
6. Six Drug Audit reports for accountability of Percocet and Hydrocodone/APAP at Sciotoville Pharmacy [02-14-02]
7. Copy of Statement of Jane Stephenson [02-08-02]
8. Copy of Statement of Debbie Delabar [02-08-02]

9. Copy of Statement of Laura A. Estep [02-08-02]
10. Copy of Statement of Marianne Osborne [02-08-02]
11. Copy of Statement of Jennifer Lewis [02-08-02]
12. Copy of Statement of Lisa Hoskins [02-08-02]

Respondent's Exhibits

August 1, 2002 to January 31, 2003

- A. Copy of Letter from Michael M. Fraulini [02-05-03]
- B. Copy of Progress Report from Melanie Sauls, LICSW and Jay Hughes, MD [01-29-03]; copy of Progress Report from Melanie Sauls, LICSW [01/29/03]
- C. Two New Hope Christian Counseling Center Client Monitoring Sheets [09-01-02 to 01-26-03]
- D. Copy of letter from Jay Hughes, M.D. [08-25-03]; Drug screen reports [08-29-02 to 02-05-03]
- E. Two Lists of Sponsors and Witnesses [08-01-02 to 01-31-03]; Schedule of Alcoholics Anonymous Meetings [02/05/03]; List of A.A. meetings chaired by Michael Fraulini [08-01-02 to 01-31-03]
- F. Support Group Attendance Records [09-02-02 to 01-31-03]
- G. Copy of New Hope Christian Counseling Center Contract for Michael M. Fraulini [08-29-02]
- H. Copy of Counseling Resume [not dated]

February 1, 2003 to July 31, 2003

- A. Copy of letter from Michael M. Fraulini [05-27-03]
- B. Copy of Progress Report from Jay Hughes, M.D. [08-25-03]; copy of Progress Report from Melanie Sauls, LICSW [not dated]
- C. Two New Hope Christian Counseling Center Client Monitoring Sheets [02-01-03 to 07-27-03]
- D. Copy of letter from Jay Hughes, M.D. [08-25-03]; Drug screen reports [02-05-03 to 07-16-03]
- E. Two Lists of Sponsors and Witnesses [02-01-03 to 07-31-03]; Schedule of Alcoholics Anonymous Meetings [08-25-03]; List of A.A. meetings chaired by Michael Fraulini [02-01-03 to 07-31-03]
- F. Support Group Attendance Records [02-01-03 to 09-08-03]
- G. C.P.E. Requirements Information Sheet [08-04-03; C.P.E. Report Form of Michael M. Fraulini [08-26-03]; Continuing Pharmaceutical Education Statements of Credit and Official Transcript of Credit [03-12-99 to 08-26-03]
- H. Nine Letters of Support [08-23-03 to 09-09-03]
- I. Copy of Calendar Pages [01-20-03 and 01-26-03]

FINDING 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 that Michael M. Fraulini has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-020307-046, effective July 11, 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. 03-2-19444, held by Michael M. Fraulini to practice pharmacy in Ohio and places Michael M. Fraulini on probation for five years beginning on the effective date of this Order, with the following conditions:

(A) Michael M. Fraulini must enter into a contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or 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 before his pharmacist identification card is issued. The contract must provide that:

(1) Random, observed urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.

(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) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.

(c) Results of all drug and alcohol screens must be negative. Any positive results, including those that may have resulted from ingestion of food, but excluding false positives that resulted from medication legitimately prescribed, indicate a violation of probation.

(d) Refusals of urine screens or diluted urine screens are equivalent to a positive result and indicate a violation of probation.

(2) The intervener/sponsor shall provide copies of all drug and alcohol screen reports to the Board in a timely fashion.

(3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(B) Michael M. Fraulini 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 Michael M. Fraulini's progress towards recovery and what Mr. Fraulini 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 Michael M. Fraulini'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) Michael M. Fraulini may not serve as a responsible pharmacist.
- (3) Michael M. Fraulini may not destroy, assist in, or witness the destruction of controlled substances.
- (4) Michael M. Fraulini must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
- (5) Michael M. Fraulini must not violate the drug laws of Ohio, any other state, or the federal government.
- (6) Michael M. Fraulini must abide by the rules of the Ohio Board of Pharmacy.
- (7) Michael M. Fraulini 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.

Michael M. Fraulini 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-8/Nay-0).
MOTION CARRIED.
SO ORDERED.

ORDER EFFECTIVE OCTOBER 16, 2003

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-020307-046)

In The Matter Of:

MICHAEL M. FRAULINI, R.Ph.
3006 North Hill Road
Portsmouth, Ohio 45662
(R.Ph. No. 03-2-19444)

INTRODUCTION

THE MATTER OF MICHAEL M. FRAULINI CAME FOR HEARING ON JUNE 3, 2002, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE,

R.Ph.; LAWRENCE J. KOST, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

MICHAEL M. FRAULINI WAS REPRESENTED BY JACK D. YOUNG AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Kevin Joseph Kinneer, Ohio State Board of Pharmacy

Respondent's Witnesses

1. Michael M. Fraulini, R.Ph., Respondent
2. Mark Fraulini
3. Dina Fraulini

State's Exhibits

1. Copy of Summary Suspension Order/Notice of Opportunity for Hearing letter [03-07-2002]
1A-1D. Procedurals
2. Portsmouth Police Dept. Incident Report in re Michael M. Fraulini [02/08/2002]
3. Portsmouth Police Dept. Traffic Crash Report in re Michael M. Fraulini [01/12/2002]
4. Indictment, State of Ohio vs. Michael M. Fraulini, Case No. 02-CR-157, Scioto County Common Pleas Court; one count of Carrying A Concealed Weapon and one count of Illegal Conveyance or Possession of a Deadly Weapon [03/07/2002]
5. Valley Diagnostic Laboratories, Inc. Report of Blood Drug Screen Test of Michael M. Fraulini [02/08/2002]
6. Drug Audit Accountability Sheets for Percocet (10/650mg, 10/325mg, 7.5/500mg, 5/325mg, 2.5/325mg) and Hydrocodone/APAP 10/650mg [12/22/00 to 02/14/02]
7. Statement of Jane Stephenson [02/08/2002]
8. Statement of Debbie Delabar [02/08/2002]
9. Statement of Laura Estep [02/08/2002]
10. Statement of Marianne Osborne [02/08/2002]
11. Statement of Jennifer Lewis [02/08/2002]
12. Statement of Lisa Hoskins [02/08/2002]

Respondent's Exhibits

- A. Letter from Melanie Sauls, MSW, LICSW, and Bobby Miller, MD [05-27-2002]
- B. New Hope Christian Counseling Patient Ledger for Michael M. Fraulini [02-13-2002 to 05-30-2002]
- C. Urine drug screen reports [02-15-2002 to 05-29-2002]
- D. Letters of Support for Michael M. Fraulini from Dina Fraulini [not dated]; Mark Fraulini [06-03-2002]; Brian P. Missler, R.Ph. [05-31-2002]; Lisa Hoskins [not dated]; Lori S. Lowe [03-18-2002]; and Dennis DeCamp [not dated]

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) Records of the State Board of Pharmacy indicate that Michael M. Fraulini was originally licensed by the State of Ohio on July 30, 1992, pursuant to examination, and

that his license to practice pharmacy in the state of Ohio was summarily suspended effective March 7, 2002. Records further reflect that during the relevant time periods stated herein, Michael M. Fraulini was the Owner and Responsible Pharmacist at Sciotoville-RX pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.

(2) Michael M. Fraulini has been observed to practice pharmacy while impaired; Michael M. Fraulini had an automobile accident in 2002 while under the influence of drugs; Michael M. Fraulini has admitted to stealing controlled substances for personal abuse since April of 2001. Such conduct indicates that the continuation of his professional practice presents a danger of immediate and serious harm to others within the meaning of Section 3719.121 of the Ohio Revised Code.

(3) Michael M. Fraulini did, on or about February 8, 2002, knowingly possess or use a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Michael M. Fraulini used amobarbital and diazepam without having a prescription for the medication. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

(4) Michael M. Fraulini did, from April, 2001, through February, 2002, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Sciotoville-RX, by deception, to wit: Michael M. Fraulini has admittedly stolen Percocet, Tylenol #3, Lorcet 10/650mg, Soma, and Phenergan from his pharmacy, a terminal distributor of dangerous drugs. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) through (4) 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 (3) and (4) 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 paragraphs (3) and (4) of the Findings of Fact constitute 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 (3) 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 Michael M. Fraulini on March 7, 2002.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-2-19444, held by Michael M. Fraulini and such suspension is effective as of the date of the mailing of this Order.

(A) Michael M. Fraulini, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may **not** be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs and may **not** enter Sciotoville-RX during such period of suspension.

(B) Michael M. Fraulini, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his 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.

Further, after one year from the effective date of this Order, the Board will consider any petition filed by Michael M. Fraulini 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 have been met:

(A) Michael M. Fraulini must enter into a contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, mail a copy of the contract to the Board office. The contract must provide that:

(1) Random, **observed** urine drug screens shall be conducted at least once each month.

(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) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but the test must be conducted by an appropriately certified individual within twelve hours of notification.

(c) Results of all drug and alcohol 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.

(2) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(B) Michael M. Fraulini must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

(C) Michael M. Fraulini must provide, at the reinstatement petition hearing, documentation of the following:

(1) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug and alcohol screen reports, meeting attendance records, treatment program reports, etc.);

(2) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;

(3) Compliance with the terms of this Order.

(D) If reinstatement is not accomplished within three years of the effective date of this Order, Michael M. Fraulini must also show successful completion of the NAPLEX examination or an equivalent examination approved by the Board.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-0).
MOTION CARRIED.
SO ORDERED.

ORDER EFFECTIVE JULY 11, 2002

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

March 7, 2002

Michael M. Fraulini, R.Ph.
3006 North Hill Road
Portsmouth, Ohio 45662

Re: Ohio Registered Pharmacist
Number 03-2-19444

Dear Mr. Fraulini:

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 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) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on July 30, 1992, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio. Records further reflect during the relevant time periods stated herein, you were the Owner and Responsible Pharmacist at Sciotoville-RX pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Section 4729-5-11 of the Ohio Administrative Code.
- (2) You have been observed to practice pharmacy while impaired; you have had two separate automobile accidents in 2002 while under the influence of drugs; you have admitted to stealing controlled substances for personal abuse since April of 2001. Such conduct indicates that the continuation of your professional practice presents a danger of immediate and serious harm to others within the meaning of Section 3719.121 of the Ohio Revised Code.
- (3) You did, on or about February 11, 2002, knowingly possess or use a controlled substance when the conduct was not in accordance with chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you used amobarbital and diazepam without having a prescription for the medication. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating the provisions of chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- (4) You did, from April, 2001, through February, 2001, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Sciotoville-RX, by deception, to wit: you have admittedly stolen Percocet, Tylenol No. 3, Lorcet 10/650, Soma, Phenergan from your pharmacy, a terminal distributor of dangerous drugs. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 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 be suspended by the board that authorized the person's license, certificate, or registration..."

YOU ARE HEREBY NOTIFIED that Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

(B) If the board under which a person has been issued a license, . . . , . . . determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, . . . , . . . , without a prior hearing.

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 has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, during which time you may not engage in the practice of pharmacy.

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 Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, 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 Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no 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 the pharmacist or pharmacy intern 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 this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;

(7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;

(8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;

(9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;

(10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

IF YOU REQUEST A HEARING within 30 days of the time of the mailing of this notice, such will be afforded. Such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if you do not request such a hearing within thirty (30) days of the mailing of this notice, the State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

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-020307-046)
PHARMACY

BY ORDER OF THE STATE BOARD OF

SUMMARY SUSPENSION EFFECTIVE MARCH 7, 2002

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective July 11, 2002)*