



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Case No. 2014-1438)

In The Matter Of:

Lloyd Neal Fisk, R.Ph.
7490 Blacklick Eastern Road
Pickerington, Ohio 43147
(License No. 03-2-19476)

-THIS IS A RED INK STAMP-

I certify this to be a true and exact copy of the original document on file with the Ohio State Board of Pharmacy.

Steven W. Schierholt
Steven W. Schierholt, Esq., Executive Dir.

Date: 4/12/15

-MUST HAVE BOARD SEAL TO BE OFFICIAL-

INTRODUCTION

The Matter of Lloyd Neal Fisk came for hearing on March 2, 2015, before the following members of the Board: Michael A. Moné, R.Ph.; (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph.; Fred M. Weaver, R.Ph. and Kilee S. Yarosh, R.Ph.

Lloyd Neal Fisk was not present nor represented by Counsel. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Jesse Wimberly, Ohio State Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|-----|--|----------|
| 1. | Summary Suspension/Notice of Opportunity for Hearing | 05-15-14 |
| 1A. | Procedural | |
| 2. | OSBP Order, Docket No. D-070910-008 | 05-14-08 |
| 3. | OSBP Order, Docket No. D-081211-037 | 06-17-09 |
| 4. | OSBP Order, Docket No. D-081211-037 | 12-07-12 |
| 5. | Notarized Statement of Lloyd Neal Fisk | 04-29-14 |
| 6. | Notarized Statement of Mary Kaye Brown | 04-25-14 |
| 7. | Notarized Statement of Mary (Molli) A. Diebold | 04-25-14 |
| 8. | Town Drug Perpetual Inventory | No Date |
| 9. | Town Drug Label for RX#N2313528 | 12-20-12 |
| 10. | Schedule II Perpetual Inventory Form, Lonsinger Pharmacy | 03-18-14 |
| 11. | Schedule II Perpetual Inventory Form, Arensberg Pharmacy | 03-16-14 |

State's Aggravating Exhibits:

12. Greene Co. Judgment Entry RE: Lloyd Neal Fisk
Case No. 2014 CR 0353

10-29-14

Respondent's Exhibits:

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) Records of the Board of Pharmacy indicate that Lloyd Neal Fisk originally licensed in the State of Ohio on July 30, 1992, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect that Lloyd Neal Fisk was previously disciplined by this Board on September 10, 2007, April 10, 2008, June 17, 2009, July 11, 2012 and December 7, 2012.
- (2) Lloyd Neal Fisk 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: in 2008, the Board indefinitely suspended his license to practice pharmacy due in part to his addiction. In June of 2009, the Board reinstated his license with certain conditions. In 2012, his license was again suspended due to a positive drug screen. The Board subsequently extended your probation. Lloyd Neal Fisk is currently on probation pursuant to the Board's Order issued in December 7, 2012. On or around April 29, 2014, he admitted addiction to oxycodone, admitted to generating a false prescription on RX #N23133528 for 120 oxycodone HCL 15 mg. tablets, admitted illegal possession of 104 oxycodone HCL 15 mg tablets, admitted to stealing 5 oxycodone/APAP 7.5/325 mg tablets, and admitted to stealing 8 oxycodone/APAP 10/325 mg. tablets.
- (3) Lloyd Neal Fisk did, on or around April 18, 2014, intentionally create and/or knowingly possess a false or forged prescription, to wit: he created a forged prescription for RX # N23133528 for 120 oxycodone HCL 15 mg. tablets, a controlled substance, at Town Drug Pharmacy.
- (4) Lloyd Neal Fisk did, on or around April 29, 2014, knowingly possess a controlled substance, 104 oxycodone HCL 15 mg tablets, for which he had no legitimate prescription.
- (5) Lloyd Neal Fisk did, on or around March 17, 2014, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Arensberg Pharmacy #1, by deception, to wit: he has admittedly stole 5 oxycodone/APAP 7.5/325 mg. tablets.

- (6) Lloyd Neal Fisk did, on or around March 24, 2014, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Lonsinger Pharmacy, by deception, to wit: he has admittedly stole 8 oxycodone/APAP 10/325 mg. tablets.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (3) through (6) of the Findings of Fact constitutes being guilty of a felony and 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) through (6) 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 (2) 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) Further, as a result of the evidence and testimony presented, the State Board of Pharmacy concludes that paragraphs (3) and (6) of the Findings of Fact constitute being guilty of willfully violating of Chapter 2925. of the Ohio 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 Lloyd Neal Fisk on May 15, 2014.

Pursuant to Section 4729.16 of the Ohio Revised Code, and pursuant to Section 4729-9-01(E) of the Ohio Administrative Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Lloyd Neal Fisk as follows:

(1) 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. 03-2-19476, held by Lloyd Neal Fisk effective as of the date of the mailing of this Order.

(2) 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. 03-2-19476, held by Lloyd Neal Fisk effective as of the date of the mailing of this Order.

(3) 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. 03-2-19476, held by Lloyd Neal Fisk effective as of the date of the mailing of this Order.

(4) 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. 03-2-19476, held by Lloyd Neal Fisk effective as of the date of the mailing of this Order.

Lloyd Neal Fisk, 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.

Ms. Yarosh moved for Findings of Fact; Ms. Marchal seconded the motion. Motion passed (Aye-7/Nay-0).

Ms. Yarosh moved for Conclusions of Law; Ms. Huwer seconded the motion. Motion passed (Aye-7/Nay-0).

Mr. Kolezynski moved for Action of the Board; Mr. Weaver seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

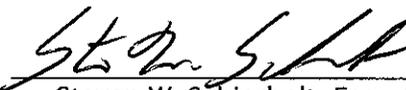
It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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: April 9, 2015

By: 
Steven W. Schierholt, Esq., Executive Director