



OHIO STATE BOARD OF PHARMACY

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-Equal Opportunity Employer and Service Provider-

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-080122-035)

In The Matter Of:

ROSS PUTMAN TURNER, D.O., R.Ph.

6442 Dietz Drive

Canal Winchester, Ohio 43110

(R.Ph. No. 03-2-23163)

INTRODUCTION

THE MATTER OF ROSS PUTMAN TURNER CAME FOR HEARING ON JUNE 2, 2008, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: GREGORY BRAYLOCK, R.Ph. (presiding); ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; HEATHER L. PASQUALE, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; JAMES E. TURNER, R.Ph.; AND JEROME J. WIESENHAHN, R.Ph.

ROSS PUTMAN TURNER WAS REPRESENTED BY TERRI-LYNNE B. SMILES. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witness

1. Ross Putman Turner, D.O., R.Ph., Respondent

State's Exhibits

1. Reinstatement Hearing Request letter from Ross P. Turner [01-16-08]
1A-1C. Procedurals
2. Ohio State Board of Pharmacy Settlement Agreement in re Ross Putman Turner, D.O., R.Ph. [06-04-07]

Respondent's Exhibits

- A. Step I Consent Agreement Between Ross Putman Turner, D.O. and The State Medical Board of Ohio [03-14-07]
- B. Letter of Compliance from Danielle Bickers to Ohio State Board of Pharmacy [05-19-08]
- B1. Step II Consent Agreement Between Ross Putman Turner, D.O. and The State Medical Board of Ohio [05-14-08]; Step I Consent Agreement [03-14-07]

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Order of the Board

- C. Letter from Ellen Laubis, M.Ed., LICDC, Shepherd Hill to Ohio State Board of Pharmacy [05-07-08]
- D. Letter from Richard N. Whitney, MD, Shepherd Hill to Danielle Bickers [02-29-08]; Letter from David D. Goldberg, D.O. to Danielle Bickers [03-20-08]
- D1. Letter from David D. Goldberg, D.O., Greene Memorial Hospital to Ohio State Board of Pharmacy [05-20-08]
- E. Letter from Connie Jenkins, M.D. to Danielle Bickers [03-04-08]
- F. Ohio Physicians Health Program, Inc. Agreement [04-10-07]; Authorization for Records [04-20-07]; Amendment to Agreement p04-20-07]
- F1. Letter from Stan G. Sateren, M.D., FASAM to William Winsley, MS, RPh [05-27-08]
- G. Aftercare Contract between Ross Turner and Shepherd Hill [not dated]
- H. Drug Screen Reports [04-29-07 thru 05-18-08]
- I. Support Group Attendance Records [04-21-07 thru 05-11-08]
- J. Continuing Pharmaceutical Education Credits and Certificates [10-18-05 thru 05-08-08]

FINDING 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 that Ross Putman Turner has complied with the terms set forth in the Settlement Agreement with the State Board of Pharmacy, Docket No. D-070515-049, effective June 4, 2007.

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. 03-2-23163, held by Ross Putman Turner to practice pharmacy in Ohio with the following conditions:

(A) Ross Putman Turner must comply with and complete The State Medical Board of Ohio's Step II Consent Agreement dated May 14, 2008.

(B) Ross Putman Turner must, prior to the reinstatement of his pharmacist identification card, have 300 hours of experience under the direct supervision of a responsible pharmacist. The pharmacist must provide, to the Board, documentation of the 300 hours worked.

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

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.

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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

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

WTW/lf
CERTIFIED MAIL/Return Receipt

c: Sally Ann Steuk, Assistant Attorney General
Terri-Lynne B. Smiles; Collis, Smiles & Collis, LLC; 1650 Lake Shore Drive, Suite 225;
Columbus, Ohio 43204



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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-070515-049)

In The Matter Of:

ROSS PUTMAN TURNER, D.O., R.Ph.

6442 Dietz Drive

Canal Winchester, Ohio 43110

(R.Ph. No. 03-2-23163)

This Settlement Agreement is entered into by and between Ross Putman Turner 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.

Ross Putman Turner 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.

Ross Putman Turner is knowingly and voluntarily acknowledging that, in order to settle possible disciplinary charges and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Ross Putman Turner'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:

- (1) 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.
- (2) Records of the Board of Pharmacy indicate that Ross Putman Turner was originally licensed by the State of Ohio as a pharmacist on August 20, 1998, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (3) Ross Putman Turner is addicted to liquor and/or drugs, to wit: Ross Putman Turner has admitted to The State Medical Board of Ohio, and to an Agent with the Ohio State Board of Pharmacy, that he has an addiction problem with alcohol and/or drugs. Such conduct indicates that Ross Putman Turner falls within the ambit of Sections 3719.121 and 4729.16(A)(3) of the Ohio Revised Code.
- (4) On or about March 14, 2007, Ross Putman Turner signed a Consent Agreement, with The State Medical Board of Ohio which suspended his license indefinitely, but not less than one hundred-eighty (180) days.

ROSS PUTMAN TURNER, D.O., R.Ph.

Order of the Board

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Ross Putman Turner knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) The Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-2-23163, held by Ross Putman Turner. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Ross Putman Turner may not be employed by or work in a facility licensed by the Board to possess or distribute dangerous drugs during such period of suspension. Division (B) of Section 4729.16 of the Revised Code provides 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 the notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested. Further, if Ross Putman Turner desires to regain licensure to practice pharmacy, he must petition the Board, pursuant to a Revised Code Chapter 119. hearing, for reinstatement of his license to practice pharmacy in Ohio.
- (B) Ross Putman Turner must comply with his State Medical Board of Ohio Step I Consent Agreement dated March 14, 2007.
- (C) Ross Putman Turner 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.
- (D) Ross Putman Turner must provide, at the reinstatement petition hearing, documentation of the following:
 - (1) Compliance with his Step I Consent Agreement as required above and with all treatment programs (e.g.-copies of all drug and alcohol screen reports, support 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 Agreement.
- (E) If reinstatement is not accomplished within three years of the effective date of this Agreement, Ross Putman Turner must also show successful completion of the NAPLEX and MPJE examinations or equivalent examinations approved by the Board.

Ross Putman Turner 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. Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

Ross Putman Turner 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. Ross Putman Turner waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

ROSS PUTMAN TURNER, D.O., R.Ph.

Order of the Board

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.

Ross Putman Turner, D.O., R.Ph., Respondent

05/23/2007
Date of Signature

Elizabeth Y. Collis, Attorney for Respondent

05/29/2007
Date of Signature

James E. Turner, President, Ohio State Board of Pharmacy

06/04/2007
Date of Signature

Sally Ann Steuk, Ohio Assistant Attorney General

06/04/2007
Date of Signature