



# 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 Number D-050621-064)

In The Matter Of:

**MATTHEW P. BODNAR, R.Ph.**

634 Henry Street

Toronto, Ohio 43964

(R.Ph. No. 03-2-24736)

### INTRODUCTION

THE MATTER OF MATTHEW P. BODNAR CAME FOR HEARING ON OCTOBER 11, 2005, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE R. EASTMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

MATTHEW P. BODNAR WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### State's Witnesses:

None

#### Respondent's Witnesses:

1. Matthew P. Bodnar, R.Ph., Respondent
2. Caryn Bodnar

#### State's Exhibits:

1. Reinstatement Hearing Request letter from Matthew P. Bodnar, R.Ph. [06-17-05]  
1A-1B. Procedurals
2. State Board of Pharmacy Order in re Matthew P. Bodnar, R.Ph. [09-16-04]
3. Four photographs of money and drugs [not dated]
4. Copy of Bureau of Criminal Identification and Investigation Laboratory Report #03-61001 [10-14-03]
5. Indictment, State of Ohio vs. Matthew P. Bodnar, Case No. 2003-CR-306, Columbiana County Common Pleas Court [10-31-03]; Judgment Entry [05-14-04]

#### Respondent's Exhibits:

- A. State Board of Pharmacy Order in re Matthew P. Bodnar, R.Ph. [09-16-04]

- B. Judgment Entry, State of Ohio vs. Matthew P. Bodnar, Case No. 2003-CR-306, Columbiana County Common Pleas Court [05-18-04]
- C. Trinity Health System Discharge Instructions for Matthew P. Bodnar [10-01-03]
- D. Trinity Behavioral Medicine Substance Abuse Treatment Contract for Matthew Phillip Bodnar [10-06-04]; Eight Redwood Toxicology Laboratory Drug Screen Reports [01-06-05 to 07-28-05]; Three-page Trinity Health System Drug Screen Report [12-07-04]; Eight Treatment Plan Reviews [January 2005 to August 2005]; Authorization for Disclosure of Health Information [10-06-04 to 01-06-05 and 08-11-05 to 11-11-05]
- E. Support Group Attendance Records [10-10-04 to 10-06-05]
- F. Eleven Letters of Support [08-11-05 to 09-21-05]
- G. Continuing Pharmaceutical Education Credits and Certificates [03-17-02 to 08-02-04]
- H. Receipt No. 27687, Columbiana County Adult Probation Department [08-02-05] copy of National City Bank Personal Money Order No. 746847296 [08-29-05]; Receipt No. 49815, Columbiana County Court of Common Pleas, showing zero balance due [06-09-04]
- I. Employee Weekly Earnings and Benefits Statement from Cattrell Companies, Inc. [09-21-05]

#### 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 Matthew P. Bodnar has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-030825-004, effective September 16, 2004.

#### 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. 03-2-24736, held by Matthew P. Bodnar to practice pharmacy in Ohio and places Matthew P. Bodnar on probation for five years beginning on the effective date of this Order, with the following conditions:

(A) Matthew P. Bodnar must enter into a new contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) approved 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) Results of all drug 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.

(c) 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 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) Matthew P. Bodnar 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 Matthew P. Bodnar's progress towards recovery and what Matthew P. Bodnar 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 Matthew P. Bodnar'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) Matthew P. Bodnar may not serve as a responsible pharmacist.

(3) Matthew P. Bodnar may not destroy, assist in, or witness the destruction of controlled substances.

(4) Matthew P. Bodnar must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.

(5) Matthew P. Bodnar must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Matthew P. Bodnar must abide by the rules of the State Board of Pharmacy.

(7) Matthew P. Bodnar 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.

Matthew P. Bodnar 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-6/Nay-2).  
MOTION CARRIED.

SO ORDERED.

**BY ORDER OF THE STATE BOARD OF PHARMACY**

ORDER MAILED & EFFECTIVE: NOVEMBER 9, 2005

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



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-030825-004)

In The Matter Of:

**MATTHEW P. BODNAR, R.Ph.**

634 Henry Street

Toronto, Ohio 43964

(R.Ph. No. 03-2-24736)

### INTRODUCTION

THE MATTER OF MATTHEW P. BODNAR CAME FOR HEARING ON TUESDAY, AUGUST 3, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

MATTHEW P. BODNAR WAS REPRESENTED BY THOMAS R. STRAUS AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### State's Witnesses

1. Louis Robert Mandi, R.Ph., Ohio State Board of Pharmacy
2. William F. Smith, R.Ph., East Liverpool City Hospital

#### Respondent's Witnesses

1. Linda Bodnar
2. Caryn Bodnar
3. Matthew P. Bodnar, R.Ph., Respondent

#### State's Exhibits

1. Copy of Summary Suspension Order/Notice of Opportunity For Hearing letter [08-25-03]  
1A-1H. Procedurals
- 1I. Copy of Addendum Notice [05-27-04]
2. Copy of East Liverpool Police Department Evidence/Property Custody Report #2384 [08-08-03]
3. Copy of East Liverpool Police Department Tow-In Report ID #2686 [08-08-03]
4. Four photographs of money and drugs [not dated]

5. Copy of Bureau of Criminal Identification and Investigation Laboratory Report #03-61001 [10-14-03]
6. Cardinal Health Perpetual Controlled Drug Inventory Record for OxyContin 40 mg [07-03-03 to 08-03-03]; copy of letter from Clifford L. Comm, R.Ph. [03-12-04]
7. Copy of Inventory Report [07-29-03 to 08-08-03]
8. Indictment, State of Ohio vs. Matthew P. Bodnar, Case No. 2003-CR-306, Columbiana County Common Pleas Court [10-31-03]; Judgment Entry [05-18-04]

#### Respondent's Exhibits

- A. Judgment Entry, State of Ohio vs. Matthew P. Bodnar, Case No. 2003-CR-306, Columbiana County Common Pleas Court [05-18-04]
- B. Copy of Trinity Health System Discharge Instructions [10-01-03]
- C. Copy of Drug Screen Reports [02-04-04 to 04-08-04]
- D. Support Group Attendance Records [07-22-03 to 04-28-04]
- E. Copy of twenty-six letters of support and character reference [01-30-04 to 07-26-04]

#### 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 Matthew P. Bodnar was originally licensed by the State of Ohio as a pharmacist on November 27, 2001, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended effective August 25, 2003.

(2) Matthew P. Bodnar did, on or about August 8, 2003, 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: Matthew P. Bodnar possessed, in various dosage forms, 560 mg of oxycodone, a Schedule II controlled substance, outside the confines of a pharmacy and without a valid prescription. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

(3) Matthew P. Bodnar did, on or about August 8, 2003, 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: Matthew P. Bodnar possessed twenty-six tablets of alprazolam 0.5 mg, a Schedule IV controlled substance, outside the confines of a pharmacy and without a valid prescription. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

(4) Matthew P. Bodnar did, on or about August 8, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of East Liverpool City Hospital, beyond the express or implied consent of the owner, to wit: Matthew P. Bodnar stole eight OxyContin 40 mg tablets, a Schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(5) Matthew P. Bodnar did, on or about August 7, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of East Liverpool City Hospital, beyond the express or implied consent of the owner, to wit: Matthew P. Bodnar stole seventeen OxyContin 40 mg tablets and twenty OxyContin 20 mg tablets, a Schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(6) Matthew P. Bodnar did, on or about August 6, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of East Liverpool City Hospital, beyond the express or implied consent of the owner, to wit: Matthew P. Bodnar stole six OxyContin 40 mg tablets, a Schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(7) Matthew P. Bodnar did, on or about August 5, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of East Liverpool City Hospital, beyond the express or implied consent of the owner, to wit: Matthew P. Bodnar stole five OxyContin 40 mg tablets and sixteen OxyContin 20 mg tablets, a Schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(8) Matthew P. Bodnar did, on or about August 2, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of East Liverpool City Hospital, beyond the express or implied consent of the owner, to wit: Matthew P. Bodnar stole nine OxyContin 40 mg tablets, a Schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(9) Matthew P. Bodnar did, on or about July 24, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of East Liverpool City Hospital, beyond the express or implied consent of the owner, to wit: Matthew P. Bodnar stole fifty OxyContin 40 mg tablets, a Schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(10) Matthew P. Bodnar did, on or about July 3, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of East Liverpool City Hospital, beyond the express or implied consent of the owner, to wit: Matthew P. Bodnar stole thirteen OxyContin 40 mg tablets, a Schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(11) Matthew P. Bodnar did, on or about August 7, 2003, knowingly make a false statement in a record required by Chapter 3719. of the Ohio Revised Code when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Matthew P. Bodnar wrote false information in controlled substance (OxyContin 40 mg) inventory records, line 8, so as to steal the drugs. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

(12) Matthew P. Bodnar did, on or about July 3, 2003, knowing that an official investigation was likely to be instituted, alter, conceal, or remove records and/or documents with purpose to impair their availability as evidence in such investigation, to wit: to cover for his thefts of controlled substances, with an investigation by the Board of Pharmacy imminent, Matthew P. Bodnar concealed and/or removed perpetual inventory records from East Liverpool City Hospital. Such conduct is in violation of Section 2921.12 of the Ohio Revised Code.

(13) Matthew P. Bodnar is abusing drugs to such a degree as to render him unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code, to wit: Matthew P. Bodnar has admitted to Board agents that he stole drugs, consumed drugs before and during his shifts as a practicing pharmacist, and that he altered pharmacy records to conceal his thefts and abuse of the drugs.

(14) Matthew P. Bodnar did, on or about May 14, 2004, plead guilty in State of Ohio vs. Matthew P. Bodnar, Case No. 2003-CR-0306, Columbiana County Common Pleas Court, to one (1) count of Possession of Drugs, a felony of the third degree under Section 2925.11(A) of the Ohio Revised Code, and one (1) count of Illegal Processing Of A Drug Document, a felony of the fourth degree under Section 2925.23(A) of the Ohio Revised Code. Matthew P. Bodnar also pled guilty to seven (7) counts of Theft of Dangerous Drugs, felonies of the fourth degree under Section 2913.02(A)(2) of the Ohio Revised Code. Such conviction indicates that Matthew P. Bodnar is guilty of a felony or gross immorality within the meaning of Section 4729.16 of the Ohio Revised Code.

(15) Matthew P. Bodnar did, on or about May 14, 2004, plead guilty in State of Ohio vs. Matthew P. Bodnar, Case No. 2003-CR-0306, Columbiana County Common Pleas Court, to one (1) count of Possession of Drug Abuse Instruments, a misdemeanor of the second degree under Section 2925.12(A) of the Ohio Revised Code. Such conviction indicates that Matthew P. Bodnar is guilty of gross immorality within the meaning of Section 4729.16 of the Ohio Revised Code.

#### CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) through (12) and (14) of the Findings of Fact constitute 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 (4) through (12) 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 (13) 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 (15) 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.

(5) The State Board of Pharmacy concludes that paragraphs (2), (3), and (11) of the Findings of Fact constitute 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 Matthew P. Bodnar on August 25, 2003.

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. 03-2-24736, held by Matthew P. Bodnar and such suspension is effective as of the date of the mailing of this Order.

(A) Matthew P. Bodnar, 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 during such period of suspension.

(B) Matthew P. Bodnar, 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 Matthew P. Bodnar 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) Matthew P. Bodnar must enter into a new 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) Alprazolam and OxyContin must be added to the standard urine drug screen.

(c) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. 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) Matthew P. Bodnar must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

(C) Matthew P. Bodnar must provide, at the reinstatement petition hearing, documentation of the following:

(1) Compliance with terms of the Columbiana County Common Pleas Court Judgment;

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

(3) 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;

(4) Compliance with the terms of this Order.

(D) If reinstatement is not accomplished within three years of the effective date of this Order, Matthew P. Bodnar 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.

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 a Notice of Appeal with both the State Board of Pharmacy and 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: SEPTEMBER 16, 2004

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

## SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

August 25, 2003

**Matthew P. Bodnar, R.Ph.**

634 Henry Street  
Toronto, Ohio 43964

Re: Ohio Registered Pharmacist  
Number 03-2-24736

Dear Mr. Bodnar:

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 November 27, 2001, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You did, on or about August 8, 2003, 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 possessed, in various dosage forms, 560 mg of oxycodone, a Schedule II Controlled Substance, outside the confines of a pharmacy and without a valid prescription. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (3) You did, on or about August 8, 2003, 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 possessed twenty-six tablets of alprazolam 0.5 mg, a Schedule IV Controlled Substance, outside the confines of a pharmacy and without a valid prescription. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (4) You did, on or about August 8, 2003, knowingly make a false statement in a record required by Chapter 3719. of the Ohio Revised Code when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you wrote false information in controlled substance (OxyContin 40 mg) inventory records, lines 10 and 11, so as to steal the drugs. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (5) You did, on or about August 8, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of East Liverpool City Hospital, beyond the express or implied consent of the owner, to wit: you stole eight OxyContin 40 mg tablets, a Schedule II Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) You did, on or about August 7, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of East Liverpool City Hospital,

beyond the express or implied consent of the owner, to wit: you stole seventeen OxyContin 40 mg tablets and twenty OxyContin 20 mg tablets, a Schedule II Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (7) You did, on or about August 6, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of East Liverpool City Hospital, beyond the express or implied consent of the owner, to wit: you stole six OxyContin 40 mg tablets, a Schedule II Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (8) You did, on or about August 5, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of East Liverpool City Hospital, beyond the express or implied consent of the owner, to wit: you stole five OxyContin 40 mg tablets and sixteen OxyContin 20 mg tablets, a Schedule II Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (9) You did, on or about August 2, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of East Liverpool City Hospital, beyond the express or implied consent of the owner, to wit: you stole nine OxyContin 40 mg tablets, a Schedule II Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (10) You did, on or about July 24, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of East Liverpool City Hospital, beyond the express or implied consent of the owner, to wit: you stole fifty OxyContin 40 mg tablets, a Schedule II Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (11) You did, on or about July 3, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of East Liverpool City Hospital, beyond the express or implied consent of the owner, to wit: you stole thirteen OxyContin 40 mg tablets, a Schedule II Controlled Substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (12) You did, on or about July 3, 2003, knowingly make a false statement in a record required by Chapter 3719. of the Ohio Revised Code when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you wrote false information in controlled substance (OxyContin 40 mg) inventory records, line 1, so as to steal the drugs. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (13) You did, on or about July 3, 2003, knowing that an official investigation was likely to be instituted, alter, conceal, or remove records and/or documents with purpose to impair their availability as evidence in such investigation, to wit: to cover for your thefts of controlled substances, with an investigation by the Board of Pharmacy imminent, you concealed and/or removed perpetual inventory records from East Liverpool City Hospital. Such conduct is in violation of Section 2921.12 of the Ohio Revised Code.
- (14) You are abusing drugs to such a degree as to render you unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code, to wit: you have admitted to Board agents that you have stolen drugs, consumed drugs before and during your shifts as a practicing pharmacist, and that you have altered pharmacy records to conceal your thefts and abuse of the drugs.

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 SECTION 3719.121(B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO ARE 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 a final adjudication order becomes effective, 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. 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 HEREBY 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-030825-004)

BY ORDER OF THE STATE BOARD OF PHARMACY

**SUMMARY SUSPENSION EFFECTIVE AUGUST 25, 2003**

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.*