



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-070123-028)

In The Matter Of:

CHRISTOPHER T. BALL

3605 Westwood Northern Boulevard
Cincinnati, Ohio 45211
(Intern License No. 06-0-03830)

INTRODUCTION

THE MATTER OF CHRISTOPHER T. BALL CAME FOR HEARING ON AUGUST 6, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: GREGORY BRAYLOCK, R.Ph. (presiding); ELIZABETH I. GREGG, R.Ph.; RICHARD KOLEZYNSKI, 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.

CHRISTOPHER T. BALL WAS REPRESENTED BY JOHN J. HELBLING. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witness

1. Christopher T. Ball, Respondent

State's Exhibits

1. Reinstatement Hearing Request letter from Christopher Thomas Ball [01-15-06]
1A-1C. Procedurals
2. State Board of Pharmacy Order in re Christopher T. Ball [11-08-06]

Respondent's Exhibits

- A. State Board of Pharmacy Order in re Christopher T. Ball [11-08-06]
- B. Two PRO Pharmacist's Recovery Contracts for Chris T. Ball [10-05-06 and 11-29-06]
- C. Calendar pages for October 2006 to August 2007; Support Group Attendance Records [10-09-06 to 08-03-07]
- D. FirstLab Test History Report [11-08-06 to 08-02-07]; Calendar pages for November 2006 to July 2007; Drug Screen Reports [11-04-06 to 07-27-07]
- E. Progress Report letter from Stan Reid CCDC [06-22-07]

CHRISTOPHER T. BALL

- F. Entry: Terminating Supervision, State of Ohio vs. Christopher T Ball, Case No. B0604060-1, Hamilton County Common Pleas Court [06-05-07]; Hamilton County Probation Department Receipt No. 071502058347 [05-08-07]
- G. Three Letters of Support [06-13-07 to 07-10-07]
- H. Copy of Restitution Payment Documentation to Kroger Company [01-12-07 to 07-12-07]

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 that Christopher T. Ball has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-060511-071, effective November 8, 2006.

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 intern identification card, No. 06-0-03830, held by Christopher T. Ball.

Further, the Board places Christopher T. Ball on probation for five years beginning on the effective date of this Order. The terms of probation are as follows:

- (A) Christopher T. Ball 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 intern 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. Refusal of a urine screen or a diluted urine 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) The intervener/sponsor shall submit to the Board reports, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

CHRISTOPHER T. BALL

- (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) Christopher T. Ball 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 Christopher T. Ball 's progress towards recovery and what Christopher T. Ball has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) Christopher T. Ball must continue restitution payments to the Kroger Company.
 - (2) Christopher T. Ball must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
 - (3) Christopher T. Ball must not violate the drug laws of Ohio, any other state, or the federal government.
 - (4) Christopher T. Ball must abide by the rules of the State Board of Pharmacy.
 - (5) Christopher T. Ball must comply with the terms of this Order.
 - (6) Christopher T. Ball 's license is deemed not in good standing until successful completion of the probationary period.
- (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.

Christopher T. Ball 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.

CHRISTOPHER T. BALL

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: AUGUST 9, 2007

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

WTW/lf

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9804 1744

c: Sally Ann Steuk, Assistant Attorney General
John J. Helbling, Attorney for Respondent; The Helbling Law Firm, L.L.C.; 5465 North Bend Road, Suite 183; Cincinnati, Ohio 45247



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-060511-071)

In The Matter Of:

CHRISTOPHER T. BALL, R.Ph.

3605 Westwood Northern Boulevard

Cincinnati, Ohio 45211

(R.Ph. No. 06-0-03830)

INTRODUCTION

THE MATTER OF CHRISTOPHER T. BALL CAME FOR HEARING ON OCTOBER 10, 2006, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, 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.; HEATHER L. PASQUALE, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

CHRISTOPHER T. BALL WAS REPRESENTED BY JOHN J. HELBLING. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

1. Richard Haun, Ohio State Board of Pharmacy

Respondent's Witnesses

1. Christopher T. Ball, Respondent
2. Denise Ball

State's Exhibits

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [05-11-06]
1A-1E. Procedurals
2. Notarized Statement of Chris Ball [04-27-06]
3. Drug Accountability Statement at Kroger #14948 for hydrocodone/APAP 5/325 mg; hydrocodone/APAP 5/500 mg; hydrocodone/APAP 7.5/325 mg; hydrocodone/APAP 7.5/500 mg; hydrocodone/APAP 7.5/750 mg; hydrocodone/APAP 10/650 mg; hydrocodone/APAP 10/325 mg; hydrocodone/APAP 10/500 mg; hydrocodone/APAP 10/660 mg; hydrocodone/APAP 7.5/650 mg [05-11-06]
4. Drug Accountability Statement at Kroger #14948 for Provigil 100 mg; Provigil 200 mg [05-11-06]
5. Notarized Statement of Delbert Robinson, R.Ph. [06-12-06]

6. Notarized Statement of Joseph Hoetker, R.Ph. [06-13-06]
7. Notarized Statement of Dr. Raymond Metzger [06-12-06]
8. Rx #1629578-04245 [05-18-06]
9. Rx #1629579-04245 [05-18-06]
10. Rx #1632015-04245 [05-25-06]
11. Rx #1633218-04245 [05-30-06]
12. Walgreen's Prescription Profile for Christopher Ball [02-27-05 to 06-12-06]

Respondent's Exhibits

- A. Entry Setting Bond, State of Ohio vs Christopher T. Ball, Case No. B0604060, Hamilton County Common Pleas Court [08-10-06]
- B. Waiver of Indictment [not dated]
- C. Entry Entering Plea of Guilty Under Information [09-01-06]
- D. Information on Charges [not dated]
- E. Motion For Treatment In Lieu [09-01-06]
- F. Facsimile Transmission from John J. Helbling, Esq. to S. David Hickenlooper [07-14-06]; Addendum Notice [07-12-06]
- G. Record Sealed
- H. Record Sealed
- I. Nine-page Hamilton County Presentence Investigation Report, No. AP-98347 [10-06-06]
- J. Record Sealed
- K. PRO Pharmacist's Recovery Contract for Chris T. Ball [10-05-06]
- L. Entry Finding Defendant Eligible For Intervention in Lieu of Conviction Staying Proceedings, and Ordering Period of Rehabilitation [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 Board of Pharmacy indicate that Christopher T. Ball was originally licensed as an intern by the State of Ohio on June 5, 2002.
- (2) Christopher T. Ball 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: Christopher T. Ball has admitted to being addicted to hydrocodone; Christopher T. Ball has been observed stealing controlled substances to support his addiction; Christopher T. Ball has indicated that he began stealing small amounts of hydrocodone but his use escalated to the point that "without the hydrocodone, it's hard for me to function nowadays, my body aches and the withdrawal is awful." Christopher T. Ball has admitted to stealing Provigil to help him stay awake during the day. Such conduct indicates that Christopher T. Ball is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) Christopher T. Ball did, on or about April 24, 2006, with purpose to deprive, knowingly obtain or exert control over 400 doses of hydrocodone, a Schedule III controlled substance, beyond the scope of consent of the owner, Kroger Pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Christopher T. Ball did, on or about April 24, 2006, with purpose to deprive, knowingly obtain or exert control over 29 doses of Provigil, a Schedule IV controlled

substance, beyond the scope of consent of the owner, Kroger Pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (5) Christopher T. Ball did, on or about May 18, 2006, by deception, procure the dispensing of a dangerous drug, to wit: by posing as a doctor, Christopher T. Ball telephoned Rx #1629578 into a pharmacy for 40 unit doses of tramadol 50 mg, a dangerous drug. Christopher T. Ball subsequently purchased the drugs for his personal abuse. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (6) Christopher T. Ball did, on or about May 18, 2006, by deception, procure the dispensing of a dangerous drug, to wit: by posing as a doctor, Christopher T. Ball telephoned Rx #1629579 into a pharmacy for 60 unit doses of naproxen 500 mg, a dangerous drug. Christopher T. Ball subsequently purchased the drugs for his personal abuse. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (7) Christopher T. Ball did, on or about May 25, 2006, by deception, procure the dispensing of a dangerous drug, to wit: by posing as a doctor, Christopher T. Ball telephoned Rx #1632015 into a pharmacy for 50 unit doses of tramadol 50 mg, a dangerous drug. Christopher T. Ball subsequently purchased the drugs for his personal abuse. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (8) Christopher T. Ball did, on or about May 30, 2006, by deception, procure the dispensing of a dangerous drug, to wit: by posing as a doctor, Christopher T. Ball telephoned Rx #1633218 into a pharmacy for 60 unit doses of hydrocodone/APAP 5/500 mg, a Schedule III controlled substance. Christopher T. Ball subsequently purchased the drugs for his personal abuse. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (9) Christopher T. Ball did, on or about June 3, 2006, by deception, procure the dispensing of a dangerous drug, to wit: after having posed as a doctor and telephoned to a pharmacy Rx #1633218, Christopher T. Ball went back to the pharmacy and purchased a refill of 60 unit doses of hydrocodone/APAP 5/500 mg, a Schedule III controlled substance. Christopher T. Ball purchased the drugs for his personal abuse. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (10) On August 1, 2006, Christopher T. Ball pled guilty to (3) three counts of Theft of Drugs, felonies of the fourth degree, under Section 2913.02 (A)(1) of the Ohio Revised Code. State of Ohio vs. Christopher T. Ball, Case No. B0604060, Hamilton County Common Pleas Court.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (3) through (10) 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 (3) through (9) 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 (2) and (10) 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 Christopher T. Ball 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 paragraphs (5) through (9) 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 Christopher T. Ball on May 11, 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 hereby suspends indefinitely the intern identification card, No. 06-0-03830, held by Christopher T. Ball and such suspension is effective as of the date of the mailing of this Order.

(A) Christopher T. Ball, 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) Christopher T. Ball, 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 July 1, 2007, the Board will consider any petition filed by Christopher T. Ball for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the intern license if the following conditions have been met:

(A) Christopher T. Ball 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) 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) The intervener/sponsor shall submit to the Board reports, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

(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) Christopher T. Ball 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) Christopher T. Ball 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 screen reports, meeting attendance records, treatment program reports, etc.);

(2) Complete Continuing Care Program with Christ Hospital;

(3) Compliance with terms of the Hamilton County Common Pleas Court Treatment Plan;

(4) Compliance with the terms of this Order.

(D) Upon such time as the Board may consider reinstatement, Christopher T. Ball will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

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

MOTION CARRIED.

SO ORDERED.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: NOVEMBER 8, 2006



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>

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

May 11, 2006

Christopher T. Ball
4351 Simca Lane
Cincinnati, Ohio 45211

Re: Ohio Pharmacy Intern
Number 06-0-03830

Dear Mr. Ball:

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. 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 as an intern in the State of Ohio on June 5, 2002.
- (2) You are addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have admitted to being addicted to hydrocodone; you have been observed stealing controlled substances to support your addiction; you have indicated that you began stealing small amounts of hydrocodone but your use escalated to the point that "without the hydrocodone, it's hard for me to function nowadays, my body aches and the withdrawal is awful." You have admitted to stealing Provigil to help you stay awake during the day. Such conduct indicates that you are within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, on or about April 24, 2006, with purpose to deprive, knowingly obtain or exert control over 400 doses of hydrocodone, a Schedule III controlled substance, beyond the scope of consent of the owner, Kroger Pharmacy. 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.

- (4) You did, on or about April 24, 2006, with purpose to deprive, knowingly obtain or exert control over 29 doses of Provigil, a Schedule IV controlled substance, beyond the scope of consent of the owner, Kroger Pharmacy. 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 DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30TH) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. 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 there is no request for such a hearing received by the Board on or prior to the thirtieth (30th) day following the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

William T. Winsley, M.S., R.Ph.
Executive Director

WTW: (D-060511-071)

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9804 6992

cc: Sally Ann Steuk, Assistant Attorney General



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>

ADDENDUM NOTICE

August 15, 2006

Christopher T. Ball
4351 Simca Lane
Cincinnati, Ohio 45211

Re: Ohio Registered Intern
Number 06-0-03830

Dear Mr. Ball:

YOU ARE HEREBY NOTIFIED that, in addition to the allegations stated in the May 11, 2006, Summary Suspension Order/Notice of Opportunity letter and the July 12, 2006 Addendum Notice, the following allegations will also be considered, as numbered:

- (10) On August 1, 2006, you pled guilty to (3) three counts of Theft of Drugs, felonies of the fourth degree, under Section 2913.02 (A)(1) of the Ohio Revised Code. State of Ohio vs. Christopher T. Ball, Case No. B0604060, Hamilton County Common Pleas Court. Such conduct indicates that you are guilty of a felony or gross immorality and/or addicted to or 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.

YOU ARE HEREBY ADVISED that Rule 4729-5-04 of the Ohio Administrative Code, states that:

The board of pharmacy may consider as evidence of a person not meeting the requirements provided in division (B) of section 4729.08, division (B) of section 4729.09, and sections 4729.11 and 4729.12 of the Revised Code, and may deny a person admission to the licensure examination, or may deny the issuance of a certificate of registration or an identification card to practice pharmacy as a pharmacist or intern in Ohio if such person:

- (A) Has been convicted of a felony;
- (B) Has been convicted of violating any state or federal pharmacy or drug law;
- (C) Is not of good moral character and habits;
- (D) Is addicted to or abusing liquor or drugs;

- (E) Has been disciplined by the Ohio state board of pharmacy pursuant to section 4729.16 of the Revised Code; or
- (F) Has been disciplined by any board of pharmacy.

YOU ARE FURTHER ADVISED that Section 4729.16 of the Ohio Revised Code states in pertinent part that:

(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, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not 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 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;
- (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.

AS PREVIOUSLY NOTED IN THE SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY letter dated May 11, 2006 and the Addendum Notice dated July 12, 2006, and with regard to your adjudication hearing scheduled for October 10, 2006, 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.

If you wish to request a continuance in this matter, such request should be sent by certified mail, return receipt requested, to the offices of the Ohio State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. However, you must submit such request prior to forty-five days from the date of the scheduled hearing on October 10, 2006. The request will be presented to the Board for consideration and you will be notified as soon as practical regarding the request. If you have any questions regarding this matter, feel free to contact the Board office.

BY ORDER OF THE STATE BOARD OF PHARMACY

William T. Winsley, M.S., R.Ph.
Executive Director

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9804 6411

WTW:lf (060511-071)

cc: Sally Ann Steuk, Assistant Attorney General
John J. Helbling, Attorney for Respondent; The Helbling Law Firm, L.L.C.; 105 East Main
Street, Suite 202; Mason, Ohio 45040



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>

ADDENDUM NOTICE

July 12, 2006

Christopher T. Ball
4351 Simca Lane
Cincinnati, Ohio 45211

Re: Ohio Pharmacy Intern
Number 06-0-03830

Dear Mr. Ball:

YOU ARE HEREBY NOTIFIED that, in addition to the allegations stated in the May 11, 2006, Summary Suspension Order/Notice of Opportunity letter, the following allegations will also be considered, as numbered:

- (5) You did, on or about May 18, 2006, by deception, procure the dispensing of a dangerous drug, to wit: by posing as a doctor, you telephoned Rx #1629578 into a pharmacy for 40 unit doses of tramadol 50 mg, a dangerous drug. You subsequently purchased the drugs for your personal abuse. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- (6) You did, on or about May 18, 2006, by deception, procure the dispensing of a dangerous drug, to wit: by posing as a doctor, you telephoned Rx #1629579 into a pharmacy for 60 unit doses of naproxen 500 mg, a dangerous drug. You subsequently purchased the drugs for your personal abuse. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- (7) You did, on or about May 25, 2006, by deception, procure the dispensing of a dangerous drug, to wit: by posing as a doctor, you telephoned Rx #1632015 into a pharmacy for 50 unit doses of tramadol 50 mg, a dangerous drug. You subsequently purchased the drugs for your personal abuse. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code, and if proven constitutes being guilty of a felony

or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

- (8) You did, on or about May 30, 2006, by deception, procure the dispensing of a dangerous drug, to wit: by posing as a doctor, you telephoned Rx #1633218 into a pharmacy for 60 unit doses of hydrocodone/APAP 5/500 mg, a Schedule III controlled substance. You subsequently purchased the drugs for your personal abuse. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- (9) You did, on or about June 3, 2006, by deception, procure the dispensing of a dangerous drug, to wit: after having posed as a doctor and telephoned to a pharmacy Rx #1633218, you went back to the pharmacy and purchased a refill of 60 unit doses of hydrocodone/APAP 5/500 mg, a Schedule III controlled substance. You purchased the drugs for your personal abuse. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY ADVISED that Rule 4729-5-04 of the Ohio Administrative Code, states that:

The board of pharmacy may consider as evidence of a person not meeting the requirements provided in division (B) of section 4729.08, division (B) of section 4729.09, and sections 4729.11 and 4729.12 of the Revised Code, and may deny a person admission to the licensure examination, or may deny the issuance of a certificate of registration or an identification card to practice pharmacy as a pharmacist or intern in Ohio if such person:

- (A) Has been convicted of a felony;
- (B) Has been convicted of violating any state or federal pharmacy or drug law;
- (C) Is not of good moral character and habits;
- (D) Is addicted to or abusing liquor or drugs;
- (E) Has been disciplined by the Ohio state board of pharmacy pursuant to section 4729.16 of the Revised Code; or
- (F) Has been disciplined by any board of pharmacy.

YOU ARE FURTHER ADVISED that Section 4729.16 of the Ohio Revised Code states in pertinent part that:

- (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, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under

the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not 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 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;
- (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.

AS PREVIOUSLY NOTED IN THE SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY letter dated May 11, 2006, and with regard to your adjudication hearing scheduled for October 10, 2006, 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.

If you wish to request a continuance in this matter, such request should be sent by certified mail, return receipt requested, to the offices of the Ohio State Board of Pharmacy, 77 South High Street, 1702, Columbus, Ohio 43215-6126. However, you must submit such request prior to forty-five (45) days from the date of the scheduled hearing on October 10, 2006. The request will be presented to the Board for consideration and you will be notified as soon as

practical regarding the request. If you have any questions regarding this matter, feel free to contact the Board office.

BY ORDER OF THE STATE BOARD OF PHARMACY

William T. Winsley, M.S., R.Ph.
Executive Director

CERTIFIED MAIL/Return Receipt
7003 0500 0002 4340 9272

WTW:lf (060511-071)

cc: Sally Ann Steuk, Assistant Attorney General
John J. Helbling, Attorney for Respondent; The Helbling Law Firm, L.L.C.; 105 East Main
Street, Suite 202; Mason, Ohio 45040