



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>

PROPOSAL TO DENY/NOTICE OF OPPORTUNITY FOR HEARING

January 19, 2010

Jonathan Mark Allen
1293 Neil Avenue, Apt. A3
Columbus, Ohio 43201

Re: Application for Registration
as an Intern

Dear Mr. Allen:

YOU ARE HEREBY NOTIFIED, pursuant to Section 119.07 of the Revised Code, that your application for registration as an intern pursuant to Section 4729.11 of the Revised Code, has been proposed to be denied.

The reason for this proposal is that the Board has evidence which leads it to believe that you do not qualify under Section 4729.11 of the Revised Code which requires that every candidate as an intern " ... meet[s] the other requirements as determined by the Board." The specific evidence in support of this action is as follows:

- (1) Records of the Board of Pharmacy indicate that you applied to the Board for registration as an intern in the State of Ohio on October 9, 2009.
- (2) You were [REDACTED] Further, you have admitted to a Board agent that you have abused LSD on several occasions. Such [REDACTED] underlying activity constitutes [REDACTED] not being of good moral character and habits; and/or abusing drugs within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 4729.11 of the Ohio Revised Code, an individual who desires to become a pharmacy intern shall apply for registration to the board, and shall be issued an identification card and certificate of registration as a pharmacy intern if "in the opinion of the board the applicant is actively pursuing an educational program in preparation for registration as a pharmacist and meets the other requirements as determined by the board."

YOU ARE HEREBY ADVISED, Rule 4729-3-03(C) of the Ohio Administrative Code provides that the board may, pursuant to Rule 4729-5-04 of the Ohio Administrative Code, deny the issuance of a certificate of registration or an identification card to practice pharmacy as an intern. Rule 4729-5-04 of the Ohio Administrative Code, states:

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.

(B) Any individual whose identification card is revoked, suspended, or refused, shall return the identification card and license to the offices of the state board of pharmacy within ten days after receipt of notice of such action.

(C) As used in this section: "Unprofessional conduct in the practice of pharmacy" includes any of the following:

(1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;

(2) Except as provided in section 4729.281 of the Revised Code, the sale of any drug for which a prescription is required, without having received a prescription for the drug;

(3) Knowingly dispensing medication pursuant to false or forged prescriptions;

(4) Knowingly failing to maintain complete and accurate records of all dangerous drugs received or dispensed in compliance with federal laws and regulations and state laws and rules;

(5) Obtaining any remuneration by fraud, misrepresentation, or deception.

(D) The board may suspend a license or identification card under division (B) of section 3719.121 of the Revised Code by utilizing a telephone conference call to review the allegations and take a vote.

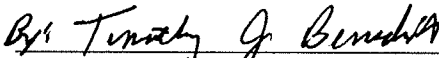
(E) If, pursuant to an adjudication under Chapter 119. of the Revised Code, the board has reasonable cause to believe that a pharmacist or pharmacy intern is physically or mentally impaired, the board may require the pharmacist or pharmacy intern to submit to a physical or mental examination, or both.

YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the Ohio State Board of Pharmacy, if you request such a hearing within thirty (30) days of the time of the mailing of this notice.

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.

BY ORDER OF THE STATE BOARD OF PHARMACY



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

WTW:vf (D-100119-037)

CERTIFIED MAIL / Return Receipt
RE 359 825 301 US

c: Tracy M. Greuel, Assistant Attorney General