



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-920424-135)

In The Matter Of:

DONALD CLIFFORD PRIMMER, R.Ph.
Inmate # 277-106
Hocking Correctional Institution
P. O. Box 59
Nelsonville, Ohio 45764
(R.Ph. No. 03-3-04039)

INTRODUCTION

THE MATTER OF DONALD CLIFFORD PRIMMER CAME TO HEARING ON SEPTEMBER 30, 1993, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; TIMOTHY D. MOORE, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

DONALD CLIFFORD PRIMMER WAS NOT PRESENT, NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA A. SHAMANSKY, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Robert Amiet, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Summary Suspension Order/Notice of Opportunity letter dated April 24, 1992.
- (2) Exhibit B - Amended Notice of Opportunity letter dated September 21, 1993.
- (3) Exhibit C - Hearing Request letter dated May 11, 1992.
- (4) Exhibit D - Hearing Schedule letter dated May 15, 1992.
- (5) Exhibit E - Hearing Schedule letter dated September 14, 1992.
- (6) Exhibit F - Hearing Schedule letter dated November 24, 1992.
- (7) Exhibit G - Hearing Schedule letter dated April 14, 1993.

- (8) Exhibit H - Three-page certified Journal Entry in the Court of Common Pleas of Franklin County, Ohio, Criminal Division, Case No. 92CR-04-1850, of Donald C. Primmer dated June 21, 1993; and certified Guilty Plea in the Court of Common Pleas, Franklin County, Ohio, Criminal Division, General Division, Case No. 92CR-04-1850, of Donald C. Primmer dated June 21, 1993.
- (9) Exhibit I - Thirty-nine page Summary List of State's Exhibits prepared by Robert Amiet in the matter of Donald C. Primmer, Case No. 92-1128, dated September 30, 1993.
- (10) Exhibit 1 - One 3cc syringe containing trace amount of red fluid.
- (11) Exhibit 2 - One 6cc syringe containing trace amount of red fluid.
- (12) Exhibit 3 - One plastic ziplock bag, labeled in part: "Vrable Pharmacy . . MAR . . 4782 . . Roush, Barbara . . Morphine . ."
- (13) Exhibit 4 - One plastic bottle, labeled in part: "Anaprox DS . . exp 1-94" containing nine blue tablets of Ceftin 500mg.
- (14) Exhibit 5 - One glass bottle with rubber stopper, labeled in part: "Wyeth . . Meperidine . . 50mg per ml . . 30mg . ." containing a trace amount of clear liquid.
- (15) Exhibit 6 - One glass bottle with rubber stopper, labeled in part: "Elkins-Sinn . . Cyanocobalamin . . 1mg per ml . . 30ml . ." containing a trace amount of clear liquid.
- (16) Exhibit 7 - One glass bottle with rubber stopper, labeled in part: "Elkins-Sinn . . Lidocaine 1% . . 10mg per ml . . 30ml . ." containing a trace amount of red liquid.
- (17) Exhibit 8 - One glass bottle with rubber stopper, labeled in part: "Knoll . . Dilaudid . . 2mg per ml . . 20ml . ." containing a trace amount of clear liquid.
- (18) Exhibit 9 - One glass bottle with rubber stopper, labeled in part: "Wyeth . . Ativan . . 4mg per ml . . 10ml . ." containing approximately 4cc of clear liquid.
- (19) Exhibit 10 - One glass bottle with rubber stopper, labeled in part: "Hoffman LaRoche . . Versed . . 5mg per ml . . 1ml . ." containing a trace amount of liquid.
- (20) Exhibit 11 - One glass bottle with rubber stopper, labeled in part: Lilly . . Morphine Sulfate . . 15mg per ml . . 20ml . ." containing a trace amount of liquid.
- (21) Exhibit 12 - One plastic bottle with metal top, labeled in part: "Lilly . . Morphine Sulfate 30mg tablets . . 100 tablets . ." containing a trace amount of white powder.
- (22) Exhibit 13 - One plastic bottle with plastic top, labeled in part: "Central Pharmaceuticals . . Codimal DH . . C-III . . 1.66 mg per ml . . 4 fl oz . ." containing approximately 3/4oz of red liquid.
- (23) Exhibit 14 - Three syringe/needle combinations, 3ml, 25 x 1.
- (24) Exhibit 15 - Five unused needles.
- (25) Exhibit 16 - Twelve used needles, 25 x 1, and alcohol prep pads.
- (26) Exhibit 17 - Meperidine 50mg/ml injection, 30ml vial containing a trace amount of clear fluid.
- (27) Exhibit 18 - Meperidine 50mg/ml injection, 30ml vial containing a trace amount of red fluid.
- (28) Exhibit 19 - Versed 10mg/2ml, vial containing a trace amount of fluid.
- (29) Exhibit 20 - Morphine 30mg soluble tablets, 100 soluble tablet bottle containing a trace amount of powder.
- (30) Exhibit 21 - One red Anaphylaxis Emergency Treatment Kit.
- (31) Exhibit 22 - Twenty-seven purple and white capsules labeled in part: "Ceclor 250mg."

- (32) Exhibit 23 - Ten light-blue capsules labeled in part: "93 . . 653" identified as Doxycycline, 100mg.
- (33) Exhibit 24 - Three medium-blue capsules labeled in part: "Sinequan 150mg . . Roerig . . 537"
- (34) Exhibit 25 - Six white tablets labeled in part: "Z . . 4059" identified as Cefadroxil 1000mg tablet.
- (35) Exhibit 26 - Twenty-two light-green and white capsules labeled in part: "Prozac . . 20mg . . Dista 305".
- (36) Exhibit 27 - Twenty-six white tablets labeled in part: "P/F . . T750" identified as Trilisate 750mg.
- (37) Exhibit 28 - Twenty-six blue-green tablets labeled in part: "AHR Donnatal Extentab".
- (38) Exhibit 29 - Forty-six yellow and white tablets labeled in part: "SL . . 354" identified as Meclizine 25mg.
- (39) Exhibit 30 - Seventeen white tablets with red markings labeled in part: "Voltaren 75".
- (40) Exhibit 31 - One hundred twenty-four round white tablets labeled in part: "SP . . 141" identified as Logen.
- (41) Exhibit 32 - Fifteen round white tablets labeled in part: "MD 535" identified as Lomotil.
- (42) Exhibit 33 - Manufacturer's stock bottle labeled in part: "Prozac 20mg . . lot 3DZ39A . . exp. MAR 1, 1993".
- (43) Exhibit 34 - Manufacturer's stock bottle labeled in part: "Carisoprodol 350mg . . Bioline . . lot 6018 27 . . exp APR 92".
- (44) Exhibit 35 - Manufacturer's stock bottle labeled in part: "Cefadroxil 1000mg . . lot 4059 306 . . 9/91".
- (45) Exhibit 36 - One half-full 50ml vial labeled in part: "Lidocaine 1% injection . . 10mg/ml . . lot 480351 . . exp. 3-30-91".
- (46) Exhibit 37 - One 25 gauge x 1 needle.
- (47) Exhibit 38 - Three empty P-8.5 dram amber plastic vials.
- (48) Exhibit 39 - Three empty P-16 dram amber plastic vials.
- (49) Exhibit 40 - One spray bottle labeled in part: "Oxymetha 12 nasal spray".
- (50) Exhibit 41 - Two boxes labeled in part: "Oxymetha 12 nasal spray" and "Vrable Pharmacy".
- (51) Exhibit 42 - One prescription bottle labeled in part: "Vrable . . . Curt Primmer".
- (52) Exhibit 43 - One prescription bottle labeled in part: "PharMor . . Carol McCann . . Ceclor".
- (53) Exhibit 44 - One empty foil/plastic medication punch card.
- (54) Exhibit 45 - Three punch card labels labeled in part: "Diazepam 10", "Diazepam 10", and "APAP #3".
- (55) Exhibit 46 - One Vrable Health Care Services label.
- (56) Exhibit 47 - Five miscellaneous Primmer Family photographs.
- (57) Exhibit 48 - One white envelope labeled in part: "Curtis Primmer . . 2-15-92 . . 2PM" and a white tablet labeled in part: "20 . . 409".
- (58) Exhibit 49 - Five miscellaneous receipts of Donald Primmer and one note stating: "Mom's Work . . 272-5244" .
- (59) Exhibit 50 - One magazine addressed to Pam Hayes.
- (60) Exhibit 51 - Bag of ten miscellaneous pieces of Donald Primmer's mail.
- (61) Exhibit 52 - One plastic vial labeled in part: "Pharmacy . . 459-6364"; "Prometh" containing 30½ white tablets identified as Promethazine 25mg.
- (62) Exhibit 53 - One very revealing skimpy two-piece red with white lace lingerie (aka Christmas apparel).
- (63) Exhibit 57 - One bottle of Disulfiram containing 92 pills marked DAN/5376, (Analysis No. 1).

- (64) Exhibit 58 - One bottle of Lindane Lotion with Vrable label.
- (65) Exhibit 61 - One brown vial containing 16 white tablets marked 879/G11C3, (Analysis No. 3).
- (66) Exhibit 62 - One drinking glass containing three Biocraft capsules, two red and orange capsules, one yellow tablet marked "GG/414", seven white tablets marked "E"(aka Excedrin); two purple and white capsules marked "Ceclor 250mg".
- (67) Exhibit 64 - One bottle of Lindane Shampoo with Vrable label.
- (68) Exhibit 65 - One plastic container of Dexasporin, one 3cc syringe with 25 gauge 1" needle, and one 10ml oral syringe.
- (69) Exhibit 66 - Two foil containers with one Vrable label stating in part: "APAP #3 . . dated 02/05/92". Manufacturer Goldline.
- (70) Exhibit 67 - One silver-plated jewelry box containing 25 green capsules marked in part: "Janssen/Imodium", three white tablets, seven white capsules marked in part: "Theodur Sprinkle 50mg", and ½ yellow tablet marked in part: "DAN".
- (71) Exhibit 69 - One brown vial containing Vrable label marked in part: "Diazepam 10mg". Manufacturer Schein; 1 green capsule marked in part: "Dista H71 Keflex 500mg", five blue tablets marked in part: "DAN/5620 . . 10", one orange tablet, two suppositories marked in part: "Bisacodyl Uniserts Suppository 10mg", and three needles.
- (72) Exhibit 70 - One bottle of Diazepam marked in part: "5mg per ml . . 10ml".
- (73) Exhibit 71 - One bottle of Lidocaine marked in part: "Lidocaine Injection 1%, 30ml" containing trace amount of pink fluid.
- (74) Exhibit 72 - One 3cc syringe.
- (75) Exhibit 73 - One bottle of Lidocaine marked in part: "Bioline Lidocaine Hydrochloride, Oral Topical Solution".
- (76) Exhibit 74 - One plastic dropper bottle marked in part: "Pontocaine ½% sterile solution".
- (77) Exhibit 75 - One amber glass vial labeled in part: "Versed 5mg/ml . . 10ml" containing trace amount of fluid.
- (78) Exhibit 76 - One amber glass vial labeled in part: "Versed 5mg/ml . . 1ml vial".
- (79) Exhibit 77 - One amber glass vial labeled in part: "Versed 10mg/2ml" containing trace amount of fluid.
- (80) Exhibit 78 - One amber glass vial labeled in part: "Versed 5mg/1mg" containing trace amount of fluid.
- (81) Exhibit 79 - One amber glass vial labeled in part: "Versed 5mg/ml" in 10ml vial containing trace amount of fluid.
- (82) Exhibit 80 - One clear glass vial labeled in part: "Dilaudid 2mg/ml . . 20ml vial" containing trace amount of clear fluid.
- (83) Exhibit 81 - One clear glass vial labeled in part: "Meperidine Injection, 50mg/ml, 30ml vial" containing a trace amount of clear fluid.
- (84) Exhibit 82 - One amber glass vial labeled in part: "Morphine Injection, 15mg/ml, 20ml vial" containing a trace amount of fluid.
- (85) Exhibit 83 - One amber glass vial labeled in part: "Morphine Injection, 15mg/ml, 20ml vial" containing a trace amount of fluid.
- (86) Exhibit 84 - One amber glass vial labeled in part: "Morphine Injection, 15mg/ml, 20ml vial" containing 12ml of fluid.
- (87) Exhibit 85 - One amber glass vial labeled in part: "Diazepam Injection, 10mg/2ml vial" containing 1ml of fluid.
- (88) Exhibit 86 - One clear glass vial labeled in part: "Naloxone Injection, 0.4mg/ml, 1ml vial" containing 1ml of fluid.
- (89) Exhibit 87 - One clear glass vial labeled in part: "Tigan, 200mg/2ml, 20ml vial" containing 10ml of fluid.

- (90) Exhibit 88 - One clear glass vial labeled in part: "Dilaudid Injection, 2mg/ml, 20ml vial" containing a trace amount of clear fluid.
- (91) Exhibit 89 - One clear glass vial labeled in part: "Ativan Injection, 2mg/ml, 10ml vial" containing a trace amount of clear fluid.
- (92) Exhibit 90 - One clear glass vial labeled in part: "Naloxone Injection, 0.4mg/ml, 1ml vial" containing 1ml of clear fluid.
- (93) Exhibit 91 - One clear glass vial labeled in part: "Naloxone Injection, 0.4mg/ml, 1ml vial" containing 1ml of clear fluid.
- (94) Exhibit 92 - One amber plastic vial containing twenty-six green/white capsules labeled in part: "Orudis 75".
- (95) Exhibit 93 - One paper bag containing various needles and syringes.
- (96) Exhibit 94 - Photo of five injection vials, (Roll No. 2, Picture No. 7).
- (97) Exhibit 95 - Photo of five injection vials and twenty-six green/white capsules, (Roll No. 2, Picture No. 4).
- (98) Exhibit 96 - Photo of blister packs from Vrables, (Roll No. 2, Picture No.20).
- (99) Exhibit 97 - Photo of injection vials, (Roll No. 2, Picture No. 8).
- (100) Exhibit 98 - Sixty photos of evidence obtained from Donald Primmer's home and trash, Vrables Pharmacy, M. Fields, and/or Sandra Hoover.
- (101) Exhibit 99 - Two-page Photograph Summary prepared by Robert Amiet, which lists and summarizes Exhibit 98.
- (102) Exhibit 100 - FCSO (Franklin County Sheriff's Office) Report and Impound Form for Property No. 9211001.
- (103) Exhibit 101 - FCSO Report and Impound Form for Property No. 9211002.
- (104) Exhibit 102 - FCSO Report and Impound Form for Property No. 9211003.
- (105) Exhibit 103 - Request for Analysis of Property No. 9211001.
- (106) Exhibit 104 - Request for Analysis of Property No. 9211002.
- (107) Exhibit 105 - Request for Analysis of Property No. 9211003.
- (108) Exhibit 106 - Bureau of Criminal Investigations, Lab Report No. 92-10941-B, for property numbers B-1 through B-12.
- (109) Exhibit 107 - FCSO Report and Impound Form for Property No. 9202003.
- (110) Exhibit 108 - Request for Analysis of Property No. 9202003.
- (111) Exhibit 109 - Bureau of Criminal Investigations, Lab Report No. 92-10941, analysis results of Property No. 9202003.
- (112) Exhibit 110 - FCSO Report and Impound Form for Property No. 9202003.
- (113) Exhibit 111 - FCSO Inventory Form from Search Warrant.
- (114) Exhibit 112 - Request for Analysis of Property No. 9202003.
- (115) Exhibit 113 - Bureau of Criminal Investigations, Lab Report for Property No. 9202003.
- (116) Exhibit 114 - FCSO Report and Impound Form for Property No. 9107688.
- (117) Exhibit 115 - Request for Analysis of Property No. 9107688.
- (118) Exhibit 125 - Ten brown DEA 222 Forms sent to Capital Wholesale by Vrables.
- (119) Exhibit 126 - Ten blue DEA 222 Forms retained by Vrables while order is at Capital Wholesale.
- (120) Exhibit 127 - Renewal Applications for Pharmacist License, No. 03-3-11925, held by Allan Vrable.
- (121) Exhibit 128 - Handwriting Exemplars of Donald Primmer.
- (122) Exhibit 129 - Receipts for Exhibit numbers 125, 126, 127, and 128 from the Lake County Regional Forensic Laboratory.
- (123) Exhibit 130 - Lake County Regional Forensic Laboratory Report No. 930225-0249.
- (124) Exhibit 131 - U.S. Mail first class envelope.
- (125) Exhibit 132 - Accountability Statement of Vrables Pharmacy and Vrables Green Tree for Dilaudid (Hydromorphone) dated March 9, 1992.

- (126) Exhibit 133 - Accountability Statement of Vrables Pharmacy and Vrables Green Tree for Demerol (Meperidine) dated March 9, 1992.
- (127) Exhibit 134 - Accountability Statement of Vrables Pharmacy and Vrables Green Tree for Morphine dated March 9, 1992.
- (128) Exhibit 135 - Accountability Statement of Vrables Pharmacy and Vrables Green Tree for Roxicet and Tylox (Oxycodone with Acetaminophen) dated March 9, 1992.
- (129) Exhibit 136 - Accountability Statement of Vrables Pharmacy and Vrables Green Tree for Duragesic (Fentanyl) dated March 9, 1992.
- (130) Exhibit 137 - Accountability Statement of Vrables Pharmacy and Vrables Green Tree for Versed (Midazolam) dated March 9, 1992.
- (131) Exhibit 138 - Accountability Statement of Vrables Pharmacy and Vrables Green Tree for Ativan (Lorazepam) dated March 9, 1992.
- (132) Exhibit 139 - Accountability Statement of Vrables Pharmacy and Vrables Green Tree for Adipex-P (Phentermine) dated March 9, 1992.
- (134) Exhibit 140 - Accountability Statement of Vrables Pharmacy and Vrables Green Tree for Tylenol with Codeine #4 (Acetaminophen with Codeine #4) dated March 9, 1992.
- (135) Exhibit 141 - Accountability Statement of Vrables Pharmacy and Vrables Green Tree for Valium (Diazepam) dated March 9, 1992.
- (136) Exhibit 142 - Computer-generated chart for Vrables Pharmacy and Vrables Green Tree showing shortages for Injectables: Dilaudid 2mg/ml-20ml vials, Demerol 50mg/ml-30ml vials, Demerol 75mg/ml-1ml syringes, and Morphine 15mg/ml-20ml vials; computer-generated chart for Vrables Pharmacy and Vrables Green Tree showing shortages of Demerol 50mg tablets, Demerol 100mg tablets, Morphine 10mg HT tablets, Morphine 30mg tablets, MS Contin 30mg tablets, Roxicet tablets, and Tylox capsules; computer-generated chart for Vrables Pharmacy and Vrables Green Tree showing shortages of Duragesic Patches; computer-generated chart for Vrables Pharmacy and Vrables Green Tree showing shortages of Injectable Drugs: Versed 2mg/ml-1ml vials, Versed 5mg/ml-1ml vials, Versed 5mg/ml-2ml vials, Versed 5mg/ml-10ml vials, and Ativan 4mg/ml-10ml vials; and computer-generated chart for Vrables Pharmacy and Vrables Green Tree showing shortages of Adipex-P 37.5mg tablets, Tylenol with Codeine #4 tablets, Valium 5mg tablets, and Valium 10mg tablets.
- (137) Exhibit 143 - Computer-generated chart for Vrables Pharmacy and Vrables Green Tree showing shortage amounts and three times bulk shortage amounts of Meperidine, Morphine, Acetaminophen with Codeine #4, and Diazepam; computer-generated chart for Vrables Pharmacy and Vrables Green Tree showing shortage amounts and three times bulk shortage amounts of Hydro-morphone and Fentanyl; computer-generated chart for Vrables Pharmacy and Vrables Green Tree showing shortage amount and three times bulk shortage amount of Lorazepam; and computer-generated chart for Vrables Pharmacy and Vrables Green Tree showing shortage amounts and three times bulk shortage amounts of Phentermine, Oxycodone with Acetaminophen, and Midazolam.
- (138) Exhibit 144 - 6" x 9" Stenographer Pad labeled Vrable Pharmacy filled with UPC coded drug identification labels.
- (139) Exhibit 152 - Computer-generated table of Schedule II Narcotics by DEA 222 Forms received by Donald Primmer.
- (140) Exhibit 154 - Copy of Emergency Medical Services Report, Prairie Township Fire Department, Incident No. 786, regarding patient Kurt Primmer dated April 26, 1991.
- (141) Exhibit 155 - Curriculum Vitae and Qualifications of Dr. Philip D. Bouffard, Expert Witness in Forensic Document Examination.

- (142) Exhibit 156A - Copy of ten-page Discharge Summary of Curtis Primmer, discharged on July 18, 1991; copy of three-page Neurologic Consultation of Curtis M. Primmer dated April 30, 1991; and two-page Emergency Department Report of Curtis Primmer dated April 26, 1991.
- (143) Exhibit 156B - Copy of Forty-six pages of Progress Notes from Doctors Hospital, Columbus, Ohio, of Curtis Primmer dated from April 26, 1991, through June 3, 1991.
- (144) Exhibit 157 - Drug Audit Accountability Sheet of Vvable Pharmacy for Dilaudid 2mg Injection - 20ml vial; Drug Audit Accountability Sheet of Green Tree Pharmacy for Dilaudid 2mg Injection - 20ml vial; Drug Audit Accountability Sheet of Vvable Pharmacy and Green Tree Pharmacy, Combined Audit, for Dilaudid 2mg Injection - 20ml vial; Drug Audit Accountability Sheet of Vvable Pharmacy for Morphine 15mg/ml Injection - 20ml vial; Drug Audit Accountability Sheet of Green Tree Pharmacy for Morphine 15mg/ml Injection - 20ml vial; and Drug Audit Accountability Sheet of Vvable Pharmacy and Green Tree Pharmacy, Combined Audit, for Morphine 15mg/ml Injection - 20ml vial.
- (146) Exhibit 158 - Ziplock bag containing two syringes; one amber glass injectable vial labeled in part: "Morphine Sulfate . . 15mg/ml . . 20ml vial"; and one clear injectable vial labeled in part: "Meperidine HCL injection . . 50mg/ml . . 30ml vial".
- (147) Exhibit 159 - Two blue three-ring notebooks of Vvable Healthcare Services, perpetual inventory records.
- (148) Exhibit 160 - Two blue three-ring notebooks of Vvable Healthcare Services, also labeled Green Tree Pharmacy, perpetual inventory records.
- (149) Exhibit 161 - Notice of Opportunity letter of Donald Primmer dated November 13, 1979; Order of the State Board of Pharmacy in the matter of Donald C. Primmer dated June 2, 1981; copy of letter from William E. Hunt dated August 6, 1979; nine-page 174 Count Indictment in the United States District Court for the Southern District of Ohio, Eastern Division, Case No. CR-2-79-6, of Richard Seelig, Terry Hawkins, and Donald Primmer with seven pages of attachments.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Donald Clifford Primmer is registered by the Board as a pharmacist in the state of Ohio.
- (2) Donald Clifford Primmer's license to practice pharmacy in Ohio was summarily suspended pursuant to the provisions of Section 3719.121 of the Ohio Revised Code by the Board of Pharmacy on April 24, 1992.
- (3) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, with purpose to deprive the owner, Green Tree and/or Vvable Healthcare, of property, knowingly obtain or exert control over Lorazepam, a Schedule IV controlled substance, without the consent, and/or beyond the

scope of the express or implied consent, of Green Tree Pharmacy and/or Vrable Healthcare or person authorized to give consent. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, Theft of Drugs.

- (4) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, with purpose to deprive the owner, Green Tree and/or Vrable Healthcare, of property, knowingly obtain or exert control over Diazepam, a Schedule IV controlled substance, without the consent, and/or beyond the scope of the express or implied consent of Green Tree Pharmacy and/or Vrable Healthcare or person authorized to give consent. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, Theft of Drugs.
- (5) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, with purpose to deprive the owner, Green Tree and/or Vrable Healthcare, of property, knowingly obtain or exert control over Acetaminophen with Codeine, a Schedule III controlled substance, without the consent, and/or beyond the scope of the express or implied consent of Green Tree Pharmacy and/or Vrable Healthcare or person authorized to give consent. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, Theft of Drugs.
- (6) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, with purpose to deprive the owner, Green Tree and/or Vrable Healthcare, of property, knowingly obtain or exert control over Midazolam, a Schedule IV controlled substance, without the consent, and/or beyond the scope of the express or implied consent of Green Tree Pharmacy and/or Vrable Healthcare or person authorized to give consent. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, Theft of Drugs.
- (7) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, with purpose to deprive the owner, Green Tree and/or Vrable Healthcare, of property, knowingly obtain or exert control over Oxycodone with Acetaminophen, a Schedule II controlled substance, without the consent, and/or beyond the scope of the express or implied consent of Green Tree Pharmacy and/or Vrable Healthcare or person authorized to give consent. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, Theft of Drugs.
- (8) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, with purpose to deprive the owner, Green Tree and/or Vrable Healthcare, of property, knowingly obtain or exert control over Phentermine, a Schedule IV controlled substance, without the consent, and/or beyond the scope of the express or implied consent of Green Tree Pharmacy and/or Vrable Healthcare or person authorized to give consent. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, Theft of Drugs.
- (9) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, with purpose to deprive the owner, Green Tree and/or Vrable Healthcare, of property, knowingly obtain or exert control over Fentanyl, a Schedule II controlled substance, without the consent, and/or beyond the scope of the express or implied consent of Green Tree Pharmacy and/or Vrable Healthcare or person authorized to give consent. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, Theft of Drugs.

- (10) Donald Clifford primmer did, from on or about January 1, 1989, through March 9, 1992, with purpose to deprive the owner, Green Tree and/or Vvable Healthcare, of property, knowingly obtain or exert control over Morphine, a Schedule II controlled substance, without the consent, and/or beyond the scope of the express or implied consent of Green Tree Pharmacy and/or Vvable Healthcare or person authorized to give consent. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, Theft of Drugs.
- (11) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, with purpose to deprive the owner, Green Tree and/or Vvable Healthcare, of property, knowingly obtain or exert control over Meperidine, a Schedule II controlled substance, without the consent, and/or beyond the scope of the express or implied consent of Green Tree Pharmacy and/or Vvable Healthcare or person authorized to give consent. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, Theft of Drugs.
- (12) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, with purpose to deprive the owner, Green Tree and/or Vvable Healthcare, of property, knowingly obtain or exert control over Hydromorphone, a Schedule II controlled substance, without the consent, and/or beyond the scope of the express or implied consent of Green Tree Pharmacy and/or Vvable Healthcare or person authorized to give consent. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, Theft of Drugs.
- (13) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, knowingly possess Lorazepam, a Schedule IV controlled substance, in an amount equal to or exceeding the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code, Trafficking in Drugs.
- (14) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, knowingly possess Diazepam, a Schedule IV controlled substance, in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code, Trafficking in Drugs.
- (15) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, knowingly possess Acetaminophen with Codeine, a Schedule III controlled substance, in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code, Trafficking in Drugs.
- (16) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, knowingly possess Midazolam, a Schedule IV controlled substance, in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code, Trafficking in Drugs.

- (17) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, knowingly possess Oxycodone with Acetaminophen, a Schedule II controlled substance, in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code, Aggravated Trafficking in Drugs.
- (18) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, knowingly possess Phentermine, a Schedule IV controlled substance, in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code, Trafficking in Drugs.
- (19) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, knowingly possess Fentanyl, a Schedule II controlled substance, in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code, Aggravated Trafficking in Drugs.
- (20) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, knowingly possess Morphine, a Schedule II controlled substance, in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code, Aggravated Trafficking in Drugs.
- (21) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, knowingly possess Meperidine, a Schedule II controlled substance, in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code, Aggravated Trafficking in Drugs.
- (22) Donald Clifford Primmer did, from on or about January 1, 1989, through March 9, 1992, knowingly possess Hydromorphone, a Schedule II controlled substance, in an amount equal to or exceeding three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code, Aggravated Trafficking in Drugs.
- (23) Donald Clifford Primmer did, on or about September, 1991, engage in sexual conduct with Susen Primmer, not his spouse, when he knew that the ability of Susen Primmer to appraise the nature of or control her own conduct was substantially impaired, or that Susen Primmer submitted because she was unaware the act was being committed. Such conduct is in violation of Section 2907.03 of the Ohio Revised Code, Sexual Battery.
- (24) Donald Clifford Primmer did, on or about August, 1991, engage in sexual conduct with Susen Primmer, not his spouse, when he knew that the ability of Susen Primmer to appraise the nature of or control her own conduct was substantially impaired, or that Susen Primmer submitted because she was unaware the act was being committed. Such conduct is in violation of Section 2907.03 of the Ohio Revised Code, Sexual Battery.

- (25) Donald Clifford Primmer did, on or about July, 1991, engage in sexual conduct with Susen Primmer, not his spouse, when he knew that the ability of Susen Primmer to appraise the nature of or control her own conduct was substantially impaired, or that Susen Primmer submitted because she was unaware the act was being committed. Such conduct is in violation of Section 2907.03 of the Ohio Revised Code, Sexual Battery.
- (26) Donald Clifford Primmer did, on or about June, 1991, engage in sexual conduct with Susen Primmer, not his spouse, when for the purpose of preventing resistance, Donald Clifford Primmer substantially impaired Susen Primmer's judgment or control by administering a drug or intoxicant to Susen Primmer, surreptitiously or by force, threat of force, or deception. Such conduct is in violation of Section 2907.02 of the Ohio Revised Code, Rape.
- (27) Donald Clifford Primmer did, on or about January, 1992, engage in sexual conduct with Susen Primmer, not his spouse, and purposely compelled Susen Primmer to submit by force or threat of force. Such conduct is in violation of Section 2907.02 of the Ohio Revised Code, Rape.
- (28) Donald Clifford Primmer did, from on or about November, 1987, through January, 1992, administer or furnish to another, or induce or cause another to use a controlled substance when he caused Susen Primmer to use Morphine, a Schedule II controlled substance, and thereby caused serious physical harm to her, or caused her to become drug dependent. Such conduct is in violation of Section 2925.02 of the Ohio Revised Code, Corruption of Another with Drugs.
- (29) Donald Clifford Primmer did, from on or about November, 1987, through April, 1991, administer or furnish to another, or induce or cause another to use a controlled substance when he caused Curtis Primmer, Sr. to use Meperidine, a Schedule II controlled substance, with purpose to cause serious physical harm to him, or with purpose to cause him to become drug dependent. Such conduct is in violation of Section 2925.02 of the Ohio Revised Code, Corruption of Another with Drugs.
- (30) Donald Clifford Primmer did, from on or about November, 1987, through April, 1991, administer or furnish to another, or induce or cause another to use controlled substances when he caused Curtis Primmer, Sr. to use Phentermine, a Schedule IV controlled substance, with purpose to cause serious physical harm to him, or with purpose to cause him to become drug dependent. Such conduct is in violation of Section 2925.02 of the Ohio Revised Code, Corruption of Another with Drugs.
- (31) Donald Clifford Primmer did, from on or about November, 1987, through January, 1992, administer or furnish to another, or induce or cause another or use controlled substances when he caused Susen Primmer to use Lorazepam, a Schedule IV controlled substance, and thereby caused serious physical harm to her, or caused her to become drug dependent. Such conduct is in violation of Section 2925.02 of the Ohio Revised Code, Corruption of Another with Drugs.

- (32) Donald Clifford Primmer was, on or about June 17, 1993, in the Common Pleas Court of Franklin County, Ohio, convicted of the following felonies:
- (a) Rape, an Aggravated Felony of the First Degree, in violation of Section 2907.02 of the Ohio Revised Code, as set forth in paragraph (26) above;
 - (b) Corruption of Another with Drugs, a Felony of the First Degree, in violation of Section 2925.02 of the Ohio Revised Code, as set forth in paragraphs (28) and (29) above;
 - (c) Trafficking in Drugs, a Felony of the Third Degree, in violation of Section 2925.03 of the Ohio Revised Code, as set forth in paragraphs (16), (20), and (21) above; and
 - (d) Theft of Drugs, a Felony of the Third Degree, in violation of Section 2913.02 of the Ohio Revised Code, as set forth in paragraphs (6), (10), (11), and (12) above.

As a result of these felonies, Donald Clifford Primmer was sentenced to be incarcerated for an indefinite term of 8 years to 25 years.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (6), (10), (11), (12), (16), (20), (21), (26), (28), (29), and (32) of the Findings of Fact constitute being guilty of a Felony as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (32) of the Findings of Fact constitutes being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (22) and (28) through (32) 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.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (32) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION 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 April 24, 1992.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following action in the matter of Donald Clifford Primmer:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03-3-04039, held by Donald Clifford Primmer, effective as of the date of the mailing of this Order.
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03-3-04039, held by Donald Clifford Primmer, effective as of the date of the mailing of this Order.
- (C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03-3-04039, held by Donald Clifford Primmer, effective as of the date of the mailing of this Order.
- (D) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03-3-04039, held by Donald Clifford Primmer, effective as of the date of the mailing of this Order.

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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/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 Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

DONALD CLIFFORD PRIMMER, R.Ph.
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Order of the Board

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 the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

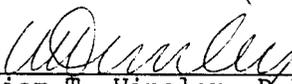
BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED
AND EFFECTIVE: NOVEMBER 1, 1993

CERTIFIED MAIL
Return Receipt
#P 373 708 414

FRANKLIN Z. WICKHAM, EXECUTIVE DIRECTOR

FZW/so

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

cc: Gregg Thornton, Assistant Attorney General
Dennis G. Day, Attorney for Respondent; Day & Van De Mark;
492 City Park Avenue; Columbus, Ohio 43215

THE STATE BOARD OF PHARMACY

VS

DONALD PRIMMER

THE MATTER OF THE STATE BOARD OF PHARMACY VERSUS DONALD PRIMMER, DOCKET NO. 6-34-1, WAS HEARD PURSUANT TO CHAPTERS 4729. NAD 119. OF THE OHIO REVISED CODE. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTION WAS MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

FINDINGS OF FACT

- 1) Based upon all the evidence in the record, the State Board of Pharmacy finds that between June, 1977 and the end of June, 1978, Donald Primmer, R.Ph., repeatedly made sales of Schedule V exempt narcotic preparations including Robitussin A.C., Terpin Hydrate with Codeine and Histadyl E.C., where such sales provided the purchasers of said preparations with more than four grains of codeine within forty-eight consecutive hours. The Board finds further that with the exercise of reasonable diligence, Mr. Primmer could have ascertained that said sales provided the purchasers of these preparations with more than four grains of codeine within forty-eight consecutive hours.
- 2) The State Board of Pharmacy finds that the evidence in the records is insufficient to establish that the prescriptions specified in paragraph 2 of the notice of opportunity for hearing were refilled without physicians authorization.

CONCLUSIONS OF LAW

- 1) The State Board of Pharmacy concludes that the repeated sales of exempt narcotic preparations set forth in paragraph 1 of the findings of fact constitute gross immorality as that term is used in Section 4729.16 (A), Ohio Revised Code.

PURSUANT TO SECTION 4729.16, OHIO REVISED CODE AND THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE STATE BOARD OF PHARMACY HEREBY SUSPENDS THE REGISTERED PHARMACIST IDENTIFICATION CARD OF DONALD PRIMMER FOR A PERIOD OF TWO YEARS, HOWEVER, THE STATE BOARD OF PHARMACY SUSPENDS THE SUSPENSION IMPOSED HEREBY PROVIDED THAT DONALD PRIMMER COMPLY WITH ALL PROVISIONS OF STATE AND FEDERAL DRUG LAWS.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

THE STATE BOARD OF PHARMACY

VS

HAROLD D. PRIMMER

THE MATTER OF THE STATE BOARD OF PHARMACY VERSUS HAROLD D. PRIMMER, DOCKET 6-23-1, WAS HEARD PURSUANT TO CHAPTERS 4729. and 119., REVISED CODE. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTION WAS MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

1. THE STATE BOARD OF PHARMACY FINDS HAROLD D. PRIMMER IS GUILTY OF VIOLATION OF SECTION 4729.16 OF THE REVISED CODE, TO WIT:
 - a. GUILTY OF A FELONY
2. THE STATE BOARD OF PHARMACY FINDS UNDER SECTION 4729.16, REVISED CODE:

"THE STATE BOARD OF PHARMACY, AFTER NOTICE AND HEARING IN ACCORDANCE WITH SECTIONS 119.01 TO 119.13 OF THE REVISED CODE, MAY REVOKE, SUSPEND, OR REFUSE TO GRANT AN IDENTIFICATION CARD UNDER THIS CHAPTER, OR MAY IMPOSE A MONETARY PENALTY OR FORFEITURE NOT TO EXCEED IN SEVERITY ANY FINE DESIGNATED UNDER THE REVISED CODE FOR A SIMILAR OFFENSE, IF A MAJORITY OF THE MEMBERS OF THE BOARD FINA A PHARMACIST:

 - a. GUILTY OF A FELONY."
3. THE STATE BOARD OF PHARMACY SUSPENDS THE IDENTIFICATION CARD OF HAROLD D. PRIMMER FOR 24 MONTHS AND IMPOSES A MONETARY PENALTY OF \$2,500.00.
4. THE STATE BOARD OF PHARMACY SUSPENDS 18 MONTHS OF THE SUSPENSION CONTINGENT ON HAROLD D. PRIMMER COMPLYING WITH ALL STATE AND FEDERAL DRUG LAWS DURING THE PERIOD OF THE SUSPENSION AND ORDERS THE EFFECTIVE DATE OF THE SUSPENSION TO BE NOVEMBER 1, 1977.

THIS ORDER WAS APPROVED BY A ROLL CALL VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.