

SETTLEMENT AGREEMENT
BETWEEN
RICHARD D. MAINS, R. Ph.
ROBERT D. MAINS, R. Ph.
FALLS PHARMACY, INC.
AND
OHIO STATE BOARD OF PHARMACY

03-2-05652
03-3-05653

This SETTLEMENT AGREEMENT is entered into by and between RICHARD D. MAINS, R. Ph., ROBERT D. MAINS, R. Ph., FALLS PHARMACY, INC., and the OHIO STATE BOARD OF PHARMACY, a state agency created by R.C. 4729.01.

All parties enter into this Agreement being fully informed of their respective rights under Chapter 119, Ohio Revised Code, including the right to representation by counsel.

For the consideration described below, the undersigned, RICHARD D. MAINS, R. Ph., ROBERT D. MAINS, R. Ph., FALLS PHARMACY, INC., and the OHIO STATE BOARD OF PHARMACY hereby release and forever discharge each other from any and all actions, causes of action, suits, debts, sums of money, claims and demands of any kind or description whatsoever in law, in equity, or pursuant to any rule, regulation or statute pertaining to the practice and license to practice pharmacy which they may now have or claim to have to the date hereof.

As consideration for this settlement and release:

1. RICHARD D. MAINS, R. Ph., ROBERT D. MAINS, R. Ph., and FALLS PHARMACY, INC., shall dismiss with prejudice their "Motion for Attorney Fees - Ohio Revised Code Section 2335.39" filed on December 4, 1987, in the Court of Common Pleas for Summit County, Ohio in Case Number 86-7-2384.
2. Without limiting the generality of the foregoing, RICHARD D. MAINS, R. Ph., ROBERT D. MAINS, R. Ph., and FALLS PHARMACY, INC., hereby release the OHIO STATE BOARD OF PHARMACY, its members, employees, agents, officers and representatives, individually and collectively, jointly and severally, from any and all liability arising out of Case No. 86-7-2384, referred to in paragraph 1 above, and the administrative proceedings which preceded it.
3. The OHIO STATE BOARD OF PHARMACY shall dismiss its appeal, filed December 7, 1987, in the Court of Appeals for Summit County, Ninth Appellate District, known as Case No. 13456, with prejudice and with costs to the OHIO STATE BOARD OF PHARMACY.

4. The OHIO STATE BOARD OF PHARMACY shall not initiate, and hereby waives and holds RICHARD D. MAINS, R. Ph. AND ROBERT D. MAINS, R. Ph. harmless and immune from any further disciplinary proceedings, charges or allegations of conduct that might suspend, revoke or otherwise effect the licenses of RICHARD D. MAINS, R. Ph., ROBERT D. MAINS, R. Ph., and FALLS PHARMACY, INC. to practice pharmacy, based upon any evidence or information that either the OHIO STATE BOARD OF PHARMACY or any person or persons acting on its behalf, including, but not limited to, its attorneys, prosecutors, directors, employees or investigators, has knowledge of, possession of, or information about prior to the effective date of this agreement.

The undersigned hereby declare that they fully understand the terms of this settlement agreement; that the consideration described herein is the sole consideration for this agreement; and that they voluntarily accept the consideration tendered by the other.

It is AGREED and UNDERSTOOD by and between both parties that this SETTLEMENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code.

This SETTLEMENT AGREEMENT shall become effective when signed by all of the following:

FOR LICENSEES

FOR THE OHIO STATE BOARD OF
PHARMACY

Richard D. Mains 2-22-88
RICHARD D. MAINS, R. Ph.

Norman D. Leibow
NORMAN D. LEIBOW
President, Ohio State Board of
Pharmacy

Robert D. Mains 2-22-88
ROBERT D. MAINS, R. Ph.

Franklin C. Wickham
FRANKLIN C. WICKHAM
Executive Director
Ohio State Board of Pharmacy

Richard D. Mains 2-22-88
RICHARD D. MAINS, R. Ph.
For Falls Pharmacy, Inc.

Robert D. Mains 2-22-88
ROBERT D. MAINS, R. Ph.
For Falls Pharmacy, Inc.



OHIO STATE BOARD OF PHARMACY

65 S. FRONT STREET, ROOM 504
COLUMBUS, OHIO 43215
TELEPHONE: 614/466-4143

THE STATE BOARD OF PHARMACY

VS

ROBERT D. MAINS, R.Ph.

THE MATTER OF ROBERT D. MAINS, DOCKET NO. 6-161-2, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON MONDAY, JUNE 23, 1986. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains did, between the dates of January 22, 1982 and March 31, 1983, dispense or aid and abet the dispensing, without valid prescriptions, approximately 1,493 capsules of Dexedrine-5mg and approximately 150 capsules of Biphетamine-20mg, both of which are Schedule II controlled substances, within a period of 433 days; in violation of Section 2925.03(A)(7) of the Revised Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 35 false prescriptions.
- (3) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of January 22, 1982 and March 31, 1983 at Falls Pharmacy, Inc., did distribute by dispensing controlled substances when they knew, or had reasonable cause to believe, such drugs were not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 1,643 doses of Schedule II stimulants (Dexedrine and Biphетamine), approximately 26 doses of a Schedule IV stimulant (Adipex-P), approximately 370 doses of a Schedule II depressant (Seconal), and approximately 1,246 doses of Schedule IV depressants (Doriden and Valium) were dispensed to the same patient within a period of 433 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 97 false prescriptions.
- (5) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of July 1, 1983 and August 5, 1984 at Falls Pharmacy, Inc., did distribute by dispensing controlled substances when they knew, or had reasonable cause to believe, such drugs were not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 401 tablets of Adipex-P, approximately 21 tablets of Dexedrine-5mg, approximately 374 tablets of Valium-10mg, approximately 50 tablets of Talwin-50mg, and approximately 30 tablets of Talwin NX were dispensed to the same patient within a period of 401 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 39 false prescriptions.
- (7) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, did distribute by dispensing controlled substances when they knew, or had reasonable cause to believe, such drugs were not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 420 capsules of Biphedamine-20mg were dispensed within a period of 455 days, and approximately 165 tablets of Desoxyn-15mg, approximately 111 capsules of Seconal-100mg, and approximately 60 capsules of Placidyl-500mg were dispensed within a period of approximately 120 days to the same patient. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.
- (8) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 22 false prescriptions.

- (9) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of February 5, 1982 and July 28, 1984 at Falls Pharmacy, Inc., did distribute by dispensing controlled substances when they knew, or had reasonable cause to believe, such drugs were not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 465 tablets of Desoxyn-15mg, approximately 300 capsules of Biphedamine-20mg, approximately 30 tablets of Preludin-75mg, and approximately 405 capsules of Placidyl-500mg were dispensed to the same patient within a period of 903 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.
- (10) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 31 false prescriptions.
- (11) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, did distribute by dispensing controlled substances when they knew, or had reasonable cause to believe, such drugs were not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 463 capsules of Biphedamine-20mg and approximately 860 tablets of Valium-5mg were dispensed within a period of 442 days, and approximately 291 tablets of Desoxyn-15mg, 700 tablets of Valium-5mg, and approximately 30 capsules of Placidyl-500mg were dispensed within a period of 408 days to the same patient. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.
- (12) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 39 false prescriptions.
- (13) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of January 2, 1982 and June 16, 1983 at Falls Pharmacy, Inc., did distribute by dispensing controlled substances when they knew, or had reasonable cause to believe, such drugs were not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that,

approximately 588 capsules of Seconal-100mg and 847 tablets of Dexedrine-5mg were dispensed to the same patient within a period of 530 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.

- (14) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 42 false prescriptions.
- (15) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, did knowingly furnish to another a controlled substance, and thereby cause such person to become drug dependent, by conduct not in accordance with Chapter 3719. of the Revised Code, to wit: approximately 4,960 capsules of Seconal-100mg were dispensed to the same patient over a period of 927 days. Such conduct is prohibited by Division (A)(3) of Section 2925.02 of the Revised Code.
- (16) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of January 18, 1982 and August 2, 1984 at Falls Pharmacy, Inc., did distribute by dispensing a controlled substance when they knew, or had reasonable cause to believe, such drug was not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 4,960 capsules of Seconal-100mg were dispensed to the same patient within a period of 927 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.
- (17) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 59 false prescriptions.
- (18) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of June 12, 1984 and July 20, 1984 at Falls Pharmacy, Inc., did distribute by dispensing a controlled substance when they knew, or had reasonable cause to believe, such drug was not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that,

approximately 72 capsules of Biphedamine-20mg were dispensed to the same patient within a period of 38 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.

- (19) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 3 false prescriptions.
- (20) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, did distribute by dispensing controlled substances when they knew, or had reasonable cause to believe, such drugs were not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 1,280 capsules of Biphedamine-20mg were dispensed within a period of 517 days, and approximately 625 tablets of Quaalude-300mg were dispensed within a period of 266 days to the same patient. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.
- (21) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 45 false prescriptions.
- (22) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, did knowingly furnish to another a controlled substance, and thereby cause such person to become drug dependent, by conduct not in accordance with Chapter 3719. of the Revised Code, to wit: approximately 845 capsules of Seconal-100mg were dispensed to the same patient over a period of 494 days. Such conduct is prohibited by Division (A)(3) of Section 2925.02 of the Revised Code.
- (23) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of January 8, 1982 and May 16, 1983 at Falls Pharmacy, Inc., did distribute by dispensing a controlled substance when they knew, or had reasonable cause to believe, such drug was not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that,

approximately 845 capsules of Seconal-100mg were dispensed to the same patient within a period of 494 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.

- (24) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 13 false prescriptions.
- (25) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, did knowingly furnish to another a controlled substance, and thereby cause such person to become drug dependent, by conduct not in accordance with Chapter 3719. of the Revised Code, to wit: approximately 3,946 capsules of Secobarb-3/4gr were dispensed to the same patient over a period of 952 days. Such conduct is prohibited by Division (A)(3) of Section 2925.02 of the Revised Code.
- (26) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of January 4, 1982 and August 13, 1984 at Falls Pharmacy, Inc., did distribute by dispensing a controlled substance when they knew, or had reasonable cause to believe, such drug was not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 3,946 capsules of Secobarb-3/4gr were dispensed to the same patient within a period of 952 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.
- (27) From the evidence presented, the State Board of Pharmacy finds that Robert D. Main, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 66 false prescriptions.
- (28) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of January 22, 1982 and July 21, 1984 at Falls Pharmacy, Inc., did distribute by dispensing controlled substances when they knew, or had reasonable cause to believe, such drugs were not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that,

approximately 1,140 doses of Schedule II stimulants (Biphetamine-20mg and Dextroamphetamine-5mg) were dispensed to the same patient within a period of 911 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.

- (29) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 39 false prescriptions.
- (30) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of March 22, 1982 and August 26, 1983 at Falls Pharmacy, Inc., did distribute by dispensing a controlled substance when they knew, or had reasonable cause to believe, such drug was not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 728 capsules of Biphetamine-12.5mg were dispensed to the same patient within a period of 522 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.
- (31) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 13 false prescriptions.
- (32) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of July 14, 1982 and July 21, 1984 at Falls Pharmacy, Inc., did distribute by dispensing a controlled substance when they knew, or had reasonable cause to believe, such drug was not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 808 tablets of Preludin-75mg were dispensed to the same patient within a period of 372 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.
- (33) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 27 false prescriptions.

- (34) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of January 12, 1982 and September 16, 1982 at Falls Pharmacy, Inc., did distribute by dispensing a controlled substance when they knew, or had reasonable cause to believe, such drug was not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 540 tablets of Quaalude-300mg were dispensed to the same patient within a period of 249 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.
- (35) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 9 false prescriptions.
- (36) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of December 12, 1982 and August 7, 1984 at Falls Pharmacy, Inc., did distribute by dispensing a controlled substance when they knew, or had reasonable cause to believe, such drug was not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 650 tablets of Preludin-75mg were dispensed to the same patient within a period of 633 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.
- (37) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 13 false prescriptions.
- (38) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of January 13, 1984 and May 4, 1984 at Falls Pharmacy, Inc., did distribute by dispensing a controlled substance when they knew, or had reasonable cause to believe, such drug was not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 180 capsules of Desoxyn-15mg were dispensed to the same patient within a period of 112 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.

- (39) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 5 false prescriptions.
- (40) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of April 20, 1984 and August 14, 1984 at Falls Pharmacy, Inc., did distribute by dispensing controlled substances when they knew, or had reasonable cause to believe, such drugs were not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 195 doses of Schedule II stimulants (Preludin-75mg and Desoxyn-15mg) were dispensed to the same patient within a period of 116 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.
- (41) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 4 false prescriptions.
- (42) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of January 9, 1982 and June 20, 1983 (a period of 528 days) at Falls Pharmacy, Inc., did dispense, without valid prescriptions, to a husband and wife living at the same address approximately 7,223 doses of controlled substances. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code; and, is prohibited by Section 2925.03 of the Revised Code.
- (43) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 241 false prescriptions.
- (44) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of March 20, 1984 and July 10, 1984 at Falls Pharmacy, Inc., did distribute by dispensing controlled substances when they knew, or had reasonable cause to believe, such drugs were not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that,

approximately 140 capsules of Desoxyn-15mg and approximately 100 tablets of Preludin-75mg were dispensed to the same patient within a period of 112 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.

- (45) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 5 false prescriptions.
- (46) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of January 8, 1982 and June 20, 1983 (a period of 529 days) at Falls Pharmacy, Inc., did dispense, without valid prescriptions, to a husband and wife living at the same address approximately 9,414 doses of controlled substances. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.
- (47) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 410 false prescriptions.
- (48) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of January 7, 1982 and August 2, 1984 at Falls Pharmacy, Inc., did distribute by dispensing controlled substances when they knew, or had reasonable cause to believe, such drugs were not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 5,544 doses of controlled substance depressants (Doriden-250mg/3,575; Doriden-500mg/600; Seconal-100mg/1,369) were dispensed to the same patient within a period of 938 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.
- (49) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 87 false prescriptions.

- (50) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of December 9, 1983 and July 6, 1984 at Falls Pharmacy, Inc., did distribute by dispensing a controlled substance when they knew, or had reasonable cause to believe, such drug was not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 270 tablets of Preludin-75mg were dispensed to the same patient within a period of 209 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.
- (51) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 6 false prescriptions.
- (52) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, or pharmacists employed by the corporation, between the dates of October 18, 1983 and July 19, 1984 at Falls Pharmacy, Inc., did distribute by dispensing a controlled substance when they knew, or had reasonable cause to believe, such drug was not prescribed for legitimate medical purposes by a practitioner in the course of his/her professional practice; in that, approximately 350 tablets of Preludin-75mg were dispensed to the same patient within a period of 273 days. Such conduct is not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code, Section 1306.04 of Title 21 of the Code of Federal Regulations, and Rule 4729-5-30 of the Administrative Code. The above conduct is prohibited by Section 2925.03 of the Revised Code.
- (53) From the evidence presented, the State Board of Pharmacy finds that Robert D. Mains, as the responsible pharmacist and president of the corporation owning and operating Falls Pharmacy, Inc., violated Section 2925.23(B) of the Revised Code; in that, Mr. Mains knowingly possessed approximately 8 false prescriptions.

Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (53) of the Findings Of Fact constitutes gross immorality.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (53) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.

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- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (53) of the Findings Of Fact constitutes violating the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law, the State Board of Pharmacy takes the following actions concerning the pharmacist license held by Robert D. Mains, No. 03-3-05653:

(A) On the basis of paragraphs (1) and (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist license held by Robert D. Mains.

(B) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of five thousand dollars (\$5,000.00), due and owing within thirty (30) days of the issuance of this Order. Said monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 65 S. Front Street, Room 504, Columbus, Ohio 43266-0320, with the enclosed form.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, ..., 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.

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.

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Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of 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

CERTIFIED MAIL
Return Receipt

ORDER ISSUED: July 14, 1954

FZW/sb

By

Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc: John E. Breen, Assistant Attorney General
David Hanna, Attorney; 50 S. Main Street,
Box 1500; Akron, Ohio 44309