

THE STATE BOARD OF PHARMACY

vs

DAVID B. RUSSACK

03-3-05798

THE MATTER OF DAVID B. RUSSACK, DOCKET NO. 6-67-1, CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON TUESDAY, JUNE 29, 1983. MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

Finding of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds David B. Russack did not continue his pharmacy education in accordance with Section 4729.12 of the Ohio Revised Code and Rules 4729-7-01 to 4729-7-07 of the Ohio Administrative Code; to wit:
 - (a) David B. Russack did not submit evidence of having obtained four and one-half C.E.U.'s of approved continuing pharmacy education on the form provided by the Board.
 - (b) David B. Russack did not participate in "continuing pharmacy education" which was presented by an "approved provider", as those terms are defined in Rule 4729-7-01 of the Ohio Administrative Code.

Conclusion of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that David B. Russack did not continue his pharmacy education as required by Chapter 4729. of the Ohio Revised Code and therefore does not qualify for renewal of his identification card to practice pharmacy in Ohio.

Pursuant to Chapter 119. of the Ohio Revised Code, you are hereby notified that the State Board of Pharmacy has denied your application for renewal of your pharmacist identification card.

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

MOTION CARRIED.

SO ORDERED.

- (5) From the evidence presented, the State Board of Pharmacy finds that John M. Thomas did, on one or more occasions between the dates of June 17, 1981 and January 27, 1982 at Revco Discount Drug Center, 3810 Elm Road N.E., Warren, Ohio 44141, sell Quaalude, Preludin, and Percodan, all of which are Schedule II controlled substances, in amounts equal to or exceeding the bulk amount but in an amount less than three times that amount as defined in Section 2925.01 of the Revised Code, without a valid prescription; in violation of Section 2925.03(A)(5) and Chapters 3715., 3719., and 4729. of the Revised Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that John M. Thomas did, on one or more occasions between May 6, 1981 and February 2, 1982 at Revco Discount Drug Center, 3810 Elm Road N.E., Warren, Ohio 44141, sell without a valid prescription, Tussionex Suspension in amounts equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code; in violation of Section 2925.03(A)(7) and Chapters 3715., 3719., and 4729. of the Revised Code.
- (7) From the evidence presented, the State Board of Pharmacy finds that John M. Thomas did, on one or more occasions between May 6, 1981 and February 2, 1982 at Revco Discount Drug Center, 3810 Elm Road N.E., Warren, Ohio 44141, sell without a valid prescription, Ambenyl Expectorant in amounts equal to or exceeding the bulk amount but in an amount less than three times that amount as defined in Section 2925.01 of the Revised Code; in violation of Section 2925.03(A)(5) and Chapters 3715., 3719., and 4729. of the Revised Code.
- (8) From the evidence presented, the State Board of Pharmacy finds that John M. Thomas did, on one or more occasions between May 1, 1981 and February 5, 1982 at Revco Discount Drug Center, 3810 Elm Road N.E., Warren, Ohio 44141, sell without a valid prescription, approximately 1,209 tablets of Percodan, approximately 318 tablets of Preludin 75mg, and approximately 1,129 tablets of Quaalude, all of which are Schedule II controlled substances and amounts equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code; in violation of Section 2925.03(A)(7) and Chapters 3715., 3719., and 4729. of the Revised Code.

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 (8) of the Findings Of Fact constitutes gross immorality within the meaning of Section 4729.16(A) of the Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (8) of the Findings Of Fact constitutes willful violations of more than one time any of the provisions of Sections 3715.52 to 3715.72, Chapters 2925., 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 registered pharmacist license of John M. Thomas, No. 03-30-3526:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the registered pharmacist identification card held by John M. Thomas.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the registered pharmacist identification card held by John M. Thomas.

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

MOTION CARRIED.

SO ORDERED.