



65 S. FRONT STREET, ROOM 504 * COLUMBUS, OHIO 43266-0320 * 614/466-4143

BEFORE THE STATE BOARD OF PHARMACY
(Docket No. D-870302-109)

In The Matter Of:

RICHARD H. RATNER, R.Ph.
23774 Greenlawn Avenue
Cleveland, Ohio 44122

INTRODUCTION

THE MATTER OF RICHARD H. RATNER CAME TO HEARING ON JUNE 24, 1987 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: GERALD CLOUSE, R.Ph. (presiding); NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; JEROME WIESENHAHN, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

RICHARD H. RATNER WAS REPRESENTED BY HOWARD S. STERN, AND THE STATE OF OHIO WAS REPRESENTED BY YVETTE MCGEE, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Exhibits

- (1) Exhibit #A - Notice of Opportunity dated March 2, 1987 in the matter of Richard Ratner, R.Ph.
- (2) Exhibit #B - Notice of Opportunity dated March 2, 1987 in the matter of Ratner's Pharmacy.
- (3) Exhibit #C - Letter dated March 28, 1987 requesting a continuance.
- (4) Exhibit #D - Hearing schedule letter dated May 14, 1987.
- (5) Exhibit #E - Hearing schedule letter dated May 28, 1987.
- (6) Exhibit #1 - Applications for annual license as a terminal distributor of dangerous drugs for 1986, 1985, 1984, showing Richard Ratner as responsible pharmacist for Ratner's Pharmacy.
- (7) Exhibit #67 - Report Mr. Tripodi submitted to Blue Cross/Blue Shield.
- (8) Exhibit #68 - Business card for Bob Cole.
- (9) Exhibit #3 - Drug accountability form for Percocet-5 showing 265 tablet shortage.
- (10) Exhibit #4 - Drug accountability form for Dilaudid-4mg showing 122 tablet shortage.
- (11) Exhibit #5 - Drug accountability form for Dilaudid-2mg showing 580cc shortage.
- (12) Exhibit #6 - Drug accountability form for Demerol-50mg showing 159 tablet shortage.

- (13) Exhibit #7 - Drug accountability form for Demerol-100mg showing 64 tablet shortage.
- (14) Exhibit #8 - Drug accountability form for Darvocet-N100 showing 4922 tablet shortage.
- (15) Exhibit #9 - Drug accountability form for Valium-5mg showing 6983 tablet shortage.
- (16) Exhibit #10 - Drug accountability form for Valium-10mg showing 2509 tablet shortage.
- (17) Exhibit #11 - Drug accountability form for Dalmane-15mg showing 680 shortage.
- (18) Exhibit #12 - Drug accountability form for Dalmane-30mg showing 1003 shortage.
- (19) Exhibit #13 - Drug accountability form for Percodan showing 80 tablet shortage.
- (20) Exhibit #45 - Prescriptions in the name of Margaret Harney.
- (21) Exhibit #69 - Refill log.
- (22) Exhibit #50 - Rx#740989; Rx#741012; Rx#741330; Rx#741090; Rx#726672; Rx#738368; Rx#740965; Rx#737862; Rx#737907; Rx#740018.
- (23) Exhibit #49 - 10 prescriptions dispensed but not properly recorded by dispensing pharmacist as to prescription number assigned, date dispensed, and pharmacist's manual initials.
- (24) Exhibit #46 - Drug profile on patient Margaret Harney.
- (25) Exhibit #51 - Drugs seized from store.
- (26) Exhibit #14 - Rx#736786.
- (27) Exhibit #15 - Rx#211889 and 211890.
- (28) Exhibit #16 - Prescriptions for Sal Nigrelli for Stadol-2mg and Percodan. (No prescription numbers on prescriptions)
- (29) Exhibit #17 - Statement dated 08/23/85 by Pradist Satayathum, M.D.
- (30) Exhibit #18 - Statement dated 11/22/85 by Cynthia Leah Duty.
- (31) Exhibit #19 - Statement dated 10/22/85 by Salvatore Nigrelli, III.
- (32) Exhibit #21 - Statement dated 08/23/85 by Richard Ratner.
- (33) Exhibit #40 - Statement dated 10/18/85 by James R. O'Malley, M.D.
- (34) Exhibit #41 - Statement dated 10/15/85 by Edward Harney.
- (35) Exhibit #42 - Statement dated 10/14/85 by Margaret Harney.
- (36) Exhibit #43 - Statement dated 10/04/85 by J. Bekeny.
- (37) Exhibit #44 - Statement dated 07/11/86 by Dr. James R. Beckeny.
- (38) Exhibit #61 - Pictures of Ratner's Pharmacy.
- (39) Exhibit #70 - Drug Profile for patient Salvatore Nigrelli.
- (40) Exhibit #48 - Forged prescriptions in the name of Margaret Harney for Dilaudid-2mg/ml.
- (41) Exhibit #22 - Journal Entry in the matter of Richard Ratner.
- (42) Exhibit #22-A - Indictment in the matter of Richard Ratner.
- (43) Exhibit #23 - Journal Entry in the matter of Richard Ratner.
- (44) Exhibit #23-A - Indictment in the matter of Richard Ratner.

Respondent's Exhibits

- (1) Exhibit #1 - Character reference letters.
- (2) Exhibit #2 - Tax insurance summary dated 09/06/86.
- (3) Exhibit #3 - Dilaudid inventory.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that the records of the state board of pharmacy reflect the fact that Richard H. Ratner is the president of the corporation owning and operating Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107 and the responsible pharmacist required by Division (D) of Ohio Revised Code Section 4729.55 for such pharmacy.
- (2) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, on one or more occasions between August 15, 1985 and September 23, 1985 at Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107, without a written or oral prescription, dispense approximately 265 tablets of Percocet which is a Schedule II controlled substance and prescription drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drug his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, on one or more occasions between July 17, 1985 and September 23, 1985 at Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107, without a written or oral prescription, dispense approximately 122 tablets of Dilaudid-4mg, which is a Schedule II controlled substance and prescription drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drug his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, on one or more occasions between September 10, 1984 and December 26, 1985 at Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107, without a written or oral prescription, dispense approximately twenty-nine 20ml vials of Dilaudid-2mg/ml, which is a Schedule II controlled substance and prescription drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drug his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, on one or more occasions between July 17, 1985 and September 23, 1985 at Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107, without a written or oral prescription, dispense approximately 159 tablets of Demerol-50mg,

which is a Schedule II controlled substance and prescription drug, in an amount equal to or exceeding the bulk amount but less than three times that amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drug his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(5) of the Revised Code.

- (6) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, on one or more occasions between July 17, 1985 and September 23, 1985 at Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107, without a written or oral prescription, dispense approximately 64 tablets of Demerol-100mg, which is a Schedule II controlled substance and prescription drug, in an amount equal to or exceeding the bulk amount but less than three times that amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drug his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(5) of the Revised Code.
- (7) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, on one or more occasions between March 18, 1985 and September 23, 1985 at Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107, without a written or oral prescription, dispense approximately 4,922 tablets of Darvocet-N100, which is a Schedule IV controlled substance and prescription drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drug his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (8) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, on one or more occasions between January 2, 1985 and September 23, 1985 at Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107, without a written or oral prescription, dispense approximately 6,983 tablets of Valium-5mg, which is a Schedule IV controlled substance and prescription drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drug his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (9) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, on one or more occasions between January 7, 1985 and September 23, 1985 at Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107, without a written or oral prescription, dispense approximately 2,509 tablets of Valium-10mg,

which is a Schedule IV controlled substance and prescription drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drug his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(7) of the Revised Code.

- (10) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, on one or more occasions between May 9, 1985 and September 23, 1985 at Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107, without a written or oral prescription, dispense approximately 680 capsules of Dalmane-15mg and 1,003 capsules of Dalmane-30mg, both of which are Schedule IV controlled substances and prescription drugs, in amounts equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drug his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (11) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, on one or more occasions between August 15, 1985 and September 23, 1985 at Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107, without a written or oral prescription, dispense approximately 80 tablets of Percodan, which is a Schedule II controlled substance and prescription drug, in an amount equal to or exceeding the bulk amount but less than three times that amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drug his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(5) of the Revised Code.
- (12) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner, on or about September 8, 1986, pled guilty to violation of Division (A)(1) of Section 2925.03 of the Ohio Revised Code, trafficking in Percodan in an amount less than the minimum bulk amount, a felony of the fourth degree.
- (13) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner, on or about September 8, 1986, pled guilty to violation of Division (A)(1) of Section 2925.03 of the Ohio Revised Code, to wit: sell or offer to sell a controlled substance, Valium, a Schedule IV drug, in an amount less than the minimum bulk amount, a felony of the fourth degree.
- (14) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner, on or about September 8, 1986, pled guilty to violation of Division (B)(1) of Section 2925.23 of the Ohio Revised Code, to wit: intentionally make, utter, or sell a false or forged prescription for Valium, a Schedule IV drug, a felony of the fourth degree.

- (15) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner, on or about September 8, 1986, pled guilty to violation of Division (B)(1) of Section 2925.23 of the Ohio Revised Code, to wit: intentionally make, utter, or sell a false or forged prescription for Dalmane, a Schedule IV drug, a felony of the fourth degree.
- (16) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner, on or about September 8, 1986, pled guilty to violation of Division (B)(1) of Section 2925.23 of the Ohio Revised Code, to wit: intentionally make, utter, or sell a false or forged prescription for Darvocet-N100, a Schedule IV drug, a felony of the fourth degree.
- (17) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner, on or about September 8, 1986, pled guilty to violation of Division (B)(1) of Section 2925.23 of the Ohio Revised Code, to wit: intentionally make, utter, or sell a false or forged prescription for Valium, a Schedule IV drug, a felony of the fourth degree.
- (18) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner, on or about September 8, 1986, pled guilty to violation of Division (B)(1) of Section 2925.23 of the Ohio Revised Code, to wit: intentionally make, utter, or sell a false or forged prescription for Valium, a Schedule IV drug, a felony of the fourth degree.
- (19) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner, on or about September 8, 1986, pled guilty to violation of Division (B)(1) of Section 2925.23 of the Ohio Revised Code, to wit: intentionally make, utter, or sell a false or forged prescription for Valium, a Schedule IV drug, a felony of the fourth degree.
- (20) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner, on or about September 8, 1986, pled guilty to violation of Division (B)(1) of Section 2925.23 of the Ohio Revised Code, to wit: intentionally make, utter, or sell a false or forged prescription for Darvoet-N100, a Schedule IV drug, a felony of the fourth degree.
- (21) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner, on or about September 8, 1986, pled guilty to violation of Division (B)(1) of Section 2913.02 of the Ohio Revised Code, in that Mr. Ratner did knowingly and by deception obtain or exert control over money, with the purpose to deprive the owner, Blue Cross and Blue Shield of Northern Ohio, of said property and services. The value of said property or services being \$300.00 or more, but less than \$5,000.00, a felony of the fourth degree.

(22) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner, on or about September 8, 1986, pled guilty to violation of Division (B)(1) of Section 2913.02 of the Ohio Revised Code, in that Mr. Ratner did knowingly and by deception obtain or exert control over money, with the purpose to deprive the owner, Margaret Harney and/or Edward Harney, of said property and services. The value of said property or services being less than \$300.00, a misdemeanor of the first degree.

(23) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did engage in unprofessional conduct in the practice of pharmacy, to wit: selling the following drugs pursuant to false or forged prescriptions for the patient, Margaret Harney, to wit:

<u>Date</u>	<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>
09/04/84	715839	Dilaudid-2mg (2mg/ml)	20ml
09/18/84	716481	Dilaudid-2mg (2mg/ml)	20ml
10/09/84	717359	Dilaudid-2mg (2mg/ml)	20ml
10/23/84	720510	Dilaudid-2mg (2mg/ml)	20ml
11/02/84	721104	Dilaudid-2mg (2mg/ml)	20ml
11/09/84	721517	Dilaudid-2mg (2mg/ml)	20ml
11/15/84	721870	Dilaudid-2mg (2mg/ml)	20ml
11/19/84	722108	Dilaudid-2mg (2mg/ml)	40ml
11/29/84	722694	Dilaudid-2mg (2mg/ml)	20ml
12/10/84	723709	Dilaudid-2mg (2mg/ml)	20ml
12/13/84	724025	Dilaudid-2mg (2mg/ml)	20ml
12/17/84	724380	Dilaudid-2mg (2mg/ml)	20ml
12/20/84	724712	Dilaudid-2mg (2mg/ml)	20ml
12/23/84	725051	Dilaudid-2mg (2mg/ml)	20ml
12/27/84	725236	Dilaudid-2mg (2mg/ml)	20ml
12/31/84	725566	Dilaudid-2mg (2mg/ml)	20ml
01/03/85	725770	Dilaudid-2mg (2mg/ml)	20ml
01/06/85	726069	Dilaudid-2mg (2mg/ml)	20ml
01/31/85	727898	Dilaudid-2mg (2mg/ml)	20ml
02/07/85	728428	Dilaudid-2mg (2mg/ml)	20ml
02/10/85	728642	Dilaudid-2mg (2mg/ml)	20ml
02/13/85	728855	Dilaudid-2mg (2mg/ml)	20ml
02/17/85	729102	Dilaudid-2mg (2mg/ml)	20ml
02/20/85	729275	Dilaudid-2mg (2mg/ml)	20ml
02/27/85	729705	Dilaudid-2mg (2mg/ml)	20ml
03/02/85	729994	Dilaudid-2mg (2mg/ml)	20ml
03/13/85	730647	Dilaudid-2mg (2mg/ml)	20ml
04/09/85	732229	Dilaudid-2mg (2mg/ml)	20ml
04/12/85	732444	Dilaudid-2mg (2mg/ml)	20ml
04/16/85	732650	Dilaudid-2mg (2mg/ml)	20ml
04/19/85	732835	Dilaudid-2mg (2mg/ml)	20ml
04/28/85	733343	Dilaudid-2mg (2mg/ml)	20ml

<u>Date</u>	<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>
05/02/85	733560	Dilaudid-2mg (2mg/ml)	20ml
05/05/85	733779	Dilaudid-2mg (2mg/ml)	20ml
05/09/85	733977	Dilaudid-2mg (2mg/ml)	20ml
05/19/85	734555	Dilaudid-2mg (2mg/ml)	20ml
05/25/85	733977	Dilaudid-2mg (2mg/ml)	20ml
06/07/85	735682	Dilaudid-2mg (2mg/ml)	20ml
06/10/85	735881	Dilaudid-2mg (2mg/ml)	20ml
06/13/85	736090	Dilaudid-2mg (2mg/ml)	20ml
06/17/85	736234	Dilaudid-2mg (2mg/ml)	20ml
06/20/85	736373	Dilaudid-2mg (2mg/ml)	20ml
06/26/85	736757	Dilaudid-2mg (2mg/ml)	20ml
06/30/85	736967	Dilaudid-2mg (2mg/ml)	20ml
07/06/85	737325	Dilaudid-2mg (2mg/ml)	20ml
07/13/85	737706	Dilaudid-2mg (2mg/ml)	20ml
07/16/85	737863	Dilaudid-2mg (2mg/ml)	20ml
07/20/85	738100	Dilaudid-2mg (2mg/ml)	20ml
07/23/85	738217	Dilaudid-2mg (2mg/ml)	20ml
07/26/85	738386	Dilaudid-2mg (2mg/ml)	20ml
08/01/85	738634	Dilaudid-2mg (2mg/ml)	20ml
08/04/85	738817	Dilaudid-2mg (2mg/ml)	20ml
08/07/85	738977	Dilaudid-2mg (2mg/ml)	20ml
08/14/85	739341	Dilaudid-2mg (2mg/ml)	20ml
08/21/85	739725	Dilaudid-2mg (2mg/ml)	20ml
09/07/85	740648	Dilaudid-2mg (2mg/ml)	20ml
09/10/85	740786	Dilaudid-2mg (2mg/ml)	20ml

Such conduct is not in accordance with Ohio Revised Code Chapters 3715., 3719., and 4729., and is prohibited Section 2925.03 of the Ohio Revised Code.

- (24) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did intentionally make and utter false prescriptions and did by deception attempt to procure prescriptions for dangerous drugs, to wit: Mr. Ratner did make thirty-two (32) false prescriptions for Dilaudid-2mg/ml (20ml vial), and did present them to Dr. Bekney for his signature on or about July 7, 1986. Such conduct is prohibited by Sections 2925.22 and 2925.23 of the Ohio Revised Code.
- (25) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, knowing that an official proceeding or investigation was in progress, alter records with purpose to impair their value or availability as evidence in such proceedings or investigation. Such conduct constitutes dishonesty and/or unprofessional conduct in the practice of pharmacy as those terms are used in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

- (26) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, on one or more occasions while practicing pharmacy at Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107, dispense unknown quantities of Darvocet-N100, Dalmene-15mg, and Valium-5mg. Such conduct is not in accordance with Ohio Revised Code Chapters 3715. and 3719., and violates Ohio Revised Code Section 3719.05(A) and Ohio Administrative Code Rule 4729-5-17(A).
- (27) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did willfully and knowingly fail to maintain complete and accurate records of all controlled substances dispensed in compliance with federal laws and regulations and state laws and rules.
- (28) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did sell, hold and offer for sale adulterated drugs, as that term is defined in Ohio Administrative Code Rule 4729-5-13, to wit:

Nitro-bid 2.5	one container
Nitro-bid 6.5	three containers
Nitro-bid 9	three containers

Such conduct is prohibited by Division (A) of Section 3715.52 of the Ohio Revised Code since the containers were opened and prescriptions filled with the drug even though the labeling requires the drug to be dispensed in the original, unopened containers.

- (29) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did hold and offer for sale adulterated drugs, as that term is defined in Ohio Administrative Code Rule 4729-5-13, to wit: nine packages of Dilaudid-3mg suppositories, and seven boxes of Aminophylline Suppositories-500mg were found in the pharmacy by Robert L. Cole, Investigator for the Board, that were not being stored in a refrigerator even though required by the labeling. Such conduct is prohibited by Division (A) of Section 3715.52 of the Ohio Revised Code.
- (30) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did hold and offer for sale misbranded drugs, to wit: four containers of Progesterone suppositories. Such conduct is prohibited by Division (A) of Section 3715.52 of the Ohio Revised Code.
- (31) From the evidence presented, the State Board of Pharmacy finds that a registered pharmacist under Richard H. Ratner's personal supervision and control did hold and offer for sale an adulterated drug, as that term is defined in Ohio Administrative Code Rule

4729-5-13, to wit: Prescription No. 708287 was found by investigators in the "will call" section. The prescription label indicates that the drug was dispensed on 02/24/84 and the drug container bears an expiration date of 11/83. Such conduct is prohibited by Division (A) of Section 3715.52 of the Ohio Revised Code.

- (32) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, on or about September 20, 1985, hold and offer for sale misbranded drugs, to wit: the following drugs were found in Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107 by Robert L. Cole, Investigator for the Board:

Coumadin 7.5 mg	two containers of 100 tablets each
K-Lor 20 meq	19 packets
Nitro-Dur 5	20 transdermal infusion systems
Nitro-Dur 10	90 transdermal infusion systems
Pronestyl-SR	97 packets

These drugs were misbranded, in that they were labeled "For Hospital Use Only", "For Institutional Use Only", or "Institutional Use" and would therefore be false and misleading when sold at retail. Such conduct is in violation of Ohio Revised Code Section 3715.64(A), and is prohibited by Division (A) of Section 3715.52 of the Ohio Revised Code.

- (33) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, on or about September 20, 1985, hold and offer for sale misbranded drugs, to wit: the following drugs were found in Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107 by Robert L. Cole, Investigator for the Board: forty-one (41) containers of various drugs bearing prescription labels were being maintained with the dispensing inventory of drugs. These drugs were misbranded, in that they were not labeled in accordance with Division (A) of Section 3715.64 of the Ohio Revised Code. Such conduct is prohibited by Division (D) of Section 3715.52 of the Ohio Revised Code.

- (34) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, on or about September 20, 1985, hold and offer for sale misbranded drugs, to wit: the following were found in Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107 by Robert L. Cole, Investigator for the Board: six containers alleged to contain "des"-1mg, Coricidin D Tabs, Erythrocin, Metatensin-4mg, Niacin-50mg, Ser-Ap-Es, and Trilafon-2mg. These drugs were misbranded, in that they were not labeled in accordance with Division (A) of Section 3715.64 of the Ohio Revised Code. Such conduct is prohibited by Division (D) of Section 3715.52 of the Ohio Revised Code.

- (35) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, on or about September 20, 1985, hold and offer for sale a misbranded drug, to wit: the following was found in Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107 by Robert L. Cole, Investigator for the Board: one container with a prescription label indicating that it contains 100 Achromycin V-250mg capsules when in fact it contains a generic tetracycline HCl manufactured by Rugby. This drug was misbranded, in that the label was false and misleading since the container did not contain the generic drug that was being held for sale under the name of the brand name drug. Such conduct is prohibited by Division (D) of Section 3715.52 of the Ohio Revised Code.
- (36) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, on or about September 20, 1985, hold and offer for sale, misbranded drugs, to wit: the following drugs were purchased from unknown sources and were to be dispensed to patients pursuant to written or oral prescriptions. These drugs were misbranded, in that they were labeled as "samples" and were therefore false and misleading when sold at retail.

<u>Drug</u>	<u>Quantity</u>
Librium-100mg inj.	1
Histapan-D	1,148
Lanoxicaps-0.05mg	70
Trandate-200mg	70
Saluron-50mg	7
Salutensin-Demi 0.125mg	36
Bentyl-10mg	12
Sorbitrate-20mg	756
Theo-24	4
Lanoxicaps-0.2mg	105
Single	24
Ponstel-250mg	56
Novafed-A	56
Meclomen-100mg	216
Arlidin-12mg	120
Wyensyn-4mg	185
Novafed	24
Theo-24 200mg	8
Ultracef-500mg	4
Meclomen-100mg	216
Bentyl-20mg	4
Sorbitrate-30mg	12
PD-916	1 cycle
Bricanyl-5mg	15
Tedral SA	10
Bi-K	1 oz.
Nordette	7 cycles

<u>Drug</u>	<u>Quantity</u>
Minocin-50mg	60
Slo-Bid 300mg	420
Quibron-T/SR	138
Ludiomil-75mg	84
Nalfon-600mg	18
Levothroid	434
Slo-Bid 100mg	180
Minipress-2mg	100
Ovral-28	7 cycles
Haldol-2mg	24
Diabinese-250mg	7
Dilatrate-SR 40mg	28
Haldol-1/2mg	12
Lopressor HCT	42
Esgic	28
Aristicort A	48 tubes
KAON-CL	4
Zaroxolyn 2-1/2mg	138
Ludiomil-25mg	7
Pertofrane	18
Lopressor	7
Slo-Bid 200mg	72
Haldol-1mg	24
Duricef	6
Mazanor-1mg	4
Quibron-T-SR 300mg	6
Quibron-T	36
Pertofrane	9
Debrisan	10
Tolectin-DS	12
Hytone 2-1/2%	14 tubes
Etrafon 4/25	24
Azulfadine-EN-Tabs	50
Tranxene-7.5mg	359
Slo-Phyllin 60mg	60
Pathibamate-400mg	3
Diprosone	2 tubes
Parafon Forte	40
Duricef	6
Deseyrel	6
Apresoline-25mg	8
Alupent-10mg	8 tablets
Amoxil-250mg/15ml	5 containers
Anaprox-275mg	18 tablets
Apresoline HCl-25mg	90 tablets
Axotal	20 tablets
Catapres-0.1mg	12 tablets
Constant-T 200mg	84 tablets

<u>Drug</u>	<u>Quantity</u>
Deltasone-20mg	66 tablets
Desyrel-150mg	24 tablets
Desyrel	57 tablets
Diprosone Cream 0.05%	8 tubes
Diutensin-R	42 tablets
Donnatal Extentabs	4 tablets
Duraphyl-300mg	30 tablets
Esgic Tablets	8 tablets
Estrace-1mg	36 tablets
Etrafon A	240 tablets
Extendryl Jr.	6 capsules
Hydergine-1mg	3 tablets
Klorvess	6 tablets
K-Tab 10 meq	92 tablets
Lasix-20mg	100 tablets
Lotrimin Cream 1%	50 2g samples
Lufyllin-400	88 tablets
Macrochantin-50mg	36 capsules
Micro-K 10 Extencaps	8 capsules
Minocin-100mg	12 tablets
Minocin-100mg	6 capsules
Minocin-100mg	12 tablets
Minocin-100mg	100 tablets
Mysoline-50mg	216 tablets
Normodyne-200mg	48 tablets
OGEN 1.25	42 tablets
Paxipam-20mg	4 tablets
Potage 20 meq	3 packets
Potage 20 meq	4 packets
Proventil-2mg	16 tablets
Proventil-4mg	8 tablets
Reglan Syrup	30 ml
Robaxisal	12 tablets
Robaxin-750	4 tablets
Respidid-500mg	16 tablets
Skelaxin-400mg	6 tablets
Soma Compound w/Codeine	4 tablets
Trinalin	4 tablets
Valisone Cream 0.1%	12 tubes
Velosef '500'	12 capsules
Zaroxolyn-5mg	30 tablets
Zomax-100mg	20 tablets
Deconamine SR	46 capsules
Phazyme-95	16 tablets
Dilatrate-SR 40mg	4 capsules
Serpasil-Apresoline 2	98 tablets
Zentinic	12 capsules
Slo-Phyllin 125mg	47 capsules
Theo-24	19 capsules

<u>Drug</u>	<u>Quantity</u>
Synthroid	40 tablets
Cort-Dome	12 grams
Menruim 5-2	1,165 tablets
Serax-30mg	30 capsules
Neptazane-50mg	72 tablets
Vasodilan-20mg	203 tablets
Spectrobid-400mg	2 tablets
Extendyl SR	6 capsules
Donnatal	12 tablets
Thorazine-100mg	2 suppositories
Magan	106 tablets
Histapan-Plus	965 tablets
Histapan-12mg	409 capsules
Navane-5mg	542 capsules
KAON-CL 10 meq	12 tablets
Hormonin #2	75 tablets

Such conduct is in violation of Ohio Revised Code Sections 3715.64(A) and 3719.81, and is prohibited by Sections 3715.52 and 2925.36 of the Ohio Revised Code.

- (37) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did hold for sale or delivery the following adulterated drugs as that term is defined in Ohio Administrative Code Rule 4729-5-13:

<u>Drug</u>	<u>Expiration Date</u>
2 Dilaudid-2mg/ml	10/80
Phantos	N/A
Dilaudid-3mg Supp.	N/A
Cocaine HCl 10%	06/01/84
Dilaudid Syrup	N/A
Dexedrine Elixir	N/A
Dexamyl Elixir	N/A
Oxycodone-5mg Acetaminophen-325mg	04/85
Oxycodone-5mg Acetaminophen-325mg	03/84
33 Demerol 2ml x 100mg	06/80
Seconal-50mg	N/A
Tuinal-50mg	N/A
3 Benzedrine-10mg	N/A
2 Benzedrine-5mg	N/A

<u>Drug</u>	<u>Expiration Date</u>
Dexedrine-5mg	03/31/84
Dexedrine-5mg	12/31/84
Dexedrine-5mg	01/31/85
Codeine-30mg	07/01/84
Codeine-60mg	07/01/83
Codeine-60mg	07/01/84
Seconal-50mg	01/01/85
Tuinal-50mg	07/01/83
Seconal-100mg	07/01/85
Eskatrol-15mg	11/30/83
Appetrol-SR 15mg	N/A
2 Nebralin-90mg	N/A
Papavarine HCl	N/A
Amytal-250mg	07/01/80
Benzedrine-15mg	N/A
Biphetamine 7-1/2mg	N/A
Demerol-50mg x 30ml	07/81
Seconal-50mg x 20ml	05/01/80
Demerol-50mg x 1ml	N/A
3 APC with Butalbital	05/84
7 ABC Compound with Codeine #3	03/85
APC with Butalbital	02/84
Tussionex	11/82
Tussionex	07/84
Tussionex	07/85
Phenobarbital-1gr	N/A
Tussend	01/76
Aminophylline-3gr	N/A
SK-Bamate	07/31/85
Synatan	N/A
Synatan Forte	N/A
Phazyme	N/A
2 Paregoric	N/A
SK-65	01/31/82
ASA and Codeine #2	01/01/84
Doriden-.5gm	07/84
2 Doriden-.25gm	01/85
2 Sanorex-2mg	07/80
Sanorex-2mg	08/82
Sanorex-2mg	02/83
Bacarate-35mg	09/85
Plexonal	07/82
Pre-Sate	07/84
Sodium Butabarbital	N/A
Carbrital	07/83
Leritine	11/73
Bufferin #3	03/84
Chloral Hydrate	N/A

<u>Drug</u>	<u>Expiration Date</u>
Libritabs	04/01/82
Noctec-250mg	02/01/85
Chloral Hydrate	09/85
Chloral Hydrate	12/31/82
Noctec-500mg	06/01/85
Deprol	N/A
Deprol	N/A
Meprospan-400mg	01/84
Meprospan-400mg	07/82
Mebaral-200mg	07/83
Phazyme-PB	N/A
Propoxyphene with APAP	12/80
Darvon with ASA	12/01/84
Phenobarbital-100mg	07/85
SK-Chloral Hydrate	03/31/85
SK-Chloral Hydrate	12/31/82
Meprospan-200mg	N/A
Meprospan-200mg	01/84
2 Miltown-200mg	N/A
Miltown-600mg	N/A
SK-Chloral Hydrate	10/31/82
Milpath-200mg	N/A
Librium-25mg	03/01/85
Phazyme-PB	N/A
Librium-25mg	05/01/85
Milpath-200mg	N/A
Centrax-10mg	07/85
Tranxene-3.75mg	05/01/84
Tranxene-SD 11.25mg	01/01/84
Chloral Hydrate	N/A
Phenobarbital-120mg	01/01/85
Talwin Compound-12.5mg	12/81
Sanorex-1mg	05/84
Centrax-5mg	01/84
Phenobarbital-32mg	11/64
Doriden-.25gm	01/85
Bontril	N/A
Antivert/25	1 JUN 83
Asbron	N/A
Atarax 100	N/A
Aquasol A-7.5mg	06/84
Cerespan-150mg	01/83
Chorionic Gonadotropin Inj.	12/84
Cin-Quin-300mg	OCT 83
Cyclapen-500mg	04/84
Demulin - 28	04/81
Dilor-G	07/84
Doxycycline Hyclate-50mg	NOV 84
Doxycycline Hyclate-100mg	AUG 85

<u>Drug</u>	<u>Expiration Date</u>
Edecrin-25mg	AUG 84
Fluoroplex 1% Topical	05/85
Furoseomide-40mg	DEC 83
Furosemide-40mg (Rugby)	DEC 84
Gris-PEG 125mg	10/82
Gynergan Inj	JAN 82
Hydroserpine No. 2	N/A
Hydroxyzine HCl-25mg	Aug 1985
Hydroxyzine Pamoate-100mg	AUG 84
Iodo-Niacin	MAR 83
Iodo-Niacin	N/A
Klor-Con 20 meq	OCT 83
Klorvess	JAN 85
Loestrin 1/20	04/84
Lithonate	Dec/78
Lyrizine	NOV 84
Nitro-Dur 15	11/85
Norinyl 1+80	07/85
Norinyl 1+80	07/84
Norlestrin-1mg	01/81
Norlestrin 1/50	JAN 84
Norlestrin 2.5/50	01/82
Norlestrin 2.5/50	01/84
Nylidrin HCL-12mg	JULY 81
OVCON 35	01/85
OVCON 35	06/82
OVRAL	01/85
Pertofrane-50mg	01/85
Renese-R	1 MAY 83
Sinequan-150mg	1 OCT 83
Stadol-2mg/ml	APR 85
Synthroid-125mcg	MAR 84
Theo-24	03/85
Theo-24	05/85
Toclase	N/A
Trisulfaminic	N/A
Tyzine 0.1% Nasal Solution	1 SEP 81
Urex	JAN 83
Vistaril-50mg	1 MAY 82
Vistaril-100mg	N/A
Zactirin	01/84
Hydroxyzine Pamoate-25mg	02/85
TAO-250mg	01/85
Isosorbide Dinitrate-40mg	04/84
Pavabid - HP	12/84
Gris-Peg	12/82
Pentran #2	10/82
Levothyroxine Sodium-2mg	04/85
Nicotinyl Alcohol Tartrate	03/84

<u>Drug</u>	<u>Expiration Date</u>
Thorazine-100mg/ml	03/83
Thorazine-100mg/ml	11/82
Hydroxyzine-50mg	09/83
Pamelor-10mg	01/85
Histapan-D	05/83
Aquasol A	05/85
Amoxicillin-125mg/ml	08/83
Uni-Prob	06/83
Chlorpromazine-100mg	N/A
2 Chlorpromazine-100mg	01/83
Mandelamine-.25gram	07/82
Prednisone-20mg	04/85
Thyroid - 1/2 grain	07/81
Sinequan-10mg/ml	N/A
Spectrobid-400mg	11/01/83
Parfuran-50mg	N/A
Nitrostat-SR 6.5mg	03/84
2 Dicyclomine-10mg	05/83
Combagen	09/80
Esgic	N/A
Furosemide-40mg	11/83
Urobiotic-250	12/81
3 Chlorpromazine-200mg	05/84
L-Thyroxin-.2mg	12/81
Chlorpromazine-50mg	08/82
Ery Ped-400mg	07/84
Nitrostat SR 9mg	03/84
Polycillin-PRB	08/85
2 Pentaerythritol Tetranitrate	09/84
Danocrine-100mg	11/84
Zactirin	01/84
Aldactone-25mg	08/85
Livitrinsic-F	N/A
Pyridoxine-100mg	N/A
Marax	06/82
Martabs	N/A
Chlorpromazine	04/84
Cin-Quin-100mg	06/85
Brompheniramine Maleate-12mg	05/84
Ru-Tuss II	08/85
Theovent-250mg	03/81
Vitamin A Palmitate-15mg	10/85
Pronestyl-250mg	06/85
Vistaril-25mg/ml	12/01/84
Pamelor-10mg	09/82
Sodium Fluoride-2.21mg	04/81
Naturetin-10	09/01/85
Penicillin-VK 250mg	03/01/82
Prolixin-1mg	06/01/85

<u>Drug</u>	<u>Expiration Date</u>
Scopolamine-.6mg	06/01/84
Mulvidren-F	01/82
Theobid	04/82
Sinequan-150mg	12/84
Pronestyl-375mg	06/01/85
2 Spectrobid-125mg/5ml	09/01/83
Procainamide HCl-375mg	09/82
Depen-250mg	07/85
Uniphyl-400mg	03/85
Uni-Gine	03/84
Pentaerythritol Tetranitrate	Sept 1984
Thorazine	July 31, 1983
L-Thyroxin	01/85
Nicotinyl Alcohol Tartrate	MAR 84
Vibramycin-50mg	1 APR 85
Azolid-100mg	05/85
Levothyroxine Sodium-0.3mg	FEB 85
Mandelamine Hafgrams-0.5gram	JAN 84
EryDerm-60ml	Dec 1, 1982
Hydroxyzine Pamoate-25mg	June 85
Chlorpromazine HCL-200mg	Sept 84
Triaminic	12/83
Trancogesic	N/A
Cystospaz-M	11/83
Virilon	06/85
Cetacort 1/2%	Apr 1982
Cerespan-150mg	04/81
Sparine-10mg	12/84
Aldactone-100mg	05/85
Doxycycline Hyclate	Aug 85
Theo-24 100mg	12/84
Edecrin-25mg	Aug 84
Depakote-500mg	May 1, 1984
Dicyclomine Hydrochloride 10	May 83
Desquam-X Wash	06/84
Depo-Provera-100mg/ml	02/85
Trinsicon M	Dec 1, 1983
Methergine-0.2mg	Jul 83
Compazine-25mg	Jan 31, 1982
Digitalis-100mg	Jan 1, 1983
Rauwolfia Serpentina-100mg	Dec 81
Pamelor-75mg	May 84
Minizide 1	1 Jan 83
Spectrobid-125mg/5ml	1 Feb 84
Furosemide-20mg	Feb 84
Marax	1 Apr 83

<u>Drug</u>	<u>Expiration Date</u>
Prednisolone-5mg	04/84
Potassium Chloride-300mg	Mar 1, 1985
Ergostat-2mg	Mar 85
Ergostat-2mg	Mar 85
Quinidine-200mg	Sept 83
Aminophylline	N/A
Rondec-TR	Aug 1, 1983
Rondec-TR	Aug 1, 1983
Rondec-TR	Aug 1, 1983
Rondec-TR	Oct 1, 1983
Lidex Ointment 0.05%	08/85
Vagisec Plus	01/85
Thyroid-60mg	July 1, 1983
Tapazole-10mg	Dec 1, 1984
Thyroid-120mg	Jan 1, 1983
Isopto Carpine 1-1/2%	07/85
Depo-Medrol 40mg/ml	04/85
Aminophylline-500mg/20ml	11/84
Demulen 1/35-21	09/83
Suladrin	06/70
Myco-Aricin Cream	09/84
Trisoralen	N/A
Dilantin-100mg/2mg	May 85
Depo-Medrol-40mg/ml	04/85
Nystatit Neomycin	Feb 82
Beta-Val 0.1%	June 85
Norlestrin 21 2.5/50	01/84
Birth Control (Not Labeled)	04/84
Trinsicon M	Dec 1, 1983
Isopto Carpine 1-1/2%	06/84
Repan	09/83
Raudixin-50mg	Mar 1 85
Florinef Acetate-0.1mg	Mar 1, '85
Doxycycline Hyclate-50mg	Nov 1984
Tapazole-10mg	Dec 1, 1984
Vancocin HCL-500mg	Jan 1, 1984
Thiamine Hydrochloride-50mg	N/A
Thyroid-120mg	Jan 1, 1984
Testosterone Propionate	06/84
Prolixin-1mg	June 1, 1985
Cetamide	09/81
Demulen 1/35-21	09/85
Depo-Medrol-40mg/ml	04/85
Lithobid-300mg	June 83
Progesterone-50mg/ml	10/84
Virilon	06/85

<u>Drug</u>	<u>Expiration Date</u>
Bacteriostatic Sod. Chloride	05/84
Nystatin Neomycin	May 82
Mycolog	May 1984
Genoptic SOP	Oct 1984
Lidex 0.05%	08/85
Norlestrin 21 2.5/50	01/84
Enovid-E 21	07/85
Virilon	06/85
Sandrill-0.25mg	N/A
Broxolin	N/A
Broxolin	N/A
Isopto Carbachol 1-1/2%	N/A
Par-Decon	July 83
Nicolar	N/A
Triaminicin	N/A
Larodopa-0.5g	Feb 1, 1984
Duomine-PA	02/85
Perestan w/Casanthranol	N/A
Thyroid-120mg	01/84
Levothroid-0.1mg	June 1983
Niacinamide-50mg	N/A
Fermalox	08/85
Levothroid 1-1/4	Apr 1983
Armour Thyroid-300mg	N/A
Amoxil-250mg	Aug 1984
Tussaminic	July 1979
Pantothenic Acid-250mg	N/A
Asbron G	N/A
Phenaphen	N/A
Trilafon-8mg	Oct 1982
Digitoxin-0.2mg	N/A
Trifluoperazine Hydrochloride	09/85
Sinulin	03/83
Phenaphen	N/A
Thyrolar 1	Oct 1983
Permitil-1mg	Nov 1981
Procainamide Hydrochloride	Nov 82
Levothroid-0.1mg	May 1985
Neo-Calglucon	Dec 1979
Dibenzyline	July 31, 1984
Nux Vomica, N.F.	N/A
Tedral Expectorant	Apr 84
Hydrocortisone 1/4%	N/A
Doxinate	Sept 78
Thyrolar 1	Dec 1984
Cholan HMB	N/A
Levothroid 2	July 1983
Rauwiloid	N/A
Belladenal	N/A

<u>Drug</u>	<u>Expiration Date</u>
Nylmerate Jelly	N/A
Ceclor-125mg	Nov 1, 1984
Keflex-125mg	Sept 1, 1985
Compazine Suppositories-5mg	Dec 31, 1982
Letter 1-1/2	May 1983
Tussagesic	N/A
Stelazine-10mg/ml	06/30/84
Bacterio-static Sod Chloride	05/84
Bacterio-static Sod Chloride	05/84
Sidonna	N/A
Heparin Sodium	Dec 1, 1984
Influenza Virus Vaccine	June 30, 1983
Nebcin-80mg/2ml	Oct 1, 1984
Nebcin-80mg/2ml	Oct 1, 1984
Neo-Synephrine 10%	08/85
Uticort	Jun 85
Hydroxyzine Hydrochloride 25	Dec 1984
Thyroid 1 grain	Jan 1983
Tabron	Feb 85
Inderal LA 80mg	05/85
Dicumarol-50mg	Feb 1, 1985
Levothroid 1-1/4	Apr 1983
Levothroid 1-1/2	Apr 1985
Thyral	July 1985
Surfak	N/A
Phenolax	07/84
Belladenal	N/A
Tagamet HCL Liquid 300mg/5ml	Apr 30, 1985
Trest	N/A
Android 25	11/84
Nebcin-80mg/2ml	Oct 1, 1984
Vasocort Solution	Dec 1957
Thorazine Suppositories 25	June 30, 1984
Thioridazine-50mg	Jun 86
Tedral - 25	July 85
Slo-Phyllin 60mg	08/85
Inderal LA 80	05/85
Uni-Tuss #2	Dec 84
Isoxsuprine Hydrochloride 20	Mar 85
Bacterio-Static Sod Chloride	06/84
Cafergot P-B	Jul 83
Parlodol-5mg	Nov 84
Hormonin #1	N/A
Methyl Testosterone 5	N/A
Isordil-10mg	07/84
Paredrine 1%	02/81
Nebcin-80mg/2ml	Oct 1, 1984
Phrenilin	N/A
Accutane-20mg	05/01/85

<u>Drug</u>	<u>Expiration Date</u>
Nicobid-500mg	09/84
Synthroid-300mcg	Apr 85
Menest-1.25mg	12/82
Accutane-10mg	11/01/84
Uticort 0.025%	Feb 85
Hormonin #1	N/A
Hormonin #1	N/A
Methyltestosterone-10mg	06/84
Theelin Aqueous Suspension	Jan 1985
Keflex-125mg/5ml	Sept 1, 1985
Fansidar	July 1, 1985
Vaginal Cream	08/81
Thorazine 2ml=50mg	July 31, 1985
Gantrisin	June 1, 1985
Gantrisin Cream	N/A
Trib	N/A
Hydroxyzine Hydrochloride 10	Nov 1985
DV Cream	02/85
DV Cream 0.01%	N/A
Zinc Sulfate-200mg	N/A
Thiamine Hydrochloride	N/A
Isoniazid-100mg	N/A
Ferrous Sulfate 5 grains	Jan 80
Sofrazol-500mg	03/82
Robaxin-500mg	07/85
Triple Sulfa Vaginal Cream	Jul 82
Tolinase-500mg	10/83
Dicumarol-50mg	Jan 1, 1984
Nebcin-80mg/2ml	Oct 1, 1984
Bacterio-Static Sod Chloride	05/84
Ceclor-500mg	Sept 1, 1985
Trichlormethiazide-4mg	May 1984
Brompheniramine Maleate-12mg	May 1984
Diethyl-Stilbestrol 0.25mg	Dec 1, 1984
Vagitrol	Jan 85
Pyridoxine Hydrochloride 100	Nov 81
Norinyl 1 + 50	07/84
Ortho-Creme	Mar 85
Vagitrol	01/78
Heparin 1000	03/84
Heparin 1000	03/84
Diethyl-Stilbestrol 0.1mg	N/A
Betalin S	July 1, 1985
Testosterone Propionate	N/A
Dyrenium-100mg	July 31, 1985
Estinyl 0.5	Sep 1985
Donnazyme	05/85
Rhinitis	N/A
Rhinitis	N/A

<u>Drug</u>	<u>Expiration Date</u>
Isordil 30	04/85
Diethyl-Stilbestrol 0.1mg	May 1, 1985
Isoxsuprine HCL-20mg	May 83
Sinulin	03/83
Gynetone .02	N/A
Vagitrol	Jan 85
Triple Sulfa Vaginal Cream	06/83
Proventil Inhaler	May 1985
Heparin 1000	03/84
SK-Ampicillin-N	Apr 85
Mycogen	07/1982
Terramycin	Aug 83
Tapazole	Jan 1 1984
Rondomycin	07/85
Amnestrogen	N/A
Viokase	08/85
Metaxalone	04/85
Suladyne	06/84
Terfonyl	July 1, '85
Marax	1 Oct 84
DiaBeta Glyburide	Oct 84
(2) - Mezlin	1 May 85
Heparin	06/84
Synthroid	Feb 85
Rocaltrol/Calcitriol	09/01/85
Potage	02/84
Phenergan	01/85
SK-Ampicillin-N	Jul 84
Larodopa/Levodopa	12/01/84
Armour Thyroid Tablets-60mg	June 1982
Armour Thyroid Tablets-90mg	June 1985
Thorazine	July 31, 1985
Ananase-50	05/85
Ursinus Inlay-Tabs	11/83
Levothroid	June 83
Nylidrin Hydrochloride	N/A
(2) -Inderal LA	05/85
Promethazine HCl	05/83
Choloxin	N/A
Zarontin	Jan. 1985
Akineton	12/80
Aminophylline	02/84
Prochlorperazine	Sept 1984
Hydrocortisone Powder U.S.P.	N/A
Chardonna	N/A
Levothroid	Apr. 1985
SK-Ampicillin-N	Apr 85
Adrenosem Salicylate	09/84
Estrovis	Apr 85

<u>Drug</u>	<u>Expiration Date</u>
Asbron G	01/07/82
Medomen Heptabarbital	N/A
Coumadin	06/84
Procainamide Hydrochloride	Nov. 82
Ananase-100	03/85
AZO-Sulfisoxazole	05/64
SK-Ampicillin-N	Oct 84
Amcill	Aug 1984
Thyrolar	Dec. 1984
Atratan Atropine Tannate	N/A
Dycill Dicloxacillan Sodium	Jun 1983
Thyrrar	Jan. 1985
Thyrolar	Aug. 1979
Dimenhydrinate	02/85
Rhubarb and Soda Mixture	04/84
SK-Pramine Imipramine Hydro	Dec. 1977
Thorazine	July 31, 1985
Epinephryl Borate Ophthalmic Solution USP	03/85
Lasix Injection	N/A
Doxylamine Succinate with B6	04/80
Nylidrin Hydrochloride Tabs N.F. 12mg	Dec. 81
Renese-R	Mar. 1979
Azolid - Phenylbutazone USP	03/85
Demulen-28	04/81
Doxycycline Hyclate Tablets USP 100mg	FEB 1985
Vibramycin	FEB 83
Furosemide Tablets, USP 20mg	OCT 83
Triaminic Juvelets	N/A
Sterile Heparin Sodium Sol. in Saline	08/85
Norlestrin 21	01/82
Demulen 1/35-28	06/84
Nitrostat SR	MAR 84
L-Thyroxine Sodium 0.2mg Tabs	NOV 81
Tavist	JUN 84
Azolid - Phenylbutazone USP	07/84
Histaspan - Chlorpheniramine Maleate	N/A
Nicotinyl Alcohol Tartrate	AUG 84
Android 25	11/84
Atarax-10mg	OCT 84
Diabinese - Chlorpropamide	FEB 84
Loestrin 21	02/84
Uniphyl Tablets	05/85
Ovulen-28	07/82
Hydroxyzine HCl	04/81
HMS	SEP 84
Nystatin Neomycin Gramicidin Triamcinolone Cream	DEC 82
Cetamide	03/82

<u>Drug</u>	<u>Expiration Date</u>
Synthroid	AUG 77
Uniphyl Tablets	05/85
Prolixin	JUNE 1, 85
Norlestrin 21	07/84
Vasosulf-Ophthalmic Sol.	05/85
Cin-Quin	APR. 85
1 1/2% Isopto Carbachol	05/85
Enovid-E 21	07/85
TRIB Vaginal Sup.	N/A
Dilantin	JAN. 1983
Nystatin Cream	JUNE 84
Uniphyl	05/85
1 1/2% Isopto Carpine	N/A
Maxidex	11/82
1/2% Isopto Carpine	06/84
Hydroxyzine Pamoate-25mg	JUNE 85
Sinulin	04/83
Lidex	07/85
Testosterone Propionate Injection, USP	MAY 85
Lithane	FEB 83
Prolixin	JUNE 1, 85
Deconade	FEB 85
Nitrostat	JAN 85
Heparin Sodium Injection	OCT 1, 84
Soma	JAN 81
Prolixin Decanoate	APR 1, 85
Zaroxolyn	07/82
Virilon	06/85
Pitressin Tannate in Oil	JAN 84
Aminophylline in Water-Injec.	N/A
Diabeta	OCT 84
Kenalog	FEB 85
Daricon PB	N/A
Saluron	AUG 83
Statrol	05/84
Loestrin Fe 1/20	06/84
Arlidin	12/83
Norlestrin 21 2.5/50	01/82
Pilocar	08/85
Depo-Medrol	04/85
Monistat-Derm	Apr. 86
Nystatin Neomycin Gramicidin	
Triamcinolone Ointment	FEB 82
6% Isopto Carpine	06/85
Aminophylline Injection	11/84
Sandril	N/A
Vosol	N/A
1/2% Cyclogyl	03/85
Nitro-Glycerin Tablets	SEPT. 1, 82

<u>Drug</u>	<u>Expiration Date</u>
TAO	FEB 83
Scopolamine Hydrobromide	N/A
Halog Solution	Aug 1, 85
Theracebrin	MAR 1, 83
Danacrine	MAR 85
Neo-Synephrine	08/85
Antivert	AUG 85
Glucamide	10/86
Demulen 1/35-21	08/85
Loestrin Fe 1/20	06/84
Dilantin	JAN 84
Atarax	JUL 85
1 1/2% Isopto Carbachol	06/85
Glaucan	08/84
Nystatin Cream	JUN 84
Scopolamine Hydrobromide Tab.	JUNE 1, 84
Locoid	NOV 84
Vasocon-A	06/85
Slo-Phyllin	06/81
Corzide	APR. 1, 85
Pilocarpine	N/A
Coly-Mycin S Otic	FEB 84
1 1/2% Isopto Carbachol	05/85
Dyrenium	JULY 31, 1985
Virilon	08/86
Organidin	MAR 85
Thyroid Tablets	JULY 1, 1983
Depo-Medrol	04/85
Chloroquine Phosphate	12/82
Potassium Chloride Inj.	N/A
Maxidex	09/79
Mycolog	MAR 1, 85
Easprin	MAY 84
Sorbitrate	07/84
Virilon	06/85
Bi-K	08/85
1/2% Cyclogyl	03/85
Scopolamine Hydrobromide	N/A
VoSol Otic Solution	JUN 85
VoSol HC Otic Solution	DEC 84
Aminophylline Suppositories	10/83
Blephamide	MAY 85
Norinyl 1+50 21-Day	07/84
Virilon	08/86
Tigan-200mg	10/1985
Potassium Chloride Injec.	May 1, 1983
Sandril	SEPT 1, 1982
8% Isopto Carpine	06/85
Dilantin	N/A

<u>Drug</u>	<u>Expiration Date</u>
Norinyl 1+35 21-Day	01/85
Proctodon	JUL 83
Klorvess	N/A
Progesterone Injec. in Oil	N/A
Proqesterone Injec.	02/85
Syntocinon Nasal Spray	JAN 85
Demulen-28	04/81
Stelazine	JULY 31, 1980
Calcimar Solution	06/84
Doxycycline Hyclate	08/84
Mycogn Ointment	07/82
Desquam-X Wash	06/84
Proloid	JAN 85
Bacterio-Static Sodium Chloride Injection	05/84
Thorazine	DEC. 31, 1984
Magnesium Sulfate	SEPT. 1, 1980
Testosterone Propionate	N/A
Vaginal Sulfa Cream	03/85
Vagisec Vaginal Jelly	N/A
Bacteriostatic Injec.	05/84
25-Bacterio-Static Water for Injection	05/84
Ananase-50	02/84
Chymoral	NOV 1981
Choloxin	OCT 84
Bacteriostatic Water for Injection	Sep. 1, 1985
Urised	08/85
Thyrolar	JULY 1984
Histamine Phosphate Injec.	July 1, 1985
Hormonin No. 1	N/A
Stilbestrol	N/A
Reserpine McKesson	SEPT. 85
Sulfacetamide Sodium 10%	03/85
Optimyd/Sol Sol SC	APR. 84
SK-Ampicillin-N	APR. 85
Nebcin	OCT. 1, 1984
Locoid Cream 0.1%	JAN 1, 85
Thorazine Injection	JULY 31, 1985
Robaxin Injectable	N/A
Depo-Estradiol	01/85

(38) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner, as the president of the corporation owning and operating Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107; the responsible pharmacist as required by Division (B) of Ohio Revised Code Section 4729.55; and pharmacist in charge pursuant to Ohio Revised Code Section 4729.27, did not maintain supervision and control nor provide adequate safeguards to prevent the sale or other distribution of dangerous drugs by any person other than a pharmacist, to wit:

The following dangerous drugs were maintained in a self-service soft drink and beer cooler outside the pharmacy: Insulin; Ilosone Liquid; Measles, Mumps, and Rubella vaccine; Biocillin LA (in syringe); Tetanus Toxoid; Typhoid vaccine; Thrombin; and Migergot P-B.

Ohio Administrative Code Rule 4729-9-11 provides that the prescription department must contain all dangerous drugs which requires the personal supervision or sale by a pharmacist.

- (39) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did hold at Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107, for sale or delivery drugs that were misbranded, to wit: 140 containers of various dangerous drugs marked "Complimentary", "Physician's Trial Package", "Patient Starter Package", etc. Such conduct is in violation of Division (A) of Section 3715.64 of the Revised Code, and is prohibited by Section 3715.52(A) of the Revised Code.
- (40) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did hold at Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107, for sale or delivery drugs that were misbranded, to wit:

Two hundred fifty (250) stock containers of various dangerous drugs including paper bags, plastic bags, a "Nestle" coffee jar; prescription vials, and other miscellaneous containers that were not labeled in accordance with Division (A) of Section 3715.64 of the Revised Code.

Such conduct is prohibited by Division (A) of Section 3715.52 of the Revised Code.

- (41) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner did, at Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107, hold for sale or delivery drugs that were misbranded, to wit:

Four hundred four (404) prescription containers bearing patient labels and containing various dangerous drugs were on the shelves of the pharmacy with the dispensing inventory.

Such conduct is prohibited by Division (A) of Section 3715.52 of the Revised Code.

- (42) From the evidence presented, the State Board of Pharmacy finds that Richard H. Ratner, as the president of the corporation owning and operating Ratner's Pharmacy, 14239 Detroit Avenue, Lakewood, Ohio 44107, did not keep a record of all controlled substances received or dispensed; in violation of the provisions of Section 3719.07 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 (12) through (21) of the Findings Of Fact constitutes being guilty of a felony.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (11) and (23) through (42) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (22) of the Findings Of Fact constitutes being convicted of a misdemeanor related to, or committed in, the practice of pharmacy.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (11) and (23) through (42) of the Findings Of Fact constitutes willful violations of Chapters 2925., 3715., 3719., and 4729. of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-2-06528, held by Richard H. Ratner:

(A) On the basis of paragraphs (1) and (4) 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).

(B) On the basis of paragraphs (2) and (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Richard H. Ratner for five years.

(C) Further, the Board will suspend the monetary penalty imposed in paragraph (A) above, and four years of the five-year suspension, provided that Richard H. Ratner:

- (1) takes and successfully completes a Jurisprudence examination offered by the Board during its September, 1987 meeting;
- (2) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and
- (3) abides by the rules of the State Board of Pharmacy.

RICHARD H. RATNER, R.Ph.

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Order of the Board

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

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: August 21, 1987

FZW/sb

By



Franklin Z. Wickham, Executive Director

cc: Yvette McGee, Assistant Attorney General
Howard H. Stern, Attorney for Respondent