

STATE BOARD OF PHARMACY

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THE STATE BOARD OF PHARMACY

vs

LARRY SCHLOSSBERG

THE MATTER OF LARRY SCHLOSSBERG, DOCKET NO. 6-67-3, CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON DECEMBER 6, 1983. MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) From the evidence and testimony presented, the State Board of Pharmacy finds that Larry Schlossberg was found guilty of twelve counts of illegal processing of drug documents, felony offenses, by the Cuyahoga County Court of Common Pleas on September 10, 1980.
- (2) From the evidence and testimony presented, the State Board of Pharmacy finds that Larry Schlossberg was found guilty on one count of dispensing controlled substances in violation of Section 3719.05(A) of the Revised Code, a misdemeanor of the third degree, by the Cuyahoga County Court of Common Pleas on September 10, 1980.
- (3) From the evidence and testimony presented, the State Board of Pharmacy finds that Larry Schlossberg did, on more than one occasion between February 1, 1979 and October 1, 1979, at Ava-Lynn Drug in Shaker Heights, Ohio and at Bedford Medical Drug in Bedford Heights, Ohio, willfully dispense various controlled substances without written or oral prescriptions issued by a practitioner for a legitimate medical purpose.
- (4) From the evidence and testimony presented, the State Board of Pharmacy finds that Larry Schlossberg did, on more than one occasion between February 1, 1979 and October 1, 1979, at Ava-Lynn Drug in Shaker Heights, Ohio and Bedford Medical Drug in Bedford Heights, Ohio, willfully fail to keep records of all controlled substances dispensed.
- (5) From the evidence and testimony presented, the State Board of Pharmacy finds that Larry Schlossberg's license to practice pharmacy in the State of Ohio was revoked on January 13, 1982.
- (6) The State Board of Pharmacy takes notice that Division (B) of Section 4729.08 of the Revised Code requires that every candidate for licensure as a registered pharmacist by examination be "of good moral character and habits".

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- (7) The State Board of Pharmacy takes notice that Rule 4729-5-04 of the Administrative Code provides that:

"Conviction for violation of any state or federal pharmacy or drug law by a person prior to application for licensure examination or prior to issuance of a certificate of registration and/or pharmacist identification card may be considered by the board of pharmacy as evidence that such person is not of good moral character and habits as provided in section 4729.08(B) of the Revised Code.

(A) The board may deny such person admission to examination or refuse the issuance of a certificate of registration and/or a pharmacist identification card.

(B) The board may consider such conviction as grounds for denial when a person files application for registration as a pharmacy intern under section 4729.11 of the Revised Code."

Conclusion Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that Larry Schlossberg is not "of good moral character and habits".

Pursuant to Division (B) of Section 4729.08 and Section 4729.16 of the Revised Code, and the foregoing Findings Of Fact and Conclusion Of Law, the State Board of Pharmacy hereby denies Larry Schlossberg's application for licensure as a pharmacist by examination.

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

MOTION CARRIED.

SO ORDERED.

STATE BOARD OF PHARMACY

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Governor

FRANKLIN Z. WICKHAM
Executive Director

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Donald R. Rettig, Perrysburg; Phyllis Wilson, Columbus*

THE STATE BOARD OF PHARMACY

VS

LARRY SCHLOSSBERG, R.PH.

THE MATTER OF LARRY SCHLOSSBERG, R.PH., DOCKET NO. 6-45-2, WAS HEARD PURSUANT TO CHAPTERS 4729. AND 119., OHIO REVISED CODE. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTION WAS 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 on more than one occasion between February 1, 1979 and October 1, 1979 at Ava-Lynn Drug in Shaker Heights Ohio and at Bedford Medical, Bedford Heights Ohio, Larry Schlossberg willfully dispensed various controlled substances without a written or oral prescription issued by a practitioner for a legitimate medical purpose.
- 2) From the evidence presented, the State Board of Pharmacy finds that on more than one occasion between February 1, 1979 and October 1, 1979 at Ava-Lynn Drug, Shaker Heights Ohio and Bedford Medical, Bedford Heights Ohio, Larry Schlossberg willfully failed to keep records of all controlled substances dispensed.
- 3) From the evidence presented, the State Board of Pharmacy finds Larry Schlosberg was on September 10, 1980, convicted by the Court of Common Pleas for Cuyahoga County of one count of violating Section 3719.05(A) Ohio Revised Code, a misdemeanor offense, and of twelve (12) counts of violating Section 2925.23, Ohio Revised Code, a felony offense.

CONCLUSIONS OF LAW

- 1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph 1 of the findings of fact is in violation of Section 3719.05(A), Ohio Revised Code. On the basis of the foregoing the Board concludes that Larry Schlossberg has willfully violated more than one time the provisions of Chapter 3719., Ohio Revised Code.

- 2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph 2 of the findings of fact was not in accordance with the requirements of Section 3719.07(G) and concludes further that said conduct is prohibited by Section 3719.07(C). On the basis of the foregoing, the Board concludes that Larry Schlossberg has willfully violated more than one time the provisions of Chapter 3719., Ohio Revised Code.
- 3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conviction set forth in paragraph 3 of the findings of fact establish that Larry Schlossberg is guilty of a felony and further establish willful violation more than one time of the provisions of Chapter 2925., Ohio Revised Code.

PURSUANT TO SECTION 4729.16, OHIO REVISED CODE, AND THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE STATE BOARD OF PHARMACY TAKES THE FOLLOWING ACTION CONCERNING THE PHARMACIST IDENTIFICATION CARD OF LARRY SCHLOSSBERG:

- A) ON THE BASIS OF PARAGRAPH 1 OF THE CONCLUSIONS OF LAW, THE STATE BOARD OF PHARMACY HEREBY REVOKES THE REGISTERED PHARMACIST CARD HELD BY LARRY SCHLOSSBERG.
- B) ON THE BASIS OF PARAGRAPH 2 OF THE CONCLUSIONS OF LAW, THE STATE BOARD OF PHARMACY HEREBY REVOKES THE REGISTERED PHARMACIST CARD HELD BY LARRY SCHLOSSBERG.
- C) ON THE BASIS OF PARAGRAPH 3 OF THE CONCLUSIONS OF LAW, THE STATE BOARD OF PHARMACY HEREBY REVOKES THE REGISTERED PHARMACIST CARD HELD BY LARRY SCHLOSSBERG.

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, Ohio 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. 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 Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

by Franklin Z. Wjckham
Franklin Z. Wjckham, Executive Director

FZW/ksb

Order Issued January 13, 1982

CERTIFIED MAIL
Return Receipt Requested

cc: Cynthia Wayland, Asst. Attorney General