



OHIO STATE BOARD OF PHARMACY

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

THE STATE BOARD OF PHARMACY

vs

GEORGE S. PUSSER, JR., R.Ph.

THE MATTER OF GEORGE S. PUSSER, JR., DOCKET NO. 6-90-1, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON THURSDAY, SEPTEMBER 20, 1984. 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 George S. Pusser, Jr., as the responsible pharmacist for the Rite Aid Discount Pharmacy, 12-14 Woodland Avenue, Willard, Ohio 44890, did knowingly possess false prescriptions, to wit: Rx No. 506962 for 426 tablets of Percodan, Rx No. 507458 for 470 tablets of Percodan, and Rx No. 508287 for 428 tablets of Percodan; in violation of Division (B)(2) of Section 2925.23 of the Revised Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that George S. Pusser, Jr. did, on one or more occasions between November 10, 1983 and January 5, 1984, at Rite Aid Discount Pharmacy, 12-14 Woodland Avenue, Willard, Ohio 44890, knowingly sell, without a valid prescription, 1,086 tablets of Percodan, a Schedule II controlled substance, 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.
- (3) From the evidence presented, the State Board of Pharmacy finds that George S. Pusser, Jr. did knowingly aid and abet another in procuring the dispensing of a dangerous drug by deception as defined in Section 2913.01 of the Revised Code, to wit: LeRoy Doster did obtain approximately 1,086 tablets of Percodan pursuant to false prescriptions; in violation of Section 2925.22 of the Revised Code.

Conclusion Of Law

Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1), (2), and (3) of the Findings Of Fact constitutes willful violations of more than one time of 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 Conclusion Of Law, the State Board of Pharmacy takes the following actions concerning the pharmacist identification card of George S. Pusser, Jr., R.Ph. No. 03-3-07643:

(A) On the basis of the Conclusion Of Law set forth above, the Board hereby suspends the pharmacist identification card held by George S. Pusser, Jr. for 12 months, effective January 1, 1985.

(B) Further, the Board suspends the 12-month suspension on condition that George S. Pusser, Jr.:

(1) takes and successfully completes a jurisprudence examination offered by the Board during its December, 1984 meeting;

(2) does not violate any drug laws of the State of Ohio, any other state, or the federal government; and

(3) abides by the rules of the Board of Pharmacy.

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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Order of the Board

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt

ORDER ISSUED: October 19, 1984

FZW/sb

By Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc/John E. Breen, Assistant Attorney General
James A. Calhoun; 6 W. 3rd St., Suite 200; Mansfield, OH 44902