



OHIO STATE BOARD OF PHARMACY

- An Equal Opportunity Employer and Service Provider -

77 S. High Street, 17th Floor; Columbus, Ohio 43266-0320
Telephone: 614/466-4143 FAX: 614/752-4836
TTY/TDD Ohio Relay Service: 1-800/750-0750

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-930615-092)

In The Matter Of:

ALAN JEROME SLIFKA, R.Ph.
1063 Columbus Circle S.
Ashland, Ohio 44805
(R.Ph. No. 03-3-08069)

INTRODUCTION

THE MATTER OF ALAN JEROME SLIFKA CAME TO HEARING ON SEPTEMBER 28, 1993, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; TIMOTHY D. MOORE, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

ALAN JEROME SLIFKA WAS REPRESENTED BY BRIAN J. HALLIGAN, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA A. SHAMANSKY, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Alan Jerome Slifka, Respondent

Respondent's Witnesses:

- (1) Maurice C. Keyes, Jr.
- (2) George B. Skeen

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Hearing Request letter dated June 9, 1993.
- (2) Exhibit 2 - Hearing Schedule letter dated June 15, 1993.
- (3) Exhibit 3 - Hearing Schedule letter dated September 9, 1993.
- (4) Exhibit 4 - Order of the State Board of Pharmacy, Docket No. D-920522-144, in the matter of Alan Jerome Slifka, R.Ph. dated October 27, 1992.
- (5) Exhibit 5 - Letter to Alan J. Slifka from Franklin Z. Wickham dated January 29, 1993.

Respondent's Exhibits:

- (1) Exhibit 1 - Two-page Respondent's Exhibit List dated September 28, 1993.
- (2) Exhibit A - Copy of two-page letter from Mary Jo Janchar dated December 4, 1992.
- (3) Exhibit B - Copy of two-page Pharmacists Rehabilitation Organization, Inc., Recovering Pharmacist's Contract of Alan Jerome Slifka dated December 10, 1992.
- (4) Exhibit C - Copy of two-page letter from Alan J. Slifka dated January 28, 1993.
- (5) Exhibit D - Copy of three-page letter from Alan J. Slifka dated March 31, 1993.
- (6) Exhibit E - Copy of letter from Harold F. Morris dated April 2, 1993.
- (7) Exhibit F - Copy of two-page letter from Alan J. Slifka dated June 25, 1993.
- (8) Exhibit G - Copy of letter from Harold F. Morris dated September 20, 1993.
- (9) Exhibit H - Copy of two-page letter from Alan J. Slifka dated September 26, 1993, with attached invitation to the Trinity Lutheran Church on September 18th and 19th.
- (10) Exhibit I - One blue and white 4"x 6" notebook with list of AA Meetings attended by Alan J. Slifka dated from January 27, 1993, through May 21, 1993; one blue and white 4" x 6" notebook with list of AA Meetings attended by Alan J. Slifka dated from May 22, 1993, through July 31, 1993; and one yellow 3" x 5" notebook with list of AA Meetings attended by Alan J. Slifka dated from August 1, 1993 through September 27, 1993.
- (11) Exhibit J - Roche Biomedical Laboratories Urinalysis Drug Profile of Jerry, Patient No. 0028, dated January 7, 1993; copy of Roche Biomedical Laboratories Urinalysis Drug Profile of Alan Jerr, Patient No. 00028, dated May 1, 1993; and Roche Biomedical Laboratories Urinalysis Drug Profile of Jerry, Patient No. 00028, dated August 11, 1993.

FINDING OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Alan Jerome Slifka has submitted satisfactory evidence and has met the conditions set forth in the Order of the State Board of Pharmacy, Docket No. D-920522-144, dated October 27, 1992.

ACTION OF THE BOARD

The State Board of Pharmacy hereby suspends the suspension of Alan Jerome Slifka and places his identification card to practice pharmacy in Ohio on probation for five years, effective immediately. The terms of probation are as follows:

- (1) Alan Jerome Slifka must not violate the drug laws of the state of Ohio, any other state, or the federal government;
- (2) Alan Jerome Slifka must abide by the rules of the State Board of Pharmacy; and
- (3) Alan Jerome Slifka must comply with the terms of this Order and the Order of the State Board of Pharmacy, Docket No. D-920522-144, dated October 27, 1992.

ALAN JEROME SLIFKA, R.Ph.
Page Three
Order of the Board

Further, the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board shall revoke probation for a violation occurring during the probation period.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Alan Jerome Slifka's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns until February 1, 1998.

The Board further stipulates that Alan Jerome Slifka may not serve as a responsible pharmacist until February 1, 1998.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).

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

ORDER MAILED

AND EFFECTIVE: NOVEMBER 1, 1993

CERTIFIED MAIL
Return Receipt
#P 373 708 417

FRANKLIN Z. WICKHAM, EXECUTIVE DIRECTOR

FZW/so

By



William T. Winsley, R.Ph., M.S.
Assistant Executive Director

cc: Gregg Thornton, Assistant Attorney General
Brian J. Halligan, Attorney for Respondent; 245 Sandusky Street; P.O. Box
606; Ashland, Ohio 44805



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143
FAX: 614/752-4836

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-920522-144)

In The Matter Of:

ALAN JEROME SLIFKA, R.Ph.
1063 Columbus Circle S.
Ashland, Ohio 44805
(R.Ph. No. 03-3-08069)

INTRODUCTION

THE MATTER OF ALAN JEROME SLIFKA CAME TO HEARING ON SEPTEMBER 23, 1992 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY D. MOORE, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; WAYNE C. MILLER, R.Ph.; RUTH A. PLANT, R.Ph.; NICHOLAS R. REPKE; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

ALAN JEROME SLIFKA WAS REPRESENTED BY ROBERT W. LETT, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Alan J. Slifka, Respondent
- (2) Christopher Reed, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Alan J. Slifka, Respondent
- (2) Maurice Keyes

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated May 22, 1992.
- (2) Exhibit B - Hearing Request letter dated June 5, 1992.
- (3) Exhibit C - Hearing Schedule letter dated June 8, 1992.
- (4) Exhibit D - Continuance Request letter dated June 11, 1992.
- (5) Exhibit E - Hearing Schedule letter dated June 15, 1992.
- (6) Exhibit F - Letter from Robert W. Lett dated June 12, 1992.
- (7) Exhibit 1 - Pharmacist File Front Sheet of Alan Jerome Slifka showing original date of registration as August 19, 1963.

- (8) Exhibit 1A - Renewal Application for Pharmacist License, No. 03-3-08069, for a license to practice pharmacy in Ohio from September 15, 1991 to September 15, 1992.
- (9) Exhibit 2 - Accountability Statement of Rite Aid #3017 for Tylox dated July 7, 1988; and Work Sheet (Number Dispensed) of Rite Aid #3017 for Tylox dated July 7, 1988.
- (10) Exhibit 3 - Accountability Statement of Rite Aid #3017 for Tylenol #3, dated July 7, 1988; and a two-page Work Sheet (Number Purchased) of Rite Aid #3017 for Tylenol #3 dated July 7, 1988.
- (11) Exhibit 4 - Accountability Statement of Rite Aid #3017 for Vicodin dated July 7, 1988; and Work Sheet (Number Purchased) of Rite Aid #3017 for Vicodin dated July 7, 1988.
- (12) Exhibit 5 - Accountability Statement of Rite Aid #3017 for Fastin 30mg dated July 7, 1988; and Work Sheet (Number Purchased) of Rite Aid #3017 for Fastin 30mg dated July 7, 1988.
- (13) Exhibit 6 - Accountability Statement of Rite Aid #3017 for Empirin #4 dated July 7, 1988; and Work Sheet (Number Purchased) of Rite Aid #3017 for Empirin #4 dated July 7, 1988.
- (14) Exhibit 7 - Accountability Statement of Rite Aid #3017 for Adipex-P dated July 7, 1988; and Work Sheet (Number Purchased) of Rite Aid #3017 for Adipex-P dated July 7, 1988.
- (15) Exhibit 8 - Accountability Statement of Rite Aid #3017 for Tylenol #4 dated July 7, 1988; and Work Sheet (Number Purchased) of Rite Aid #3017 for Tylenol #4 dated July 7, 1988.
- (16) Exhibit 9 - Accountability Statement of Rite Aid #3017 for Ionamin 30mg dated July 7, 1988; and Work Sheet (Number Purchased) of Rite Aid #3017 for Ionamin 30mg dated July 7, 1988.
- (17) Exhibit 10 - Handwritten Statement of Alan J. Slifka signed and witnessed by Christopher K. Reed on August 10, 1988.
- (18) Exhibit 11 - Twenty-page Controlled Substance Inventory of Rite Aid #3017 dated May 1, 1987.
- (19) Exhibit 12 - Five-page computer print-out from Bailey Drug Company, Zanesville, Ohio, Controlled Drug Purchases for the period June 6, 1987 through July 6, 1988 of Rite Aid #3017 dated July 7, 1988.
- (20) Exhibit 13 - Copies of twelve pages of Cleveland, Warehouse Transfer to Store, of drugs transferred to Gray Drug Store, 21-25 N. Main St., Mansfield, dated from June 5, 1987 to August 28, 1987.
- (21) Exhibit 14 - Five-page copy of Rite Aid W. Virginia Distribution Center, Monthly Shipments of Controlled Drugs, transferred to Rite Aid #3017 from April 28, 1988 through August 28, 1988.
- (22) Exhibit 15 - Seventeen-page copy of Rite Aid Distribution Center, Monthly Shipments of Controlled Drugs, transferred to Rite Aid #3017 from September 16, 1987 through April 21, 1988.
- (23) Exhibit 16 - Notification of Change of Responsible Person form of Rite Aid Pharmacy #3017 signed by Alan J. Slifka, effective October 1, 1987.
- (24) Exhibit 17 - Notification of Change of Responsible Person form of Rite Aid Pharmacy #3017 signed by Thomas E. Baker, effective July 3, 1988.
- (25) Exhibit 18 - Letter from Robert L. Cole dated December 27, 1988; and copy of letter of William E. Chapman, CPP, dated December 16, 1988.

Respondent's Exhibits:

- (1) Exhibit A - Affidavit of Charles E. Winzeler signed and notarized on September 21, 1992.

- (2) Exhibit B - Two-page copy of Pharmacists Rehabilitation Organization, Inc., Impaired Pharmacist's Contract of Alan J. Slifka dated January 6, 1989.
- (3) Exhibit B1 - Two-page copy of Pharmacists Rehabilitation Organization, Inc., Impaired Pharmacist's Contract, dated January 21, 1992.
- (4) Exhibit C - Copy of Respondent's Motion to Suppress from Evidence a Document Bearing Date of 081088 and Purporting to be a Statement of Alan Jerome Slifka from Robert W. Lett.
- (5) Exhibit D - 3 x 5 inch blue note book with dates from January 22, 1990 through January 21, 1991; places; and names.
- (6) Exhibit D1 - 3 x 5 inch gray notebook with dates from January 7, 1989 through January 21, 1990; places; and names.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Alan Jerome Slifka was originally licensed in the state of Ohio on August 19, 1963, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) From the evidence presented, the State Board of Pharmacy finds that Alan Jerome Slifka did, between June 6, 1987, and June 30, 1988, through the commission of a theft offense, obtain dangerous drugs which were controlled substances, to wit: Alan Jerome Slifka admitted stealing Fiorinal and Xanax from his employers, Gray Drug/Rite Aid; 21-25 N. Main St., Mansfield, Ohio 44902. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code (as in effect during 1987 and 1988; now Section 2913.02 of the Ohio Revised Code).
- (3) From the evidence presented, the State Board of Pharmacy finds that Alan Jerome Slifka is addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Alan Jerome Slifka has stolen drugs from his employers and he was, on or about July 1, 1988, admitted to the Ashland Samaritan Hospital, as a result of drug use.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being addicted to drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of willfully violating provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-3-08069, held by Alan Jerome Slifka:

(A) On the basis of paragraphs (1), (2), and (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Alan Jerome Slifka indefinitely, effective February 1, 1993.

(B) Further, the Board of Pharmacy will permit Alan Jerome Slifka to petition the Board to hold a Chapter 119. hearing prior to the effective date of the suspension. During this hearing the Board will consider suspending the suspension, and placing Alan Jerome Slifka's license to practice pharmacy in Ohio on probation for five years. The Board will consider this only if the following conditions have been met and satisfactory evidence has been submitted to the Board:

(1) Alan Jerome Slifka must provide documentation that he has been evaluated by a professional to determine the severity of his addiction, the likelihood of him abusing drugs or alcohol as an outpatient, and a recommended treatment plan. The evaluation must be performed by a doctor and/or treatment facility that specializes in evaluating and treating impaired health care professionals.

(2) Alan Jerome Slifka must provide evidence that he has entered into a new contract with the Pharmacists Rehabilitation Organization, Inc., or an equivalent program acceptable to the Board, for a period of five years. The contract must provide that:

(a) random observed urine screens shall be conducted at least every three months throughout the five-year contract, and copies of the results immediately forwarded to the Board of Pharmacy office,

(b) regular attendance at an Alcoholics Anonymous, Narcotics Anonymous, or a similar support group meeting is required during outpatient treatment and/or during aftercare,

(c) the program shall immediately report to the Board of Pharmacy any violations of the contract.

(3) Alan Jerome Slifka must submit a copy of the contract to the Board as soon as it has been agreed to by the program.

(4) Alan Jerome Slifka must submit quarterly progress reports to the Board that include:

(a) the written report and documentation provided by the treatment program pursuant to the contract,

(b) a written description of his progress towards recovery and what he has been doing during the previous three months.

ALAN JEROME SLIFKA, R.Ph.
Page Five
Order of the Board

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Alan Jerome Slifka's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns until February 1, 1998.

The Board further stipulates that Alan Jerome Slifka may not serve as a responsible pharmacist for five years until February 1, 1998.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-0).

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

ORDER MAILED
AND EFFECTIVE: OCTOBER 27, 1992

CERTIFIED MAIL
Return Receipt
#P 749 728 923

FZW/so

By 
Franklin Z. Wickham, R.Ph., M.S.
Executive Director

cc: Ronda Anderson, Assistant Attorney General
Robert W. Lett, Attorney for Respondent; Lett & Lett; 273 Sandusky Street;
P. O. Box 373; Ashland, Ohio 44805