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OHIO STATE BOARD OF PHARMACY

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THE STATE BOARD OF PHARMACY  
(Docket No. D-891016-056)

In The Matter Of:

DONALD L. ORLECK, SR., R.Ph.  
5619 Little Flower Avenue  
Cincinnati, Ohio 45239  
(R.Ph. No. 03-3-08181)

INTRODUCTION

THE MATTER OF DONALD L. ORLECK, SR. CAME TO HEARING ON JANUARY 23, 1990 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY MOORE, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; AND ROBERT VALENTINE, R.Ph.

DONALD L. ORLECK, SR. WAS REPRESENTED BY TIMOTHY G. MARA, AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Franklin Z. Wickham - Board of Pharmacy

Respondent's Witnesses:

- (1) Donald L. Orleck, Sr. - Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated October 16, 1989.  
(2) Exhibit B - Request for Hearing letter dated November 13, 1989.  
(3) Exhibit C - Hearing Schedule letter dated November 21, 1989.  
(4) Exhibit 1 - Pharmacist front sheet for Donald L. Orleck, Sr. showing original licensure date of March 23, 1964.  
(5) Exhibit 2 - Supplementary pharmacy order form dated 10/31/88 for 50cc's of Plasmanate 5%.  
(6) Exhibit 3 - Patient dispensing record of Lodonna Carmen showing 40 dosage units of Phenergan 50mg dispensed on October 2, 1987.  
(7) Exhibit 4 - Pharmacist renewal application for Donald L. Orleck Sr. for 1976.  
(8) Exhibit 5 - Pharmacist renewal application for Donald L. Orleck for 1978.

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- (9) Exhibit 6 - Pharmacist renewal application for Donald L. Orleck for 1979.
- (10) Exhibit 7 - Pharmacist renewal application for Donald L. Orleck for 1980.
- (11) Exhibit 8 - Pharmacist renewal application for Donald L. Orleck for 1988.
- (12) Exhibit 9 - Copies of eight Ohio State Board of Pharmacy newsletters.
- (13) Exhibit 10 - Letter mailed to Donald L. Orleck from the Ohio State Board of Pharmacy dated October 7, 1988.

Respondent's Exhibits:

- (1) Exhibit 1 - Letter From Donald L. Orleck, Sr. dated December 15, 1988.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Donald L. Orleck, Sr. was initially registered as a pharmacist in Ohio pursuant to examination on March 23, 1964, and has been practicing pharmacy since that date.
- (2) From the evidence presented, the State Board of Pharmacy finds that Donald L. Orleck, Sr. did, on or about October 31, 1988, while practicing pharmacy at Good Samaritan Hospital, Cincinnati, Ohio, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Mr. Orleck filled a physician's order for patient Baby Girl Severson. Such conduct was part of a continuing course of conduct, and is in violation of Section 4729.28 of the Ohio Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Donald L. Orleck, Sr. did, on or about October 2, 1988, while practicing pharmacy at Good Samaritan Hospital, Cincinnati, Ohio, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Mr. Orleck filled a medication order with 40 units of Phenergan 50mg. Such conduct was part of a continuing course of conduct, and is in violation of Section 4729.28 of the Ohio Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Donald L. Orleck, Sr. failed to renew his identification card on September 15, 1976, as is required by Section 4729.12 of the Ohio Revised Code, to wit: Donald L. Orleck, Sr. allowed his license to practice pharmacy to lapse until September 30, 1976.

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- (5) From the evidence presented, the State Board of Pharmacy finds that Donald L. Orleck, Sr. failed to renew his identification card on September 15, 1978, as is required by Section 4729.12 of the Ohio Revised Code, to wit: Donald L. Orleck, Sr. allowed his license to practice pharmacy to lapse until September 18, 1978.
- (6) From the evidence presented, the State Board of Pharmacy finds that Donald L. Orleck, Sr. failed to renew his identification card on September 15, 1979, as is required by Section 4729.12 of the Ohio Revised Code, to wit: Donald L. Orleck, Sr. allowed his license to practice pharmacy to lapse until November 7, 1979.
- (7) From the evidence presented, the State Board of Pharmacy finds that Donald L. Orleck, Sr. failed to renew his identification card on September 15, 1980, as is required by Section 4729.12 of the Ohio Revised Code, to wit: Donald L. Orleck, Sr. allowed his license to practice pharmacy to lapse until September 29, 1980.
- (8) From the evidence presented, the State Board of Pharmacy finds that Donald L. Orleck, Sr. failed to renew his identification card on September 15, 1988, as is required by Section 4729.12 of the Ohio Revised Code, to wit: Donald L. Orleck, Sr. allowed his license to practice pharmacy to lapse until February 8, 1989.

CONCLUSION 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 willfully violating any of the provisions of Chapter 4729. of the Revised Code as provided in division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby imposes a monetary penalty of seven hundred fifty dollars (\$750.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

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

MOTION CARRIED.

SO ORDERED.