



OHIO STATE BOARD OF PHARMACY

77 S. High St., 17th Floor; Columbus, Ohio 43266-0320

Telephone: 614/466-4143 FAX: 614/752-4836

TTY/TDD Ohio Relay Service: 1-800/750-0750

-Equal Opportunity Employer and Service Provider-

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-941101-022)

In The Matter Of:

RONALD T. RUTGERS, R.Ph.

6818 Fenwyck #2

Maumee, Ohio 43537

(R.Ph. No. 03-3-08249)

INTRODUCTION

THE MATTER OF RONALD T. RUTGERS CAME TO HEARING ON MARCH 7, 1995, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

RONALD T. RUTGERS WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY ROBERT J. McCLAREN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy
- (2) Ronald T. Rutgers, Respondent

Respondent's Witnesses:

- (1) Philip M. Neiman, Pharmacists Rehabilitation Organization, Inc.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Hearing Request letter dated September 29, 1994, and attached letter from Mary A. Good dated September 26, 1994.
- (2) Exhibit 2--Hearing Schedule letter dated November 1, 1994.
- (3) Exhibit 3--Order of the State Board of Pharmacy, Docket No. D-901105-038, in the matter of Ronald Rutgers dated March 12, 1991.

- (4) Exhibit 4--Order of the State Board of Pharmacy, Docket No. D-920427-138, in the matter of Ronald T. Rutgers dated October 27, 1992.
- (5) Exhibit 5--Order of the State Board of Pharmacy, Docket No. D-930811-005, in the matter of Ronald T. Rutgers dated February 14, 1994.
- (6) Exhibit 6--Copy of Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet of Ronald Rutgers for the period from October 1, 1993, to December 31, 1993.
- (7) Exhibit 7--Copy of Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet of Ronald Rutgers for the period from January 1, 1994, to March 31, 1994.
- (8) Exhibit 8--Letter from Philip M. Neiman dated April 3, 1994.
- (9) Exhibit 9--Copy of letter from Mary A. Good dated April 27, 1992.
- (10) Exhibit 10--Letter from Ron Rutgers dated May 10, 1994.
- (11) Exhibit 11--Copy of Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet of Ronald Rutgers for the period from April 1, 1994, to June 30, 1994.
- (12) Exhibit 12--Letter from Ron Rutgers dated July 22, 1994.
- (13) Exhibit 13--Copy of Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet of Ronald Rutgers for the period from July 1, 1994, to September 30, 1994.
- (14) Exhibit 14--Copy of Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet of Ronald Rutgers for the period from October 1, 1994, to December 31, 1994.
- (15) Exhibit 15--Urinalysis drug screen report of Ron Rutgers dated December 14, 1993.
- (16) Exhibit 15A--Urinalysis drug screen report of Ron Rutgers dated December 20, 1993.
- (17) Exhibit 15B--Urinalysis drug screen report of Ron Rutgers dated February 7, 1994.
- (18) Exhibit 15C--Urinalysis drug screen report of Ron Rutgers dated March 18, 1994.
- (19) Exhibit 15D--Urinalysis drug screen report of Ron Rutgers dated June 10, 1994.
- (20) Exhibit 15E--Urinalysis drug screen report of Ron Rutgers dated July 15, 1994.
- (21) Exhibit 15F--Urinalysis drug screen report of Ron Rutgers dated August 1, 1994.
- (22) Exhibit 15G--Urinalysis drug screen report of Ron Rutgers dated November 17, 1994.
- (23) Exhibit 15H--Urinalysis drug screen report of Ron Rutgers dated December 23, 1994.

Respondent's Exhibits:

- (1) Exhibit A--Letter from Jody C. Storer dated February 20, 1995.
- (2) Exhibit B--Copy of Westhaven Memorandum from Rolf Schrader dated February 17, 1995.
- (3) Exhibit C--Letter from Nancy L. Bucci dated February 16, 1995.
- (4) Exhibit D--Letter from Mary A. Good dated February 17, 1995.
- (5) Exhibit E--Letter from Scott L. Sheridan dated March 5, 1995.

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) Ronald T. Rutgers has complied with the requirements of the Order of the State Board Pharmacy, Docket No. D-930811-005, dated February 14, 1994.

ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of Ronald T. Rutgers' pharmacist identification card to practice pharmacy in the state of Ohio and places him on probation for five years, effective as of the date of the mailing of this Order, with the following conditions:

- (A) Ronald T. Rutgers must provide evidence that he has entered into a new contract with an alcohol and/or drug addiction treatment provider acceptable to the Board, for a period of not less than five years. The contract must provide that:
 - (1) random, observed urine screens shall be conducted at least once every three months. The urine drug screens must include reporting of specific gravity;
 - (2) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required during outpatient treatment and/or during aftercare;
 - (3) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and
 - (4) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Ronald T. Rutgers must submit a copy of the signed contract to the Board prior to reinstatement.
- (C) Ronald T. Rutgers must provide evidence of four and one-half C.E.U.s of approved continuing education with the application for renewal of a pharmacist identification card. The C.E.U.s shall be documented on a form provided by the Board, and original certificates must be submitted for approval. The C.E.U.s must be obtained during the three-year period immediately preceding the date of applying for renewal.
- (D) Ronald T. Rutgers must continue his counseling sessions with Sunforest Counseling Associates, or a similar mental health agency, at least once every three months.
- (E) Ronald T. Rutgers must submit quarterly progress reports to the Board; due January 10; April 10; July 10; and October 10; of each year of probation, that include:
 - (1) The written report and documentation provided by the treatment program pursuant to the contract, and
 - (2) a written description of his progress towards recovery and what he has been doing during the previous three months.

(F) Other terms of probation are as follows:

- (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Ronald T. Rutgers' pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns while on probation.
- (2) Ronald T. Rutgers may not serve as a responsible pharmacist while on probation.
- (3) Ronald T. Rutgers may not destroy, or may not assist in or witness the destruction of controlled substances while on probation.
- (4) Ronald T. Rutgers must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
- (5) Ronald T. Rutgers must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (6) Ronald T. Rutgers must abide by the rules of the Ohio State Board of Pharmacy.
- (7) Ronald T. Rutgers must comply with the terms of this Order.

(G) Ronald T. Rutgers is hereby advised that 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 may revoke probation for a violation occurring during the probation period.

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.

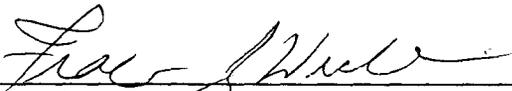
RONALD T. RUTGERS, R.Ph.
Page 5
Order of the Board

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 Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#Z 000 929 568

ORDER MAILED
AND EFFECTIVE: APRIL 27, 1995

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

FZW/so

xc: Robert J. McClaren, Assistant Attorney General



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-930811-005)

In The Matter Of:

RONALD T. RUTGERS, R.Ph.
6818 Fenwyck #2
Maumee, Ohio 43537
(R.Ph. No. 03-3-08249)

INTRODUCTION

THE MATTER OF RONALD T. RUTGERS CAME TO HEARING ON DECEMBER 7, 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.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

RONALD T. RUTGERS WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY GREGG THORNTON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Ronald T. Rutgers, Respondent

Respondent's Witnesses:

- (1) Philip M. Nieman, Pharmacists Rehabilitation Organization, Inc.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Hearing Request letter dated July 6, 1993.
- (2) Exhibit 2 - Hearing Schedule letter dated August 11, 1993.
- (3) Exhibit 3 - Order of the Ohio State Board of Pharmacy, Docket No. D-920427-138, of Ronald T. Rutgers, R.Ph. dated October 27, 1992.
- (4) Exhibit 4 - Order of the Ohio State Board of Pharmacy, Docket No. D-901105-038, of Ronald Rutgers, R.Ph. dated March 12, 1991.
- (5) Exhibit 5 - Two-page copy of Pharmacist's Rehabilitation Organization, Inc., Recovering Pharmacist's Contract of Ron Rutgers with an original handwritten date of March 28, 1992.

- (6) Exhibit 6 - Six Urine Drug Screens of Ron Rutgers dated as follows: June 30, 1992; October 23, 1992; December 10, 1992; March 24, 1993; March 19, 1993; and June 1, 1993.
- (7) Exhibit 7 - Copy of Pharmacists Rehabilitation Organization, Inc., Client Reporting Sheet of Ron (0042) for period from October 1, 1992, to December 31, 1992, and two copies of urine drug screens dated October 23, 1992, and November 5, 1992.
- (8) Exhibit 8 - Two-page letter from Ronald T. Rutgers dated January 23, 1992.
- (9) Exhibit 9 - Copy of Pharmacists Rehabilitation Organization, Inc., Client Reporting Sheet of Ron (0042) for period from January 1, 1993, to March 31, 1993; two copies of urine drug screens dated December 10, 1992, and January 20, 1993; and one copy of a blood drug screen dated January 20, 1993.
- (10) Exhibit 10 - Two-page letter from Ronald T. Rutgers dated April 24, 1993.
- (11) Exhibit 11 - Copy of Pharmacists Rehabilitation Organization, Inc., Client Reporting Sheet of Ron (0042) for period from April 1, 1993, to June 30, 1993, and one copy of urine drug screen dated June 1, 1993.
- (12) Exhibit 12 - Copy of Pharmacists Rehabilitation Organization, Inc., Client Reporting Sheet of Ron (0042) for period from July 1, 1993, to September 30, 1993; and urine drug screen dated September 13, 1993.

Respondent's Exhibits:

- (1) Exhibit 1 - Letter from Laura Kutzli dated November 18, 1993.
- (2) Exhibit 2 - Copy of Westhaven Memo from Rolf Schrader dated December 6, 1993.

FINDINGS 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) Ronald T. Rutgers has not provided satisfactory evidence to prove that his license to practice pharmacy in Ohio should be reinstated.
- (2) Philip Nieman, an intervenor for Pharmacists Rehabilitation Organization, Inc., who testified on behalf of Ronald T. Rutgers, said that Mr. Rutgers would benefit from "adult-child" counseling due to problems in his past stemming from abuse as a child and that these problems have not been resolved.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby denies Ronald T. Rutgers' petition for reinstatement of his pharmacist identification card.

Further, twelve months after the date of the mailing of this Order, Ronald T. Rutgers may request to appear before the Board in order to petition for reinstatement of his license to practice pharmacy in Ohio. The Board will consider the petition only if the following conditions have been met:

(1) Ronald T. Rutgers must provide evidence of being evaluated by a licensed psychologist who is knowledgeable and skilled in the treatment of victims and adult survivors of child abuse. Mr. Rutgers must follow and abide by the recommended treatment plan as set forth by the professional psychologist.

(2) Ronald T. Rutgers must provide evidence that he has abided by his contract with the Pharmacists Rehabilitation Organization, Inc. throughout the twelve-month period. The contract must provide that:

(a) random observed urine screens shall be conducted at least every three months, and copies of the results immediately forwarded to the intervenor and 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, and

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

(3) Ronald T. Rutgers must submit quarterly progress reports to the Board during the twelve-month period that include:

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

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

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/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.

RONALD T. RUTGERS, R.Ph.
Page Four
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

ORDER MAILED
AND EFFECTIVE: FEBRUARY 14, 1994

CERTIFIED MAIL
Return Receipt
#P 373 708 543

FZW/so

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

cc: Gregg Thornton, Assistant Attorney General



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
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ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-920427-138)

In The Matter Of:

RONALD T. RUTGERS, R.Ph.
6818 Fenwyck #2
Maumee, Ohio 43537
(R.Ph. No. 03-3-08249)

INTRODUCTION

THE MATTER OF RONALD T. RUTGERS 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.

RONALD T. RUTGERS WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Ronald T. Rutgers, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Appearance Request letter dated April 11, 1992.
- (2) Exhibit 2 - Appearance Schedule letter dated April 27, 1992.
- (3) Exhibit 3 - Ohio State Board of Pharmacy Order of Ronald T. Rutgers, R.Ph., Docket No. D-901105-038, dated March 12, 1991.

Respondent's Exhibits:

- (1) Exhibit A - Copy of letter from Rolf K. Schrader dated September 16, 1992.
- (2) Exhibit B - Copy of letter from William P. Knopp, R.Ph., dated September 22, 1992.
- (3) Exhibit C - Copy of letter from Scott Sheridan dated September 22, 1992.

- (4) Exhibit D - Copies of nine urinalysis drug screen reports of Ronald Rutgers taken on August 3, 1990; September 24, 1990; October 29, 1990; December 22, 1990; July 24, 1991; August 2, 1991; August 12, 1991; September 17, 1991; and December 11, 1991.

FINDING OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Ronald T. Rutgers has not provided satisfactory evidence to prove that his license to practice pharmacy in Ohio should be reinstated.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby denies the petition for reinstatement of the pharmacist identification card to practice pharmacy in Ohio held by Ronald T. Rutgers.

Further, the Board will permit Ronald T. Rutgers to petition the Board to hold a Chapter 119. hearing after twelve months to determine whether or not the Board will consider reinstating his license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met and satisfactory evidence has been submitted to the Board:

- (1) Ronald T. Rutgers provides evidence that he has abided by his contract with the Pharmacists Rehabilitation Organization, Inc. throughout the twelve-month period. The contract must provide that:

(a) random observed urine screens shall be conducted at least every three months, 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.

- (2) Ronald T. Rutgers submits quarterly progress reports to the Board during the twelve-month period 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.

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

MOTION CARRIED.

SO ORDERED.

RONALD T. RUTGERS, R.Ph.
Page Three
Order of the Board

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 749 728 930

FZW/so

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

cc: Ronda Anderson, Assistant Attorney General



OHIO STATE BOARD OF PHARMACY

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THE STATE BOARD OF PHARMACY
(Docket No. D-901105-038)

In The Matter Of:

RONALD RUTGERS, R.Ph.
6818 Fenwyck #2
Maumee, Ohio 43537
(R.Ph. No. 03-3-08249)

INTRODUCTION

THE MATTER OF RONALD RUTGERS CAME TO HEARING ON JANUARY 23, 1991 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

RONALD RUTGERS WAS REPRESENTED BY PAUL E. ACCETTOLA, AND THE STATE OF OHIO WAS REPRESENTED BY JEANNY EATON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Ronald T. Rutgers, Respondent
- (2) Dale Fritz, State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter for Ronald Rutgers, R.Ph. dated November 5, 1990.
- (2) Exhibit B - Hearing Request letter from Paul E. Accettola dated November 21, 1990.
- (3) Exhibit C - Hearing Schedule letter dated November 26, 1990.
- (4) Exhibit 1 - Pharmacist File Front Sheet of Ronald Terry Rutgers showing original date of registration as July 27, 1964.

- (5) Exhibit 2 - Renewal Applications for Ronald Rutgers for license to practice pharmacy in Ohio for the years 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, and 1989.
- (6) Exhibit 5 - Copy of Voluntary Statement of Ronald Rutgers given to Swanton Police Department dated September 11, 1990.
- (7) Exhibit 7 - Prescription No. 6479627.
- (8) Exhibit 10 - Accountability Statement of Syl-Haven Medical Clinic, for I-15 (Phentermine 15mg) capsules, dated August 27, 1990.
- (9) Exhibit 11 - Accountability Statement of Syl-Haven Medical Clinic, for Meprobamate 400mg tablets, dated August 27, 1990.
- (10) Exhibit 12 - Accountability Statement of Syl-Haven Medical Clinic, for Phentermine 30mg capsules, dated September 10, 1990.
- (11) Exhibit 13 - Accountability Statement of Swanton Pharmacy, for Diethylpropion HCL 25mg tablets, dated September 13, 1990.
- (12) Exhibit 14 - Accountability Statement of Swanton Pharmacy, for Ionamin 15mg capsules, dated September 13, 1990.
- (13) Exhibit 15 - Accountability Statement of Swanton Pharmacy, for Fastin 30mg capsules, dated September 13, 1990.
- (14) Exhibit 16 - Accountability Statement of Swanton Pharmacy, for Ionamin 30mg capsules, dated September 13, 1990.
- (15) Exhibit 17 - Accountability Statement of Swanton Pharmacy, for Phentermine Resin 30mg capsules, dated September 13, 1990.
- (16) Exhibit 18 - Accountability Statement of Swanton Pharmacy, for Phentermine 30mg capsules, dated September 13, 1990.
- (17) Exhibit 19 - Accountability Statement of Swanton Pharmacy, for Adipex-P tablets, dated September 13, 1990.
- (18) Exhibit 20 - One Fastin capsule recovered from Ronald Rutgers automobile by Swanton Police Department on September 11, 1990.

Respondent's Exhibits:

- (1) Exhibit 1 - Letter from Rolf K. Schrader, Vice President of Operations, Westhaven, dated January 21, 1991.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Ronald Rutgers was originally licensed in the state of Ohio on July 27, 1964, pursuant to examination, and has been practicing pharmacy in Ohio since that date.
- (2) From the evidence presented, the State Board of Pharmacy finds that Ronald Rutgers 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: Ronald Rutgers has stolen drugs and abused them to such a degree that he had to be admitted to Shepard Hill Treatment Center.

- (3) From the evidence presented, the State Board of Pharmacy finds that Ronald Rutgers did, between the dates of June 3, 1988 and November 30, 1988, obtain dangerous drugs by committing a theft offense, to wit: Ronald Rutgers stole from Syl-Haven Medical Clinic, 1154 Sylvania Ave., Toledo, Ohio 43612, without consent, the following drugs:

<u>Drug</u>	<u>Amount</u>	<u>% of stock</u>	<u>Schedule</u>
Phentermine 15mg	4,622 units	52 %	IV
Meproamate	1,596 units	9 %	IV
Phentermine 30mg	1,513 units	7.3 %	IV

Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Ronald Rutgers did, between the dates of May 26, 1989 and September 10, 1990, obtain dangerous drugs by committing a theft offense, to wit: Ronald Rutgers stole from Swanton Pharmacy, 147 E. Airport Hwy., Swanton, Toledo, Ohio 43558, without consent, the following drugs:

<u>Drug</u>	<u>Amount</u>	<u>% of stock</u>	<u>Schedule</u>
Ionamin 15mg	174 units	55 %	IV
Fastin 30mg	137 units	48 %	IV
Ionamin 30mg	198 units	41 %	IV
Phentermine Resin 30mg	130 units	38 %	IV
Phentermine 30mg	162 units	24 %	IV
Adipex-P	89 units	22 %	IV

Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (5) From the evidence presented, the State Board of Pharmacy finds that Ronald Rutgers did, on or about September 11, 1990, obtain dangerous drugs by committing a theft offense, to wit: Ronald Rutgers stole from Swanton Pharmacy, 147 E. Airport Hwy., Swanton, Toledo, Ohio 43558, without consent, 7 capsules of Fastin 30mg, a schedule IV controlled substance. Such conduct is in violation of Section 2925.21 of the Ohio 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 (3) through (5) of the Findings Of Fact constitutes being guilty of a felony and gross immorality as provided in Division (A)(1) 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 the conduct set forth in paragraphs (3) through (5) 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.
- (3) 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 constitutes being addicted to and abusing liquor and drugs and 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.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (3) through (5) of the Findings Of Fact constitutes being guilty of willfully violating the 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.

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. 03-3-08249, held by Ronald Rutgers:

- (A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Ronald Rutgers indefinitely.
- (B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Ronald Rutgers indefinitely.
- (C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Ronald Rutgers indefinitely.
- (D) On the basis of paragraph (4) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Ronald Rutgers indefinitely.
- (E) Further, the Board of Pharmacy will permit Ronald Rutgers to petition to reappear before the Board after one year to determine whether or not the Board will consider reinstating his license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met and satisfactory evidence has been submitted to the Board:

(1) Ronald Rutgers provides evidence that he has entered into a contract with the Pharmacists Rehabilitation Organization, Inc. or an equivalent program acceptable to the Board, for a period of five years following evaluation and determination that participation in such a program is needed. The contract must provide that:

(a) random observed urine screens shall be conducted at least every three months,

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

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

(2) Ronald Rutgers submits a copy of the contract to the Board as soon as it has been agreed to by the program.

(3) Ronald Rutgers submits 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.

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.

RONALD RUTGERS, R.Ph.
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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
#P 497 578 888

ORDER MAILED: March 12, 1991

FZW/sl

By 
Franklin Z. Wickham, Executive Director

cc: Jeanny Eaton, Assistant Attorney General
Paul E. Accettola, Attorney for Respondent; 830 Spitzer Building;
Toledo, Ohio 43604