
OHIO STATE BOARD OF PHARMACY JOURNAL

THE STATE BOARD OF PHARMACY
(Docket No. D-891005-053)

In The Matter Of:

EDWIN R. RITCHEY, R.Ph.
4243 Suttle Drive
Norton, Ohio 44203
(R.Ph. No. 03-3-08548)

INTRODUCTION

THE MATTER OF EDWIN R. RITCHEY CAME TO HEARING ON MARCH 5, 1990 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY MOORE, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; BETTY NICHOL, R.Ph.; AND JOSEPH SABINO, R.Ph.

EDWIN R. RITCHEY WAS REPRESENTED BY DENNIS R. WILCOX, AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Detective Michael Foley - Stow Police Department
- (2) George Pavlich - Ohio Board of Pharmacy
- (3) Stephanie Clatworthy
- (4) Janice Margreta - Drug Enforcement Administration

Respondent's Witnesses:

- (1) Dr. Richard Rynearson
- (2) Russell Hedderly
- (3) Steven Angelo
- (4) Deborah Baynes
- (5) Dr. Ernest Stewart
- (6) John C. Faulstick
- (7) Dr. Jay Cranston
- (8) Dr. Eugene Wenninger
- (9) Dr. Joseph Danks
- (10) Edwin R. Ritchey - Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter for Kent State University dated October 5, 1989.
- (2) Exhibit B - Notice of Opportunity letter for Edwin R. Ritchey, R.Ph. dated October 5, 1989.

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- (3) Exhibit C - Request for hearing for Edwin R. Ritchey, R.Ph. from James L. Burdon, Attorney at Law dated October 16, 1989.
- (4) Exhibit D - Request for hearing for Kent State University and Edwin R. Ritchey, R.Ph. from Dennis R. Wilcox, Attorney at Law dated October 26, 1989.
- (5) Exhibit E - Hearing Schedule letter for Kent State University dated November 13, 1989.
- (6) Exhibit F - Hearing Schedule letter for Edwin R. Ritchey, R.Ph. dated October 26, 1989.
- (7) Exhibit G - Hearing Schedule letter for Kent State University dated January 12, 1990.
- (8) Exhibit H - Hearing Schedule letter for Edwin R. Ritchey, R.Ph. dated January 12, 1990.
- (9) Exhibit 1 - Terminal Distributor of Dangerous Drugs Renewal Applications for Kent State University for 1981 and 1983 through 1988, and Application for Registration as a Terminal Distributor of Dangerous Drugs for Kent State University received 12/10/82.
- (10) Exhibit 2 - Pharmacist front sheet for Edwin Reed Ritchey showing original date of licensure of March 21, 1966.
- (11) Exhibit 4 - Ohio Board of Pharmacy Inspection sheet dated February 23, 1989 with Pink Sheet reply by Edwin R. Ritchey, R.Ph. dated February 27, 1989.
- (12) Exhibit 5 - Prescriptions 026233, 026229, 026245, 026246, 026225, 026248, 023305, 023308, 026231, 026232, 026230, 025905, 026027, and 015207 written by Physician Assistant Hedderly and dispensed by Edwin R. Ritchey, R.Ph.
- (13) Exhibit 8 - Prescriptions 025739, 026251, 026249, 026250, 025726, 026222, 026244, 025079, 023306, and 023329 written by Physician Assistant Steven Angelo and dispensed by Edwin R. Ritchey, R.Ph.
- (14) Exhibit 9 - Prescriptions 026236, 023311, 026240, 026247, 025347, and 023312 written by Physician Assistant Deborah Baynes and dispensed by Edwin R. Ritchey, R.Ph.
- (15) Exhibit 10 - Prescription 022395 altered without the knowledge of the prescribing doctor, dispensed by Edwin R. Ritchey, R.Ph.
- (16) Exhibit 11 - Prescriptions 019581, 017302, and 025592 prepared by Dr. Jay Cranston for unlicensed Athletic Department, used by Head Trainer John Faulstick, and dispensed by Edwin R. Ritchey, R.Ph.
- (17) Exhibit 12 - Prescription 019800 written by Dr. Jay Cranston for Taylor Research and dispensed by Edwin R. Ritchey, R.Ph.
- (18) Exhibit 13 - Prescriptions 018243 and 017264 written for Taylor Research by Dr. Jay Cranston and dispensed by Edwin R. Ritchey.
- (19) Exhibit 14 - Ten prescriptions prepared by Dr. Jay Cranston for graduate researcher Alice LeCita at Kent State University with no prescription numbers.
- (20) Exhibit 15 - Inter-Departmental Correspondence of Kent State University from Stephanie Clatworthy, Dean, School of Nursing to Dr. B. Daniels, Assistant Vice President and Dean of Student Affairs dated October 23, 1985; Copy of two prescriptions; and Correspondence sent from the Ohio State Board of Nursing Education and Nurse Registration in regards to Nurses and Physician's Assistants.

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- (21) Exhibit 16 - Inter-Departmental Correspondence of Kent State University from Bob Daniels, Associate Vice President & Dean to Dr. Jay Cranston, Director, University Health Center dated October 25, 1985; Confidential Inter-Departmental Correspondence of Kent State University from Bob Daniels, Associate Vice President & Dean to Provost Terry Roark dated October 28, 1985; Confidential Inter-Departmental Correspondence of Kent State University from Bob Daniels, Associate Vice President & Dean to Dr. Jay Cranston, Director, University Health Center, subject being Physician Assistants dated November 4, 1985; Confidential Inter-Departmental Correspondence of Kent State University from Bob Daniels, Associate Vice President & Dean to Dr. Jay Cranston, Director, University Health Center, subject being Cancellation of Appointment dated November 4, 1985; Inter-Departmental Correspondence of Kent State University from Jay W. Cranston, M.D., Director, Health Center to Dr. Bob Daniels, Dean & Associate Vice-President, 5th Floor, Wright Hall dated November 4, 1985; Confidential Inter-Departmental Correspondence of Kent State University from Bob Daniels, Associate Vice President & Dean to Dr. Jay Cranston, Director, University Health Center dated November 5, 1985; Inter-Departmental Correspondence of Kent State University from Jay W. Cranston, M.D., Director, Health Service to Dr. Bob Daniels, Associate Vice President and Dean, Student Affairs dated November 5, 1985; and Confidential Inter-Departmental Correspondence of Kent State University from Bob Daniels, Associate Vice President and Dean for Student Affairs to Dr. Jay Cranston, Director, Health Center dated January 8, 1986.
- (22) Exhibit 17 - Kent State University Police Department Property Record No. 3734 and 4112.
- (23) Exhibit 18 - Kent State University Police Department Property Record No. 4104, 4105, 4106, 4107, 4102, 4108, 4103, 4098, 3731, 3732, 3733, 3736, 3737, 3738, 3739, 3729, 4110, and 4111.

Respondent's Exhibits:

- (1) Exhibit A - Cancelled Check No. 01-033900, dated 02/02/87 from Kent State University to the Ohio State Board of Pharmacy for one hundred twenty dollars (\$120.00); Invoice from Kent State University to the Ohio State Board of Pharmacy requesting one Updated Edition of the Drug Laws of Ohio dated January 28, 1987; Invoice from Kent State University to the Ohio State Board of Pharmacy requesting two Updated Editions of the Drug Laws of Ohio dated January 27, 1987; and Correspondence from the Ohio State Board of Pharmacy to Kent State University dated January 16, 1987 regarding the Updated Edition of the Drug Laws of Ohio.
- (2) Exhibit B - Kent State University Pharmacy Drug Policies and Guidelines, and Kent State University Pharmacy Access Report.
- (3) Exhibit C - Pharmacy Sign-In Sheet.
- (4) Exhibit D - Thirty-page Printout of Kent State University Pharmacy DEA Audit Log dated February 28, 1990.

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- (5) Exhibit E - Statement of Policy on Drug Abuse for the Kent State University Department of Intercollegiate Athletics; Consent to Testing - Sport Enhancing Substances form; Drug Test/Screening Procedures from the Kent State University Department of Intercollegiate Athletics; List of Sport Enhancing Substances/ Illicit Drugs to be tested by the Department of Intercollegiate Athletics at Kent State University; Sport Testing Periods In-Season Sheet; Specimen Collection Form; Inter-Departmental Correspondence of Kent State University from Judy Devine, Associate Athletic Director to Selected Student Athlete, subject Drug Testing; and Inter-Departmental Correspondence of Kent State University from Judy Devine, Associate Athletic Director, subject being Drug Testing.
- (6) Exhibit F - Kent State University Application for Approval to use Human Subjects in Research; Generic Consent form; Generic Consent Form - Signature Page; Instructions for Consent Form; Projects Involving Children Sheet; and General Information Sheet.
- (7) Exhibit G - Supporting Data - Graduate Faculty Membership for Stuart P. Taylor dated January 7, 1988.
- (8) Exhibit H - Letter from the American Psychological Association to Dr. Stuart P. Taylor dated June 9, 1989, and Letter from the American Psychological Association to Dr. Stuart P. Taylor dated August 31, 1989.
- (9) Exhibit I - Research on The Effects of Alcohol and Delta-9-Tetrahydrocannabinol on Human Physical Aggression, Police Perceptions of Alcohol Intoxication, Violation of a Spacing Norm in High Social Density, The Effects of Alcohol and Extreme Provocation on the Use of a Highly Noxious Electric Shock, Human Physical Aggression as a Function of Diazepam, Alcohol and Expectations of Attack, and Amphetamines and Human Physical Aggression authorized by Dr. Stuart P. Taylor.
- (10) Exhibit J - Doctoral Dissertation of Alice LiCata on The Effect of Oral Cocaine on Human Aggression dated May, 1988.
- (11) Exhibit K - Vita on David C. Riccio dated December, 1989.
- (12) Exhibit L - Letter from the Department of Health & Human Services to David C. Riccio, Ph.D. regarding Application No. 2 R01 MH37535-09 dated July 24, 1989.
- (13) Exhibit M - Letter from David C. Riccio, Professor at Kent State University, Department of Psychology, to Professor W. K. Estes, Editor, Psychological Science, Harvard University dated November 21, 1989; Research on Changes in Memory for Stimulus Attributes: Implications for Tests of Morphine Tolerance authored by Dr. David C. Riccio and Geoffrey Feinberg; Research on Overshadowing Effects in the Stimulus Control of Morphine Analgesic Tolerance authored by Timm A. Walter and David C. Riccio.
- (14) Exhibit N - Letter from Joseph H. Danks, Ph.D., Professor and Chair for Kent State University, Department of Psychology to Mr. Robert L. Cole, Ohio State Board of Pharmacy dated February 12, 1990; Letter from Joseph H. Danks, Ph.D., Professor and Chair for Kent State University, Department of Psychology to Ms. Janice Margreta, Drug Enforcement Administration dated February 12, 1990; and Controlled Substances Procedures for the Department of Psychology.

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- (15) Exhibit O - Ohio State Board of Pharmacy Dangerous Drug Distributor Inspection Reports for Kent State University Health Center dated May 10, 1984 and October 25, 1983.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Edwin R. Ritchey has been a licensed pharmacist in this state since March 21, 1966, pursuant to examination. Records further indicate that, on February 23, 1989, and dates prior thereto, Mr. Ritchey was the Responsible Pharmacist at Kent State University Health Center Pharmacy, Kent, Ohio, pursuant to Section 4729.27 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Edwin R. Ritchey, as the Responsible Pharmacist, on or about February 23, 1989, permitted non-licensed personnel access to a pharmacy which is not secured by a physical barricade when personal supervision of the dangerous drug stock was not provided, to wit: the access door to the pharmacy was not controlled or limited to a pharmacist or practitioner. Such conduct is in violation of Rule 4729-9-11 of the Ohio Administrative Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Edwin R. Ritchey, as the Responsible Pharmacist, on or about February 23, 1989, allowed the pharmacy to fall below the minimum standards for a retail pharmacy, to wit: the pharmacy did not possess a current law book as required by Rule 4729-9-02(A)(1) of the Ohio Administrative Code, and Mr. Ritchey allowed the pharmacy to permit non-licensed persons to possess access to the drug stock in violation of Rule 4729-9-11 of the Ohio Administrative Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Edwin R. Ritchey, as the Responsible Pharmacist, and Kent State University pharmacists did fail to keep proper records as required by Rule 4729-5-17 of the Ohio Administrative Code, to wit: new prescriptions were not manually initialed as is required by Rule 4729-5-17(A)(1) of the Ohio Administrative Code, and the refill log book was not bound as is required by Rule 4729-5-17(C)(6)(c) of the Ohio Administrative Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Edwin R. Ritchey, as the Responsible Pharmacist, did, on or about February 23, 1989, knowingly possess false or forged prescriptions, to wit: the following prescriptions were filled and maintained on file in the pharmacy when they were known to have been written by a physician assistant, Russell Hedderly:

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<u>Rx No.</u>	<u>Date Filled</u>	<u>Qty</u>	<u>Drug</u>
026236	02-23-89	120cc	Tussi-Organidin DM
023311	01-23-89	30 tablets	Pen VK 250mg
026240	02-23-89	14 tablets	Doxycycline 100mg
028247	02-23-89	40 tablets	Pen VK 250mg
025347	02-13-89	1 bottle	Iophen C
023312	01-23-89	120cc	Tussi-Organidin DM

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

- (8) From the evidence presented, the State Board of Pharmacy finds that Edwin R. Ritchey, as the Responsible Pharmacist, did, on or about December 16, 1987, intentionally make or knowingly possess a false or forged prescription, to wit: prescription number 022395 was filled and maintained in the pharmacy wherein a schedule II controlled substance prescribed by one doctor for another, who was listed as the patient, was altered without the knowledge of the prescribing physician. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (9) From the evidence presented, the State Board of Pharmacy finds that Edwin R. Ritchey, as the Responsible Pharmacist, did, on or about the following dates, sell a controlled substance in an amount equal to or greater than three times the bulk amount when its conduct was not in accordance with Chapters 3719., 4715., 4729., 4731., and 4741. of the Revised Code, to wit: Kent State University sold the following schedule II controlled substances pursuant to false prescriptions written for an athletic trainer as patient to be later dispensed:

<u>Prescription No.</u>	<u>Date Filled</u>	<u>Qty</u>	<u>Drug</u>
019581 (2000401)	10-25-88	100 tablets	Oxycodone/ASA
(2000402)	10-25-88	100 tablets	Oxycodone/APAP
017302	09-21-88	5 units	Meperidine 100mg/cc
025592	02-16-89	100 tablets	Oxycodone/APAP 5mg

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (10) From the evidence presented, the State Board of Pharmacy finds that Edwin R. Ritchey, as the Responsible Pharmacist, did, on or about October 27, 1988, sell a controlled substance in an amount equal to or greater than the bulk amount but less than three times the bulk amount when its conduct was not in accordance with Chapters 3719., 4715., 4729., 4731., and 4741. of the Revised Code, to wit: Kent State University sold 480cc Dexedrine Elixir, a schedule II controlled substance, pursuant to false prescription 019800 written for Taylor Research. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

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- (11) From the evidence presented, the State Board of Pharmacy finds that Edwin R. Ritchey, as the Responsible Pharmacist, did, on or about the following dates, sell a controlled substance in an amount less than the minimum bulk amount when its conduct was not in accordance with Chapters 3719., 4715., 4729., 4731., and 4741. of the Revised Code, to wit: Kent State University sold the following schedule II controlled substances pursuant to false prescriptions written for Taylor Research:

<u>Rx No.</u>	<u>Date Filled</u>	<u>Qty</u>	<u>Drug</u>
018243	10-05-88	5 capsules	Seconal Sod. 50mg
017264	09-21-88	30cc	Morphine 15mg/cc

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (12) From the evidence presented, the State Board of Pharmacy finds that Edwin R. Ritchey, as the Responsible Pharmacist, did, on or about the following dates, sell a controlled substance in an amount less than the minimum bulk amount when its conduct was not in accordance with Chapters 3719., 4715., 4729., 4731., and 4741. of the Revised Code, to wit: Kent State University sold Cocaine Hydrochloride, a schedule II controlled substance, pursuant to false prescriptions written for a graduate student of the University, not a patient, for purposes of research:

<u>Rx No.</u>	<u>Date Filled</u>	<u>Qty</u>
(none)	09-16-86	200mg
(none)	10-16-86	278mg
(none)	10-23-86	180mg
(none)	11-04-86	423mg
(none)	11-13-86	1161mg
(none)	unknown	1417mg
(none)	12-02-86	368mg
(none)	12-05-86	635mg
(none)	12-09-86	286mg
(none)	12-12-86	129mg

Such conduct is in violation of Section 2925.03(A)(1) 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 (2) through (12) of the Findings Of Fact constitutes unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

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- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (5) through (12) of the Findings Of Fact constitutes willfully violating, and aiding and abetting the violation of any of the provisions of 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. 03-3-08548, held by Edwin R. Ritchey:

(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 Edwin R. Ritchey for one year, effective September 1, 1990.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00), effective September 1, 1990.

(C) Further, the Board will set aside the suspension and monetary penalty imposed in paragraphs (A) and (B) above and place the pharmacist identification card held by Edwin R. Ritchey on probation for five years on the conditions that Mr. Ritchey successfully completes the Jurisprudence examination offered by the Board prior to September 1, 1990.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Edwin R. Ritchey's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns for a period of five years.

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

MOTION CARRIED.

SO ORDERED.