



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-950315-042)

In The Matter Of:

THOMAS S. RINSKY, R.Ph.

10919 Barrington Court

Cincinnati, Ohio 45242

(R.Ph. No. 03-3-08603)

INTRODUCTION

THE MATTER OF THOMAS S. RINSKY CAME TO HEARING ON JUNE 27, 1995, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); 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.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

THOMAS S. RINSKY WAS REPRESENTED BY JACK C. RUBENSTEIN, AND THE STATE OF OHIO WAS REPRESENTED BY ROBERT J. McCLAREN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Christopher Reed, Ohio State Board of Pharmacy
- (2) Robert Amiet, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Thomas S. Rinsky, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity letter of Thomas S. Rinsky dated March 15, 1995.
- (2) Exhibit 1A--Notice of Opportunity letter of Plotnick Pharmacy dated March 15, 1995.
- (3) Exhibit 1B--Hearing Request letter dated April 5, 1995.
- (4) Exhibit 1C--Hearing Schedule letter dated April 14, 1995.

- (5) Exhibit 1D--Pharmacist File Front Sheet of Thomas S. Rinsky showing original date of registration as August 16, 1966.
- (6) Exhibit 1E--Renewal Application for Pharmacist License, No. 03-3-08603, for a license to practice pharmacy in Ohio from September 14, 1994, to September 15, 1995, of Thomas S. Rinsky dated July 18, 1994.
- (7) Exhibit 1F--Application for Annual License as a Terminal Distributor of Dangerous Drugs of Plotnick Pharmacy, terminal distributor license number 02-156250, for the year of 1989 dated November 11, 1988.
- (8) Exhibit 1G--Renewal Application for Annual License as a Terminal Distributor of Dangerous Drugs of Plotnick Pharmacy, terminal distributor license number 02-156250, for the year of 1990 dated December 6, 1989.
- (9) Exhibit 1H--Renewal Application for Annual License as a Terminal Distributor of Dangerous Drugs of Plotnick Pharmacy, terminal distributor license number 02-156250, for the year of 1991 dated September 24, 1990.
- (10) Exhibit 1I--Renewal Application for Annual License as a Terminal Distributor of Dangerous Drugs of Plotnick Pharmacy, terminal distributor license number 02-156250, for the year of 1992 dated September 23, 1991.
- (11) Exhibit 1J--Renewal Application for Annual License as a Terminal Distributor of Dangerous Drugs of Plotnick Pharmacy, terminal distributor license number 02-156250, for the year of 1993 dated November 25, 1992.
- (12) Exhibit 1K--Renewal Application for Annual License as a Terminal Distributor of Dangerous Drugs of Plotnick Pharmacy, terminal distributor license number 02-156250, for the year of 1994 dated October 9, 1993.
- (13) Exhibit 2--Plotnick Pharmacy Medical Expenses of Elissa Barnes dated from January 1, 1989, to December 31, 1989; and Plotnick Pharmacy Medical Expenses of Elissa Barnes dated from January 1, 1990, to February 28, 1991.
- (14) Exhibit 3--Report of Prescriptions for Elissa Barnes dated from August 21, 1989, to December 20, 1990.
- (15) Exhibit 4--Fifty prescriptions for Elissa Barnes numbered as follows: 4005818, 4005819, 4005982, 4005983, 4006132, 4006133, 4006280, 4006281, 4006462, 4006463, 4006546, 4006547, 4006617, 4006618, 4006830, 4006831, 4006970, 4006971, 4007213, 4007214, 4007364, 4007365, 4007520, 4007521, 4007627, 4007628, 4007758, 4007759, 4007897, 4007898, 4008031, 4008032, 4008207, 4008208, 4008316, 4008317, 4008518, 4008519, 4008688, 4008689, 4009149, 4009150, 4009595, 4009596, 4009744, 4009745, 4009912, 4009913, 4010053, and 4010054.
- (16) Exhibit 5--Statement of Thomas S. Rinsky signed and notarized on February 11, 1991.
- (17) Exhibit 6--Plotnick Pharmacy Medical Expenses of Bill Chaney from January 1, 1990, to April 10, 1993.
- (18) Exhibit 7--Report of Prescriptions for Bill Chaney dated from April 2, 1990, to January 12, 1991.
- (19) Exhibit 8--Twenty-five prescriptions for Bill Chaney numbered as follows: 4007839, 4007840, 4007981, 4007982, 4008126, 4008127, 4008255, 4008256, 4008452, 4008453, 4008547, 4008548, 4008656, 4008657,

- 4008787, 4008788, 4008875, 4008876, 4009271, 4009272, 4009865, 4010066, 4010067, 4010191, and 4010192.
- (20) Exhibit 9--Plotnick Pharmacy Medical Expenses of Lilly Chaney dated from January 1, 1989, to December 31, 1989; and Plotnick Pharmacy Medical Expenses of Lilly Chaney dated from January 1, 1990, to February 28, 1991.
 - (21) Exhibit 10--Report of Prescriptions for Lilly Chaney dated from October 26, 1989, through December 10, 1990.
 - (22) Exhibit 11--Thirty-five prescriptions for Lilly Chaney numbered as follows: 4006415, 4006416, 4006566, 4006567, 4006725, 4006726, 4007045, 4007046, 4007545, 4007546, 4007719, 4007720, 4007806, 4007807, 4007940, 4007941, 4008055, 4008056, 4008192, 4008193, 4008354, 4008413, 4008414, 4008607, 4008608, 4008739, 4008740, 4008821, 4008822, 4009039, 4009040, 4009269, 4009270, 4009957, and 4009958.
 - (23) Exhibit 12--Plotnick Pharmacy Medical Expenses of Wanda Devault dated from January 1, 1990, to February 28, 1991.
 - (24) Exhibit 13--Report of Prescriptions for Wanda Devault dated from January 4, 1990, to December 27, 1990.
 - (25) Exhibit 14--Thirty-four prescriptions for Wanda Devault numbered as follows: 4006984, 4006985, 4007114, 4007115, 4007247, 4007248, 4007373, 4007374, 4007563, 4007564, 4007643, 4007644, 4007803, 4007804, 4007963, 4007964, 4008101, 4008102, 4008293, 4008294, 4008527, 4008528, 4008963, 4008964, 4009068, 4009069, 4009205, 4009206, 4009373, 4009374, 4009469, 4009470, 4010093, and 4010095.
 - (26) Exhibit 15--Plotnick Pharmacy Medical Expenses of Gaye Evans dated from January 1, 1989, to December 31, 1989; and two-page Plotnick Pharmacy Medical Expenses of Gaye Evans dated from January 1, 1990, to February 28, 1991.
 - (27) Exhibit 16--Report of Prescriptions for Gaye Evans dated from August 24, 1989, to December 17, 1990.
 - (28) Exhibit 17--Sixty-one prescriptions for Gaye Evans numbered as follows: 4005865, 4005866, 4006038, 4006039, 4006172, 4006173, 4006362, 4006363, 4006569, 4006570, 4006717, 4006718, 4006863, 4006864, 4006978, 4006979, 4007116, 4007117, 4007245, 4007246, 4007368, 4007369, 4007508, 4007509, 4007638, 4007639, 4007781, 4007783, 4007885, 4007886, 4008018, 4008019, 4008157, 4008158, 4008269, 4008270, 4008383, 4008384, 4008513, 4008514, 4008628, 4008629, 4008631, 4008749, 4008750, 4008827, 4008828, 4009033, 4009034, 4009250, 4009251, 4009376, 4009377, 4009635, 4009636, 4009734, 4009735, 4009884, 4009885, 4010007, and 4010008.
 - (29) Exhibit 18--Plotnick Pharmacy Medical Expenses of Charles Geyer dated from January 1, 1989, through December 31, 1989; and two-page Plotnick Pharmacy Medical Expenses of Charles Geyer dated from January 1, 1990, through February 28, 1991.
 - (30) Exhibit 19--Two-page report of Prescriptions for Charles Geyer dated from August 14, 1989, to December 10, 1990.
 - (31) Exhibit 20--Seventy prescriptions for Charles Geyer numbered as follows: 4005741, 4005742, 4005890, 4005891, 4006022, 4006023, 4006124, 4006125, 4006276, 4006277, 4006345, 4006346, 4006458, 4006459, 4006557, 4006558, 4006682, 4006683, 4006825, 4006827, 4006962, 4006963, 4007112, 4007113, 4007208, 4007209, 4007331,

4007332, 4007467, 4007468, 4007601, 4007602, 4007738, 4007740, 4007859, 4007860, 4007976, 4007977, 4008120, 4008121, 4008251, 4008252, 4008351, 4008352, 4008474, 4008475, 4008603, 4008604, 4008720, 4008721, 4008818, 4008819, 4008921, 4008922, 4009031, 4009032, 4009136, 4009137, 4009244, 4009245, 4009400, 4009401, 4009561, 4009562, 4009680, 4009681, 4009794, 4009797, 4009953, and 4009954.

- (32) Exhibit 21--Plotnick Pharmacy Medical Expenses of Joyce Geyer dated from January 1, 1989, to December 31, 1989; and Plotnick Pharmacy Medical Expenses of Joyce Geyer dated from January 1, 1990, to February 28, 1991.
- (33) Exhibit 22--Two-page report of Prescriptions for Joyce Geyer dated from August 14, 1989, to December 10, 1990.
- (34) Exhibit 23--Seventy prescriptions for Joyce Geyer numbered as follows: 4005743, 4005744, 4005892, 4005893, 4006020, 4006021, 4006126, 4006127, 4006274, 4006275, 4006347, 4006348, 4006456, 4006457, 4006559, 4006560, 4006684, 4006685, 4006822, 4006823, 4006961, 4006964, 4007110, 4007111, 4007206, 4007207, 4007334, 4007335, 4007469, 4007470, 4007603, 4007604, 4007741, 4007742, 4007978, 4007979, 4007857, 4007858, 4008122, 4008123, 4008253, 4008254, 4008349, 4008350, 4008476, 4008477, 4008605, 4008606, 4008722, 4008723, 4008816, 4008817, 4008923, 4008924, 4009029, 4009030, 4009134, 4009135, 4009242, 4009243, 4009398, 4009399, 4009563, 4009564, 4009678, 4009679, 4009798, 4009799, 4009955, and 4009956.
- (35) Exhibit 24--Plotnick Pharmacy Medical Expenses of Fred Guerriri dated from January 1, 1990, to February 28, 1991.
- (36) Exhibit 25--Report of Prescriptions for Fred Guerriri dated from June 22, 1989, to November 15, 1990.
- (37) Exhibit 26--Twenty-five prescriptions for Fred Guerriri numbered as follows: 4005785, 4005786, 4006649, 4006650, 4006785, 4006786, 4006968, 4006969, 4007360, 4007361, 4007950, 4007951, 4008100, 4008233, 4008234, 4008686, 4008687, 4008948, 4008949, 4009060, 4009061, 4009361, 4009362, 4009707, and 4009708.
- (38) Exhibit 27--Plotnick Pharmacy Medical Expenses of Julia Harrison dated from January 1, 1989, to December 31, 1989; and two-page Medical Expenses of Julia Harrison dated from January 1, 1990, to February 28, 1991.
- (39) Exhibit 28--Two-page report of Prescriptions for Julia Harrison dated from August 14, 1989, to December 30, 1990.
- (40) Exhibit 29--Sixty-six prescriptions for Julia Harrison numbered as follows: 4005748, 4005749, 4005856, 4005857, 4005975, 4005976, 4006072, 4006073, 4006197, 4006198, 4006272, 4006273, 4006848, 4006849, 4006723, 4006724, 4006958, 4006959, 4007108, 4007109, 4007277, 4007278, 4007399, 4007400, 4007570, 4007571, 4007736, 4007737, 4007923, 4007924, 4008075, 4008076, 4008186, 4008187, 4008303, 4008304, 4008472, 4008473, 4008601, 4008602, 4008718, 4008719, 4008843, 4008844, 4008910, 4008911, 4009027, 4009028, 4009138, 4009139, 4009230, 4009231, 4009365, 4009366, 4009481, 4009482, 4009593, 4009594, 4009705, 4009706, 4009835, 4009836, 4009986, 4009987, 4010109, and 4010110.
- (41) Exhibit 30--Plotnick Pharmacy Medical Expenses of Barbara Hayes dated from January 1, 1990, to February 28, 1991.

- (42) Exhibit 31--Report of Prescriptions for Barbara Hayes dated from March 20, 1990, to January 3, 1991.
- (43) Exhibit 32--Thirty prescriptions for Barbara Hayes numbered as follows: 4007678, 4007679, 4008307, 4008308, 4008411, 4008412, 4008545, 4008546, 4008654, 4008655, 4008770, 4008771, 4008925, 4008926, 4009035, 4009036, 4009184, 4009185, 4009344, 4009345, 4009445, 4009446, 4009695, 4009696, 4009900, 4009901, 4010030, 4010031, 4010126, and 4010127.
- (44) Exhibit 33--Plotnick Pharmacy Medical Expenses of Susan Maddux dated from January 1, 1990, to February 28, 1991.
- (45) Exhibit 34--Report of Prescriptions for Sue Maddux dated from April 16, 1990, to January 3, 1991.
- (46) Exhibit 35--Twenty-six prescriptions for Susan Maddux numbered as follows: 4007916, 4008188, 4008440, 4008630, 4008751, 4008752, 4008836, 4008837, 4008954, 4008955, 4009064, 4009065, 4009162, 4009163, 4009280, 4009281, 4009616, 4009617, 4009731, 4009732, 4009904, 4009905, 4010039, 4010040, 4010130, and 4010131.
- (47) Exhibit 36--Plotnick Pharmacy Medical Expenses of Kris Martin from January 1, 1990, to February 28, 1991.
- (48) Exhibit 37--Report of Prescriptions for Kris Martin dated from March 15, 1990, to October 1, 1990.
- (49) Exhibit 38--Twenty-four prescriptions for Kris Martin numbered as follows: 4007635, 4007636, 4007747, 4007748, 4007866, 4007867, 4007992, 4007993, 4008152, 4008153, 4008437, 4008438, 4008725, 4008726, 4008928, 4008929, 4009037, 4009038, 4009101, 4009102, 4009195, 4009196, 4009324, and 4009325.
- (50) Exhibit 39--Plotnick Pharmacy Medical Expenses of Tom Prather dated from January 1, 1989, to December 31, 1989; and Plotnick Pharmacy Medical Expenses of Tom Prather dated from January 1, 1990, to February 28, 1991.
- (51) Exhibit 40--Report of Prescriptions for Tom Prather dated from August 14, 1989, to November 29, 1990.
- (52) Exhibit 41--Twenty-two prescriptions for Tom Prather numbered as follows: 4005752, 4005753, 4005894, 4005895, 4006024, 4006025, 4006129, 4006130, 4006349, 4006350, 4006460, 4006461, 4006564, 4006565, 4006691, 4006692, 4006850, 4006851, 4006965, 4006966, 4009847, and 4009848.
- (53) Exhibit 42--Plotnick Pharmacy Medical Expenses of Sue Ryan dated from January 1, 1989, to December 31, 1989; and Plotnick Pharmacy Medical Expenses of Sue Ryan dated from January 1, 1990, to February 1, 1991.
- (54) Exhibit 43--Report of Prescriptions for Sue Ryan dated from August 14, 1989, to November 29, 1990.
- (55) Exhibit 44--Forty-four prescriptions for Sue Ryan numbered as follows: 4005750, 4005751, 4005896, 4005897, 4006128, 4006131, 4006334, 4006335, 4006351, 4006352, 4006561, 4006562, 4006693, 4006694, 4007016, 4007017, 4007336, 4007337, 4007529, 4007530, 4007729, 4007730, 4007878, 4007879, 4008035, 4008036, 4008214, 4008215, 4008331, 4008332, 4008838, 4008839, 4008873, 4008874, 4009276, 4009277, 4009438, 4009439, 4009606, 4009607, 4009746, 4009747, 4009843, and 4009844.
- (56) Exhibit 45--Plotnick Pharmacy Medical Expenses of Darylle Simmons dated from January 1, 1989, to December 31, 1990; and Plotnick

- Pharmacy Medical Expenses of Darylle Simmons dated from January 1, 1990, to February 28, 1991.
- (57) Exhibit 46--Report of Prescriptions for Darylle Simmons dated from September 25, 1989, to December 20, 1990.
 - (58) Exhibit 47--Forty-four prescriptions for Darylle Simmons numbered as follows: 4006134, 4006135, 4006282, 4006283, 4006689, 4006690, 4006824, 4006826, 4006972, 4006973, 4007210, 4007211, 4007647, 4007648, 4007766, 4007767, 4007955, 4007956, 4008160, 4008161, 4008281, 4008282, 4008345, 4008346, 4008576, 4008577, 4008776, 4008777, 4008889, 4008890, 4009002, 4009003, 4009160, 4009161, 4009380, 4009381, 4009597, 4009598, 4009742, 4009743, 4009841, 4009842, 4010055, and 4010056.
 - (59) Exhibit 48--Copy of page 236 of "Facts and Comparisons", January 1995; and copy of pages 237 through 240a of "Facts and Comparisons", March 1989.
 - (60) Exhibit 49--Copy of page 817 of "Physicians' Desk Reference", 1989.
 - (61) Exhibit 50--Copy of pages 2349 and 2350 of "Physicians' Desk Reference", 1989.

Respondent's Exhibits:

- (1) None

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) Records of the Board of Pharmacy indicate that Thomas S. Rinsky was originally licensed in the state of Ohio on August 16, 1966, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio. Records further reflect that Thomas S. Rinsky is the Responsible Pharmacist at Plotnick Pharmacy pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code. [For purposes of the following paragraphs, the term "to the same patient" refers to a different individual in each paragraph.]
- (2) Thomas S. Rinsky did, from August 21, 1989, through December 20, 1990, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: over a 486-day time period, and knowing that other such sales were being made, Thomas S. Rinsky sold 253 unit doses of Bontril 35mg and 131 unit doses of Adipex-P to the same patient for purposes of weight control when such was not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (3) Thomas S. Rinsky did, from April 2, 1990, through January 12, 1991, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount,

when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: over a 286-day time period, and knowing that other such sales were being made, Thomas S. Rinsky sold 237 unit doses of Bontril 35mg and 98 unit doses of Adipex-P to the same patient for purposes of weight control when such was not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (4) Thomas S. Rinsky did, from October 26, 1989, through December 10, 1990, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: over a 410-day time period, and knowing that other such sales were being made, Thomas S. Rinsky sold 484 unit doses of Bontril 35mg and 197 unit doses of Adipex-P to the same patient for purposes of weight control when such was not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (5) Thomas S. Rinsky did, from January 4, 1990, through December 27, 1990, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: over a 357-day time period, and knowing that other such sales were being made, Thomas S. Rinsky sold 99 unit doses of Bontril 35mg and 99 unit doses of Adipex-P to the same patient for purposes of weight control when such was not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (6) Thomas S. Rinsky did, from August 24, 1989, through December 17, 1990, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: over a 480-day time period, and knowing that other such sales were being made, Thomas S. Rinsky sold 375 unit doses of Bontril 35mg and 201 unit doses of Adipex-P to the same patient for purposes of weight control when such was not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (7) Thomas S. Rinsky did, from August 14, 1989, through December 10, 1990, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: over a 483-day time period, and knowing that other such sales were being made, Thomas S. Rinsky sold 1,120 unit doses of Plegine 35mg, 429 unit doses of Adipex-P, and 30 unit doses of Tenuate 25mg to the same patient for purposes of weight control when such was not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

- (8) Thomas S. Rinsky did, from August 14, 1989, through December 10, 1990, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: over a 483-day time period, and knowing that other such sales were being made, Thomas S. Rinsky sold 1,120 unit doses of Bontril 35mg, 429 unit doses of Adipex-P, and 30 unit doses of Tenuate 25mg to the same patient for purposes of weight control when such was not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (9) Thomas S. Rinsky did, from June 22, 1989, through November 15, 1990, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: over a 511-day time period, and knowing that other such sales were being made, Thomas S. Rinsky sold 90 unit doses of Bontril 35mg and 44 unit doses of Adipex-P to the same patient for purposes of weight control when such was not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.
- (10) Thomas S. Rinsky did, from August 14, 1989, through December 30, 1990, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: over a 503-day time period, and knowing that other such sales were being made, Thomas S. Rinsky sold 620 unit doses of Bontril 35mg and 243 unit doses of Adipex-P to the same patient for purposes of weight control when such was not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (11) Thomas S. Rinsky did, from March 20, 1990, through January 3, 1991, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: over a 290-day time period, and knowing that other such sales were being made, Thomas S. Rinsky sold 14 unit doses of Bontril 35mg, 142 unit doses of Plegine 35mg, 14 unit doses of Tenuate 25mg, and 112 unit doses of Adipex-P to the same patient for purposes of weight control when such was not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (12) Thomas S. Rinsky did, from April 16, 1990, through January 3, 1991, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: over a 263-day time period, and knowing that other such sales were being made, Thomas S. Rinsky sold 123 unit doses of Bontril 35mg and 49 unit doses of Adipex-P to the same patient for purposes of

weight control when such was not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

- (13) Thomas S. Rinsky did, from March 15, 1990, through October 1, 1990, sell a controlled substance in an amount less than the bulk amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: over a 201-day time period, and knowing that other such sales were being made, Thomas S. Rinsky sold 28 unit doses of Bontril 35mg and 28 unit doses of Adipex-P to the same patient for purposes of weight control when such was not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (14) Thomas S. Rinsky did, from August 14, 1989, through January 4, 1990, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: over a 144-day time period, and knowing that other such sales were being made, Thomas S. Rinsky sold 150 unit doses of Bontril 35mg and 120 unit doses of Adipex-P to the same patient for purposes of weight control when such was not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (15) Thomas S. Rinsky did, from August 14, 1989, through November 29, 1990, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: over a 473-day time period, and knowing that other such sales were being made, Thomas S. Rinsky sold 232 unit doses of Bontril 35mg and 217 unit doses of Adipex-P to the same patient for purposes of weight control when such was not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (16) Thomas S. Rinsky did, from September 25, 1989, through December 20, 1990, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: over a 451-day time period, and knowing that other such sales were being made, Thomas S. Rinsky sold 328 unit doses of Bontril 35mg and 158 unit doses of Adipex-P to the same patient for purposes of weight control when such was not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (16) of the Findings of Fact constitute being guilty of 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) through (16) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of 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.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Thomas S. Rinsky:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby places the pharmacist identification card, No. 03-3-08603, of Thomas S. Rinsky on probation for three years, effective as of the date of the mailing of this Order. The 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 Thomas S. Rinsky's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
 - (2) Thomas S. Rinsky may not serve as a responsible pharmacist.
 - (3) Thomas S. Rinsky must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (4) Thomas S. Rinsky must abide by the rules of the Ohio State Board of Pharmacy.
 - (5) Thomas S. Rinsky must comply with the terms of this Order.

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.

- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of one thousand dollars (\$1,000.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

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

MOTION CARRIED.

SO ORDERED.