



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-960322-049)

In The Matter Of:

JACK JAMES WILHELM, R.Ph.

1905 Sunnyslawn Drive

Toledo, Ohio 43614

(R.Ph. No. 03-3-09450)

INTRODUCTION

THE MATTER OF JACK JAMES WILHELM CAME TO HEARING ON JANUARY 28, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; 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.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JACK JAMES WILHELM WAS REPRESENTED BY CHARLES M. BOSS, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy
- (2) Joann Predina, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Robert Oberlin Urfer
- (2) Joseph F. Adams, St. Vincent's Medical Center

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity for Hearing letter in the matter of Orchard Drugs dated March 22, 1996.
- (2) Exhibit 1A--Notice of Appearance and Certificate of Service in the matter of Orchard Drugs by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.

- (3) Exhibit 1B--Request for Hearing and Certificate of Service in the matter of Orchard Drugs by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (4) Exhibit 1C--Notice of Opportunity for Hearing letter in the matter of Robert Oberlin Urfer dated March 22, 1996.
- (5) Exhibit 1D--Notice of Appearance and Certificate of Service in the matter of Robert Oberlin Urfer by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (6) Exhibit 1E--Request for Hearing and Certificate of Service in the matter of Robert Oberlin Urfer by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (7) Exhibit 1F--Notice of Opportunity for Hearing letter in the matter of Jack James Wilhelm dated March 22, 1996.
- (8) Exhibit 1G--Notice of Appearance and Certificate of Service in the matter of Jack James Wilhelm by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (9) Exhibit 1H--Request for Hearing and Certificate of Service in the matter of Jack James Wilhelm by David W. Grauer and Janice K. Van Dyne dated April 12, 1996.
- (10) Exhibit 1I--Two-page Hearing Schedule letter dated April 16, 1996.
- (11) Exhibit 1J--Two-page Hearing Schedule letter dated June 26, 1996.
- (12) Exhibit 1K--Fax copy of notice of representation in the matter of Jack James Wilhelm by Charles M. Boss dated November 19, 1996.
- (13) Exhibit 1L--Motion for Continuance, Memorandum in Support, and Certificate of Service in the matter of Orchard Drugs by David W. Grauer and Janice K. Van Dyne dated November 25, 1996.
- (14) Exhibit 1M--Motion for Continuance, Memorandum in Support, and Certificate of Service in the matter of Robert Oberlin Urfer by David W. Grauer and Janice K. Van Dyne dated November 25, 1996.
- (15) Exhibit 1N--Response to Continuance Request in the matter of Robert Urfer and Orchard Drugs dated December 3, 1996.
- (16) Exhibit 1O--Amended Notice of Opportunity for Hearing letter in the matter of Orchard Drugs dated December 3, 1996.
- (17) Exhibit 1P--Amended Notice of Opportunity for Hearing letter in the matter of Robert Oberlin Urfer dated December 3, 1996.
- (18) Exhibit 1Q--Amended Notice of Opportunity for Hearing letter in the matter of Jack James Wilhelm dated December 4, 1996.
- (19) Exhibit 1R--Notice of Withdrawal of Counsel and Certificate of Service in the matter of Jack James Wilhelm by David W. Grauer and Janice K. Van Dyne dated December 4, 1996.
- (20) Exhibit 1S--Letter from Julie Dey dated December 4, 1996; Motion for Continuance, Memorandum in Support; and Certificate of Service in the matter of Jack James Wilhelm by Charles M. Boss first received on December 4, 1996.
- (21) Exhibit 1T--Letter to Charles M. Boss from Franklin Z. Wickham dated December 4, 1996.
- (22) Exhibit 1U--Letter to Janice K. Van Dyne and David W. Grauer from Franklin Z. Wickham dated January 7, 1997.
- (23) Exhibit 1V--Letter to Charles M. Boss from Franklin Z. Wickham dated January 7, 1997.
- (24) Exhibit 1W--Application for Registration as a Terminal Distributor of Dangerous Drugs of Orchard Drug dated May 5, 1991; copy of Records of Incorporation Certificate; four-page copy of Articles of Incorporation; and six Renewal Applications for DDD License, No. 02-0606500, for a Terminal Distributor of Dangerous Drugs License of Orchard Drugs for the following time periods: January 1, 1997, to December 31, 1997, dated October 4, 1996; January 1, 1996, to December 31, 1996, dated October 14, 1995; January 1, 1995, to December 31, 1995, dated October 29, 1994; January 1, 1994, to December 31, 1994, dated

October 5, 1993; January 1, 1993, to December 31, 1993, dated November 16, 1992; and January 1, 1992, to December 31, 1992, dated September 21, 1991.

- (25) Exhibit 1X--Pharmacist File Front Sheet of Robert Oberlin Urfer showing original date of registration as August 4, 1969; and Renewal Application for Pharmacist License, No. 03-1-09283, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997 of Robert Oberlin Urfer dated July 18, 1996.
- (26) Exhibit 1Y--Pharmacist File Front Sheet of Jack James Wilhelm showing original date of registration as February 25, 1970; and Renewal Application for Pharmacist License, No. 03-3-09450, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997, of Jack James Wilhelm dated July 28, 1996.
- (27) Exhibit 1Z--Six-page Order of the State Board of Pharmacy, Docket No. D-910429-069, in the matter of Jack James Wilhelm dated August 16, 1991.
- (28) Exhibit 2--Sealed Record-Samuel's Products Exempt Narcotics Register of Orchard Drug dated from June 24, 1991, to December 8, 1992.
- (29) Exhibit 2A--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from December 9, 1992, to February 28, 1993.
- (30) Exhibit 2B--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from February 28, 1993, to May 1, 1993.
- (31) Exhibit 2C--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from May 1, 1993, to June 22, 1993.
- (32) Exhibit 2D--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from June 22, 1993, to August 22, 1993.
- (33) Exhibit 2E--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from August 22, 1993, to October 16, 1993.
- (34) Exhibit 2F--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from October 16, 1993, to January 16, 1994.
- (35) Exhibit 2G--Sealed Record-Narcotic and Poison Register of Orchard Drug dated from January 16, 1994, to March 15, 1994.
- (36) Exhibit 3--Accountability Statement of Orchard Drug for Demerol 50mg Tablet dated March 30, 1994.
- (37) Exhibit 3A--Accountability Statement of Orchard Drug for Demerol 100mg Tablet dated March 30, 1994.
- (38) Exhibit 3B--Accountability Statement of Orchard Drug for Dexedrine 5 Spansule dated March 30, 1994.
- (39) Exhibit 3C--Accountability Statement of Orchard Drug for Dexedrine 10 Spansule dated March 30, 1994.
- (40) Exhibit 3D--Accountability Statement of Orchard Drug for Dilaudid 2mg dated March 29, 1994.
- (41) Exhibit 3E--Accountability Statement of Orchard Drug for Dilaudid 4mg dated March 29, 1994.
- (42) Exhibit 3F--Accountability Statement of Orchard Drug for Mepergan Fortis dated March 30, 1994.
- (43) Exhibit 3G--Accountability Statement of Orchard Drug for Methadone 5mg dated March 29, 1994.
- (44) Exhibit 3H--Accountability Statement of Orchard Drug for Methadone 10mg dated May 2, 1994.
- (45) Exhibit 3I--Accountability Statement of Orchard Drug for MS Contin 15mg Tablets dated March 30, 1994.
- (46) Exhibit 3J--Accountability Statement of Orchard Drug for MS Contin 30mg Tablets dated May 2, 1994.

- (47) Exhibit 3K--Accountability Statement of Orchard Drug for MS Contin 60mg Tablets dated March 30, 1994.
- (48) Exhibit 3L--Accountability Statement of Orchard Drug for MS Contin 100mg Tablets dated March 30, 1994.
- (49) Exhibit 3M--Accountability Statement of Orchard Drug for Nembutal 100 Capsule dated March 30, 1994.
- (50) Exhibit 3N--Accountability Statement of Orchard Drug for Oxycodone/APAP dated May 2, 1994.
- (51) Exhibit 3O--Accountability Statement of Orchard Drug for Oxycodone/ASA dated March 29, 1994.
- (52) Exhibit 3P--Accountability Statement of Orchard Drug for Percocet dated May 2, 1994.
- (53) Exhibit 3Q--Accountability Statement of Orchard Drug for Percodan dated May 2, 1994.
- (54) Exhibit 3R--Accountability Statement of Orchard Drug for Roxicet dated March 29, 1994.
- (55) Exhibit 3S--Accountability Statement of Orchard Drug for Roxilox dated March 29, 1994.
- (56) Exhibit 3T--Accountability Statement of Orchard Drug for Roxiprin dated May 2, 1994.
- (57) Exhibit 3U--Accountability Statement of Orchard Drug for Tylox dated March 29, 1994.
- (58) Exhibit 4--Sealed Record-Prescription No. 295208.
- (59) Exhibit 5--Sealed Record-Prescription No. 300001.
- (60) Exhibit 6--Sealed Record-Prescription No. 304008.
- (61) Exhibit 7--Sealed Record-Prescription No. 308350.
- (62) Exhibit 8--Sealed Record-Prescription No. 313451.
- (63) Exhibit 9--Sealed Record-Ten-page Tax Insurance Summary of Orchard Drugs for Mark Miller dated from August 13, 1992, through June 1, 1994, dated June 1, 1994.
- (64) Exhibit 10--Sealed Record-Copies of thirty-nine pages of refill log book entries of Orchard Drugs dated from February 4, 1993, through November 13, 1993.
- (65) Exhibit 10A--Sealed Record-Copies of four pages of refill log book entries of Orchard Drugs dated from July 20, 1993, through September 30, 1993.
- (66) Exhibit 10B--Sealed Record-Copy of one page of refill log book entries of Orchard Drugs dated from October 23, 1992, through October 24, 1992.
- (67) Exhibit 11--Sealed Record-Copies of twenty-four pages of refill log book entries of Orchard Drugs dated from November 26, 1993, through May 27, 1994.
- (68) Exhibit 11A--Sealed Record-Copies of five pages of refill log book entries of Orchard Drugs dated from December 17, 1993, through January 15, 1994.
- (69) Exhibit 11B--Sealed Record-Copies of twelve pages of refill log book entries of Orchard Drugs dated from February 20, 1994, through May 5, 1994.
- (70) Exhibit 11C--Sealed Record-Copies of fifteen pages of refill log book entries of Orchard Drugs dated from May 25, 1993, through May 12, 1994.
- (71) Exhibit 12--Sealed Record-Two-page statement of James D. Diethelm, M.D. signed and notarized on June 19, 1994.
- (72) Exhibit 13--Sealed Record-Prescription No. 299716.
- (73) Exhibit 14--Sealed Record-Prescription No. 304997.
- (74) Exhibit 15--Sealed Record-Prescription No. 306131.
- (75) Exhibit 16--Sealed Record-Prescription No. 290379.
- (76) Exhibit 17--Sealed Record-Prescription No. 311332.
- (77) Exhibit 18--Sealed Record-Prescription No. 300304.
- (78) Exhibit 19--Sealed Record-Prescription No. 304855.
- (79) Exhibit 20--Sealed Record-Prescription No. 306348.

- (80) Exhibit 21--Sealed Record-Prescription No. 306888.
- (81) Exhibit 22--Sealed Record-Prescription No. 307942.
- (82) Exhibit 23--Sealed Record-Prescription No. 308516.
- (83) Exhibit 24--Sealed Record-Prescription No. 308849.
- (84) Exhibit 25--Sealed Record-Prescription No. 309039.
- (85) Exhibit 26--Sealed Record-Prescription No. 309239.
- (86) Exhibit 27--Sealed Record-Prescription No. 309384.
- (87) Exhibit 28--Sealed Record-Prescription No. 312142.
- (88) Exhibit 29--Sealed Record-Prescription No. 314886.
- (89) Exhibit 30--Sealed Record-Prescription No. 314978.
- (90) Exhibit 31--Sealed Record-Prescription No. 314980.
- (91) Exhibit 32--Sealed Record-Prescription No. 315175.
- (92) Exhibit 33--Sealed Record-Statement of Benjamin W. Butler, M.D. dated June 10, 1994.
- (93) Exhibit 34--Sealed Record-Statement of Dr. Michelle Nicholson-Wilson signed and notarized on June 9, 1994.
- (94) Exhibit 35--Sealed Record-Copy of telephone message from Orchard Drug dated July 22, 1992.
- (95) Exhibit 36--Sealed Record-Statement of Hosea Payne, M.D. signed and notarized on June 9, 1994.
- (96) Exhibit 37--Sealed Record-Statement of R. L. Finken, M.D. signed and notarized on June 10, 1994.
- (97) Exhibit 38--Copy of price list for schedule V codeine cough syrups written on a piece of note pad that advertises Cardene.
- (98) Exhibit 39--Three-page table of Lucas County Exempt Sales by Zip Code.
- (99) Exhibit 40--Three-page table of Lucas County Pharmacies Exempt Narcotic Sales without the #1 and #2 in Sales.
- (100) Exhibit 41--Three-page table of Lucas County Exempt Sales Without Highest Sales Pharmacy.
- (101) Exhibit 42--Map of Toledo, Ohio area showing location of Orchard Drug in blue, patient's home addresses in red, and other pharmacies in the Toledo area in green.
- (102) Exhibit 43--Sealed Record-Two-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 13.
- (103) Exhibit 44--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 13.
- (104) Exhibit 45--Sealed Record-Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 13.
- (105) Exhibit 46--Sealed Record-Four-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 139.
- (106) Exhibit 47--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 139.
- (107) Exhibit 48--Sealed Record-Three-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 139.
- (108) Exhibit 49--Sealed Record-Table showing exempt narcotic sales made by Orchard Drug to Patient No. 20.
- (109) Exhibit 50--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 20.
- (110) Exhibit 51--Sealed Record-Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 20.
- (111) Exhibit 52--Sealed Record-Table showing exempt narcotic sales made by Orchard Drug to Patient No. 45.

- (112) Exhibit 53--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 45.
- (113) Exhibit 54--Sealed Record-Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 45.
- (114) Exhibit 55--Sealed Record-Two-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 61.
- (115) Exhibit 56--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 61.
- (116) Exhibit 57--Sealed Record-Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 61.
- (117) Exhibit 58--Sealed Record-Five-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 66.
- (118) Exhibit 59--Sealed Record-Two-page table showing exempt narcotic sales made by Robert Urfer to Patient No. 66.
- (119) Exhibit 60--Sealed Record-Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 66.
- (120) Exhibit 61--Sealed Record-Three-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 79.
- (121) Exhibit 62--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 79.
- (122) Exhibit 63--Sealed Record-Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 79.
- (123) Exhibit 64--Sealed Record-Three-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 80.
- (124) Exhibit 65--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 80.
- (125) Exhibit 66--Sealed Record-Three-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 80.
- (126) Exhibit 67--Sealed Record-Five-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 99.
- (127) Exhibit 68--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 99.
- (128) Exhibit 69--Sealed Record-Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 99.
- (129) Exhibit 70--Sealed Record-Five-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 111.
- (130) Exhibit 71--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 111.
- (131) Exhibit 72--Sealed Record-Three-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 111.
- (132) Exhibit 73--Sealed Record-Table showing exempt narcotic sales made by Orchard Drug to Patient No. 117.
- (133) Exhibit 74--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 117.
- (134) Exhibit 75--Sealed Record-Table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 117.
- (135) Exhibit 76--Sealed Record-Two-page table showing exempt narcotic sales made by Orchard Drug to Patient No. 127.
- (136) Exhibit 77--Sealed Record-Table showing exempt narcotic sales made by Robert Urfer to Patient No. 127.
- (137) Exhibit 78--Sealed Record-Two-page table showing exempt narcotic sales made by Jack Wilhelm to Patient No. 127.
- (138) Exhibit 79--Sealed Record-Prescription No. 302997.

(139) Exhibit 80--Sealed Record-Confidential Patient Key for Exempt Narcotic Sales at Orchard Drug.

Respondent's Exhibits:

- (1) Exhibit Wilhelm A--Two-page affidavit of Michael D. Quigley signed and notarized on January 25, 1997.
- (2) Exhibit Urfer A--Three-page copy of Affidavit of Robert O. Urfer signed and notarized on January 23, 1997.
- (3) Exhibit Urfer C--UWIL, Inc. Six Year Analysis of Various Financial Info. and Ratios and Percentage of Gross Sales.
- (4) Exhibit Urfer E--Copy of note, dated August 20, 1996, on prescription blank signed by James D. Diethelm, M.D.; and copy of prescription number 290161.
- (5) Exhibit Urfer G--Copies of six Dangerous Drug Distributor Inspection Reports of Orchard Drugs dated as follows: December 12, 1990; June 11, 1991; September 17, 1992; December 29, 1993; March 16, 1994; and August 15, 1996.
- (6) Exhibit Urfer I--Two-page Affidavit of Kim Williams signed and notarized on January 24, 1997.
- (7) Exhibit Urfer J--Two-page Affidavit of Phillip J. Nelson signed and notarized on January 24, 1997.
- (8) Exhibit Urfer K--Letter from Thomas P. Connolly dated January 24, 1997.

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 Jack James Wilhelm was originally licensed in the state of Ohio on February 25, 1970, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio. Records further reflect that Jack James Wilhelm has been disciplined by the Board on August 16, 1991, for having committed acts constituting gross immorality, dishonesty and unprofessional conduct in the practice of pharmacy, being addicted to or abusing drugs, and willfully violating provisions of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- (2) Jack James Wilhelm did, on or about the following dates, sell under the exemptions of Section 3719.15 of the Ohio Revised Code to the same person (on each occasion) preparations included within Section 3719.15, when he knew or by reasonable diligence could have ascertained that the sale provided the recipient with more than one such preparation within a forty-eight consecutive hour period:

<u>Date</u>	<u>Patient No.</u>	<u>Drug</u>
02/22/93	127	Cheracol
02/25/93	127	Cheracol
03/15/93	127	Cheracol
03/29/93	127	Cheracol
03/30/93	45	Cheracol
04/07/93	80	Guiatuss AC
04/09/93	79	Guiatuss AC
04/10/93	80	Guiatuss AC
04/12/93	127	Cheracol

04/13/93	127	Cheracol
04/13/93	80	Guiatuss AC
04/14/93	80	Guiatuss AC
04/15/93	80	Guiatuss AC
04/19/93	127	Cheracol
04/21/93	80	Guiatuss AC
04/22/93	80	Guiatuss AC
04/23/93	80	Guiatuss AC
04/23/93	137	Rid-A-Pain
04/26/93	80	Guiatuss AC
04/28/93	13	Cheracol
05/06/93	127	Cheracol
05/06/93	80	Guiatuss AC
05/07/93	80	Guiatuss AC
05/09/93	139	Novadyne
05/17/93	127	Cheracol
05/20/93	127	Cheracol
05/21/93	80	Guiatuss AC
05/31/93	127	Cheracol
09/13/93	80	Guiatuss AC
10/25/93	80	Guiatuss AC
11/08/93	61	Cheracol
11/13/93	13	Novadyne DH

Such conduct is in violation of Section 3719.16 of the Ohio Revised Code.

- (3) Jack James Wilhelm did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or 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: on 33 occasions from January 25, 1993, to November 13, 1993, without a valid prescription, Jack James Wilhelm dispensed a total of 900 tablets of Soma Compound with Codeine, a schedule III controlled substance:

<u>Rx No.</u>	<u>Date</u>	<u>Quantity</u>
295208	01/25/93	45
295208	02/05/93	45
295208	02/22/93	45
295208	03/05/93	25
295208	03/12/93	25
295208	03/19/93	25
295208	03/26/93	25
295208	04/03/93	25
295208	04/10/93	25
295208	04/17/93	25
295208	04/27/93	25
295208	05/04/93	25
300001	05/12/93	25
300001	05/20/93	25
300001	05/31/93	25
300001	06/18/93	25
300001	07/01/93	25
300001	07/15/93	25

300001	07/23/93	25
300001	08/04/93	25
300001	08/09/93	25
300001	08/13/93	30
304008	08/18/93	10
304008	08/23/93	25
304008	09/09/93	25
304008	09/14/93	25
304008	09/18/93	50
304008	09/29/93	25
304008	10/17/93	25
304008	10/21/93	25
304008	10/29/93	25
304008	11/05/93	25
304008	11/13/93	25

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (4) Jack James Wilhelm did, on or about the following dates, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jack James Wilhelm sold the following units of Xanax over the amount authorized by the practitioner and not for a legitimate medical purpose:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Illegal Amount Dispensed</u>
299716	07/21/93	Xanax 0.25mg	15
302997	09/29/93	Xanax 0.25mg	25
304997	09/18/93	Xanax 0.25mg	15
306131	12/24/93	Xanax 0.5mg	25
306131	12/28/93	Xanax 0.5mg	25
306131	01/06/94	Xanax 0.5mg	25
306131	01/14/94	Xanax 0.5mg	50

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (5) Jack James Wilhelm did, on or about February 22, 1992, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jack James Wilhelm sold 25 units of Xanax 0.25mg pursuant to prescription number 290379 when not authorized by the practitioner and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (6) Jack James Wilhelm did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount when the conduct was not in accordance with Chapter 3719. of the Ohio Revised Code, to wit: Jack James Wilhelm sold Xanax 0.5mg pursuant to the following prescription refills exceeding the number authorized by law:

<u>Rx No.</u>	<u>Date</u>	<u>Quantity</u>
311332	02/21/94	30
311332	03/11/94	30
311332	03/16/94	10
311332	03/18/94	30
311332	03/24/94	30
311332	03/30/94	30
311332	04/05/94	30
311332	04/11/94	30
311332	04/15/94	30
311332	04/22/94	30
311332	04/29/94	30
311332	05/05/94	30

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

- (7) Jack James Wilhelm did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or 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: Jack James Wilhelm sold the following drugs when presented with false and/or forged prescriptions after he had been told by a Board Agent and after verifying with a practitioner himself that such prescriptions would not likely be legitimate:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
308516	11/24/93	Percocet	90
308849	12/01/93	Percodan	90
309039	12/03/93	Percodan	90
309239	12/10/93	Percodan	90
309384	12/11/93	Percodan	90

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (8) Jack James Wilhelm did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or 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: Jack James Wilhelm sold the following drugs when presented with false and/or forged prescriptions after he had been told by a Board Agent and after verifying with a practitioner himself that such prescriptions would not likely be legitimate:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
306348	09/08/93	Dilaudid 4	60
306888	10/20/93	Percocet	60
307942	11/11/93	Percodan	60

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (9) Jack James Wilhelm did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or 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: Jack James Wilhelm sold the following drugs when presented with false and/or forged prescriptions after he had been told by a Board Agent and after verifying with a practitioner himself that such prescriptions would not likely be legitimate:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
304855	09/06/93	Tylenol #4	90
304855	09/13/93	Tylenol #4	90
304855	09/21/93	Tylenol #4	90
304855	09/27/93	Tylenol #4	90
304855	10/04/93	Tylenol #4	90
304855	10/11/93	Tylenol #4	90
314978	04/06/94	Tylenol #4	90

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (10) Jack James Wilhelm did, on or about the following dates, knowingly sell a controlled substance in an amount equal to or 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: Jack James Wilhelm sold the following drugs when presented with false and/or forged prescriptions after he had been told by a Board Agent and after verifying with a practitioner himself that such prescriptions would not likely be legitimate:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
300304	05/13/93	APAP with Codeine #4	45
300304	05/25/93	APAP with Codeine #4	45
300304	06/01/93	APAP with Codeine #4	45
314886	04/06/94	Lorcet 10/650	80
315175	04/12/94	Lorcet 10/650	80
314886	04/19/94	Lorcet 10/650	80
315175	04/26/94	Lorcet 10/650	80
315175	05/02/94	Lorcet 10/650	80
315175	05/05/94	Lorcet 10/650	80
315175	05/12/94	Lorcet 10/650	80

Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (11) Jack James Wilhelm did, on or about the following dates, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jack James Wilhelm sold the following drugs when presented with false and/or forged prescriptions after he had been told by a Board Agent and after verifying with a practitioner himself that such prescriptions would not likely be legitimate:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
312142	02/04/94	Tylenol #3	20
312142	02/08/94	Tylenol #3	20
312142	02/10/94	Tylenol #3	20
312142	03/03/94	Tylenol #3	20

Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (12) Jack James Wilhelm did, on or about April 8, 1994, knowingly sell a controlled substance in an amount less than the minimum bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jack James Wilhelm sold 80 units of Darvocet-N 100/650 pursuant to prescription number 314980 after he had been told by a Board Agent and after verifying with a practitioner himself that such prescription would not likely be legitimate. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).
- (13) Jack James Wilhelm did, on or about the following dates, knowingly possess false or forged prescriptions, to wit: after he had been told by a Board Agent and after verifying with a practitioner himself that such prescriptions would not likely be legitimate, Jack James Wilhelm sold the drugs and kept the following false and/or forged prescriptions on file at Orchard Drugs:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
300304	05/13/93	APAP with Codeine #4	45
300304	05/25/93	APAP with Codeine #4	45
300304	06/01/93	APAP with Codeine #4	45
304855	09/06/93	Tylenol #4	90
304855	09/13/93	Tylenol #4	90
304855	09/21/93	Tylenol #4	90
304855	09/27/93	Tylenol #4	90
304855	10/04/93	Tylenol #4	90
304855	10/11/93	Tylenol #4	90
306348	09/08/93	Dilaudid 4	60
306888	10/20/93	Percocet	60
307942	11/11/93	Percodan	60
308516	11/24/93	Percocet	90
308849	12/01/93	Percodan	90
309039	12/03/93	Percodan	90
309239	12/10/93	Percodan	90
309384	12/11/93	Percodan	90
312142	02/04/94	Tylenol #3	20
312142	02/08/94	Tylenol #3	20
312142	02/10/94	Tylenol #3	20
312142	03/03/94	Tylenol #3	20
314886	04/06/94	Lorcet 10/650	80
314886	04/19/94	Lorcet 10/650	80
314978	04/06/94	Tylenol #4	90
314980	04/08/94	Darvocet-N 100/650	80
315175	04/12/94	Lorcet 10/650	80
315175	04/26/94	Lorcet 10/650	80
315175	05/02/94	Lorcet 10/650	80
315175	05/05/94	Lorcet 10/650	80
315175	05/12/94	Lorcet 10/650	80

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (14) Jack James Wilhelm did, from April 14, 1993, through November 19, 1993, knowingly sell a controlled substance in an amount equal to or 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: on each of the following 34 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #13, when the patient received a total of 50 preparations from the pharmacy over a 219-day time period and not for a legitimate medical purpose:

04/14/93, 04/17/93, 04/21/93, 04/23/93, 04/27/93, 04/28/93, 05/11/93, 05/17/93, 06/02/93, 06/09/93, 06/18/93, 06/29/93, 07/02/93, 07/15/93, 07/26/93, 07/30/93, 08/13/93, 08/27/93, 08/29/93, 09/01/93, 09/05/93, 09/07/93, 09/10/93, 09/15/93, 09/24/93, 09/26/93, 09/28/93, 10/01/93, 10/04/93, 11/01/93, 11/03/93, 11/12/93, 11/13/93, and 11/19/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (15) Jack James Wilhelm did, from December 22, 1992, through December 28, 1993, knowingly sell a controlled substance in an amount equal to or 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: on each of the following 118 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #139 when the patient received a total of 169 preparations from the pharmacy over a 371-day time period and not for a legitimate medical purpose:

12/22/92, 12/24/92, 12/28/92, 12/30/92, 01/05/93, 01/07/93, 01/13/93, 01/20/93, 01/24/93, 01/26/93, 01/29/93, 02/01/93, 02/03/93, 02/05/93, 02/07/93, 02/10/93, 02/14/93, 02/17/93, 02/20/93, 03/03/93, 03/08/93, 03/11/93, 03/13/93, 03/15/93, 03/17/93, 03/22/93, 03/24/93, 03/31/93, 04/03/93, 04/07/93, 04/10/93, 04/14/93, 04/16/93, 04/18/93, 04/21/93, 04/23/93, 04/26/93, 04/28/93, 05/03/93, 05/05/93, 05/07/93, 05/09/93, 05/12/93, 05/14/93, 05/16/93, 05/18/93, 06/07/93, 06/09/93, 06/12/93, 06/15/93, 06/17/93, 06/21/93, 06/23/93, 06/25/93, 06/27/93, 06/29/93, 07/03/93, 07/07/93, 07/09/93, 07/12/93, 07/14/93, 07/16/93, 07/18/93, 07/20/93, 07/26/93, 07/28/93, 07/30/93, 08/03/93, 08/05/93, 08/09/93, 08/11/93, 08/13/93, 08/17/93, 08/19/93, 08/25/93, 08/27/93, 08/29/93, 09/02/93, 09/06/93, 09/08/93, 09/14/93, 09/16/93, 09/18/93, 09/20/93, 09/22/93, 09/24/93, 09/26/93, 09/28/93, 09/30/93, 10/04/93, 10/08/93, 10/12/93, 10/14/93, 10/20/93, 10/22/93, 10/26/93, 10/28/93, 11/03/93, 11/09/93, 11/11/93, 11/13/93, 11/15/93, 11/17/93, 11/22/93, 11/24/93, 11/26/93, 11/28/93, 11/30/93, 12/02/93, 12/06/93, 12/10/93, 12/12/93, 12/14/93, 12/16/93, 12/20/93, 12/22/93, 12/24/93, and 12/28/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (16) Jack James Wilhelm did, from April 22, 1993, through November 28, 1993, knowingly sell a controlled substance in an amount equal to or 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: on each of the following 19 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #20 when the patient received a total of 28 preparations from the pharmacy over a 245-day time period when not for a legitimate medical purpose:

04/22/93, 05/25/93, 06/17/93, 06/29/93, 07/21/93, 08/05/93, 08/12/93, 08/14/93, 08/16/93, 08/26/93, 09/06/93, 09/11/93, 09/13/93, 10/06/93, 10/22/93, 10/24/93, 11/09/93, 11/15/93, and 11/28/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (17) Jack James Wilhelm did, from January 15, 1993, through June 8, 1993, knowingly sell a controlled substance in an amount equal to or 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: on each of the following 28 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #45 when the patient received a total of 34 preparations from the pharmacy over a 144-day time period and not for a legitimate medical purpose:

01/15/93, 01/19/93, 01/21/93, 01/26/93, 01/28/93, 01/30/93, 02/04/93, 02/09/93, 02/11/93, 02/18/93, 02/20/93, 02/22/93, 02/26/93, 03/01/93, 03/03/93, 03/09/93, 03/23/93, 03/30/93, 04/11/93, 04/13/93, 04/15/93, 04/17/93, 05/21/93, 05/28/93, 05/31/93, 06/02/93, 06/04/93, and 06/08/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (18) Jack James Wilhelm did, from March 5, 1993, through December 28, 1993, knowingly sell a controlled substance in an amount equal to or 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: on each of the following 59 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #61 when the patient received a total of 84 preparations from the pharmacy over a 298-day time period and not for a legitimate medical purpose:

03/05/93, 03/15/93, 03/24/93, 04/01/93, 04/07/93, 04/13/93, 04/23/93, 04/27/93, 05/07/93, 05/11/93, 05/18/93, 05/25/93, 05/31/93, 06/04/93, 06/08/93, 06/16/93, 06/22/93, 06/24/93, 06/28/93, 06/30/93, 07/02/93, 07/06/93, 07/08/93, 07/12/93, 07/14/93, 07/16/93, 07/20/93, 07/26/93, 07/28/93, 07/30/93, 08/03/93, 08/05/93, 08/09/93, 08/11/93, 08/13/93, 08/17/93, 08/19/93, 08/23/93, 08/25/93, 08/27/93, 08/29/93, 10/20/93, 10/22/93, 10/27/93, 10/29/93, 11/02/93, 11/04/93, 11/08/93, 11/10/93,

11/12/93, 11/16/93, 11/18/93, 11/21/93, 11/23/93, 11/30/93, 12/07/93, 12/19/93, 12/24/93, and 12/28/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (19) Jack James Wilhelm did, from October 8, 1991, through January 9, 1994, knowingly sell a controlled substance in an amount equal to or 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: on each of the following 98 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #66 when the patient received a total of 200 preparations from the pharmacy over an 824-day time period and not for a legitimate medical purpose:

10/08/91, 10/15/91, 01/01/93, 01/07/93, 01/27/93, 01/30/93, 02/03/93, 02/07/93, 02/09/93, 02/17/93, 02/23/93, 03/02/93, 03/04/93, 03/08/93, 03/10/93, 03/12/93, 03/16/93, 03/18/93, 03/22/93, 03/24/93, 03/30/93, 04/03/93, 04/05/93, 04/09/93, 04/11/93, 04/13/93, 04/15/93, 04/17/93, 04/19/93, 04/21/93, 04/23/93, 04/27/93, 04/29/93, 05/05/93, 05/07/93, 05/11/93, 05/13/93, 05/15/93, 05/17/93, 05/19/93, 05/25/93, 05/27/93, 05/31/93, 06/02/93, 06/10/93, 06/14/93, 06/24/93, 06/28/93, 06/30/93, 07/02/93, 07/06/93, 07/08/93, 07/12/93, 07/14/93, 07/17/93, 07/19/93, 07/21/93, 07/23/93, 07/27/93, 07/29/93, 08/02/93, 08/06/93, 08/10/93, 08/12/93, 08/14/93, 08/16/93, 08/18/93, 08/20/93, 08/24/93, 08/26/93, 08/30/93, 09/01/93, 09/03/93, 09/05/93, 09/07/93, 09/09/93, 09/11/93, 09/13/93, 09/15/93, 09/17/93, 09/21/93, 09/23/93, 09/27/93, 10/01/93, 10/05/93, 10/13/93, 10/15/93, 10/19/93, 10/21/93, 10/23/93, 10/25/93, 10/27/93, 10/29/93, 11/02/93, 12/06/93, 12/22/93, 12/30/93 and 01/09/94.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (20) Jack James Wilhelm did, from December 18, 1992, through November 15, 1993, knowingly sell a controlled substance in an amount equal to or 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: on each of the following 65 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #79 when the patient received a total of 109 preparations from the pharmacy over a 409-day time period and not for a legitimate medical purpose:

12/18/92, 12/23/92, 12/25/92, 12/28/92, 12/31/92, 01/06/93, 01/08/93, 01/11/93, 01/13/93, 01/19/93, 01/27/93, 01/29/93, 02/02/93, 02/04/93, 02/08/93, 02/12/93, 02/14/93, 02/17/93, 02/20/93, 02/24/93, 03/02/93, 03/08/93, 03/10/93, 03/12/93, 03/16/93, 03/18/93, 03/26/93, 04/05/93, 04/08/93, 04/09/93, 04/17/93, 04/27/93, 05/02/93, 05/05/93, 05/10/93, 05/13/93, 05/20/93, 06/02/93, 06/08/93, 06/12/93, 06/21/93, 06/24/93, 06/29/93, 07/01/93, 07/03/93, 07/08/93, 07/12/93, 07/17/93, 07/20/93, 07/26/93, 07/30/93, 08/09/93, 08/13/93, 08/17/93, 09/06/93, 09/16/93,

09/18/93, 09/26/93, 10/11/93, 10/13/93, 10/19/93, 10/23/93, 10/25/93, 11/13/93, and 11/15/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (21) Jack James Wilhelm did, from March 9, 1993, through December 31, 1993, knowingly sell a controlled substance in an amount equal to or 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: on each of the following 94 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #80 when the patient received a total of 119 preparations from the pharmacy over a 297-day time period and not for a legitimate medical purpose:

03/09/93, 03/11/93, 03/13/93, 03/18/93, 03/26/93, 03/30/93, 04/02/93, 04/06/93, 04/07/93, 04/09/93, 04/10/93, 04/12/93, 04/13/93, 04/14/93, 04/15/93, 04/17/93, 04/20/93, 04/21/93, 04/22/93, 04/23/93, 04/26/93, 04/28/93, 04/30/93, 05/05/93, 05/06/93, 05/07/93, 05/11/93, 05/15/93, 05/18/93, 05/20/93, 05/21/93, 05/25/93, 05/27/93, 05/31/93, 06/02/93, 06/04/93, 06/09/93, 06/11/93, 06/14/93, 06/16/93, 06/18/93, 06/20/93, 06/22/93, 06/24/93, 06/28/93, 06/30/93, 07/07/93, 07/09/93, 07/12/93, 07/14/93, 07/16/93, 07/26/93, 07/28/93, 07/30/93, 08/02/93, 08/06/93, 08/09/93, 08/16/93, 08/24/93, 08/26/93, 08/30/93, 09/01/93, 09/13/93, 09/15/93, 09/17/93, 09/21/93, 09/24/93, 10/01/93, 10/05/93, 10/08/93, 10/11/93, 10/13/93, 10/15/93, 10/17/93, 10/21/93, 10/25/93, 11/01/93, 11/05/93, 11/09/93, 11/11/93, 11/16/93, 11/18/93, 11/29/93, 12/03/93, 12/05/93, 12/07/93, 12/09/93, 12/13/93, 12/17/93, 12/19/93, 12/21/93, 12/23/93, 12/25/93, and 12/31/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (22) Jack James Wilhelm did, from August 19, 1991, through December 30, 1993, knowingly sell a controlled substance in an amount equal to or 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: on each of the following 82 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #99 when the patient received a total of 180 preparations from the pharmacy over an 864-day time period and not for a legitimate medical purpose:

08/19/91, 08/23/91, 08/27/91, 09/03/91, 09/06/91, 09/10/91, 09/12/91, 09/17/91, 10/11/91, 10/14/91, 03/02/93, 03/04/93, 03/11/93, 03/13/93, 03/17/93, 03/25/93, 03/30/93, 04/03/93, 04/05/93, 04/08/93, 04/15/93, 04/19/93, 04/21/93, 04/29/93, 05/06/93, 05/12/93, 05/15/93, 05/25/93, 06/03/93, 06/07/93, 06/09/93, 06/11/93, 06/14/93, 06/16/93, 06/23/93, 07/02/93, 07/06/93, 07/09/93, 07/12/93, 07/14/93, 07/17/93, 07/19/93, 07/21/93, 07/26/93, 07/29/93, 08/03/93, 08/11/93, 08/13/93, 08/17/93, 08/19/93, 08/25/93, 08/27/93, 08/30/93, 09/01/93, 09/03/93, 09/05/93, 09/09/93, 09/11/93, 09/13/93, 09/15/93, 09/24/93, 09/28/93, 09/30/93,

10/06/93, 10/11/93, 10/15/93, 10/20/93, 10/22/93, 11/05/93, 11/08/93, 11/12/93, 11/18/93, 11/24/93, 11/26/93, 11/28/93, 12/02/93, 12/06/93, 12/09/93, 12/13/93, 12/16/93, 12/28/93, and 12/30/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (23) Jack James Wilhelm did, from September 13, 1991, through March 4, 1994, knowingly sell a controlled substance in an amount equal to or 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: on each of the following 95 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #111 when the patient received a total of 193 preparations from the pharmacy over a 905-day time period and not for a legitimate medical purpose:

09/13/91, 10/02/91, 10/09/91, 10/14/91, 03/05/92, 12/22/92, 12/31/92, 01/14/93, 01/20/93, 01/28/93, 02/03/93, 02/10/93, 02/14/93, 02/20/93, 02/26/93, 03/15/93, 03/19/93, 04/27/93, 04/30/93, 05/05/93, 05/11/93, 05/14/93, 05/19/93, 05/21/93, 05/26/93, 05/28/93, 05/31/93, 06/04/93, 06/12/93, 06/16/93, 06/18/93, 06/22/93, 06/24/93, 06/28/93, 06/30/93, 07/03/93, 07/08/93, 07/12/93, 07/15/93, 07/17/93, 07/26/93, 07/28/93, 07/30/93, 08/03/93, 08/06/93, 08/10/93, 08/13/93, 08/17/93, 08/20/93, 08/25/93, 08/27/93, 08/29/93, 09/03/93, 09/06/93, 09/08/93, 09/10/93, 09/15/93, 09/16/93, 09/18/93, 09/21/93, 09/23/93, 09/27/93, 09/29/93, 10/01/93, 10/05/93, 10/07/93, 10/11/93, 10/13/93, 10/18/93, 10/20/93, 10/22/93, 10/26/93, 10/28/93, 11/01/93, 11/03/93, 11/05/93, 11/09/93, 11/11/93, 11/16/93, 11/23/93, 11/26/93, 11/28/93, 11/30/93, 12/08/93, 12/10/93, 12/12/93, 12/14/93, 12/16/93, 12/20/93, 12/22/93, 12/24/93, 02/05/94, 02/10/94, 02/14/94, and 03/04/94.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (24) Jack James Wilhelm did, from February 19, 1993, through July 3, 1993, knowingly sell a controlled substance in an amount equal to or 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: on each of the following 17 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code to patient #117 when the patient received a total of 28 preparations from the pharmacy over a 135-day time period and not for a legitimate medical purpose:

02/19/93, 02/23/93, 02/25/93, 03/08/93, 03/31/93, 04/10/93, 04/13/93, 04/29/93, 05/02/93, 05/04/93, 05/13/93, 05/17/93, 06/02/93, 06/12/93, 06/28/93, 07/01/93, and 07/03/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (25) Jack James Wilhelm did, from December 31, 1992, through June 8, 1993, knowingly sell a controlled substance in an amount equal to or 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: on each of the following 48 dates, Jack James Wilhelm sold an exempt narcotic preparation excepted pursuant to Section 3719.15(A)(3) of the Ohio Revised Code patient #127 when the patient received a total of 72 preparations from the pharmacy over a 161-day time period and not for a legitimate medical purpose:

12/31/92, 01/11/93, 01/14/93, 01/19/93, 01/21/93, 01/26/93, 01/28/93, 01/30/93, 02/04/93, 02/08/93, 02/10/93, 02/12/93, 02/15/93, 02/17/93, 02/19/93, 02/22/93, 02/24/93, 02/25/93, 03/03/93, 03/05/93, 03/08/93, 03/09/93, 03/12/93, 03/15/93, 03/18/93, 03/22/93, 03/25/93, 03/29/93, 04/12/93, 04/13/93, 04/15/93, 04/17/93, 04/19/93, 04/21/93, 04/23/93, 04/27/93, 05/03/93, 05/05/93, 05/06/93, 05/17/93, 05/19/93, 05/20/93, 05/25/93, 05/28/93, 05/31/93, 06/02/93, 06/04/93, and 06/08/93.

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code (as was in effect prior to July 1, 1996).

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (25) of the Findings of Fact constitute 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) through (25) 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. or 3719. 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 Jack James Wilhelm:

- (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 suspends the pharmacist identification card, No. 03-1-09450, held by Jack James Wilhelm indefinitely and such suspension is effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Jack James Wilhelm may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

(1) Two years after the effective date of this Order, the Board will reinstate Jack James Wilhelm's license to practice pharmacy in Ohio provided that he takes and successfully completes the Jurisprudence Examination offered by the Board prior to that date. If Jack James Wilhelm has not successfully completed the examination prior to two years from the effective date of this Order, his license will remain suspended until this condition has been achieved.

(2) Further, upon reinstatement of Jack James Wilhelm's license, his identification card will be placed on probation for five years. The terms of probation are as follows:

- (a) Jack James Wilhelm may not serve as a responsible pharmacist.
- (b) Jack James Wilhelm must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (c) Jack James Wilhelm must abide by the rules of the Ohio State Board of Pharmacy.
- (d) Jack James Wilhelm 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 ten thousand dollars (\$10,000) 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 with the enclosed form to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320.

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

Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of the 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.



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D—920707-.004)

In The Matter Of:

JACK JAMES WILHELM, R.Ph.
1905 Sunnyslawn Drive
Toledo, Ohio 43614
(R.Ph. No. 03—3—09450)

INTRODUCTION

THE MATTER OF JACK JAMES WILHELM CAME TO HEARING ON OCTOBER 19, 1992 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY D. MOORE, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; 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.

JACK JAMES WILHELM WAS REPRESENTED BY JAMES H. GRANECKI, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) Jack James Wilhelm, Respondent

Respondent's Witnesses:

- (1) Art Sell
- (2) John Holcomb
- (3) Robert Urfer
- (4) Michael Quigley
- (5) Bill Knopp
- (6) Jack Wilhelm, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 — Hearing Request letter dated June 24, 1992.

- (2) Exhibit 2 — Hearing Schedule letter dated July 7, 1992.
- (3) Exhibit 3 — Ohio State Board of Pharmacy Order, Docket No. D—910429—069, of Jack James Wilhelm dated August 16, 1991.

Respondent's Exhibits:

- (1) Exhibit A — Two—page copy of letter from Mary A. Good dated April 10, 1992; and copies of five drug screen urinalysis of Jack Wilhelm dated October 5, 1991; November 7, 1991; January 9, 1992; March 3, 1992; and April 8, 1992.
- (2) Exhibit B — Two—page copy of Pharmacists Rehabilitation Organization, Inc., Impaired Pharmacist's Contract, of Jack Wilhelm dated December 28, 1991; copy of Pharmacists Rehabilitation Organization, Inc., Client Information sheet of Jack J. Wilhelm dated February 29, 1992; and copy of list of attended meetings dated from October 7, 1991 through February 29, 1992.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Jack James Wilhelm has complied with the requirements of the Board's Order dated August 16, 1991.
- (2) From the evidence presented, the State Board of Pharmacy finds that Jack James Wilhelm has entered into a five—year contract with the Pharmacists Rehabilitation Organization, Inc.

ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of Jack James Wilhelm's pharmacist identification card to practice pharmacy in the state of Ohio and places him on probation until December 28, 1996 with the following conditions:

- (A) Jack James Wilhelm must continue with, and abide by the Pharmacists Rehabilitation Organization, Inc., Impaired Pharmacist's Contract until December 28, 1996, which requires:
 - (1) 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,
 - (2) regular attendance at an Alcoholics Anonymous, Narcotics Anonymous, or a similar support group meeting is required during outpatient treatment and/or during aftercare,
 - (3) the program shall immediately report to the Board of Pharmacy any violations of the contract.
- (B) Jack James Wilhelm must continue to submit quarterly progress reports to the Board that include:
 - (1) the written report and documentation provided by the treatment program pursuant to the contract,

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

Pursuant to paragraph (D)(1) of Rule 4729—3—01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Jack James Wilhelm's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns until December 28, 1996.

The Board further stipulates that Jack James Wilhelm may not serve as a responsible pharmacist until December 28, 1996.

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

MOTION CARRIED.

SO ORDERED.

BY ORDER OF THE STATE BOARD OF PHARMACY
ORDER HAILED AND EFFECTIVE: **DECEMBER 16, 1992**

By _____

Franklin Wickharn, R.Ph., M.S.
Executive Director



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D—910429—069)

In The Matter Of:

JACK JAMES WILHELM, R.Ph.
1905 Sunnyside Drive
Toledo, Ohio 43614
(R.Ph. No. 03—3—09450)

INTRODUCTION

THE MATTER OF JACK JAMES WILHELM CAME TO HEARING ON JUNE 27, 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.; AND MELVIN WILCZYNSKI, R.Ph.

JACK JAMES WILHELM WAS REPRESENTED BY JAMES GRANECKI, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Jack James Wilhelm, R.Ph., Respondent
- (2) Robert O. Urfer, R.Ph.

(B) Exhibits

State's Exhibits:

- (1) Exhibit A — Notice of Opportunity letter dated April 29, 1991.
- (2) Exhibit B — Hearing Request letter dated May 27, 1991.
- (3) Exhibit C — Hearing Schedule letter dated June 4, 1991.
- (4) Exhibit D — Facsimile letter from James H. Granecki dated June 25, 1991 and received June 26, 1991 at 8:15 a.m., with attachments; Letter of Representation and Request for Continuance letter dated June 18, 1991; and letter to Mr. Granecki from Cormac B. DeLaney dated May 15, 1991.
- (5) Exhibit 1 — Pharmacist File Front Sheet of Jack James Wilhelm showing original date of registration as February 25, 1970.

- (6) Exhibit 1A — Renewal Application For Pharmacist License No. 03—3—09450, of Jack James Wilhelm for September 15, 1990 to September 15, 1991 dated July 18, 1990.
- (7) Exhibit 2 — Accountability Statement of Peoples Drugs #2037 for Paregoric dated December 5, 1988.
- (8) Exhibit 3 — Micro—cassette tape of statement made by Jack James Wilhelm.
- (9) Exhibit 4 — Twenty Lane/Peoples Drug Company Employee Purchase Receipts of Jack J. Wilhelm dated as follows: August 2, 1988; August 3, 1988; August 5, 1988; August 8, 1988; August 10, 1988; two dated August 12, 1988; August 13, 1988; August 14, 1988; August 15, 1988; August 16, 1988; August 19, 1988; August 21, 1988; August 22, 1988; August 23, 1988; August 24, 1988; August 31, 1988; September 2, 1988; September 3, 1988; and September 4, 1988.
- (10) Exhibit 5 — Insurance Profile of patient Virginia K. Wilhelm from July 1, 1988 to September 30, 1988.
- (11) Exhibit 6 — Insurance Profile of patient Danny Wheeler from July 1, 1988 to September 30, 1988.
- (12) Exhibit 7 — Eighty—seven pages of Drug Enforcement Agency Audit of Peoples Drug Store, Fostoria for Controlled Substance Printouts.
- (13) Exhibit 8 — Ohio State Board of Pharmacy prescription receipt to Sam's Orchard Drugs, 4025 Talmadge, Toledo, Ohio for removal of prescription number 236814 dated January 28, 1991; and Prescription No. 236814.
- (14) Exhibit 9 — Drug Analysis by Roche Biomedical Laboratories of Paregoric sample received on December 29, 1988.
- (15) Exhibit 10 — Three—page Drug Analysis by Roche Biomedical Laboratories on Paregoric sample.
- (16) Exhibit 11 — Prescription No. 179566.
- (17) Exhibit 12 — Prescription No. 190749.
- (18) Exhibit 13 — Prescription No. 193995.
- (19) Exhibit 14 — Prescription No. 252316.
- (20) Exhibit 15 — Prescription No. 252696.
- (21) Exhibit 16 — Prescription No. 253570.
- (22) Exhibit 17 — Statement of John D. Dickie, M.D. signed and notarized on May 2, 1989.
- (23) Exhibit 18 — Statement of J. G. Heon, M.D. signed and notarized on May 2, 1989.
- (24) Exhibit 19 — Prescription No. 253294.
- (25) Exhibit 20 — Accountability Statement of Orchard Drugs for Paregoric dated February 12, 1991.
- (26) Exhibit 21 — Flow Chart of Paregoric Use at Orchard Drugs based on the Pharmacy and Wholesaler Records from December 15, 1989 to January 30, 1991.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Jack James Wilhelm was originally licensed in the state of Ohio on February 25, 1970, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.

(2) From the evidence presented, the State Board of Pharmacy finds that Jack James Wilhelm did, between the dates of May 1, 1988 and October 18, 1988, obtain a dangerous drug by committing a theft offense, to wit: while practicing pharmacy at People's Drug in Fostoria Plaza, Fostoria, Ohio, Jack James Wilhelm stole 540m1 of Paregoric, a Schedule III controlled substance. Such conduct is in violation of Section 2925.21 of the Ohio Revised Code (as in effect during such time period).

(3) From the evidence presented, the State Board of Pharmacy finds that Jack James Wilhelm did, on or about October 31, 1988, sell and deliver a drug that was adulterated as defined in Section 3715.63(G), to wit: Jack James Wilhelm diluted the Schedule III controlled substance Paregoric prior to dispensing it pursuant to original prescription number 236814. Such conduct is in violation of Section 3715.52(A) of the Ohio Revised Code.

(4) From the evidence presented, the State Board of Pharmacy finds that Jack James Wilhelm did, on or about November 17, 1988, sell and deliver a drug that was adulterated as defined in Section 3715.63(G), to wit: Jack James Wilhelm diluted the Schedule III controlled substance Paregoric prior to dispensing it pursuant to refill prescription number 236814. Such conduct is in violation of Section 3715.52(A) of the Ohio Revised Code.

(5) From the evidence presented, the State Board of Pharmacy finds that Jack James Wilhelm did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: Jack James Wilhelm created and kept on file in the pharmacy false and forged prescriptions for the following controlled substances when such were not authorized by a physician:

<u>Date</u>	<u>Prescription No.</u>	<u>Drug</u>	<u>Quantity</u>
10—17—87	179566	Paregoric	120ml
03—30—88	190749	Paregoric	120m1
04—16—88	193995	Donnagel PG	180m1
08—10—88	252316	Paregoric	120m1
08—18—88	252696	Paregoric	120m1
09—04—88	253570	Paregoric	120m1

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

(6) From the evidence presented, the State Board of Pharmacy finds that Jack James Wilhelm did, on or about August 30, 1988, make a false or forged prescription for a dangerous drug, to wit: Jack James Wilhelm created and kept on file in the pharmacy a false and forged prescription number 253294 N, for 40 tablets of Penicillin 250mg, when such was not ordered by a physician. Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.

(7) From the evidence presented, the State Boarc of Pharmacy finds that Jack James Wilhelm is addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Section 4729.16(A)(3) of the Revised Code, to wit: Jack James Wilhelm has been observed abusing drugs while practicing pharmacy, he has diluted prescriptions for the drug Paregoric while practicing pharmacy, he has forged prescriptions to obtain drugs for his own use, and he has stolen the drug Paregoric from the pharmacy in which he worked.

(8) From the evidence presented, the State Board of Pharmacy finds that Jack James Wilhelm did, between December 15, 1989 and January 30, 1991, obtain a dangerous drug by committing a theft offense, to wit: while practicing pharmacy at Orchard Drugs, 4025 Talmadge Rd., Toledo, Ohio 43623, Jack James Wilhelm stole 690ml of Paregoric, a Schedule III controlled substance. Such conduct is in violation of Sections 2913.02 or 2925.21 of the Ohio Revised Code (as in effect during such time period).

CONCLUSIONS OF LAW

(1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (6) and (8) of the Findings Of Fact constitutes being guilty of 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 paragraphs (2) through (6) and (8) 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 paragraphs (7) of the Findings Of Fact constitutes being addicted to or abusing drugs 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 paragraphs (2) through (6) and (8) of the Findings Of Fact constitutes being guilty of willfully violating provisions of Section 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—09450, held by Jack James Wilhelm:

(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 Jack James Wilhelm 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 Jack James Wilhelm 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 Jack James Wilhelm 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 Jack James Wilhelm indefinitely.

(E) Further, the Board of Pharmacy will permit Jack James Wilhelm 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) Jack James Wilhelm 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) Jack James Wilhelm submits a copy of the contract to the Board as soon as it has been agreed to by the program.

(3) Jack James Wilhelm 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.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED: AUGUST 16, 1991