



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-910401-067)

In The Matter Of:

RICHARD STEFANACCI, R.Ph.
128 Harry Avenue
Monroe Falls, Ohio 44262
(R.Ph. No. 03-3-09914)

INTRODUCTION

THE MATTER OF RICHARD STEFANACCI CAME TO HEARING ON APRIL 25, 1991 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

RICHARD STEFANACCI WAS REPRESENTED BY JAMES M. CAMPBELL, AND THE STATE OF OHIO WAS REPRESENTED BY JEANNY VORYS, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Richard Stefanacci, Respondent
- (2) James Reye, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Richard Stefanacci, Respondent
- (2) Ron Gauthier, Stow Police Department
- (3) Charles Weiss

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated April 1, 1991.
- (2) Exhibit B - Hearing Request letter dated April 11, 1991.
- (3) Exhibit C - Hearing Schedule letter dated April 15, 1991.
- (4) Exhibit D - Hearing Schedule letter dated April 19, 1991.
- (5) Exhibit 1 - Pharmacist File Front Sheet of Richard Stefanacci showing original date of licensure by exam on July 26, 1971.

- (6) Exhibit 2 - Renewal Application for a Terminal Distributor of Dangerous Drugs, License No. 02-124550, for Youngfellow Drug #50 showing Richard Stefanacci as Responsible Pharmacist dated September 21, 1990.
- (7) Exhibit 3 - Two-page statement of Lieutenant Ron Gauthier, Stow Police Department, signed and notarized on October 4, 1990.
- (8) Exhibit 4 - Six-page statement of Richard Stefanacci signed and notarized on September 27, 1990.
- (9) Exhibit 5 - Nine-page statement of Jennifer Brink signed and notarized on October 4, 1991.
- (10) Exhibit 6 - Two-page Summary of Reason For Termination of Employment of Pamella Lawrence by Robert W. Gulmi, M.D. dated October 17, 1990.

Respondent's Exhibits:

- (1) Exhibit 1 - Two-page Incident Report, No. 20086-90, Tallmadge Police Department, reported by Robert W. Gulmi, M.D. dated September 17, 1990.
- (2) Exhibit 2 - Letter from Rebecca Beecher Koscsó dated April 16, 1991.
- (3) Exhibit 3 - Letter from Leo G. Knapp dated April 17, 1991.
- (4) Exhibit 4 - Letter from Ronald A. Michalec dated April 16, 1991.
- (5) Exhibit 5 - Letter from Robert C. Schray, R.Ph. dated April 11, 1991.
- (6) Exhibit 6 - Letter from Joseph M. Lahovich, R.Ph. dated April 12, 1991.
- (7) Exhibit 7 - Two-page letter from James A. Ingram, R.Ph. dated April 16, 1991.
- (8) Exhibit 8 - Letter from Steve Stahl, Village of Munroe Falls Police Department, dated April 11, 1991.
- (9) Exhibit 9 - Copy of The Ohio High School Athletic Association Meritorious Award of Rick Stefanacci dated October 15, 1990.
- (10) Exhibit 10 - Letter from Roberta Shall dated May 1, 1987.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Richard Stefanacci was originally licensed in the state of Ohio on July 26, 1971, pursuant to examination, and is the Responsible Pharmacist at Youngfellow Drug dba Click #50, Stow, Ohio, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Richard Stefanacci did, during the month of September, 1990, and during the immediately preceding four years, knowingly furnish others with drug samples when the conduct was not in accordance with Chapters 3719. and 4729. of the Revised Code, to wit: during this four-year period, Richard Stefanacci obtained drug samples of Ceclor, Augmentin, and Duracef from Pamella Lawrence,

who stole the drugs from her employer Dr. Robert Gulmi, and Mr. Stefanacci in turn dispensed other prescription drugs to Pamela Lawrence without charge in exchange for the samples. Richard Stefanacci then intermingled the samples into his drug stock and dispensed them on a regular basis. Such conduct is in violation of Section 2925.36(A) of the Ohio Revised Code.

- (3) From the evidence presented, the State Board of Pharmacy finds that Richard Stefanacci did, during the month of September, 1990, and during the immediately preceding four years, sell and/or hold and offer for sale drugs that were misbranded as set forth in Section 3715.64(A)(1) of the Ohio Revised Code, to wit: Richard Stefanacci took sample drugs and intermingled them in "Baker's Cells" with other similar drugs but having different lot numbers and expiration dates. Such conduct is in violation of Section 3715.52(A) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) and (3) 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.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) and (3) of the Findings Of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-3-09914, held by Richard Stefanacci:

- (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 for two years effective November 1, 1991.
- (B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of one thousand dollars (\$1,000.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

(C) Further, the Board will suspend the two-year suspension imposed in paragraph (A) above and place the license on probation for the two-year period provided that Richard Stefanacci:

- (1) takes and successfully completes the Jurisprudence examination offered by the Board prior to the effective date of the suspension;
- (2) does not violate the drug laws of the state of Ohio, any other state, or the federal government;
- (3) abides by the rules of the State Board of Pharmacy; and
- (4) complies with the terms of this Order.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Richard Stefanacci's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns for a period of two years effective November 1, 1991.

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

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 497 578 932

ORDER MAILED: JUNE 28, 1991

FZW/sl

By 
Franklin Z. Wickham, Executive Director

cc: Jeanny Vorys, Assistant Attorney General
James M. Campbell, Attorney for Respondent; 470 Portage Lakes Dr.
Suite 209; Akron, Ohio 44319