
OHIO STATE BOARD OF PHARMACY JOURNAL

THE STATE BOARD OF PHARMACY
(Docket No. D-890920-047)

In The Matter Of:

FRANK J. AIELLO, R.Ph.
129 Lancer Drive
Summerville, South Carolina 29483
(R.Ph. No. 03-3-10376)

THE MATTER OF FRANK J. AIELLO CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON MARCH 9, 1990 AS A RESULT OF THE REPORT AND RECOMMENDATION SUBMITTED TO THE BOARD BY HEARING OFFICER AND BOARD MEMBER BETTY NICHOL. FOLLOWING CONSIDERATION OF THE REPORT AND RECOMMENDATION, THE TRANSCRIPT OF THE HEARING, AND EVIDENCE ADDUCED AT THE HEARING, MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

State's Exhibits

- (1) Exhibit A - Notice of Opportunity letter dated September 20, 1989.
- (2) Exhibit 1 - Pharmacist Front Sheet for Frank James Aiello showing original licensure date of March 6, 1973.
- (3) Exhibit 2 - Letter from the South Carolina Board of Pharmacy regarding Frank James Aiello, R.Ph dated November 1, 1989; and Copy of Board Order from South Carolina Board of Pharmacy for Frank James Aiello, R.Ph. dated October 27, 1989.

Respondent's Exhibits

- (1) Exhibit 1 - Letter from Frank J. Aiello dated August 17, 1989; Letter from Dan Mendini, Project Supervisor for South Carolina Vocational Rehabilitation Department, dated August 22, 1989; Letter from Mark S. Kuhn, M.A., Pre-Trial Coordinator for Dorchester County Commission on Alcohol and Drug Abuse, dated August 28, 1989; Letter from Charleston Psychiatric Associates dated September 11, 1989; and Copy of letter mailed to the South Carolina Board of Pharmacy from Wayne H. Braverman, M.D. from the Charleston Psychiatric Associates, P.A. dated September 11, 1989.

Findings Of Fact

The State Board of Pharmacy hereby agrees with and adopts the Findings Of Fact set forth in the Report and Recommendation of Hearing Officer and Board Member Betty Nichol, as follows:

- (1) The State Board of Pharmacy finds that, on September 20, 1989, Frank J. Aiello was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.

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- (2) The State Board of Pharmacy finds that, as demonstrated by return receipt of September 28, 1989, Frank J. Aiello received the letter of September 20, 1989 informing him of the allegations and his rights.
- (3) The State Board of Pharmacy finds that Frank J. Aiello submitted a letter, received September 14, 1989, setting forth his position and contentions in writing, and has not requested a hearing in this matter.
- (4) The State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Frank J. Aiello was originally licensed to practice pharmacy in this state on March 6, 1973.
- (5) The State Board of Pharmacy finds that Frank J. Aiello is addicted to drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
- (6) The State Board of Pharmacy finds that Frank J. Aiello's license to practice pharmacy in the state of South Carolina was the subject of discipline on or about September 28, 1989 for acts constituting theft of drugs and abuse of drugs.

Conclusions Of Law

The State Board of Pharmacy hereby agrees with and adopts the Conclusions Of Law set forth in the Report and Recommendation of Hearing Officer and Board Member Betty Nichol, as follows:

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraph (6) of the Findings Of Fact constitutes being guilty of a felony or gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that the conduct set forth in paragraph (6) of the Findings Of Fact constitutes dishonesty or unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that the conduct set forth in paragraph (5) of the Findings Of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) The State Board of Pharmacy concludes that the conduct set forth in paragraph (6) of the Findings Of Fact constitutes willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Sections 3715.52 or 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.

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Action Of The Board

The State Board of Pharmacy hereby agrees with and adopts the recommendation for action set forth in the Report and Recommendation of Hearing Officer and Board Member Betty Nichol. Therefore, pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy suspends the pharmacist identification card held by Frank J. Aiello until his license in South Carolina is reinstated, at which time Mr. Aiello can apply to the Ohio Board to review his activities for consideration for reinstatement of his Ohio license.

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.