



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
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THE STATE BOARD OF PHARMACY
(Docket No. D-890316-104)

In The Matter Of:

STEPHEN DEITSCH, R.Ph.
6339 Gorsuch Road
Franklin, Ohio 45005
(Identification No. 03-3-10517)

INTRODUCTION

THE MATTER OF STEPHEN DEITSCH CAME TO HEARING ON JUNE 29, 1989 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JEROME WIESENHAHN, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; AND ROBERT VALENTINE, R.Ph.

STEPHEN DEITSCH WAS REPRESENTED BY JOHN D. SMITH, AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Fred Williams - Ohio Board of Pharmacy

Respondent's Witnesses:

- (1) Stephen Deitsch - Respondent
(2) Ron Roberts

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated March 16, 1989.
(2) Exhibit B - Request for Hearing letter dated March 27, 1989.
(3) Exhibit C - Hearing Schedule letter dated April 11, 1989.
(4) Exhibit 1 - Terminal Distributor 1987 Renewal Application for Rite Aid Discount Pharmacy #1257, Pharmacist Renewal Applications from 1984 - 1988 for Stephen R. Deitsch, and Pharmacist Information front sheet from Stephen R. Deitsch's pharmacist file.

- (5) Exhibit 2 - Journal Entry from the Warren County Common Pleas Court for Stephen R. Deitsch, Case No. 14033.
- (6) Exhibit 3 - Prescription #273854 for 80 Vicodin from Dr. Kirby.
- (7) Exhibit 4 - Statement from Dr. Kirby.
- (8) Exhibit 5 - Prescription #261010 for 45 Vicodin from Dr. Schear.
- (9) Exhibit 6 - Prescription #263464 for 50 Vicodin from Dr. Schear.
- (10) Exhibit 7 - Prescription #268411 for 50 Vicodin from Dr. Schear.
- (11) Exhibit 8 - Prescription #266846 for 50 Vicodin from Dr. Schear.
- (12) Exhibit 9 - Prescription #268412 for 50 Hydrocodone from Dr. Schear.
- (13) Exhibit 10 - Prescription #264583 for 50 Vicodin from Dr. Schear.
- (14) Exhibit 11 - Prescription #262368 for 15 Vicodin from Dr. Schear.
- (15) Exhibit 12 - Statement from Dr. Schear.
- (16) Exhibit 13 - Prescription #262562 for 50 Vicodin from Dr. Donahue.
- (17) Exhibit 14 - Prescription #236353 for 45 Tylox from Dr. Donahue.
- (18) Exhibit 15 - Prescription #260482 for 25 Tylox from Dr. Donahue.
- (19) Exhibit 16 - Statement from Dr. Donahue.
- (20) Exhibit 22 - Prescription #237709 for 40 Tylenol #3 from Dr. Kiley.
- (21) Exhibit 23 - Statement from Dr. Kiley.
- (22) Exhibit 24 - Accountability Statement for Vicodin at Rite Aid #1257.
- (23) Exhibit 25 - Accountability Statement for Hydrocodone at Rite Aid #1257.

Respondent's Exhibits:

- (1) Exhibit 1 - Transcript of conversation between Det. Thacker of the Franklin Police Department and Rod Mays taken January 11, 1988.
- (2) Exhibit 2 - Letter from Rod Mays to Stephen Deitsch.
- (3) Exhibit 3 - Letter from Rod Mays to Stephen Deitsch.
- (4) Exhibit 4 - Letter from Rod Mays to Stephen Deitsch.
- (5) Exhibit 5 - Letter from Rod Mays to Stephen Deitsch.
- (6) Exhibit 6 - Letter from Rod Mays to Stephen Deitsch.
- (7) Exhibit 7 - Letter from Rod Mays to Stephen Deitsch.
- (8) Exhibit 8 - Letter from Rod Mays to Stephen Deitsch.
- (9) Exhibit 9 - MasterCard Statement for #5233 4342 3001 3590, and copies of 6 checks made out to Rodney Mays from Stephen Deitsch.
- (10) Exhibit 11 - Court Entry from the Warren County Common Pleas Court for Stephen R. Deitsch, Case No. 14033.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Stephen Deitsch has been a licensed pharmacist since July 30, 1973, and was, on or about January 20, 1988 and dates prior thereto, the responsible pharmacist pursuant to Sections 4729.55 and 4729.27 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code at Rite Aid Discount Drug Mart #1257, 108 East Sixth Street, Franklin, Ohio 45005.

- (2) From the evidence presented, the State Board of Pharmacy finds that Stephen Deitsch was, on or about September 22, 1988, convicted in the Common Pleas Court of Warren County, Ohio of eight counts of Illegal Processing of Drug Documents, felonies of the fourth degree, in violation of Section 2925.23 of the Ohio Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that Stephen Deitsch did, between the dates of May 1, 1987 and January 20, 1988, intentionally make or knowingly possess false or forged prescriptions, to wit: Stephen Deitsch forged and/or possessed the following illegal prescriptions:

<u>No.</u>	<u>Qty</u>	<u>Drug</u>	<u>No.</u>	<u>Qty</u>	<u>Drug</u>
273854	80	Vicodin	237709	40	Tylenol #3
261010	45	Vicodin	262368	15	Vicodin
263464	50	Vicodin	264583	50	Vicodin
268411	50	Vicodin	268412	50	Hydrocodone
266846	50	Vicodin	236353	45	Tylox
262562	50	Vicodin	260482	25	Tylox

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

- (4) From the evidence presented, the State Board of Pharmacy finds that Stephen Deitsch did, between the dates of May 1, 1987 and January 20, 1988, knowingly sell or offer to sell a controlled substance in an amount equal to or exceeding three times the bulk amount when his conduct was not in accordance with Chapters 3719., 4715., 4729., 4731., and 4741. of the Ohio Revised Code, to wit: Stephen Deitsch sold without valid prescriptions to Rodney Mays the following Schedule III controlled substances:

<u>Drugs</u>	<u>Qty</u>
Vicodin	711
Hydrocodone	2,921
Tylenol #3	40

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

- (5) From the evidence presented, the State Board of Pharmacy finds that Stephen Deitsch did, between the dates of May 1, 1987 and January 20, 1988, knowingly sell or offer to 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 his conduct was not in accordance with Chapters 3719., 4715., 4729., 4731., and 4741. of the Ohio Revised Code, to wit: Stephen Deitsch sold without valid prescriptions to Rodney Mays 70 tablets of Tylox, a Schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (5) of the Findings Of Fact constitutes being guilty of a felony and gross immorality, within the meaning of Section 4729.16(A)(1) 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) through (5) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy, within the meaning of Section 4729.16(A)(2) of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (3) through (5) of the Findings Of Fact constitutes willfully violating, conspiring to violate, attempting to violate, and aiding and abetting the violation of the provisions of Chapter 2925. of the Revised Code, within the meaning of Section 4729.16(A)(5) 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. 03-3-10517, held by Stephen Deitsch:

(A) On the basis of paragraphs (1) through (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Stephen Deitsch for five years, effective September 13, 1988.

(B) Further, the Board will suspend four years of the five-year suspension imposed in paragraph (A) above on condition that Stephen Deitsch:

- (1) successfully completes a Jurisprudence examination offered by the Board.
- (2) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and
- (3) abides by the rules of the State Board of Pharmacy.

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

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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.

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 417 664 896

ORDER MAILED: AUGUST 23, 1989

FZW/pw

By Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc: Steve Dlott, Assistant Attorney General
John D. Smith, Attorney for Respondent
Ruppert, Bronson & Chicarelli Co., L.P.A., Attorneys At Law,
74 West Central Ave., P.O. Box 186, Springboro, OH 45066