



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-030925-019)

In The Matter Of:

VERNON A. INFANTINO, R.Ph.

4179 State Road

Akron, Ohio 44319

(R.Ph. No. 03-3-11610)

INTRODUCTION

THE MATTER OF VERNON A. INFANTINO CAME FOR HEARING ON MONDAY, JANUARY 5, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

VERNON A. INFANTINO WAS REPRESENTED BY GEORGE J. EMERSHAW AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witnesses

1. Thomas Oswald, R.Ph.
2. Michael Quigley, R.Ph.
3. Vernon A. Infantino, R.Ph., Respondent

State's Exhibits

1. Reinstatement Hearing Request letter from George J. Emershaw [09-24-03]
1A-1B. Procedurals
2. Copy of State Board of Pharmacy Order in re Vernon A. Infantino, R.Ph. [06-10-02]
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Respondent's Exhibits

- A. Work History/Education Information Sheet for Vernon A. Infantino [June 1976 to December 1999]
- B.
- C. Copy of PRO Pharmacist's Recovery Contract for Vernon A. Infantino [12-15-01]
- D. Copies of Edwin Shaw Hospital Treatment Program and Continued Care Program Patient Progress letters in re Vernon A. Infantino [08-24-01 to 07-21-03]; Certificate of Achievement [07-08-03]
- E. Copy of Support Group Attendance Records [08-20-01 to 01-04-04]; Copy of PRO Conference Receipt [04-28-02]; Two-page copy of Certificate of Appreciation [08-11-02]
- F. Compass Vision Licensee Summary Report [01-25-02 to 12-05-03]; Drug screen reports and Chain of Custody documents [12-20-01 to 12-19-03]
- G. Copy of Color-Coded Calendar Pages [January 2001 to December 2003]
- H.
- I. Copy of seven Letters of Support [05-01-02 to 12-15-03]
- J. Copy of Continuing Pharmacy Education Credits and Certificates [09-23-01 to 12-05-03]
- K.

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Vernon A. Infantino has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-010405-057, effective June 10, 2002.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-3-11610, held by Vernon A. Infantino, to practice pharmacy in Ohio and places Vernon A. Infantino on probation for five years beginning on the effective date of this Order, with the following conditions:

- (A) Vernon A. Infantino must, even if he has a current contract, enter into a new contract within thirty days from the effective date of this Order with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the new signed contract to the Board office before his pharmacist identification card is issued. The new contract must provide that:
 - (1) Random, **observed** urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.

- (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Pemoline and alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.
 - (c) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive result, including those that may have resulted from ingestion of food but excluding false positives that resulted from medication legitimately prescribed, indicates a violation of the contract.
- (2) The intervener/sponsor shall provide copies of all drug and alcohol screen reports to the Board in a timely fashion.
 - (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Vernon A. Infantino must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:
- (1) The written report and documentation provided by the treatment program pursuant to the contract, and
 - (2) A written description of Vernon A. Infantino's progress towards recovery and what Vernon A. Infantino has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Vernon A. Infantino's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - (2) Vernon A. Infantino may not serve as a responsible pharmacist.
 - (3) Vernon A. Infantino may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) Vernon A. Infantino must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
 - (5) Vernon A. Infantino must not violate the drug laws of Ohio, any other state, or the federal government.
 - (6) Vernon A. Infantino must abide by the rules of the State Board of Pharmacy.
 - (7) Vernon A. Infantino must comply with the terms of this Order.

- (D) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.
- (E) If Vernon A. Infantino's pharmacist identification card to practice pharmacy in Ohio is not issued within three years of the effective date of this Order, Vernon A. Infantino must also take and pass the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination accepted by the Board.

Vernon A. Infantino is hereby advised that 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.

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

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE FEBRUARY 5, 2004



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-010405-057)

In The Matter Of:

VERNON A. INFANTINO, R.Ph.

4179 State Road

Akron, Ohio 44319

(R.Ph. No. 03-3-11610)

INTRODUCTION

THE MATTER OF VERNON A. INFANTINO CAME FOR HEARING ON MAY 7, 2002, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

VERNON A. INFANTINO WAS REPRESENTED BY GEORGE J. EMERSHAW AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Frank Bodi, Ohio State Board of Pharmacy
2. Joann Predina, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

1. Vernon A. Infantino, R.Ph., Respondent
2. Vernon A. Infantino, Jr.

State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity For Hearing letter to Vernon A. Infantino [04-05-2001]
 - 1A-1H. Procedurals
 - 1I. Addendum Notice to Vernon A. Infantino [02-12-2002]
 - 1J-N. Procedurals
- 2.
- 3.
4. Statement by Debbie Martins [03-09-2001]
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24. Statement by Judy Pugh, Lake County Narcotics Agency [03-12-2001]
- 25.
- 26.
- 27.

Respondent's Exhibits:

- A1. Work History/Education Information Sheet for Vernon A. Infantino [June 1976 to December 1999]
- B.
- C. PRO Pharmacist's Recovery Contract for Vernon A. Infantino [12-15-2001]
- D1-D3. Edwin Shaw Hospital Patient Progress Report, Discharge Report, and Continued Care Discharge Report for Vernon A. Infantino [08-24-2001 to 11-26-2001]
- E1. Support Group Attendance Records [08-14-2001 to 05-05-2002]
- E2. Brochure and payment receipt for PRO's 4th Annual Conference on Chemical Dependency in the Profession of Pharmacy [04-28-2002]
- F1-F5. Chain of Custody and Request Forms [12-20-2001 to 04-23-2002]
- F6. Letter from David L. Jackson, M.D. [04-29-2002]
- F7-F11. Drug Screen Reports [12-20-2001 to 03-13-2002]
- G. Calendar Color Key and calendar pages for years 2001 and 2002
- H.
- I1-I3. Letters of support for Vernon A. Infantino Doug Potts [05-05-2002];
and Thomas A. Oswald [05-01-2002]
- J1-J7. Continuing Pharmaceutical Education Certificates [09-23-2001 to 12-31-2001]
- K.

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the State Board of Pharmacy indicate that Vernon A. Infantino was originally licensed by the State of Ohio on August 4, 1976, pursuant to examination, and that his license to practice pharmacy in the state of Ohio was summarily suspended effective April 5, 2001. Records further reflect that during

the relevant time periods stated herein Vernon A. Infantino was the Responsible Pharmacist at CVS/pharmacy #4327 pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.

(2)

(3)

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(8)

(9)

CONCLUSIONS OF LAW

(1)

(2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (7) 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.

(3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (8) of the Findings of Fact constitutes being addicted to or abusing liquor and drugs and 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (7) 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. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Vernon A. Infantino on April 5, 2001.

Pursuant to Section 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-3-11610, held by Vernon A. Infantino and such suspension is effective as of the date of the mailing of this Order.

- (A) Vernon A. Infantino, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Vernon A. Infantino, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return the identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after one year from the effective date of this Order, the Board will consider any petition filed by Vernon A. Infantino for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (A) Vernon A. Infantino must enter into a contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, mail a copy of the contract to the Board office. The contract must provide that:
 - (1) Random, observed urine drug screens shall be conducted at least once each month.
 - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Pemoline and alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but the test must be conducted by an appropriately certified individual within twelve hours of notification.
 - (c) Results of all drug and alcohol screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
 - (2) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Vernon A. Infantino must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
- (C) Vernon A. Infantino must provide, at the reinstatement petition hearing, documentation of the following:
 - (1) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug and alcohol screen reports, meeting attendance records, treatment program reports, etc.);

- (2) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
- (3) Compliance with the terms of this Order.

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

MOTION CARRIED

SO ORDERED.

ORDER EFFECTIVE JUNE 10, 2002



OHIO STATE BOARD OF PHARMACY

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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

April 5, 2001

Vernon A. Infantino, R.Ph.
7073 Turnbridge Drive
Concord Township, Ohio 44060

Re: Ohio Registered Pharmacist
Number 03-3-11610

Dear Mr. Infantino:

In accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on August 4, 1976, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio. Records further reflect during the relevant time periods stated herein, you were the Responsible Pharmacist at CVS/Pharmacy #4327 pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) You did, from March 30, 2000, through February 9, 2001, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/Pharmacy #4327, beyond the express or implied consent of the owner, to wit: you stole the following schedule IV controlled substances:

<u>Drug</u>	<u>Qty.</u>
Pemoline 75mg	1800
Pemoline 37.5mg	200
Cylert 75mg	211
Cylert 37.5mg	300

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (3) You did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: you created, and maintained on file in the pharmacy, the following prescriptions for patient L.M. in order to cover for your theft of 100 unit doses of Cylert 75mg.:

<u>Prescription #</u>	<u>Date</u>
C419998	06-06-00
C419998 (refill)	08-12-00
C429598	09-11-00
C434105	10-23-00

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

- (4) You did, on or about August 22, 2000, intentionally create and/or knowingly possess a false or forged prescription, to wit: you created, and maintained on file in the pharmacy, prescription number C427668 for patient K.O. in order to cover for your theft of 100 unit doses of Cylert 75mg. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (5) You did, on or about September 29, 2000, intentionally create and/or knowingly possess a false or forged prescription, to wit: you created, and maintained on file in the pharmacy, prescription number C431511 for patient O.B. in order to cover for your theft of 100 unit doses of Cylert 75mg. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (6) You did, on or about November 16, 2000, intentionally create and/or knowingly possess a false or forged prescription, to wit: you created, and maintained on file in the pharmacy, prescription number C436953 for patient W.P. in order to cover for your theft of 100 unit doses of Cylert 75mg. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (7) You did, during various times in 2000 and 2001, knowingly use a controlled substance not in accordance with Chapters 3719., 4729., and 4731., to wit: without a legitimate medical use and without having prescriptions from an authorized prescriber, you abused Cylert, a schedule IV controlled substance. You admitted to a Board agent that you abused the drug because you "thought it may be a stimulant to help get through the day;" and you were the only pharmacist "working all the hours at this store . . . filling in excess of 300 prescriptions per day." Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (8) You were, on or about June 14, 2001, convicted of operating a motor vehicle while under the influence of alcohol and/or drugs of abuse, to wit: you pled guilty to the charge in Willoughby Police Dept. vs. Vernon A. Infantino, Case No. 01 TRC 04447-C, Willoughby Municipal Court. Such conviction, if proven, constitutes abusing liquor or drugs or impaired mentally or physically to such an degree as to render you unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
[paragraph added by Notice dated 07/12/01]
- (9) You did, on or about December 13, 2001, plead guilty in State of Ohio vs. Vernon A. Infantino, Case No. 01-CR-000363, Lake County Common Pleas Court, to four (4) counts of Illegal Processing of Drug Documents, a felony of the fifth degree under Section 2925.23(B)(2) of the Ohio Revised Code. Such conduct, if proven, constitutes being guilty of a felony and/or gross immorality within the meaning of Section 4729.16 of the Ohio Revised Code.
[paragraph added by Notice dated 02/12/02]

YOU ARE HEREBY NOTIFIED that Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

- (B) If the board under which a person has been issued a license, . . . , . . . determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, . . . , . . . , without a prior hearing.

WHEREFORE, PURSUANT TO SECTION 3719.121(B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until a final adjudication order becomes effective, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

- (A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:
- (1) Guilty of a felony or gross immorality;
 - (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
 - (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
 - (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
 - (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
 - (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
 - (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
 - (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;

(9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code.

IF YOU REQUEST A HEARING within 30 days of the time of the mailing of this notice, such will be afforded. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE HEREBY ADVISED that if you do not request such a hearing within thirty (30) days of the mailing of this notice, the State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part 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 notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

(D-010405-057)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE APRIL 5, 2001

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective June 10, 2002)*



OHIO STATE BOARD OF PHARMACY

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

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ADDENDUM NOTICE

February 12, 2002

Vernon A Infantino, R.Ph.
7073 Turnbridge Drive
Concord Township, Ohio 44060

Re: Ohio Registered Pharmacist
Number 03-3-11610

Dear Mr. Infantino:

YOU ARE HEREBY NOTIFIED that, in addition to the allegations stated in the April 5, 2001, Summary Suspension Order/Notice of Opportunity letter, the following allegations will also be considered, as numbered:

- (9) You did, on or about December 13, 2001, plead guilty in State of Ohio vs. Vernon A. Infantino, Case No. 01-CR-000363, Lake County Common Pleas Court, to four (4) counts of Illegal Processing of Drug Documents, a felony of the fifth degree under Section 2925.23(B)(2) of the Ohio Revised Code. Such conduct, if proven, constitutes being guilty of a felony and/or gross immorality within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY ADVISED that Section 4729.16 of the Ohio Revised Code states in pertinent part that:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code.

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

IN ACCORDANCE WITH THE SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY letter dated April 5, 2001, and pursuant to your adjudication hearing scheduled March 6, 2002, you may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

If you wish to request a continuance in this matter, such request should be sent by certified mail, return receipt requested, to the offices of the Ohio State Board of Pharmacy, 77 South High Street, 1702, Columbus, Ohio 43215-6126. However, you must submit such request prior to fourteen days from the date of the scheduled hearing on March 6, 2002. The request will be presented to the Board for consideration and you will be notified as soon as practical regarding the request. If you have any questions regarding this matter, feel free to contact the Board office.

BY ORDER OF THE STATE BOARD OF PHARMACY

Timothy J. Benedict, R.Ph.
Assistant Executive Director

CERTIFIED MAIL
7099 3400 0014 5032 5422
Return Receipt

TJB:pm

cc: Sally Ann Steuk, Assistant Attorney General
George J. Emershaw, Attorney for Respondent; Emershaw, Mushkat & Schneier; 437
Quaker Square; 120 E. Mill Street; Akron, Ohio 44308



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

PHONE: 614/466-4143

FAX: 614/752-4836

E-MAIL: exec@bop.state.oh.us

TTY/TDD Ohio Relay Service: 1-800/750-0750

URL: <http://www.state.oh.us/pharmacy/>

AMENDMENT/ADDENDUM NOTICE

July 12, 2001

Vernon A Infantino, R.Ph.
7073 Turnbridge Drive
Concord Township. Ohio 44060

Re: Ohio Registered Pharmacist
Number 03-3-11610

Dear Mr. Infantino:

YOU ARE HEREBY NOTIFIED that, in addition to the allegations stated in the April 5, 2001, Summary Suspension Order/Notice of Opportunity letter, the following allegations will also be considered, as numbered:

- (8) You were, on or about June 14, 2001, convicted of operating a motor vehicle while under the influence of alcohol and/or drugs of abuse, to wit: you pled guilty to the charge in *Willoughby Police Dept. vs. Vernon A. Infantino*, Case No. 01 TRC 04447-C, Willoughby Municipal Court. Such conviction, if proven, constitutes abusing liquor or drugs or impaired mentally or physically to such an degree as to render you unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY ADVISED that Section 4729.16 of the Ohio Revised Code states in pertinent part that:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code.

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

IN ACCORDANCE WITH THE SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY letter dated April 5, 2001, and pursuant to your adjudication hearing scheduled August 6, 2001, you may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

Vernon A. Infantino, R.Ph.

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Addendum Notice

If you wish to request a continuance in this matter, such request should be sent by certified mail, return receipt requested, to the offices of the Ohio State Board of Pharmacy, 77 South High Street, 1702, Columbus, Ohio 43215-6126. However, you must submit such request prior to fourteen days from the date of the scheduled hearing on August 6, 2001. The request will be presented to the Board for consideration and you will be notified as soon as practical regarding the request. If you have any questions regarding this matter, feel free to contact the Board office.

BY ORDER OF THE STATE BOARD OF PHARMACY

Timothy J. Benedict, R.Ph.
Assistant Executive Director

CERTIFIED MAIL

7000 0520 0012 1129 2435

Return Receipt

DLR:If (D-010405-057)

cc: Sally Ann Steuk, Assistant Attorney General
George J. Emershaw, Attorney for Respondent; Emershaw, Mushkat & Schneier; 437
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