



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-960306-042)

In The Matter Of:

DANIEL T. ZACHMAN, R.Ph.

55 Pearl Drive

Shelby, Ohio 44875

(R.Ph. No. 03-3-11720)

INTRODUCTION

THE MATTER OF DANIEL T. ZACHMAN CAME TO HEARING ON MARCH 5, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, 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.

DANIEL T. ZACHMAN WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Paul Kover, Ohio State Board of Pharmacy
- (2) Daniel T. Zachman, Respondent

Respondent's Witnesses:

- (1) Nick Kallis, Pharmacist's Rehabilitation Organization, Inc.
- (2) John M. Wechter, Pharmacist's Rehabilitation Organization, Inc.
- (3) Richard Kryc, Pharmacist's Rehabilitation Organization, Inc.
- (4) Mark Schneider, Alcoholic's Anonymous Sponsor
- (5) Rev. James Humphrey, Trinity United Methodist Church

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Summary Suspension Order/Notice of Opportunity for Hearing letter dated March 6, 1996.

- (2) Exhibit 1A--Amendment Notice dated March 15, 1996.
- (3) Exhibit 1B--Hearing Request letter dated March 18, 1996.
- (4) Exhibit 1C--Hearing Schedule letter dated March 21, 1996.
- (5) Exhibit 1D--Continuance Request letter dated September 18, 1996.
- (6) Exhibit 1E--Hearing Schedule letter dated September 24, 1996.
- (7) Exhibit 2--Pharmacist File Front Sheet of Daniel T. Zachman showing original date of registration as August 4, 1976.
- (8) Exhibit 2A--Renewal Application for Pharmacist License, No. 03-3-11720, for a license to practice pharmacy in Ohio from September 15, 1995, to September 15, 1996, of Daniel T. Zachman dated June 12, 1995.
- (9) Exhibit 3A--Sealed Record--Seven-page copy of forty prescriptions for Patient #1 numbered as follows: 73279, C74187, 74967, C74968, 76037, 76702, C77590, 78467, 79475, 80515, 81482, 82510, 83486, 84354, 84355, 85057, 85058, 85059, 85719, 86747, 87865, 87866, 87867, 88838, 89795, 90972, 91628, 91629, 91630, 91631, 92910, 93759, 95366, 96278, 96279, 96280, 97134, 98065, 98757, and 98758.
- (10) Exhibit 3B--Sealed Record--Copy of fifty-two pages of ManCI Control Drug Inventory dated from December 17, 1993, through February 15, 1996.
- (11) Exhibit 3C--Sealed Record--Seven-page copy of Medication Kardex for Patient #1 dated from January, 1994, through January, 1995.
- (12) Exhibit 3D--Sealed Record--Copy of fifty-six pages of Mansfield Correctional Prescription Log Reports regarding Patient #1 dated from January 11, 1994, through January 6, 1995.
- (13) Exhibit 3E--Sealed Record--Seven-page copy of fifty-six prescriptions for Patient #1 numbered as follows: 99549, 99550, 99551, 100387, 100388, 100389, 101323, 101607, 101608, 102553, 102554, 102555, 102556, 103681, 103682, 104810, 106036, 106037, 106038, 106737, 108006, 108993, 110175, 111007, 111008, 112039, 112040, 113016, 114869, 114870, 114872, 114873, 114906, 115862, 117139, 117140, 117141, 118399, 119449, 119450, 119451, 120570, 120571, 121648, 121649, 121650, 122996, 124415, 124416, 124417, 125792, 126892, 126893, 126894, and 127503.
- (14) Exhibit 3F--Sealed Record--Copy of six-page Ohio State Reformatory Controlled Drug Inventory for Darvon (generic) 65mg dated from April 23, 1991, through February 20, 1996.
- (15) Exhibit 3G--Sealed Record--Ten-page copy of Medication Kardex of Patient #1 dated from January, 1995, through February, 1996.
- (16) Exhibit 3H--Sealed Record--Copy of sixty-one pages of Mansfield Correctional Prescription Log Reports regarding Patient #1 dated from January 18, 1995, through February 5, 1996.
- (17) Exhibit 3I--Sealed Record--Copy of five-page chart showing distribution of Propoxyphene Napsylate 100/650 at Mansfield Reformatory to Patient #1.
- (18) Exhibit 3J--Sealed Record--Copy of six-page chart showing distribution of Propoxyphene HCl 65mg Capsules at Mansfield Reformatory to Patient #1.
- (19) Exhibit 4A--Sealed Record--Copy of prescriptions for Patient #2 numbered 125185 and 125184.
- (20) Exhibit 4B--Sealed Record--Copy of chart showing distribution of Propoxyphene Napsylate 100/650 at Mansfield Reformatory to Patient #2.
- (21) Exhibit 4C--Sealed Record--Copy of Medication Kardex of Patient #2 for December, 1995.
- (22) Exhibit 5A--Sealed Record--Copy of prescriptions for Patient #3 numbered 112861 and 115298.
- (23) Exhibit 5B--Sealed Record--Copy of chart showing distribution of Propoxyphene Napsylate 100/650 at Mansfield Reformatory to Patient #3.

- (24) Exhibit 5C--Sealed Record--Two-page copy of Medication Kardex of Patient #3 dated from June, 1995, through September, 1995.
- (25) Exhibit 6A--Sealed Record--Eleven-page copy of forty-four prescriptions for Patient #4 numbered as follows: 89590, 90708, 91480, 92682, 93525, 94924, 95855, 96758, 97598, 98502, 98701, 99547, 100503, 101576, 102498, 102499, 103674, 104678, 105750, 106827, 107840, 109536, 110449, 111467, 112469, 113389, 113390, 114690, 115667, 116010, 116769, 117915, 119161, 120291, 121471, 122629, 123799, 125530, 126536, 127314, 128093, 129222, 130327, and 130328.
- (26) Exhibit 6B--Sealed Record--Copy of eight-page chart showing distribution of Propoxyphene Napsylate 100/650 at Mansfield Reformatory to Patient #4.
- (27) Exhibit 6C--Sealed Record--Seven-page copy of Medication Kardex of Patient #4 dated from August, 1994, through December, 1995.
- (28) Exhibit 6D--Sealed Record--Copy of forty-four pages of Mansfield Correctional Prescription Log Reports dated from September 1, 1994, through December 22, 1995.
- (29) Exhibit 7A--Sealed Record--Copy of prescription for Patient #5 numbered 109597.
- (30) Exhibit 7B--Sealed Record--Copy of chart showing distribution of Propoxyphene Napsylate 100/650 at Mansfield Reformatory to Patient #5.
- (31) Exhibit 7C--Sealed Record--Copy of Medication Kardex of Patient #5 dated from May, 1995, to June, 1995.
- (32) Exhibit 8A--Sealed Record--Copy of prescription for Patient #6 numbered 125944.
- (33) Exhibit 8B--Sealed Record--Copy of chart showing distribution of Propoxyphene Napsylate 100/650 at Mansfield Reformatory to Patient #6.
- (34) Exhibit 8C--Sealed Record--Copy of Medication Kardex of Patient #6 dated December, 1995.
- (35) Exhibit 9A--Sealed Record--Five-page copy of eighteen prescriptions for Patient #7 numbered as follows: 96544, 97476, 98266, 99077, 100049, 101251, 102221, 103265, 104387, 105468, 107537, 108626, 108627, 109747, 110605, 111718, 112236, 112945, and one written for Darvocet N-100 dated April 14, 1995, number illegible.
- (36) Exhibit 9B--Sealed Record--Copy of three-page chart showing distribution of Propoxyphene Napsylate 100/650 at Mansfield Reformatory to Patient #7.
- (37) Exhibit 9C--Sealed Record--Seven-page copy of Medication Kardex of Patient #7 dated from October, 1994, through August, 1995.
- (38) Exhibit 9D--Sealed Record--Copy of twelve pages of Mansfield Correctional Prescription Log Reports dated from December 29, 1994, through July 20, 1995.
- (39) Exhibit 10A--Sealed Record--Fifteen-page copy of sixty-one prescriptions for Patient #8 numbered as follows: 83031, 83032, 83993, 83994, 85126, 85971, 85972, 87124, 88130, 88826, 88838, 90662, 90785, 91665, 92844, 93824, 95378, 101236, 101237, 101238, 101239, 101307, 102040, 103220, 104270, 104271, 105362, 106402, 106403, 107603, 108189, 108190, 109279, 109281, 110448, 111364, 112326, 112327, 112328, 113152, 114467, 115564, 116596, 117446, 117447, 117448, 117449, 118559, 119798, 119799, 119800, 121106, 122112, 123224, 123742, 125150, 126230, 127975, 129012, 129947, and 131187.
- (40) Exhibit 10B--Sealed Record--Copy of seven-page chart showing distribution of Propoxyphene Napsylate 100/650 at Mansfield Reformatory to Patient #8.
- (41) Exhibit 10C--Sealed Record--Eight-page copy of Medication Kardex of Patient #8 dated from March, 1995, through January, 1996.
- (42) Exhibit 10D--Sealed Record--Copy of eighteen pages of Mansfield Correctional Prescription Log Reports dated from June 12, 1995, through January 11, 1996.

- (43) Exhibit 11A--Sealed Record-Four-page copy of thirteen prescriptions for Patient #9 numbered as follows: 118967, 120051, 121378, 121904, 122524, 123719, 125357, 126551, 127315, 128092, 129031, 130222, and 131152.
- (44) Exhibit 11B--Sealed Record-Copy of two-page chart showing distribution of Propoxyphene Napsylate 100/650 at Mansfield Reformatory to Patient #9.
- (45) Exhibit 11C--Sealed Record-Two-page copy of Medication Kardex of Patient #9 dated from September, 1995, through February, 1996.
- (46) Exhibit 11D--Sealed Record-Copy of two pages of Mansfield Correctional Prescription Log Reports dated October 12, 1995.
- (47) Exhibit 12A--Sealed Record-Three-page copy of ten prescriptions for Patient #10 numbered as follows: 81198, 118377, 119561, 120568, 121991, 121992, 122554, 122555, 123186, 124730, 125939, 126972, 127782, 128673, and 128674.
- (48) Exhibit 12B--Sealed Record-Copy of three-page chart showing distribution of Propoxyphene Napsylate 100/650 at Mansfield Reformatory to Patient #10.
- (49) Exhibit 12C--Sealed Record-Three-page copy of Medication Kardex of Patient #10 dated from September, 1995, through February, 1996.
- (50) Exhibit 12D--Sealed Record-Copy of two pages of Mansfield Correctional Prescription Log Reports dated November 20, 1995.
- (51) Exhibit 12E--Sealed Record-Copy of fifteen-page Controlled Substance Accountability Records of Generic Darvocet N-100mg dated from January 28, 1994, through February 2, 1996.
- (52) Exhibit 13A--Sealed Record-Three-page copy of nine prescriptions for Patient #11 numbered as follows: 121435, 122982, 124423, 125790, 127061, 127780, 128984, 129945, and 131153.
- (53) Exhibit 13B--Sealed Record-Copy of two-page chart showing distribution of Propoxyphene Napsylate 100/650 at Mansfield Reformatory to Patient #11.
- (54) Exhibit 13C--Sealed Record-Two-page copy of Medication Kardex of Patient #11 dated from October, 1995, through February, 1996.
- (55) Exhibit 14A--Sealed Record-Eleven-page copy of fifty-one prescriptions for Patient #12 numbered as follows: 74023, 74433, 79968, 81003, 81891, 82719, 84562, 85404, 85405, 85406, 87297, 88124, 88952, 88953, 88954, 90932, 91771, 92843, 93730, 95129, 97014, 98880, 100921, 102813, 104945, 106032, 107602, 108572, 109120, 110176, 110958, 110959, 112202, 112782, 114112, 114113, 114114, 114115, 114116, 116542, 117441, 117883, 119077, 120054, 121182, 122163, 122537, 125377, 126226, 128114, and 129237.
- (56) Exhibit 14B--Sealed Record-Copy of ten-page chart showing distribution of Propoxyphene Napsylate 100/650 at Mansfield Reformatory to Patient #12.
- (57) Exhibit 14C--Sealed Record-Thirteen-page copy of Medication Kardex of Patient #12 dated from January, 1994, through February, 1996.
- (58) Exhibit 14D--Sealed Record-Copy of sixty-eight pages of Mansfield Correctional Prescription Log Reports dated from May 25, 1994, through January 29, 1996.
- (59) Exhibit 15A--Sealed Record-Twelve-page copy of fifty-eight prescriptions for Patient #13 numbered as follows: 73453, 75594, 76626, 78468, 79491, 80524, 81560, 82464, 83345, 84280, 85254, 86288, 87380, 88353, 89241, 90206, 90207, 91124, 91125, 92197, 92198, 93224, 93225, 94651, 95757, 96737, 97599, 98558, 99655, 99656, 99657, 100646, 101823, 102922, 104037, 111600, 112507, 113662, 114858, 115652, 115653, 116765, 117912, 117913, 117914, 119250, 120295, 121415, 122628, 123785, 125532, 126654, 127602, 128704, 129399, 129400, 129401, and 130810.
- (60) Exhibit 15B--Sealed Record-Copy of eight-page chart showing distribution of Propoxyphene Napsylate 100/650 at Mansfield Reformatory to Patient #13.
- (61) Exhibit 15C--Sealed Record-Ten-page copy of Medication Kardex of Patient #13 dated from January, 1994, through February, 1996.

- (62) Exhibit 15D--Sealed Record-Copy of ninety-two pages of Mansfield Correctional Prescription Log Reports dated from January 12, 1994, through February 2, 1996.
- (63) Exhibit 16A--Sealed Record-Fourteen-page copy of sixty-one prescriptions for Patient #14 numbered as follows: 73226, 74109, 75013, 76145, 76900, 77847, 78686, 79515, 80514, 81430, 82499, 83457, 83458, 84062, 84937, 85704, 85748, 87688, 88795, 89611, 90735, 91539, 91540, 91541, 93281, 93282, 94312, 95657, 96603, 97017, 97857, 98836, 99829, 100883, 101637, 102641, 102716, 103885, 104812, 106095, 106096, 110984, 111887, 112817, 113876, 115099, 116126, 117224, 118200, 119274, 120296, 121414, 122048, 123143, 124525, 125791, 126890, 127398, 127818, 128330, and 129312.
- (64) Exhibit 16B--Sealed Record-Copy of nine-page chart showing distribution of Propoxyphene Napsylate 100/650 at Mansfield Reformatory to Patient #14.
- (65) Exhibit 16C--Sealed Record-Twenty-three page copy of Medication Kardex of Patient #14 dated from January, 1994, through February, 1996.
- (66) Exhibit 16D--Sealed Record-Copy of sixty-one pages of Mansfield Correctional Prescription Log Reports dated from June 15, 1994, through January 17, 1996.
- (67) Exhibit 17A--Sealed Record-Twelve-page copy of fifty-one prescriptions for Patient #15 numbered as follows: 78393, 79436, 80882, 82114, 82115, 83051, 84092, 85050, 86085, 87362, 88219, 89166, 90151, 90397, 91297, 92218, 92979, 93795, 95326, 96268, 97119, 97984, 98884, 99841, 100511, 100512, 100513, 101590, 102496, 102721, 103784, 104811, 105201, 106016, 106017, 106932, 108010, 109211, 118971, 119047, 120053, 121107, 122165, 122687, 124041, 125531, 126616, 127557, 128732, 129225, 130425; and one prescription written for Darvocet N-100 dated December 19, 1994, number illegible.
- (68) Exhibit 17B--Sealed Record-Copy of seven-page chart showing distribution of Propoxyphene Napsylate 100/650 at Mansfield Reformatory to Patient #15.
- (69) Exhibit 17C--Sealed Record-Ten page copy of Medication Kardex of Patient #15 dated from March, 1994, through January, 1996.
- (70) Exhibit 17D--Sealed Record-Copy of four pages of Mansfield Correctional Prescription Log Reports dated December 2, 1994, and November 13, 1995.
- (71) Exhibit 18--Two-page certified copy of Judgment Entry on Sentence in the Crawford County Common Pleas Court, Case No. 6096 CR84 54, of Daniel T. Zachman dated June 13, 1984.
- (72) Exhibit 19--Copy of three-page Order of the State Board of Pharmacy, Docket No. 6-81-1, of Daniel T. Zachman dated August 3, 1984.
- (73) Exhibit 21--Sealed Record-Copy of Inmate Code (patient key) for Case No. 96-1133.
- (74) Exhibit 22--Certified copy of Sentencing Judgment Entry in the Richland County Common Pleas Court, Case No. 96-CR-428-D, of Daniel T. Zachman dated February 25, 1997; and certified copy of Statement of Fact, Restitution, in the Richland County Common Pleas Court, Docket No. 96CR428, of Daniel Thomas Zachman dated February 25, 1997.

Respondent's Exhibits:

- (1) Exhibit A--Copies of the following: Section 1--Letters of Recommendation--Two-page letter from Mary Spain dated February 17, 1997; letter from Paul M. Martin dated February 21, 1997; letter from Frank L. Benham dated February 21, 1997; letter from Richard A. Kryc dated February 21, 1997; letter from Nick A. Kallis dated February 20, 1997; letter from John Wechter dated February 23, 1997; letter from Mark A. Schneider dated February 16, 1997; letter from James H. Humphrey dated February 18, 1997; two-page letter from Elaine S. Zachman dated February 22, 1997; two-page letter from Jean and Donald L. Wagenman dated February 22, 1997; two-page letter from Dan Broron dated February 18, 1997; and letter from Vickie

Graves dated February 20, 1997. Section 2--Drug Screens-Forty-two urine drug screen reports dated from February 24, 1996, through February 28, 1997. Section 3--AA Attendance-Certificate of appreciation of Dan Zackman (sic) dated February 16, 1997; certificate of appreciation of Dan Zachman dated February 21, 1997; and eleven pages of Verification of Meeting Attendance of Dan Zachman dated from April 26, 1996, through February 26, 1997. Section 4--ManCI Commendation Letters-ManCI Employee of the Month Certificate of Daniel Zachman for January, 1993; letter from Dennis A. Baker dated September 8, 1992; letter from Dennis A. Baker dated April 26, 1993; letter from Dennis A. Baker dated July 6, 1993; letter from Dennis A. Baker dated July 15, 1994; letter from Joe McNeil dated March 29, 1995; and Employee of the Month Certificate of Daniel Zachman dated September 8, 1995. Section 5--PRO and RMS Agreements, Recovery Contract-Two-page Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Dan Zachman dated April 16, 1996; two-page Shepherd Hill Hospital Recovery Monitoring Services Agreement of Daniel T. Zachman dated May 7, 1996; and two-page Shepherd Hill Hospital Recovery Plan of Daniel T. Zachman dated May 8, 1996. Section 6--Shepard (sic) Hill Progress Reports-Letter from Mary Spain dated January 10, 1997; letter from Mary Spain dated November 7, 1996; letter from Mary Spain dated October 7, 1996; letter from Mary Spain dated September 5, 1996; letter from Mary Spain dated August 2, 1996; letter from Mary Spain dated July 15, 1996; letter from J. R. Abrahamsen dated May 10, 1996; and letter from J. R. Abrahamsen dated April 2, 1996.

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 indicate that Daniel T. Zachman was originally licensed to practice pharmacy in the state of Ohio on August 4, 1976, pursuant to examination; and on March 6, 1996, Daniel T. Zachman's license was summarily suspended in accordance with Sections 3719.121(A) and 3719.121(B) of the Ohio Revised Code.
- (2) Daniel T. Zachman did, from January 12, 1994, through February 15, 1996, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the State of Ohio, beyond the express or implied consent of the owner, to wit: on 275 different occasions, Daniel T. Zachman stole a varying number of Propoxyphene Napsylate with Acetaminophen tablets, a schedule IV controlled substance, totaling 2,718 tablets:

<u>Date</u>	<u>Quantity</u>	<u>Patient No.</u>
01/12/94	16	14
01/19/94	6	12
01/20/94	20	13
01/21/94	10	1
01/24/94	18	12
01/27/94	2	14
01/28/94	16	1
02/10/94	1	14
02/10/94	10	1
02/18/94	27	13

02/22/94	16	1
02/24/94	1	14
03/06/94	14	13
03/07/94	8	1
03/09/94	4	14
03/20/94	6	1
03/23/94	3	14
04/01/94	4	15
04/03/94	20	13
04/03/94	8	1
04/04/94	3	14
04/18/94	8	13
04/18/94	2	14
04/18/94	4	1
04/21/94	18	15
04/25/94	1	12
05/01/94	11	14
05/01/94	22	1
05/02/94	20	13
<u>Date</u>	<u>Quantity</u>	<u>Patient No.</u>
05/09/94	3	15
05/09/94	14	12
05/15/94	3	14
05/16/94	18	13
05/16/94	6	1
05/18/94	8	12
05/23/94	5	15
05/26/94	12	13
05/30/94	6	12
05/30/94	16	1
06/07/94	18	14
06/08/94	2	15
06/09/94	36	13
06/16/94	17	1
06/20/94	4	14
06/22/94	4	15
06/26/94	2	13
06/27/94	20	12
06/29/94	16	1
07/04/94	10	14
07/04/94	2	1
07/06/94	4	15
07/10/94	14	12
07/11/94	30	13
07/17/94	14	14
07/19/94	12	1
07/22/94	11	15
07/25/94	14	13
07/31/94	8	14
08/01/94	16	1
08/05/94	18	12
08/07/94	3	15
08/08/94	8	13

08/14/94	4	14
08/16/94	8	1
08/17/94	16	12
08/21/94	1	15
08/22/94	28	13
08/28/94	2	14
08/29/94	18	1
08/30/94	10	12
09/01/94	9	15
09/05/94	12	13
09/06/94	18	15
09/08/94	10	4
09/11/94	4	14
09/19/94	5	15
09/20/94	11	13
09/21/94	8	4
09/26/94	36	12
09/29/94	6	14
10/02/94	6	15
10/02/94	4	13
10/04/94	24	14
10/06/94	4	4
10/10/94	36	12
10/11/94	56	1
10/12/94	12	15
10/15/94	44	13
<u>Date</u>	<u>Quantity</u>	<u>Patient No.</u>
10/19/94	12	4
10/24/94	5	15
10/25/94	2	12
10/25/94	42	1
10/30/94	10	14
10/31/94	18	13
11/06/94	14	12
11/07/94	2	15
11/07/94	24	1
11/13/94	24	13
11/16/94	4	4
11/20/94	16	12
11/22/94	1	15
11/22/94	4	1
11/27/94	2	14
11/28/94	4	13
11/29/94	4	4
12/06/94	11	15
12/06/94	28	1
12/08/94	10	7
12/13/94	2	4
12/13/94	12	13
12/18/94	18	12
12/18/94	4	14
12/19/94	9	15
12/19/94	30	1

12/21/94	16	7
12/27/94	2	4
12/27/94	16	13
12/30/94	7	4
01/02/95	2	15
01/03/95	14	1
01/09/95	12	9
01/10/95	8	4
01/11/95	2	13
01/13/95	20	1
01/16/95	1	15
01/16/95	4	12
01/18/95	3	7
01/30/95	6	14
02/02/95	7	7
02/12/95	2	13
02/17/95	18	7
02/21/95	20	4
02/21/95	3	15
02/21/95	10	12
02/21/95	15	14
02/22/95	10	14
02/24/95	1	15
02/27/95	6	13
03/02/95	22	7
03/08/95	9	15
03/09/95	2	14
03/12/95	2	12
03/14/95	6	13
03/17/95	13	7
03/21/95	8	4
03/22/95	21	15
<u>Date</u>	<u>Quantity</u>	<u>Patient No.</u>
03/30/95	14	7
03/31/95	1	15
04/05/95	2	4
04/06/95	1	15
04/06/95	24	12
04/07/95	10	14
04/10/95	3	14
04/12/95	19	8
04/13/95	7	7
04/18/95	2	4
04/19/95	22	15
04/20/95	2	12
04/27/95	17	7
04/27/95	12	8
05/02/95	12	4
05/03/95	13	15
05/07/95	17	8
05/10/95	2	12
05/11/95	13	7
05/16/95	4	4

05/17/95	6	12
05/19/95	21	15
05/21/95	23	8
05/23/95	3	15
05/25/95	5	7
06/01/95	10	12
06/02/95	6	5
06/06/95	8	4
06/06/95	3	8
06/08/95	20	7
06/13/95	20	12
06/20/95	4	4
06/20/95	11	8
06/22/95	24	7
06/26/95	28	14
06/28/95	11	7
06/28/95	2	12
07/02/95	1	8
07/06/95	3	13
07/11/95	20	12
07/13/95	7	7
07/16/95	2	8
07/25/95	26	7
07/25/95	2	12
07/30/95	2	8
08/02/95	12	13
08/10/95	6	12
08/11/95	1	3
08/15/95	24	13
08/21/95	6	14
08/24/95	12	8
09/05/95	16	12
09/06/95	3	8
09/06/95	11	14
09/11/95	10	12
09/13/95	8	14
09/19/95	5	8
09/24/95	7	12
09/25/95	9	15
<u>Date</u>	<u>Quantity</u>	<u>Patient No.</u>
09/27/95	4	14
09/29/95	4	10
10/02/95	5	8
10/04/95	4	9
10/05/95	2	15
10/05/95	10	12
10/09/95	4	4
10/09/95	4	13
10/09/95	12	14
10/11/95	6	10
10/17/95	6	15
10/18/95	2	12
10/20/95	4	9

10/23/95	8	13
10/23/95	6	14
10/26/95	12	9
10/26/95	17	10
10/29/95	6	14
10/30/95	12	8
10/30/95	8	15
11/01/95	13	12
11/03/95	2	12
11/05/95	14	4
11/05/95	8	13
11/12/95	9	10
11/13/95	4	8
11/16/95	5	12
11/17/95	3	8
11/17/95	7	9
11/21/95	2	11
11/21/95	1	15
11/26/95	1	10
11/27/95	4	14
11/28/95	20	8
11/30/95	12	9
12/03/95	7	15
12/05/95	3	2
12/06/95	4	11
12/06/95	16	14
12/10/95	5	10
12/12/95	7	8
12/14/95	16	9
12/16/95	2	6
12/17/95	3	15
12/17/95	6	13
12/20/95	2	14
12/21/95	9	10
12/21/95	2	11
12/22/95	2	4
12/22/95	5	12
12/25/95	6	12
12/27/95	10	4
12/27/95	12	8
12/29/95	6	9
01/03/96	4	10
01/03/96	1	11
01/03/96	4	14
01/09/96	10	14
<u>Date</u>	<u>Quantity</u>	<u>Patient No.</u>
01/15/96	2	13
01/17/96	27	9
01/22/96	8	8
01/22/96	3	15
01/22/96	6	12
01/24/96	6	13
01/24/96	2	14

01/29/96	2	11
02/01/96	13	9
02/05/96	1	12
02/11/96	1	10
02/15/96	4	9

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (3) Daniel T. Zachman did, from January 23, 1995, through February 15, 1996, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the State of Ohio, beyond the express or implied consent of the owner, to wit: on 23 different occasions, Daniel T. Zachman stole a varying number of Propoxyphene Hydrochloride capsules, a schedule IV controlled substance, totaling 195 capsules:

<u>Date</u>	<u>Quantity</u>	<u>Patient No.</u>
01/23/95	4	1
02/04/95	6	1
02/08/95	4	1
02/23/95	16	1
04/21/95	5	1
05/04/95	10	1
05/19/95	8	1
06/16/95	10	1
06/30/95	4	1
07/31/95	3	1
09/06/95	8	1
09/14/95	12	1
09/28/95	18	1
10/11/95	16	1
10/24/95	22	1
11/08/95	8	1
11/27/95	6	1
12/06/95	10	1
12/22/95	2	1
12/28/95	4	1
01/11/96	4	1
01/24/96	11	1
02/06/96	4	1

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code (as was in effect prior to July 1, 1996).

- (4) Daniel T. Zachman did, from January 21, 1994, through February 15, 1996, knowingly make a false statement in a record required by Chapter 3719. of the Ohio Revised Code, to wit: on various dates Daniel T. Zachman recorded false information in records regarding drugs being returned to the drug stock while practicing pharmacy at the Mansfield Correctional Institution in order to cover for his drug thefts of Propoxyphene Napsylate with Acetaminophen tablets, a schedule IV controlled substance:

Date Patient No.

01/21/94	1
01/28/94	1
02/10/94	1
02/22/94	1
03/07/94	1
03/23/94	14
05/09/94	15
05/09/94	12
05/16/94	13
06/16/94	1
06/29/94	1
07/19/94	1
08/16/94	1
09/20/94	13
09/29/94	14
10/25/94	1
11/22/94	1
12/06/94	15
12/30/94	4
01/03/95	1
01/13/95	1
02/21/95	14
02/21/95	12
02/24/95	15
03/14/95	7
03/14/95	13
03/31/95	15
05/23/95	15
06/02/95	5
09/06/95	8
09/06/95	14
09/11/95	12
09/25/95	15
10/05/95	15
10/05/95	12
11/01/95	12
11/03/95	12
11/17/95	8
11/27/95	14
12/05/95	2
12/22/95	4
12/22/95	12
12/29/95	9
01/09/96	9
01/22/96	8
01/24/96	14
01/24/96	13
02/15/96	9

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

- (5) Daniel T. Zachman did, from February 8, 1995, through February 6, 1996, knowingly make a false statement in a record required by Chapter 3719. of the Ohio Revised Code, to wit: on various dates Daniel T. Zachman recorded false information in records regarding drugs being returned to the drug stock while practicing pharmacy at the Mansfield Correctional Institution in order to cover for his drug thefts of Propoxyphene Hydrochloride capsules, a schedule IV controlled substance:

<u>Date</u>	<u>Patient No.</u>
02/08/95	1
02/23/95	1
04/21/95	1
05/19/95	1
06/16/95	1
06/30/95	1
07/31/95	1
09/06/95	1
09/28/95	1
11/27/95	1
12/22/95	1
01/11/96	1
01/24/96	1
02/06/96	1

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

- (6) Daniel T. Zachman is addicted to the use of controlled substances, to wit: Daniel T. Zachman was convicted of a felony drug abuse offense in 1984; Daniel T. Zachman was disciplined by the Board for committing acts constituting felony drug abuse offenses in 1984; currently, Daniel T. Zachman has stolen drugs and forged records of drugs being returned to the drug stock to cover for his thefts from Mansfield Correctional Institution; and, on February 15, 1996, Daniel T. Zachman admitted to Board agents that he is psychologically addicted to Propoxyphene. Such conduct indicates that Daniel T. Zachman is addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (6) of the Findings of Fact constitutes being guilty of a felony 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) 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 (6) 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (4) and (5) 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 4729. 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 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued March 6, 1996.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Daniel T. Zachman:

- (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 revokes the pharmacist identification card, No. 03-3-11720, held by Daniel T. Zachman effective as of the date of the mailing of this Order.
- (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 revokes the pharmacist identification card, No. 03-3-11720, held by Daniel T. Zachman effective as of the date of the mailing of this Order.
- (C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-3-11720, held by Daniel T. Zachman effective as of the date of the mailing of this Order.
- (D) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-3-11720, held by Daniel T. Zachman effective as of the date of the mailing of this Order.

Division (B) of Section 4729.16 of the Ohio Revised Code provides: "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.

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

MOTION CARRIED.

SO ORDERED.