



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

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

FAX: 614/752-4836

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

URL: <http://www.pharmacy.ohio.gov>

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-960816-009)

In The Matter Of:

ROBERT G. WILSON

2760 Poland Village Blvd.

Poland, Ohio 44514

(D.O.B. 2/11/53)

INTRODUCTION

THE MATTER OF ROBERT G. WILSON CAME TO HEARING ON MARCH 7, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, 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.

ROBERT G. WILSON 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) George Pavlich, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) David Boyer, Pharmacists Rehabilitation Organization
- (2) Robert G. Wilson, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity letter dated August 16, 1996.
- (2) Exhibit 1A--Hearing Request letter dated September 8, 1996.
- (3) Exhibit 1B--Hearing Schedule letter dated September 13, 1996.

- (4) Exhibit 2--Application for Examination as a Pharmacist of Robert G. Wilson signed and notarized on May 14, 1996, with the following attachments: two-page explanation to Section 4 of the application; and two-page copy of transcript of grades from the Ohio Northern University of Robert George Wilson reported January 28, 191 (sic).
- (5) Exhibit 3--Pharmacist File Front Sheet of Robert G. Wilson showing original date of registration as August 4, 1976, and revocation date as March 14, 1994.
- (6) Exhibit 4--Two-page Order of the State Board of Pharmacy in the matter of Robert G. Wilson dated July 6, 1989.
- (7) Exhibit 5--Copy of letter from Franklin Z. Wickham dated July 6, 1989.
- (8) Exhibit 6--Six-page Order of the State Board of Pharmacy in the matter Robert G. Wilson dated November 4, 1991.
- (9) Exhibit 7--Three-page Order of the State Board of Pharmacy in the matter of Robert G. Wilson dated April 30, 1992.
- (10) Exhibit 8--Three-page Summary Suspension Order of Robert G. Wilson dated April 29, 1993.
- (11) Exhibit 9--Ten-page Order of the State Board of Pharmacy in the matter of Robert G. Wilson dated March 14, 1994.

Respondent's Exhibits:

- (1) Exhibit A--Two-page copy of Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Robert Wilson dated January 1, 1997.
- (2) Exhibit B--Copies of twenty-two pages of AA/NA attendance sheets of Robert G. Wilson dated from June 12, 1993, through March 3, 1997.
- (3) Exhibit C--Copies of twelve urine drug screen reports of Robert Wilson dated as follows: July 31, 1993; August 30, 1993; October 19, 1993; November 27, 1993; January 25, 1994; March 22, 1994; March 23, 1995; August 25, 1995; January 19, 1996; February 13, 1996; June 4, 1996; and December 8, 1996; and copies of two chain of custody requests dated August 19, 1996; and February 12, 1997.
- (4) Exhibit D--Copy of two-page letter from Robert G. Wilson dated June 26, 1993; copy of three-page letter from Robert G. Wilson, not signed, dated September 28, 1993; copy of letter from Robert G. Wilson dated December 30, 1993; copy of letter from Robert G. Wilson dated March 28, 1994; copy of letter from Robert G. Wilson dated January 15, 1995; copy of letter from Robert G. Wilson dated April 6, 1995; copy of letter from Robert G. Wilson dated July 15, 1995; copy of letter from Robert G. Wilson dated October 23, 1995; copy of letter from Robert G. Wilson dated January 9, 1996; copy of letter from Robert G. Wilson dated March 31, 1996; copy of letter from Robert G. Wilson dated June 26, 1996; copy of letter from Robert G. Wilson dated September 28, 1996; and copy of letter from Robert G. Wilson dated December 24, 1996.
- (5) Exhibit E--Copies of fourteen pages consisting of thirty-five certificates of continuing pharmaceutical education numbered and dated as follows: 401-000-96-012-H01 and 401-000-96-006-H01 dated February 6, 1997; 679-401-94-018 dated August 9, 1996; 401-000-96-015-H01 dated February 6, 1997; 679-401-95-005 dated June 9, 1996; 401-000-96-004-H01 dated September 6, 1996; 401-000-96-014-H04 dated January 29, 1997; 401-000-96-005-H01 dated January 29, 1997 (duplicate); 401-000-96-008-H01 dated January 29, 1997 (duplicate); 401-000-96-011-H02 dated January 29, 1997 (duplicate); 401-000-96-010-H01 dated January 29, 1997 (duplicate); 401-000-96-014-H04 dated January 29, 1997 (duplicate); 401-000-97-002-H01 dated February 14, 1997; 401-000-96-007-H01 dated January 24, 1997; 692-424-94-02 (sic) dated January 14, 1997; 692-424-94-0 (sic) dated January 15, 1997; 424-000-95-02 (sic) dated January 14, 1997; 692-424-94-00 (sic)

dated January 14, 1997; 692-424-94-0 (sic) dated January 14, 1997; 692-424-94-02 (sic) dated January 15, 1997; 692-424-94-009 dated July 19, 1996; 692-424-94-006 dated July 19, 1996; 692-424-94-004 dated July 19, 1996; 692-424-93-011 dated July 19, 1996; 692-424-93-021 dated July 19, 1996; 692-424-93-009 dated July 19, 1996; 692-424-93-012 dated July 19, 1996; 692-424-93-010 dated July 19, 1996; 692-424-93-014 July 19, 1996; 680-026-94-027 dated December 29, 1995; 424-000-96-002-H04 dated February 5, 1997; 424-000-95-012 dated June 13, 1996; 682-327-94-205 dated January 31, 1997; 688-155-94-029 dated February 10, 1997; and 180-316-95-011 dated January 16, 1997.

- (6) Exhibit F--Copy of letter from P. J. Champion dated February 27, 1997; copy of letter from Eugene O'Brien dated February 24, 1997; copy of letter from W. Clare Reese dated February 13, 1997; copy of letter from Joseph C. Salmen dated February 22, 1997; copy of letter from Robert C. Locklear dated February 9, 1997; copy of letter from Scott A. Bowles dated February 12, 1997; copy of letter from W. Stephen Meloy dated February 19, 1997; copy of letter from Delores E. Kruizevisor dated February 12, 1997; copy of letter from Patricia S. McCormick dated February 15, 1997; copy of letter from Carol M. Noble dated February 17, 1997; copy of letter from Cynthia L. Hawes dated February 16, 1997; and copy of letter from Joseph P. Colangelo dated February 25, 1997.
- (7) Exhibit G--Copies of four Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheets of Robert Wilson dated April 10, 1995; July 9, 1996; October 8, 1996; and January 10, 1997.
- (8) Exhibit H--Five pages of copies consisting of nine Certificates of Appreciation of Bob W. dated February, 1995; May 22, 1995; May 3, 1995; February 28, 1995; December 12, 1995; June 11, 1996; July 21, 1996; February 6, 1996; and October 19, 1995;
- (9) Exhibit I--Copy of payroll deposit receipt of Robert G. Wilson dated February 21, 1997; and Pay Statement for period ending October 29, 1994.

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 of Pharmacy indicate that Robert G. Wilson submitted an application for examination as a pharmacist on May 16, 1996.
- (2) Records further indicate that Robert G. Wilson was originally licensed to practice pharmacy in the state of Ohio on August 4, 1976.
- (3) On or about July 6, 1989, the Board found the following to be fact:
 - (a) Robert G. Wilson was notified on December 5, 1988, by letter, of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
 - (b) As demonstrated by return receipt of December 8, 1988, Robert G. Wilson received the letter of December 5, 1988, informing him of the allegations regarding his continuing pharmacy education submitted for renewal and his rights.

- (c) Robert G. Wilson did not respond in any manner to the letter of December 5, 1988, and did not request a hearing in this matter.
- (d) Robert G. Wilson did not continue his pharmacy education in accordance with Chapter 4729-7 of the Ohio Administrative Code.
- (e) Robert G. Wilson did not submit the required 4.5 continuing education units needed for renewal of his pharmacist license.

For these reasons, the Board concluded that Robert G. Wilson failed to meet the requirements for renewal of his identification card as set forth in Section 4729.12 of the Ohio Revised Code and, therefore, such application was denied. However, another application was submitted and a license to practice pharmacy issued on May 3, 1989.

- (4) On or about November 4, 1991, the Ohio State Board of Pharmacy found the following to be fact:

- (a) *(This action of the Board was based upon a criminal conviction and/or the underlying facts upon which a criminal conviction was based.)*

- (b) Robert G. Wilson's license to practice pharmacy in the state of Vermont was revoked on or about March 4, 1987, for . . . *(This action of the Board was based upon a criminal conviction and/or the underlying facts upon which a criminal conviction was based)* . . . which, pursuant to the laws of the state of Vermont, "reduced public confidence in the profession of pharmacy; for becoming addicted to narcotics which endangered the public health, safety and welfare; and for violating society's trust to protect the populace from the dangers of drug abuse and addiction and other hazards inherent in the powerful agents of drugs which he dispenses as a pharmacist."

- (c) Robert G. Wilson did, on or about August 13, 1989, and again on or about August 9, 1990, knowingly make false statements when the statements were made with purpose to secure the issuance by the Ohio State Board of Pharmacy of renewal licenses, to wit: on his renewal applications for the years of 1989 and 1990, Robert G. Wilson indicated that he had not been found guilty by any state government agency or convicted (even if expunged) of . . . *(This action of the Board was based upon a criminal conviction and/or the underlying facts upon which a criminal conviction was based)* . . . and actions constituting offenses dealing with drugs and committed in the practice of pharmacy. Such conduct is in violation of Section 2921.13(A)(5) of the Ohio Revised Code.

For these reasons, the Board concluded that Robert G. Wilson was: guilty of . . . *(This action of the Board was based upon a criminal conviction and/or the underlying facts upon which a criminal conviction was based)* . . . ; guilty of dishonesty and unprofessional conduct in the practice of pharmacy; addicted to any abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy; guilty of . . . *(This action of the Board was based upon a criminal conviction and/or the underlying facts upon which a criminal conviction was based)* . . . ; and guilty of willfully violating provisions of Chapter 4729. of the Revised Code. On November 4, 1991, Robert G. Wilson was suspended indefinitely from the practice of pharmacy in Ohio pursuant to the Order of the State Board of Pharmacy, Docket No. D-910530-076; however, the Board would permit Robert G.

Wilson to appear for reinstatement of his license after certain conditions had been met.

- (5) On March 4, 1992, Robert G. Wilson appeared before the Board for reinstatement of his license. On or about April 30, 1992, the Board found that Robert G. Wilson had submitted satisfactory evidence that the conditions and requirements, pursuant to the Order of the State Board of Pharmacy, Docket No. D-910530-076, had been met and that he was in compliance with said Order.
- (6) On or about April 30, 1992, Robert G. Wilson's license to practice pharmacy in Ohio was reinstated, pursuant to the Order of the State Board of Pharmacy, Docket No. D-911211-082. Robert G. Wilson's identification card was placed on probation for a period of five years with the following stipulations:
 - (a) Robert G. Wilson was to provide evidence of entering into a contract with the Pharmacists Rehabilitation Organization, Inc., or an equivalent program acceptable to the Board, for a period of five years (from April 30, 1992, through April 30, 1997) with the following stipulations:
 - (i) random, observed urine screens were to be conducted at least every three months, and copies of the results immediately forwarded to the Board of Pharmacy office,
 - (ii) attendance of at least three meetings per week at an AA/NA or a similar support group meeting was required during outpatient and/or during aftercare,
 - (iii) the program was to immediately report to the Board of Pharmacy any violations of the contract.
 - (b) Robert G. Wilson was to submit a copy of the contract to the Board as soon as it had been agreed to by the program.
 - (c) Robert G. Wilson was to submit quarterly progress reports to the Board that included:
 - (i) the written report and documentation provided by the treatment program pursuant to the contract, and
 - (ii) a written description of his progress towards recovery and what he had been doing during the previous three months.
 - (d) Robert G. Wilson was not to serve as a responsible pharmacist during the five-year probation period, through April 30, 1997.
- (7) On April 29, 1993, Robert G. Wilson's license was summarily suspended; and, on or about March 14, 1994, in addition to paragraphs (4), (5), and (6) above, the Board found the following to be fact:
 - (a) Robert G. Wilson was addicted to and continued abusing liquor and/or drugs or he was impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: on March 23, 1993, Robert G. Wilson submitted a urine sample for drug screening. Positive results for opiates were

detected in his urine. Again, Robert G. Wilson was ordered to submit a urine sample for screening on April 6, 1993; however, knowing that the screen would be positive, Robert G. Wilson refused the order and admitted his addiction/relapse to drugs. Robert G. Wilson admitted to his employer that he had been consuming drugs such as Tylenol #4, Lortab, and/or Vicodin in amounts averaging ten to fifteen units per day since June, 1992. Further, upon advice of his P.R.O. representative, Robert G. Wilson admitted himself into Shepherd Hill Hospital on April 7, 1993, due to his relapse.

(b) Robert G. Wilson was in violation of and did not comply with the conditions of probation as set forth in the Order of the State Board of Pharmacy, Docket No. D-911211-082, dated April 30, 1992. Further, Robert G. Wilson did knowingly make false statements when the statements were made with purpose to mislead a public official in performing his official function and to secure the issuance of a license by the Ohio State Board of Pharmacy, to wit: on June 25, 1992, Robert G. Wilson submitted his third quarterly progress report to the Board, pursuant to Order, Docket No. D-911211-082, which states "I am sober and things are doing well". On September 27, 1992, Robert G. Wilson submitted his fourth quarterly progress report to the Board, pursuant to said Order, which states "On the 29th of September I will have reached 10 months of sobriety and I still enjoy it". On December 29, 1992, Robert G. Wilson submitted his fifth quarterly progress report to the Board, pursuant to said Order, which states "I made it thru Christmas sober". On March 31, 1993, Robert G.

Wilson submitted his sixth quarterly progress report to the Board, pursuant to said Order, which states "It bothers me that I was unable to stop, (smoking cigarettes) but I do still have my sobriety. I am proud to say I have been drug and alcohol free for 1 year and 4 months and 2 days."; this report being approximately one week after the positive urinalysis dated March 23, 1993. Robert G. Wilson submitted these reports; yet, on or about April 7, 1993, he admitted to his employer that he had been consuming drugs such as Tylenol #4, Lortab, and/or Vicodin in amounts averaging ten to fifteen units per day since June, 1992. Such conduct was in violation of Sections 2921.13(A)(3) and 2921.13(A)(5) of the Ohio Revised Code.

(c) Robert G. Wilson did, from on or about May, 1992, to April, 1993, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs belonging to Phar-Mor #177, Austintown, Ohio, beyond the express or implied consent of the owner by committing a theft offense, to wit: Robert G. Wilson stole the following dangerous drugs from Phar-Mor #177:

<u>Drug</u>	<u>Quantity</u>	<u>% of Drug Supply</u>
Tylenol w/Codeine #4	1,372	18.2%
Lortab 7.5mg	1,053	25.7%
Anexsia 7.5mg/650	2,174	19.3%
Vicodin ES 7.5mg	2,487	5.6%

Such conduct was in violation of Section 2925.21 of the Ohio Revised Code.

(d) Robert G. Wilson did, on or about May, 1992, to April, 1993, knowingly sell, under the definition of Sections 3719.10(EE) and 4729.02(J) of the Ohio Revised Code, controlled substances in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when

the conduct was not in accordance with Chapters 3719. and 4729. of the Revised Code, to wit: Robert G. Wilson sold the following schedule III controlled substances, without prescriptions and/or without a legitimate medical purpose:

<u>Drug</u>	<u>Quantity</u>	<u>% of Drug Supply</u>
Tylenol w/Codeine #4	1,372	18.2%
Lortab 7.5mg	1,053	25.7%
Anexsia 7.5mg/650	2,174	19.3%
Vicodin ES 7.5mg	2,487	5.6%

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

For these reasons, on or about March 14, 1994, the Ohio State Board of Pharmacy concluded that Robert G. Wilson: guilty of (*This action of the Board was based upon a criminal conviction and/or the underlying facts upon which a criminal conviction was based*); guilty of gross immorality; guilty of dishonesty and unprofessional conduct in the practice of pharmacy; addicted to and abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy; guilty of (*This action of the Board was based upon a criminal conviction and/or the underlying facts upon which a criminal conviction was based*); and guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapters 2925. and 4729. of the Revised Code. Therefore, Robert G. Wilson's license to practice pharmacy in the state of Ohio, No. 03-3-11725, was revoked.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (4) and (7) of the Findings of Fact constitute (*This action of the Board was based upon a criminal conviction and/or the underlying facts upon which a criminal conviction was based*) as provided in Rule 4729-5-04 of the Ohio Administrative Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (4) of the Findings of Fact constitutes (*This action of the Board was based upon a criminal conviction and/or the underlying facts upon which a criminal conviction was based*) as provided in Rule 4729-5-04 of the Ohio Administrative Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3), (4), and (7) of the Findings of Fact constitute not being of good moral character and habits as provided in Paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (4) and (7) of the Findings of Fact constitute being addicted to or abusing drugs as provided in Paragraph (D) of Rule 4729-5-04 of the Ohio Administrative Code.
- (5) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3), (4), (6), and (7) of the Findings of Fact constitute having been disciplined by the Ohio State Board of Pharmacy pursuant to Section

4729.16 of the Revised Code as provided in Paragraph (E) of Rule 4729-5-04 of the Ohio Administrative Code.

- (6) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (4) of the Findings of Fact constitutes having been disciplined by any board of pharmacy as provided in Paragraph (F) of Rule 4729-5-04 of the Ohio Administrative Code.

ACTION OF THE BOARD

Pursuant to Section 4729.08 of the Ohio Revised Code, and on the basis of the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy hereby denies the issuance of a certificate of registration or an identification card, and therefore denies the Application for Examination as a Pharmacist submitted by Robert G. Wilson.

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

MOTION CARRIED.

SO ORDERED.