



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-030110-056 and D-030423-073)

In The Matter Of:

TODD C. LaTOUR, R.Ph.

3878 Arborgreen Drive

Cincinnati, Ohio 45255

(R.Ph. No. 03-3-11902)

INTRODUCTION

THE MATTER OF TODD C. LaTOUR CAME FOR HEARING ON SEPTEMBER 13, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, R.Ph.; (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

TODD C. LaTOUR WAS REPRESENTED BY DAVID W. GRAUER AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Robert Burdick, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses

1. Todd C. LaTour, R.Ph., Respondent
2. John Keyser, R.Ph.
3. Jeffrey Cummins

State's Exhibits

1. Notice of Opportunity For Hearing letter [01-10-03]
 - 1A-1C. Procedurals
 - 1D. Summary Suspension Order/Notice of Opportunity For Hearing letter [04-23-03]
 - 1E-1H. Procedurals
 - 1I. Addendum Notice [03-02-04]
 - 1J. Procedural
2. State of Ohio vs. Todd LaTour, Case No. 02CR20417, Warren County Common Pleas Court Indictment [11-25-02]; Change of Plea [03-05-03]; Entry [03-05-03]; and Judgment Entry of Sentence [04-15-03]

3. Statement of Todd C. LaTour, R.Ph. [10-02-02]
4. Thriftway Food & Drug #1704 Medical Expenses Report for Deena C. LaTour [06-01-02 to 09-30-02]
5. Medication History for Deena C. LaTour [01-23-02 to 09-13-02]
6. Deerfield Family Practice Progress Notes for Deena LaTour [09-24-02 to 09-30-02] and Medication Flowsheet [06-17-02]
7. Rx #4418574 [06-19-02]
8. Winn-Dixie Signature Log [06-29-02 to 07-04-02]
9. Rx #6507189 [06-21-02] and Rx #4418998 [09-09-02]
10. Rx #6507982 [07-19-02] and Rx #4418574 [06-19-02]
- 11-14. Four Winn-Dixie Signature Logs [07-18-02 to 08-30-02]
15. Statement of Kathy R. Muse, R.Ph. [10-06-02]
16. Rx #4418998 [09-09-02]
- 17-18. Two Winn-Dixie Signature Logs [09-06-02 to 09-13-02]
19. Alliance Laboratory Services drug screen report for Todd LaTour [10-02-02]
20. Audit Report from Robert Muse [10-23-02]
21. Hand-written inventory [not dated]
22. Dayton Heart Hospital Notice of Disciplinary Action for Todd LaTour [09-25-00]
23. Forty-three-page printout of Temporary Internet Files [07-15-00 to 09-21-00]
24. Dayton Heart Hospital Performance Correction Notice for Todd LaTour [10-13-00]
25. Personal Self Improvement Plan of Todd C. LaTour [10-24-00]
26. Dayton Heart Hospital Letter of Termination to Todd LaTour [10-26-00]
27. Four Medication Errors Involving Todd LaTour for Levaquin 250 mg, Reglan IV, Gentamicin 100 mg, and Aggrastat [09-28-00]
28. Dayton Heart Hospital Physicians Orders for Patient #1 [09-27-00 to 09-28-00]
29. Dayton Heart Hospital Physicians Orders for Patient #2 [09-28-00]
30. Dayton Heart Hospital Physicians Orders for Patient #3 [09-27-00 to 09-29-00]
31. Medication Error Involving Todd LaTour for slow mag 400 mg [09-28-00]
32. Dayton Heart Hospital Physicians Orders for Patient #4 [09-28-00 to 09-29-00]
33. Medication Error Involving Todd LaTour for Imdur 60 mg, Integrilin, and NS IV [09-29-00]
34. Dayton Heart Hospital Physicians Orders for Patient #5 [09-28-00]
35. Medication Error Involving Todd LaTour for Percocet [09-29-00]
36. Dayton Heart Hospital Physicians Orders for Patient #6 [09-29-00 to 09-30-00]
37. Medication Errors Involving Todd LaTour for procainamide drip and Ativan 1 mg [09-29-00]
38. Dayton Heart Hospital Physicians Orders for Patient #7 [09-29-00]
39. Medication Errors Involving Todd LaTour on a patient profile [09-29-00]
40. Statement of Linda Collar, RN [09-29-00]
41. Medication Error Involving Todd LaTour for vancomycin 1g [not dated]
42. Dayton Heart Hospital Vascular Post-op Orders for Patient #9 [10-02-00]
43. Medication Error Involving Todd LaTour for albuterol inhaler [not dated]
44. Dayton Heart Hospital Physicians Orders for Patient #10 [10-03-00 to 10-04-00]
45. Dayton Heart Hospital (h8380nl) Profile Maintenance Processor for Patient #10 [10-03-00 to 10-08-00]
46. Dayton Heart Hospital Multidisciplinary Progress Notes for Patient #3 [10-03-00]
47. Dayton Heart Hospital Physicians Orders for Patient #11 [10-05-00]
48. Dayton Heart Hospital (h8380nl) Profile Maintenance Processor for Patient #11 [10-05-00 to 10-12-00]
49. Dayton Heart Hospital Physicians Orders for Patient #12 [10-05-00 to 10-06-00]
50. Dayton Heart Hospital (h8380nl) Profile Maintenance Processor for Patient #12 [10-02-00 to 10-08-00]
51. Dayton Heart Hospital Physicians Orders for Patient #13 [10-06-00]
52. Dayton Heart Hospital (h8380nl) Profile Maintenance Processor for Patient #13 [10-04-00 to 10-09-00]

53. Dayton Heart Hospital (h8380nl) Profile Maintenance Processor for Patient #14 [10-05-00 to 10-09-00]
54. Dayton Heart Hospital Physicians Orders for Patient #15 [10-08-00 to 10-09-00]
55. Scheduled Medication Orders for Patient #15 [09-30-00 to 10-15-00]
56. Dayton Heart Hospital (h8380nl) Profile Maintenance Processor for Patient #15 [09-27-00 to 10-15-00]
57. Patient Medication Notes of Jennifer Kuhns, RN for Patient #16 [10-10-00]
58. Dayton Heart Hospital Physicians Orders for Patient #16 [10-09-00]
59. Scheduled Medication Orders for Patient #16 [10-06-00 to 10-09-00]
60. Dayton Heart Hospital (h8380nl) Profile Maintenance Processor for Patient #16 [10-06-00 to 10-10-00]
61. Dayton Heart Hospital Home Medications Upon Admission/Discharge for Patient #17 [10-09-00] and hand-written note to Todd from Ben [10-10-00]
62. Dayton Heart Hospital Physicians Orders for Patient #18 [10-09-00]
63. Dayton Heart Hospital (h8380nl) Profile Maintenance Processor for Patient #18 [10-09-00]
64. Dayton Heart Hospital Physicians Orders for Patient #19 [10-09-00]
65. Dayton Heart Hospital (h8380nl) Profile Maintenance Processor for Patient #19 [10-09-00]
66. Dayton Heart Hospital (h8380nl) Profile Maintenance Processor for Patient #20 [10-03-00 to 10-10-00]
67. Dayton Heart Hospital Physicians Orders for Patient #20 [06-10-00 to 10-10-00]
68. Patient Medication Error signed by Donna Cross [10-13-00]
69. Dayton Heart Hospital Physicians Orders for Patient #21 [10-11-00 to 10-12-00]
70. Dayton Heart Hospital Physicians Orders for Patient #22 [10-12-00]
71. Scheduled Medication Orders for Patient #22 [10-11-00 to 10-17-00]
72. Six Dayton Heart Hospital (h8380nl) Profile Maintenance Processors for Patient #17 [10-10-00 to 10-13-00]; Patient Medication Error for insulin [not dated]
73. Patient Medication Error for potassium [not dated]
74. Dayton Heart Hospital Physicians Orders for Patient #23 [10-14-00 to 10-16-00]
75. Dayton Heart Hospital (h8380nl) Profile Maintenance Processor for Patient #23 [10-13-00 to 10-17-00]
76. Patient Medication Error for sodium bicarbonate [not dated]
77. Dayton Heart Hospital Physicians Orders for Patient #24 [10-15-00 to 10-17-00]
78. Scheduled Medication Orders for Patient #24 [10-15-00 to 10-18-00]
79. Patient Medication Error for Diuril and Bumex [not dated]
80. Dayton Heart Hospital Physicians Orders for Patient #25 [10-15-00 to 10-16-00]
81. Scheduled Medication Orders for Patient #25 [10-12-00 to 10-21-00]
82. Dayton Heart Hospital Physicians Orders for Patient #26 [10-16-00] and hand-written note to Todd from Ben [10-17-00]
83. Dayton Heart Hospital IV Communication Tag for Patient #26 [10-17-00]
84. Patient Medication Error for Morphine Sulfate 2-6 mg [not dated]
85. Dayton Heart Hospital Post Cardiac Surgery Orders for Patient #27 [10-17-00]
86. PRN & One-Time Medication Orders for Patient #27 [10-17-00 to 10-23-00]
87. Patient Medication Error for Lactated Ringers, Pepcid, Morphine, Darvocet, Vicodin, and Inapsine [not dated]
88. Dayton Heart Hospital Vascular Post-Op Orders for Patient #28 [10-18-00]
89. PRN & One-Time Medication Orders for Patient #28 [10-17-00]
90. Patient Medication Errors for PCCU orders [not dated]
91. Dayton Heart Hospital Routine Progressive Critical Care Unit Standing Orders for Patient #29 [10-19-00]
92. PRN & One-Time Medication Orders for Patient #29 [10-19-00]
93. Patient Medication Error for Mylanta and Darvocet [not dated]
94. Dayton Heart Hospital Post Intervention Orders for Patient #30 [10-19-00]
95. PRN & One-Time Medication Orders for Patient #30 [10-19-00]
96. Patient Medication Error for Darvocet and Phenergan [not dated]

97. Dayton Heart Hospital Post-Op Carotid Endarterectomy Orders for Patient #31 [10-19-00]
98. PRN & One-Time Medication Orders for Patient #31 [10-19-00 to 10-24-00]
99. Patient Medication Error for potassium [not dated]
100. Dayton Heart Hospital Physicians Orders for Patient #32 [10-19-00]
101. Scheduled Medication Orders for Patient #32 [10-13-00 to 10-16-00]; Dayton Heart Hospital (h8380nl) Profile Maintenance Processor [10-13-00 to 10-23-00]
102. Patient Medication Error for Restoril [not dated]
103. Dayton Heart Hospital Physicians Orders for Patient #33 [10-18-00 to 10-19-00]
104. Dayton Heart Hospital (h8380nl) Profile Maintenance Processor for Patient #33[10-19-00 to 10-25-00]
105. Health Alliance Corrective Action Notice for Todd LaTour [03-14-00]
106. Letter from Caron Sue, PharmD, Ph.D. to Elaine Jones [07-17-03]
107. University Hospital Physician's Order Form[12-27-99]
108. Medication Order Display for amphotericin B 50 mg injection [12-27-99]
109. Medication Order Display for cyclosporin microemulsion 100 mg/ml so ln [12-27-99]
110. Physician Order for Sandimmune 110 mg [12-27-99]

Respondent's Exhibits

- A. Assessment letter from Steven A. Fahnestock, MS, CCDC III-E [07-23-03]; Treatment Recommendation letter from Barbara Williams, MSSW, LSW [10-05-03]
- B. Assessment and Progress letter from Lois Ahlers, LISW, CCDC-III [08-24-04]
- C. PRO Pharmacist's Recovery Contract for Todd C. LaTour [03-10-04]
- D. Compass Vision Authorization to Collect/Temporary ID Card for Todd LaTour [not dated]; Letter of Instruction [03-30-04]; Licensee Summary Report of drug screens [05-05-04 to 08-05-04]; e-mail letter re Todd LaTour [08-19-04]; nineteen Drug Screen Reports [05-06-03 to 08-06-04]
- E. Support Group Attendance Records [12-10-03 to 09-09-04]
- F. Support Group Attendance Records [06-16-03 to 12-08-03]
- G-J. Letters of support and recommendation [08-22-04 to 09-13-04]
- K. Letter from Kathleen Carpenter re Deena LaTour Recovery [09-12-04]

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 Todd C. LaTour was originally licensed by the State of Ohio as a pharmacist on August 4, 1976, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended effective April 23, 2003.
- (2) Todd C. LaTour did, on or about June 19, 2002, intentionally make and/or knowingly possess a false or forged prescription, to wit: Todd C. LaTour admittedly created Rx #4418574, using his wife's name as the patient, without authorization from the physician, so as to obtain 180 ml of hydrocodone/GG 5-100/5 syrup, a Schedule III controlled substance. On July 4, 2002, Todd C. LaTour refilled the prescription for hydrocodone/GG 5-100/5 syrup, a Schedule III controlled substance. Such conduct violates Section 2925.23(B) of the Ohio Revised Code.
- (3) Todd C. LaTour did, on or about June 21, 2002, intentionally make and/or knowingly possess a false or forged prescription, to wit: Todd C. LaTour has admittedly created Rx #6507189, using his wife's name as the patient, without authorization from the physician, so as to obtain 20 butalbital/APAP/caffeine tablets. Such conduct violates Section 2925.23(B) of the Ohio Revised Code.

- (4) Todd C. LaTour did, on or about July 19, 2002, intentionally make and/or knowingly possess a false or forged prescription, to wit: Todd C. LaTour admittedly created Rx #6507982 to obtain 30 Allegra 60 mg tablets, and created Rx #6507983 to obtain 30 Fioricet generic tablets, using his wife's name as the patient without authorization from the physician. On July 22, 2002, and August 14, 2002, Todd C. LaTour refilled the Fioricet generic prescription. Such conduct violates Section 2925.23(A) of the Ohio Revised Code.
- (5) Todd C. LaTour did, on or about August 23, 2002, intentionally make and/or knowingly possess a false or forged prescription, to wit: Todd C. LaTour admittedly created Rx #6508916, using his wife's name as the patient, without authorization from the physician, so as to obtain 30 Fioricet generic tablets. Such conduct violates Section 2925.23(B) of the Ohio Revised Code.
- (6) Todd C. LaTour did, on or about August 28, 2002, intentionally make and/or knowingly possess a false or forged prescription, to wit: Todd C. LaTour admittedly created Rx #4418936 so as to obtain 180 ml of Vicotuss, a Schedule III controlled substance, and Rx #6509032 so as to obtain 20 generic Fioricet tablets, using his wife's name as the patient, without authorization from the physician. On September 13, 2002, Todd C. LaTour refilled the generic Fioricet prescription. Such conduct violates Section 2925.23(B) of the Ohio Revised Code.
- (7) Todd C. LaTour did, on or about September 9, 2002, intentionally make and/or knowingly possess a false or forged prescription, to wit: Todd C. LaTour admittedly created Rx #4418998, using his wife's name as the patient, without authorization from the physician, so as to obtain 120 ml of Vicotuss, a Schedule III controlled substance. Such conduct violates Section 2925.23(B) of the Ohio Revised Code.
- (8) Todd C. LaTour did, on or about September 13, 2002, intentionally make and/or knowingly possess a false or forged prescription, to wit: Todd C. LaTour admittedly created Rx #6509472, using his wife's name as the patient, without authorization from the physician, so as to obtain three Terazol 80 mg suppositories. Such conduct violates Section 2925.23(B) of the Ohio Revised Code.
- (9) Todd C. LaTour did, on or about October 2, 2002, knowingly possess or use a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Todd C. LaTour admitted that he had written false prescriptions, but denied using any prescription drugs. When asked to submit to a urine sample for a drug screen, the results of his drug screen was positive for opiates (codeine) and barbiturates. Such conduct violates Section 2925.11 of the Ohio Revised Code.
- (10) Todd C. LaTour was twice disciplined by his employer, Dayton Heart Hospital, and on or about October 26, 2000, Todd C. LaTour's employment was terminated for having excessively accessed pornographic Web sites during his work hours, for "failure to improve order-processing skills and for failure to improve turnaround time on order processing," and "failure to perform work at an acceptable level." Additionally, Todd C. LaTour was disciplined for the following mistakes made in the practice of pharmacy:
 - (A) On September 28, 2000:
 - (1) Todd C. LaTour signed the orders for Patient #1 as being completed. However, the order for "Levaquin 250 mg po qd" was

not entered into the computer and, as a result, did not appear in the SureMed (Medication Administration Record).

- (2) For Patient #2, the physician ordered "Reglan IV q6 hours for 48 hours." However, Todd C. LaTour entered the order as "prn," not scheduled. The patient had a previous order entered into the computer for Reglan scheduled every six hours. Todd C. LaTour allowed both orders to be entered on the same profile. The patient experienced decreased bowel sounds though the physician had been trying to increase gastric movement.
 - (3) For Patient #3, Todd C. LaTour received an order to "decrease gentamicin to 80 mg IV every eight hours." The patient had been receiving gentamicin 100 mg every eight hours along with two other antibiotics to treat a case of severe endocarditis. Todd C. LaTour entered the order incorrectly into the HBOC system and no labels were generated. The nurse called the pharmacy looking for the 2:00 dose at 2:45. By the time the mistake was discovered the patient did not receive the dose until 3:30 - an hour and half late.
 - (4) Todd C. LaTour received orders for Patient #4. Todd C. LaTour signed the sheet indicating all orders were completed and entered into the computer. A nurse telephoned the pharmacy reporting that an order for "Slow-Mag 400 mg po bid" did not show up on the patient's Medication Administration Record. Todd C. LaTour had not entered this order into the computer. For this same patient, Todd C. LaTour had written a communication for the patient to take her home medications, Evista and Pulmicort. Todd C. LaTour did not enter these medications into the computer and these medications were omitted from the Medication Administration Record for three days.
 - (5) Todd C. LaTour received orders for Patient #5. Todd C. LaTour signed the order sheet as completed. However, Todd C. LaTour omitted three medication orders: Todd C. LaTour did not enter "Imdur 60 mg po qd", the discontinuation of Integrilin, or an order for "normal saline IV at 50 ml/hour" into the computer. A nurse alerted the pharmacy of the missing orders when these changes were not listed on the patient's Medication Administration Record.
- (B) On September 29, 2000:
- (1) Todd C. LaTour wrote a verbal order from Dr. Maraboyina to give Patient #6 "Percocet, one tablet qid prn." A nurse notified the pharmacy on 9/30/00 that this order was printed on the Medication Administration Record incorrectly. Todd C. LaTour had entered the order for "one to two tablets qid prn." The nurse had not given the patient two tablets, so an occurrence report was not filled out.
 - (2) For Patient #7, Todd C. LaTour incorrectly entered an Ativan order. The physician wrote for "Ativan 1 mg q12 hours prn IV." Todd C. LaTour entered the order as "2 mg q12h prn." For this same patient, a nurse called Todd C. LaTour informing him that the physician had written an order for a procainamide drip and bolus at 11:00. The nurse told Todd C. LaTour she would give the bolus dose if he made the drip. An hour later, the nurse called asking

about the drip, but Todd C. LaTour had not prepared it. The patient's bolus had already run in and the nurse needed the drip. Another pharmacist made the drip and delivered it to the nursing unit, approximately 45 minutes after it should have been started.

- (3) For Patient #8, a nurse reported that Todd C. LaTour had committed numerous order entry errors. Todd C. LaTour told her that the SureMed was having problems, but the rest of the pharmacy staff did not notice any such problems.

(C) On October 2, 2000:

- (1) Todd C. LaTour received orders for Patient #9. The physician ordered "vancomycin 500 mg IV q12hours for 3 doses." Todd C. LaTour entered the order as "1 gram q12 hours."

(D) On October 3, 2000:

- (1) Todd C. LaTour received orders for Patient #10. The medication order was written for "albuterol inhaler MDI 2 puffs bid." Todd C. LaTour entered the order into the computer as "Combivent Inhaler MDI 2 puffs bid." The error was found on 10/05/00. The medication error printed on the Medication Administration Record for two days.
- (2) The physician ordered that an antibiotic was to be continued for Patient #3. Todd C. LaTour did not enter this order into the computer and the order did not print on the patient's Medication Administration Record.

(E) On October 5, 2000:

- (1) The pharmacy received medication orders for Patient #11. Todd C. LaTour signed the order sheet indicating all orders were entered into the computer. At 7:00 p.m., the physician ordered "Toprol XL 25 mg po qd." At 9:45 p.m., the physician ordered "Toprol XL 50 mg qd." Todd C. LaTour entered both orders, but did not discontinue the 25 mg order, and the patient received duplicate Toprol medications.
- (2) Todd C. LaTour signed the order sheet for Patient #12. The physician ordered "Cardizem 30 mg po q8 hours and wean IV Cardizem off." Todd C. LaTour entered the order into the computer as "Cardizem 30 mg q6 hours."

(F) On October 6, 2000:

- (1) Todd C. LaTour signed the medication orders for Patient #13 as being completed. The physician ordered "gentamicin 60 mg IV 10/6, 10/7, and 10/9." Todd C. LaTour entered the order as "gentamicin 60 mg IM qod."
- (2) Todd C. LaTour entered medication orders for Patient #14. The patient had an order for "aspirin 325 mg EC qd" on 10/05/00, and Todd C. LaTour entered a duplicate order on 10/06/00. Todd C.

LaTour also entered orders for “famotidine 40 mg qhs and 20 mg q12h” without discontinuing the “20 mg/2 ml IV q12 hours” order.

(G) On October 9, 2000:

- (1) Todd C. LaTour signed orders for Patient #15. Order number three was for “K-Dur 20 mEq qid.” Todd C. LaTour omitted this order and it did not appear on the patient’s Medication Administration Record.
- (2) The physician ordered “hold p.m. dose of verapamil” for Patient #16, and to “start bid dose” the next day. Todd C. LaTour signed the sheet as completed, but omitted the “bid” order.
- (3) Todd C. LaTour omitted three medication orders for Patient #17. Todd C. LaTour omitted Depakote, Glucotrol, and Cogentin.
- (4) For medication orders for Patient #18, the physician ordered “Mucosyst 600 mg po bid first dose now.” Todd C. LaTour entered the order as an inhalation with frequency and schedule listed as “OT” (one time). The dose was entered into the computer as an inhalation, not as an oral dose as ordered by the physician.
- (5) The physician ordered “Coumadin 5 mg po qhs” and “Ambien 10 mg po hs” for Patient #19. Todd C. LaTour failed to enter the Ambien order into the computer and entered the Coumadin order without the strength and as “qd,” instead of “hs”. The Ambien order was not on the patient’s Medication Administration Record.

(H) On October 10, 2000:

- (1) The physician ordered “Capoten 6.25 mg po q12 hours” for Patient #20. Todd C. LaTour signed the order sheet as completed, but did not enter this order into the computer and it was not included on the patient’s Medication Administration Record.

(I) On October 11, 2000:

- (1) Todd C. LaTour signed the order sheet for patient no. 21. The Coumadin order was not on the Medication Administration Record for two days.

(J) On October 12, 2000:

- (1) Todd C. LaTour signed as completed medication orders for Patient #22. The physician ordered “Restoril 15 mg po hs prn insomnia.” Todd C. LaTour entered this as a scheduled medication, not “prn.” The order after the Restoril was for “Mednebs with albuterol q6h prn wheezing.” Todd C. LaTour did not enter this order into the computer.

(K) On October 13, 2000:

- (1) Todd C. LaTour entered two different insulin sliding scales for Patient #17. Nurse notified pharmacy that they needed to discontinue the incorrect sliding scale.

(L) On October 16, 2000:

- (1) The physician wrote an order to “decrease KCL to 20 mEq po bid” for Patient #23. Todd C. LaTour signed off the order as completed. Todd C. LaTour entered the order as “qd.”
- (2) An order was faxed to the pharmacy to “discontinue HCO₃ tablets” (sodium bicarbonate) for Patient #24. Todd C. LaTour signed the order sheet as completed. Todd C. LaTour did not enter the order change into the computer. The order continued to show up on the patient’s Medication Administration Record for three days.
- (3) An order for Patient #25 was received in the pharmacy. Todd C. LaTour signed the order as completed. The physician ordered to “discontinue Bumex and Diuril” orders. Todd C. LaTour did not enter the change for the Bumex order and it printed on the patient’s Medication Administration Record. When the physician rounded the next day, Todd C. LaTour told the nurse that he did not want the patient to receive the Bumex. The physician wrote another order to “discontinue the Bumex.”
- (4) Todd C. LaTour calculated the wrong amounts of dextrose, amino acids, sterile water, calcium gluconate and magnesium sulfate for the total parenteral nutrition solution for Patient #26.

(M) On October 17, 2000:

- (1) Todd C. LaTour signed off the orders for Patient #27 (as completed). The physician ordered “morphine sulfate 2-6 mg IV/IM every 2-4 hours prn” on post-op orders. Todd C. LaTour omitted entering this order into the computer. The nurses had to utilize the override function for 2 days to obtain this medication for the patient. For this same patient, an order for “Colace 100 mg po every am as needed” was not entered by Todd C. LaTour into the computer. The nursing staff did not catch this error.

(N) On October 18, 2000:

- (1) Vascular Post-op orders for Patient #28 were received by the pharmacy. Todd C. LaTour signed the order sheet as completed. Todd C. LaTour omitted six medications (lactated ringers, Pepcid, morphine, Darvocet, Vicodin, and Inapsine). Only one order from this sheet was entered into the computer, the order for Kefzol.

(O) On October 19, 2000:

- (1) Todd C. LaTour signed as completed routine PCCU orders for Patient #29. Todd C. LaTour omitted three of the five medications on the order. Todd C. LaTour omitted the orders for “laxative of choice,” nitroglycerine 0.4 mg, and temazepam 7.5 mg.
- (2) Todd C. LaTour signed as completed post Intervention orders for Patient #30. Todd C. LaTour omitted entering the medication orders for Mylanta and Darvocet into the computer.

- (3) Todd C. LaTour signed as completed "Post-op Carotid Endarterectomy" orders for Patient #31. Todd C. LaTour omitted entering the medication orders for Darvocet and Phenergan into the computer.
 - (4) Todd C. LaTour signed as completed the order sheet for Patient #32. The physician ordered to "hold potassium." Todd C. LaTour did not enter this information into the computer. The potassium order printed on the Medication Administration Record and the dayshift nurse caught the error prior to giving the medication to the patient.
 - (5) Todd C. LaTour signed as completed the medication orders for Patient #33. The physician ordered "Restoril 30 mg hs", as a scheduled dose. Todd C. LaTour entered the order into the computer system as "prn." On 10/24/00 the patient complained to Ben Schaeffer, R.Ph. that she was having trouble sleeping and her family members addressed concerns about the patient's lack of sleep.
- (11) While employed as a staff pharmacist at the University of Cincinnati Hospital Pharmacy Department located at 234 Goodman Street in Cincinnati, Ohio 45219, Todd C. LaTour committed the following acts:
- (A) On March 14, 2000:
 - (1) Todd C. LaTour received a Corrective Action Notice regarding medication errors identified as:
 - (a) A Climara order was entered into the computer as twice a week, when the order was for once a week.
 - (b) The total volume was not indicated on chemotherapy drug orders entered into the computer.
 - (c) Todd C. LaTour omitted entering into the computer a Ferrlecit order and sent the incorrect dose.
 - (d) An extra dose was entered into computer system for valproic acid.
 - (B) On December 27, 1999:
 - (1) Todd C. LaTour entered an amphotericin dose as 50 mg instead of 25 mg.
 - (2) Todd C. LaTour entered into the computer "Neoral brand" of cyclosporine instead of the "Sandimmune brand."
- (12) In accordance with Section 2929.24 of the Ohio Revised Code, the office of the Prosecuting Attorney of Warren County, Ohio, submitted to this Board information which indicates that on April 15, 2003, Todd C. LaTour pled guilty to one count of Illegal Processing of Drug Documents, a felony of the fifth degree under Section 2925.23(B)(1) of the Ohio Revised Code, and to one count of Theft of Drugs, a felony of the fourth degree under Section 2913.02(A)(2) of the Ohio Revised Code. State of Ohio vs. Todd LaTour, Case No. 02CR20417, Warren County Common Pleas Court.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (12) of the Findings of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (2) through (11) 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) The State Board of Pharmacy concludes that paragraphs (9) through (11) of the Findings of Fact constitute abusing liquor or drugs or impaired physically or mentally to such a degree as to render Todd C. LaTour unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) The State Board of Pharmacy concludes that paragraphs (2) through (9) 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 Todd C. LaTour on April 23, 2003.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Todd C. LaTour as follows:

- (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 permanently the pharmacist identification card, No. 03-3-11902, held by Todd C. LaTour 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 permanently the pharmacist identification card, No. 03-3-11902, held by Todd C. LaTour 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 permanently the pharmacist identification card, No. 03-3-11902, held by Todd C. LaTour 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 permanently the pharmacist identification card, No. 03-1-09590 (sic), held by Todd C. LaTour effective as of the date of the mailing of this Order.

Pursuant to Section 4729.16(B) of the Ohio Revised Code, Todd C. LaTour must return his 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.



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/>

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

April 23, 2003

Todd C. Latour, R.Ph.
208 Briargate Drive
Lebanon, Ohio 45036

Re: Ohio Registered Pharmacist
License No. 03-3-11902

Dear Mr. Latour:

Records of the Board indicate that you are a pharmacist registered by this Board to practice pharmacy in the State of Ohio.

In accordance with Section 2929.24 of the Ohio Revised Code, the office of the Prosecuting Attorney of Warren County, Ohio, has submitted to this Board information which indicates that on April 15, 2003, you pled guilty to one (1) count of Illegal Processing of Drug Documents, a felony of the fifth degree under Section 2925.23(B)(1) of the Ohio Revised Code, and to one (1) count of Theft of Drugs, a felony of the fourth degree under Section 2913.02(A)(2) of the Ohio Revised Code. State of Ohio vs. Todd Latour, Case No. 02CR20417, Warren County Common Pleas Court.

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

- (C) On receiving notification pursuant to Section 2929.24 or 3719.12 of the Revised Code, the Board under which a person has been issued a license, . . . immediately shall suspend the license, . . . of that person on a plea of guilty to, a finding by a jury or court of the person's guilt of, or conviction of a felony drug abuse offense . . .

WHEREFORE, PURSUANT TO SECTION 3719.121(C) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO ARE 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 an adjudicatory hearing is held by the Board under Chapter 119. of the Revised Code, 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, limit, 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 him 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;
 - (10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

You have previously requested a hearing to address a Notice Of Hearing letter dated January 10, 2003. You need not request another hearing; rather, this matter will be combined with the hearing scheduled for August 5, 2003, at 9:00 a.m..

IF YOU REQUEST A HEARING within 30 days of the time of the mailing of this notice, such will be afforded. 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.

YOU ARE FURTHER 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.

BY ORDER OF THE STATE BOARD OF PHARMACY

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