

THE STATE BOARD OF PHARMACY

VS

RONALD J. KESSEN, R.Ph.

THE MATTER OF THE STATE BOARD OF PHARMACY VERSUS RONALD J. KESSEN, DOCKET NO. 6-65-3, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE OHIO REVISED CODE. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) On August 15, 1983, Ronald J. Kessen was notified by letter of the allegations against him and informing him of his right to a hearing, his rights in such hearing, and his right to submit his position, contentions, and arguments in writing.
- (2) As demonstrated by return receipt of August 18, 1983, a Mrs. Rosemary Kessen received the letter of August 15, 1983 informing Ronald J. Kessen of the charges against him and his rights.
- (3) On August 23, 1983, Ronald J. Kessen requested a public hearing concerning the allegations against him.
- (4) On September 13, 1983, Ronald J. Kessen was informed that an adjudication hearing was scheduled for September 26, 1983 at 3:30 p.m. and, as demonstrated by return receipt of September 15, 1983, the notice was received by Mrs. Rosemary Kessen.
- (5) On September 26, 1983, the Board received a letter from Ronald J. Kessen, setting forth his position and contentions in writing.
- (6) From the evidence presented, the State Board of Pharmacy finds that Ronald J. Kessen was found guilty of a felony on May 24, 1983 by the Butler County Court of Common Pleas, to wit: illegal processing of drug documents; in violation of Section 2925.23(A)(1) of the Revised Code.
- (7) From the evidence presented, the State Board of Pharmacy finds that Ronald J. Kessen did, on one or more occasions between January 26, 1983 and May 4, 1983, obtain and exert control over approximately 1,706 tablets of Adipex-P and approximately 2,301 tablets of Didrex 50mg, without the consent or beyond the consent of the owner thereof, K-Mart Pharmacy, 4601 Roosevelt Boulevard, Middletown, Ohio 45042; in violation of Section 2925.21 of the Revised Code.

- (8) From the evidence presented, the State Board of Pharmacy finds that Ronald J. Kessen did, on one or more occasions between February 9, 1983 and May 1, 1983, intentionally make false or forged prescriptions, to wit: Prescription No. 211748 dated February 9, 1983; Prescription No. 213769 dated April 17, 1983; and, Prescription No. 214149 dated May 1, 1983; in violation of Section 2925.23(B)(1) of the Revised Code.
- (9) From the evidence presented, the State Board of Pharmacy finds that Ronald J. Kessen did, on one or more occasions between April 22, 1983 and April 28, 1983, knowingly make a false statement in prescriptions required by Chapter 3719. of the Revised Code, to wit: Prescription No. 210155; Prescription No. 212140; and, Prescription No. 212782; in violation of Section 2925.23(A) of the Revised Code.
- (10) From the evidence presented, the State Board of Pharmacy finds that Ronald J. Kessen did, on one or more occasions between February 9, 1983 and May 1, 1983, by deception as defined in Section 2913.01 of the Revised Code, procure the dispensing of dangerous drugs, to wit: the dispensing of 250 tablets of Adipex-P, pursuant to prescriptions numbered 210155, 211748, 212140, 212782, 213769, and 214149; in violation of Section 2925.22(A) of the Revised Code.
- (11) From the evidence presented, the State Board of Pharmacy finds that Ronald J. Kessen did, on one or more occasions, knowingly obtain, possess, and use controlled substances, to wit: approximately 1,956 tablets of Adipex-P and approximately 2,301 tablets of Didrex 50mg; in violation of Section 2925.11(A) of the Revised Code.
- (12) From the evidence presented, the State Board of Pharmacy finds that Ronald J. Kessen did, on one or more occasions between January 26, 1983 and May 4, 1983, distribute controlled substances when he knew or had reasonable cause to believe such drugs were intended for sale or resale by another, to wit: Adipex-P, a Schedule IV controlled substance, and Didrex 50mg, a Schedule III controlled substance; in violation of Section 2925.03(A)(3) of the Revised Code.
- (13) From the evidence presented, the State Board of Pharmacy finds that Ronald J. Kessen was in illegal possession of controlled substances, in violation of Sections 2925.11(A) and 4729.51(C) of the Revised Code, to wit: nine (9) Adipex-P tablets and fifteen (15) Didrex tablets, which were taken from his residence located at 4724 Roosevelt Avenue, Middletown, Ohio by the Middletown Police Dept. on May 4, 1983.

### Conclusions Of Law

- (1) The State Board of Pharmacy, on the basis of paragraph (6) of the Findings Of Fact, concludes that Ronald J. Kessen is guilty of a felony within the meaning of Section 4729.16(A) of the Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (6) through (13) of the Findings Of Fact constitutes gross immorality within the meaning of Section 4729.16(A) of the Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (6) through (13) of the Findings Of Fact constitutes willful violations of more than one time any of the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law, the State Board of Pharmacy takes the following actions concerning the registered pharmacist identification card of Ronald J. Kessen, No. 03-31-1917:

- (A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the registered pharmacist identification card held by Ronald J. Kessen.
- (B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the registered pharmacist identification card held by Ronald J. Kessen.
- (C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the registered pharmacist identification card held by Ronald J. Kessen.

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

MOTION CARRIED.

SO ORDERED.