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STATE BOARD OF PHARMACY JOURNAL  
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THE STATE BOARD OF PHARMACY

VS

FRANK ALTO, R.Ph.

THE MATTER OF FRANK ALTO, DOCKET NO. 6-144-1, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON THURSDAY, JUNE 26, 1986. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that Frank Alto was the responsible pharmacist required by Section 4729.55 of the Revised Code for the Cleveland Development Center, 4455 Turney Road, Cleveland, Ohio 44105, Terminal Distributor of Dangerous Drugs License No. 02-148050, between the dates of October 31, 1977 and September 26, 1985.
- (2) From the evidence presented, the State Board of Pharmacy finds that Frank Alto, as the responsible pharmacist pursuant to Section 4729.55 of the Revised Code and Rule 4729-5-23 of the Administrative Code, has the statutory duty and responsibility to maintain supervision and control of all dangerous drugs acquired by Cleveland Development Center, 4455 Turney Road, Cleveland, Ohio 44105, and the maintenance of all drug records required by state or federal law.
- (3) From the evidence presented, the State Board of Pharmacy finds that Frank Alto, between July 25, 1985 and September 19, 1985, obtained or exerted control over approximately 300 tablets of Percodan and approximately 100 tablets of Methylphenidate (Ritalin)-20mg without the consent or beyond the consent of the owner thereof: Cleveland Development Center, 4455 Turney Road, Cleveland, Ohio 44105. Such conduct is in violation of Section 2925.21(A) of the Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Frank Alto, as the responsible pharmacist for the terminal distributor of dangerous drugs license for Cleveland Development Center, 4455 Turney Road, Cleveland, Ohio 44105, did not keep a record of all controlled substances received or dispensed; in violation of the provisions of Section 3719.07 of the Revised Code.

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Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (3) and (4) of the Findings Of Fact constitutes gross immorality.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (3) and (4) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (3) and (4) of the Findings Of Fact constitutes violating the provisions of Chapters 2925. and 3719. of the Ohio 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 pharmacist license held by Frank Alto, No. 03-3-11935:

(A) On the basis of paragraphs (1) through (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Frank Alto for 24 months.

(B) Further, the Board suspends 12 months of the 24-month suspension on condition that Frank Alto:

- (1) submits monthly urinalysis reports to the Board for 24 months;
- (2) does not violate any drug laws of the state of Ohio, any other state, or the federal government; and
- (3) abides by the rules of the State Board of Pharmacy.

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

MOTION CARRIED.

SO ORDERED.