



# OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor  
Columbus, Ohio 43266-0320  
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THE STATE BOARD OF PHARMACY  
(Docket No. D-900507-085)

In The Matter Of:

MARK DAVID ANTIS, R.Ph.  
Rt. #1, Box 414-L3  
South Shore, Kentucky 41175  
(R.Ph. No. 03-3-11992)

THE MATTER OF MARK DAVID ANTIS CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON OCTOBER 23, 1990 AS A RESULT OF THE REPORT AND RECOMMENDATION SUBMITTED TO THE BOARD BY HEARING OFFICER AND BOARD MEMBER METTA LOU HENDERSON. FOLLOWING CONSIDERATION OF THE REPORT AND RECOMMENDATION, THE TRANSCRIPT OF THE HEARING HELD JULY 25, 1990, AND EVIDENCE ADDUCED AT THE HEARING, MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

## ORDER

### State's Exhibits

- (1) Exhibit A - Notice of Opportunity For A Hearing letter dated May 7, 1990.
- (2) Exhibit B - Letter from Mark D. Antis received June 7, 1990.
- (3) Exhibit 1 - Pharmacist File Front Sheet for Mark David Antis.
- (4) Exhibit 2 - 1989 Pharmacist Renewal Application of Mark David Antis.
- (5) Exhibit 2A - Prescriptions 328703, 329139, 329518, 329706, 329707, 330848, 331348, 331386, 331387, and 331388.
- (6) Exhibit 3 - 1988 Pharmacist Renewal Application of Mark David Antis.
- (7) Exhibit 3A - Prescriptions 282835, 283233, 283988, 283979, 284127, 284891, 284940, 284942, 285308, 285688, 285722, 286352, 287061, 287668, 288549, 288713, 289945, 289729, 290180, 290263, and 290639.
- (8) Exhibit 3B - Statement of Mark David Antis dated November 27, 1989.
- (9) Exhibit 4 - 1987 Pharmacist Renewal Application of Mark David Antis.
- (10) Exhibit 4A - Prescriptions 232332, 232407, 232537, 232803, 232904, 233196, 233318, 233539, 233604, 233639, 234081, and 234329.
- (11) Exhibit 5 - 1986 Pharmacist Renewal Application of Mark David Antis.
- (12) Exhibit 5A - Prescriptions 189989, 189991, 189992, and 189994.

- (13) Exhibit 6 - 1985 Pharmacist Renewal Application of Mark David Antis.
- (14) Exhibit 7 - 1984 Pharmacist Renewal Application of Mark David Antis.
- (15) Exhibit 8 - 1983 Pharmacist Renewal Application of Mark David Antis.
- (16) Exhibit 9 - 1982 Pharmacist Renewal Application of Mark David Antis.
- (17) Exhibit 10 - 1980 Pharmacist Renewal Application of Mark David Antis.

Findings Of Fact

The State Board of Pharmacy hereby agrees with and adopts the Findings Of Fact set forth in the Report and Recommendation of Hearing Officer and Board Member Metta Lou Henderson, as follows:

- (1) The State Board of Pharmacy finds that on May 7, 1990 Mark David Antis was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) The State Board of Pharmacy finds that, as demonstrated by return receipt of May 8, 1990, Mark David Antis received the letter of May 7, 1990 informing him of the allegations and his rights.
- (3) The State Board of Pharmacy finds that Mark David Antis submitted a letter, received June 7, 1990, setting forth his position and contentions in writing, and has not requested a hearing in this matter.
- (4) The State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Mark David Antis was initially registered as a pharmacist in Ohio pursuant to reciprocity on February 15, 1977, and has been practicing pharmacy since that date.
- (5) The State Board of Pharmacy finds that Mark David Antis failed to renew his identification card on the fifteenth day of September, 1989, as required by Section 4729.12 of the Ohio Revised Code, to wit: Mark David Antis did not renew until October 12, 1989.
- (6) The State Board of Pharmacy finds that Mark David Antis failed to renew his identification card on the fifteenth day of September, 1988, as required by Section 4729.12 of the Ohio Revised Code, to wit: Mark David Antis did not renew until November 18, 1988.
- (7) The State Board of Pharmacy finds that Mark David Antis failed to renew his identification card on the fifteenth day of September, 1987, as required by Section 4729.12 of the Ohio Revised Code, to wit: Mark David Antis did not renew until October 5, 1987.
- (8) The State Board of Pharmacy finds that Mark David Antis failed to renew his identification card on the fifteenth day of September, 1986, as required by Section 4729.12 of the Ohio Revised Code, to wit: Mark David Antis did not renew until September 17, 1986.

- (9) The State Board of Pharmacy finds that Mark David Antis failed to renew his identification card on the fifteenth day of September, 1985, as required by Section 4729.12 of the Ohio Revised Code, to wit: Mark David Antis did not renew until October 3, 1985.
- (10) The State Board of Pharmacy finds that Mark David Antis failed to renew his identification card on the fifteenth day of September, 1984, as required by Section 4729.12 of the Ohio Revised Code, to wit: Mark David Antis did not renew until October 3, 1984.
- (11) The State Board of Pharmacy finds that Mark David Antis failed to renew his identification card on the fifteenth day of September, 1983, as required by Section 4729.12 of the Ohio Revised Code, to wit: Mark David Antis did not renew until November 4, 1983.
- (12) The State Board of Pharmacy finds that Mark David Antis failed to renew his identification card on the fifteenth day of September, 1982, as required by Section 4729.12 of the Ohio Revised Code, to wit: Mark David Antis did not renew until September 22, 1982.
- (13) The State Board of Pharmacy finds that Mark David Antis failed to renew his identification card on the fifteenth day of September, 1980, as required by Section 4729.12 of the Ohio Revised Code, to wit: Mark David Antis did not renew until September 23, 1980.
- (14) The State Board of Pharmacy finds that Mark David Antis did, between September 16, 1989 and October 11, 1989, while practicing pharmacy at Smith Drug Company, 74 S. 2nd Street, Portsmouth, Ohio 45662, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Mark David Antis dispensed dangerous drugs pursuant to prescriptions. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (15) The State Board of Pharmacy finds that Mark David Antis did, between September 16, 1988 and November 17, 1988, while practicing pharmacy at Smith Drug Company, 74 S. 2nd Street, Portsmouth, Ohio 45662, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Mark David Antis dispensed dangerous drugs pursuant to prescriptions. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (16) The State Board of Pharmacy finds that Mark David Antis did, between September 16, 1987 and October 4, 1987, while practicing pharmacy at Smith Drug Company, 74 S. 2nd Street, Portsmouth, Ohio 45662, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Mark David Antis dispensed dangerous drugs pursuant to prescriptions. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (17) The State Board of Pharmacy finds that Mark David Antis did, on September 16, 1986, while practicing pharmacy at Smith Drug Company, 74 S. 2nd Street, Portsmouth, Ohio 45662, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Mark David Antis dispensed dangerous drugs pursuant to prescriptions. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (18) The State Board of Pharmacy finds that Mark David Antis did, between September 16, 1985 and October 2, 1985, while practicing pharmacy at Smith Drug Company, 74 S. 2nd Street, Portsmouth, Ohio 45662, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Mark David Antis dispensed dangerous drugs pursuant to prescriptions. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (19) The State Board of Pharmacy finds that Mark David Antis did, between September 16, 1984 and October 2, 1984, while practicing pharmacy at Smith Drug Company, 74 S. 2nd Street, Portsmouth, Ohio 45662, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Mark David Antis dispensed dangerous drugs pursuant to prescriptions. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (20) The State Board of Pharmacy finds that Mark David Antis did, between September 16, 1983 and November 3, 1983, while practicing pharmacy at Smith Drug Company, 74 S. 2nd Street, Portsmouth, Ohio 45662, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Mark David Antis dispensed dangerous drugs pursuant to prescriptions. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (21) The State Board of Pharmacy finds that Mark David Antis did, between September 16, 1982 and September 21, 1982, while practicing pharmacy at Smith Drug Company, 74 S. 2nd Street, Portsmouth, Ohio 45662, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Mark David Antis dispensed dangerous drugs pursuant to prescriptions. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (22) The State Board of Pharmacy finds find that Mark David Antis did, between September 16, 1980 and September 22, 1980, while practicing pharmacy at Smith Drug Company, 74 S. 2nd Street, Portsmouth, Ohio 45662, compound, dispense, or sell dangerous drugs while not being a registered pharmacist or a pharmacy intern, to wit: after allowing his license to lapse and prior to its renewal, Mark David Antis dispensed dangerous drugs pursuant to prescriptions. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

#### Conclusions Of Law

The State Board of Pharmacy hereby agrees with and adopts the Conclusions Of Law set forth in the Report and Recommendation of Hearing Officer and Board Member Metta Lou Henderson, as follows:

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (5) through (22) of the Findings Of Fact constitutes unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Revised Code.
- (2) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (5) through (22) of the Findings Of Fact constitutes willfully violating the provisions of Chapter 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Revised Code.

#### Action Of The Board

The State Board of Pharmacy hereby agrees with and adopts the recommendation for action set forth in the Report and Recommendation of Hearing Officer and Board Member Metta Lou Henderson. Therefore, pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following action concerning the pharmacist license, No. 03-3-11992, held by Mark David Antis:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Mark David Antis for six months, effective February 1, 1991.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of one hundred dollars (\$100.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

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(C) Further, the Board will set aside the suspension imposed in paragraph (A) above on the condition that Mark David Antis successfully completes the Jurisprudence examination offered by the Board prior to February 1, 1991.

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

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

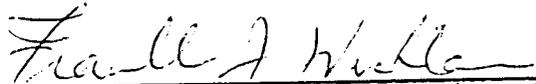
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL  
Return Receipt  
#P 497 578 755

ORDER MAILED: DECEMBER 18, 1990

FZW/sb

By   
Franklin Z. Wickham, Executive Director

cc: Jeanny Eaton, Assistant Attorney General