



# OHIO STATE BOARD OF PHARMACY

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

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-080703-001)

In The Matter Of:

**THELMA K. ROTONDA, R.Ph.**

230 Hanford Street  
Columbus, Ohio 43206  
(R.Ph. No. 03-3-13307)

### INTRODUCTION

THE MATTER OF THELMA K. ROTONDA CAME FOR HEARING ON DECEMBER 8, 2008, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: NATHAN S. LIPSYC, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; DONALD M. CASAR, R.Ph.; ELIZABETH I. GREGG, R.Ph.; BARTON G. KADERLY, PUBLIC MEMBER; RICHARD F. KOLEZYNSKI, R.Ph.; DEBORAH A. LANGE, R.Ph.; AND JEROME J. WIESENHAHN, R.Ph.

HEATHER PASQUALE, R.Ph.; BOARD MEMBER, RECUSED

THELMA K. ROTONDA WAS REPRESENTED BY DANIEL D. CONNOR. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### State's Witnesses

None

#### Respondent's Witnesses

1. Thelma K. Rotonda, R.Ph., Respondent
2. Evelyn M. Hardesty
3. Andrea Holstein, R.Ph.

#### State's Exhibits

1. Reinstatement Hearing Request letter from Thelma K. Rotonda [07-02-08]  
1A-1B. Procedurals
2. State Board of Pharmacy Order In Re Thelma K. Rotonda [12-06-06]

#### Respondent's Exhibits

- A. PRO Pharmacist's Recovery Contract for Thelma Rotonda [12-19-06]
- B. Parkside Aftercare Treatment Completion Letter from Doug Blair to Thelma Rotonda [08-13-07]
- C. First Lab OHPRO Test History Reports [08-17-06 to 11-29-08]; Drug Screen Panel [10-11-06]

- D. Support Group Attendance Records [11-06-06 to 11-19-08]
- E. Affidavit of Confirmation of Court Ordered Community Control in re Thelma Rotonda [11-25-08]
- F. Restitution Documentation to CVS Pharmacy [11-06-06]
- G. Continuing Pharmaceutical Education Credits and Certificates [04-22-07 to 08-05-08]
- H. Thelma K. Rotonda 2008 Statement of Earnings [10-24-08]
- I. Five Letters of Support [11-03-08 to 11-09-08]; Letter from Respondent [not dated]

#### 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 that Thelma K. Rotonda has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-060518-077, effective December 6, 2006.

#### DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-3-13307, held by Thelma K. Rotonda to practice pharmacy in Ohio and places Thelma K. Rotonda on probation for five years beginning on the effective date of this Order, with the following conditions:

(A) Thelma K. Rotonda must enter into a new contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) approved treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office before her pharmacist identification card is issued. The contract must provide that:

(1) Random, observed urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.

(a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

(b) Results of all drug screens must be negative. Refusal of a urine screen or a diluted urine screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

(2) The intervener/sponsor shall submit to the Board reports, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

(3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(B) Thelma K. Rotonda must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:

(1) The written report and documentation provided by the treatment program pursuant to the contract, and

(2) A written description of Thelma K. Rotonda's progress towards recovery and what Thelma K. Rotonda has been doing during the previous three months.

(C) Thelma K. Rotonda may not work in a pharmacy more than 40 hours per week for a period of one year.

(D) Other terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that Thelma K. Rotonda's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.

(2) Thelma K. Rotonda may not serve as a responsible pharmacist.

(3) Thelma K. Rotonda may not destroy, assist in, or witness the destruction of controlled substances.

(4) Thelma K. Rotonda must abide by the contract with her treatment provider and must immediately report any violation of the contract to the Board.

(5) Thelma K. Rotonda must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Thelma K. Rotonda must abide by the rules of the State Board of Pharmacy.

(7) Thelma K. Rotonda must comply with the terms of this Order.

(8) Thelma K. Rotonda's license is deemed not in good standing until successful completion of the probationary period.

Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Thelma K. Rotonda is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

Elizabeth Gregg moved for Findings of Fact and the Decision of the Board; Gregory Braylock seconded the motion. Motion passed (Aye-7/Nay-0).

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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of 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 the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

**BY ORDER OF THE STATE BOARD OF PHARMACY**

ORDER MAILED & EFFECTIVE: January 8, 2008

By: \_\_\_\_\_  
William T. Winsley, M.S., R.Ph., Executive Director

WTW/lp

CERTIFIED MAIL/Return Receipt  
7004 2510 0001 7344 7733

c: Sally Ann Steuk, Assistant Attorney General  
Daniel D. Connor; Attorney for Respondent; Connor, Evans & Hafenstein; 501 South High Street;  
Columbus, Ohio 43215



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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-060518-077)

In The Matter Of:

**THELMA K. ROTONDA, R.Ph.**

230 Hanford Street

Columbus, Ohio 43206

(R.Ph. No. 03-3-13307)

### INTRODUCTION

THE MATTER OF THELMA K. ROTONDA CAME FOR HEARING ON NOVEMBER 7, 2006, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, 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.; HEATHER L. PASQUALE, R.Ph. (RECUSED); AND DOROTHY S. TEATER, PUBLIC MEMBER.

THELMA K. ROTONDA WAS REPRESENTED BY DANIEL D. CONNOR. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### State's Witness

1. Christopher K. Reed, Ohio State Board of Pharmacy

#### Respondent's Witnesses

1. Thelma K. Rotonda, R.Ph., Respondent
2. Evelyn Hardesty
3. Andrea Holstein, R.Ph.
4. David Canowitz, R.Ph.

#### State's Exhibits

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [05-18-06]
  - 1A-1B. Procedurals
  - 1C. Amendment/Addendum Notice [06-28-06]
  - 1D-1E. Procedurals
2. Notarized Statement of Thelma K. Rotonda, R.Ph. [05-12-06]
3. Six photographs of respondent in pharmacy [05-08-06]
4. Two photographs of respondent in pharmacy [05-08-06]
5. Drug Accountability Statement at CVS/Pharmacy #5949 for alprazolam 1 mg [05-10-06]

6. Drug Accountability Statement at CVS/Pharmacy #5949 for alprazolam .5 mg [05-10-06]
7. Five photographs of respondent in pharmacy [05-10-06]
8. Drug Accountability Statement at CVS/Pharmacy #5949 for alprazolam 2 mg [05-10-06]
9. Drug Accountability Statement at CVS/Pharmacy #5949 for APAP/Codeine #3 30 mg [05-12-06]
10. Vial containing 85 APAP/Codeine #3 tablets [not dated]
11. Vial containing 200 alprazolam 1 mg. tablets [not dated]
12. Plastic bag containing 11 alprazolam 1 mg. tablets [not dated]
13. Stock bottle containing 100 lisinopril 5 mg. tablets [11-07]
14. Drug Accountability Statement at CVS/Pharmacy #5949 for alprazolam 1 mg [05-04-06]
15. Drug Accountability Statement at CVS/Pharmacy #5949 for alprazolam .5 mg [05-04-06]
16. Drug Accountability Statement at CVS/Pharmacy #5949 for alprazolam 2 mg [05-04-06]
17. Drug Accountability Statement at CVS/Pharmacy #5949 for alprazolam .25 mg [05-04-06]
18. Drug Accountability Statement at CVS/Pharmacy #5949 for Xanax .25 mg [05-04-06]
19. Drug Accountability Statement at CVS/Pharmacy #5949 for Xanax .5 mg [05-04-06]

#### Respondent's Exhibits

- A. PRO Pharmacist's Recovery Contract for Thelma Rotonda [07-22-06]
- B. Sealed Record
- C. Letter from Doug Blair, MA, LICDC to Daniel D. Connor [10-12-06]
- D. OHPRO Test History Report [08-14-06 to 09-25-06]; NWT MEDPRO Panel "E" [02-10-05]
- E. Support Group Attendance Records [05-27-06 to 10-22-06]
- F. Fourteen Letters of Support [10-03-06 to 10-23-06]
- G. Drug Cost Sheet [10-25-06]
- H. Support Group Attendance Record [10-23-06 to 11-05-06]
- I. Northwest Toxicology Drug Screen Report [10-25-06]

#### 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 Board of Pharmacy indicate that Thelma K. Rotonda was originally licensed by the State of Ohio as a pharmacist on August 8, 1979, pursuant to examination, and that her license to practice pharmacy in Ohio was summarily suspended effective May 18, 2006.

(2) The continuation of Thelma K. Rotonda's professional practice presents a danger of immediate and serious harm to others, to wit: Thelma K. Rotonda has admitted that she is psychologically addicted to the use of alprazolam, a Schedule IV controlled substance, though she later recanted this admission. Thelma K. Rotonda has admitted to stealing controlled substances from her employer, and she has admitted to having illegally consumed 4 mg of alprazolam, a Schedule IV controlled substance, per day while practicing pharmacy.

(3) Thelma K. Rotonda did, on or about May 8, 2006, with purpose to deprive, knowingly obtain or exert control over the controlled substance alprazolam beyond the express or implied consent of the owner, CVS/Pharmacy, to wit: Thelma K. Rotonda was viewed, and admitted to, stealing alprazolam 1 mg tablets, a Schedule IV

controlled substance, while practicing pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(4) Thelma K. Rotonda did, on or about May 8, 2006, with purpose to deprive, knowingly obtain or exert control over the controlled substance alprazolam beyond the express or implied consent of the owner, CVS/Pharmacy, to wit: Thelma K. Rotonda was viewed, and admitted to, stealing alprazolam 0.5 mg tablets, a Schedule IV controlled substance, while practicing pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(5) Thelma K. Rotonda did, on or about May 10, 2006, with purpose to deprive, knowingly obtain or exert control over the controlled substance alprazolam beyond the express or implied consent of the owner, CVS/Pharmacy, to wit: Thelma K. Rotonda was viewed, and admitted to, stealing alprazolam 1 mg tablets, a Schedule IV controlled substance, while practicing pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(6) Thelma K. Rotonda did, on or about May 10, 2006, with purpose to deprive, knowingly obtain or exert control over the controlled substance alprazolam beyond the express or implied consent of the owner, CVS/Pharmacy, to wit: Thelma K. Rotonda was viewed, and admitted to, stealing alprazolam 0.5 mg tablets, a Schedule IV controlled substance, while practicing pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(7) Thelma K. Rotonda did, on or about May 10, 2006, with purpose to deprive, knowingly obtain or exert control over the controlled substance alprazolam beyond the express or implied consent of the owner, CVS/Pharmacy, to wit: Thelma K. Rotonda was viewed, and admitted to, stealing alprazolam 2 mg tablets, a Schedule IV controlled substance, while practicing pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(8) Thelma K. Rotonda did, between April 30, 2005, and May 12, 2006, with purpose to deprive, knowingly obtain or exert control over acetaminophen w/codeine #3, a Schedule III controlled substance, beyond the express or implied consent of the owner, CVS/Pharmacy #5949, to wit: a Board of Pharmacy audit revealed that during this time period 1,582 tablets were stolen from the pharmacy. Thelma K. Rotonda was found to be in possession of 85 of those tablets at her residence on May 12, 2006. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(9) Thelma K. Rotonda did, on or about May 10, 2006, or a date prior thereto, with purpose to deprive, knowingly obtain or exert control over the dangerous drug lisinopril 5 mg beyond the express or implied consent of the owner, CVS/Pharmacy, to wit: Thelma K. Rotonda stole 100 lisinopril 5 mg tablets while practicing pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(10) Thelma K. Rotonda did, on or about May 12, 2006, knowingly possess a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a prescription, without a legitimate medical purpose, and outside the confines of a pharmacy Thelma K. Rotonda possessed 85 tablets of acetaminophen w/codeine #3, a Schedule III controlled substance. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

(11) Thelma K. Rotonda did, on or about May 12, 2006, knowingly possess a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a prescription, without a legitimate medical purpose, and outside the confines of a pharmacy Thelma K. Rotonda possessed 211 tablets of alprazolam 1 mg, a Schedule IV controlled substance. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

(12) Thelma K. Rotonda did, on or about May 12, 2006, knowingly possess for sale a dangerous drug when the conduct was not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: without a prescription, without a legitimate medical purpose, and outside the confines of a pharmacy Thelma K. Rotonda possessed 100 lisinopril 5 mg tablets with the admitted purpose to put them into stock for sale at a pharmacy. Such conduct is in violation of Section 4729.51(C)(2) of the Ohio Revised Code.

(13) Thelma K. Rotonda did, between April 30, 2005 and May 4, 2006, with purpose to deprive, knowingly obtain or exert control over controlled substances, the property of CVS/Pharmacy #5949, beyond the express or implied consent of the owner, to wit: Thelma K. Rotonda has admittedly stolen controlled substances. Audits show the following shortages:

<u>Drug</u>	<u>Strength</u>	<u>Quantity</u>	<u>Schedule</u>
alprazolam	1 mg	4,759	IV
alprazolam	0.5 mg	1,860	IV
alprazolam	2 mg	101	IV
alprazolam	0.25 mg	35	IV
Xanax	0.25 mg	80	IV
Xanax	0.5 mg	34	IV

Thelma K. Rotonda admitted that she consumed approximately one fourth of the total alprazolam 0.5 mg and 1 mg tablets and gave the remaining quantity to her boyfriend. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

#### CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) through (13) of the Findings of Fact constitute being guilty of 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 (13) 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 paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render Thelma K. Rotonda 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 (10) through (12) 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 Chapters

2925., 3719. and 4729. 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 Thelma K. Rotonda on May 18, 2006.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-3-13307, held by Thelma K. Rotonda and such suspension is effective as of the date of the mailing of this Order.

(A) Thelma K. Rotonda, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

(B) Thelma K. Rotonda, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her 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.

Further, after two years from the effective date of this Order, the Board will consider any petition filed by Thelma K. Rotonda for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

(A) Thelma K. Rotonda must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, mail a copy of the contract to the Board office. The contract must provide that:

(1) **Random, observed** urine drug screens shall be conducted at least once each month.

(a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

(b) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

(2) The intervener/sponsor shall submit to the Board reports, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

(3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(B) Thelma K. Rotonda must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.

(C) Thelma K. Rotonda must provide, at the reinstatement petition hearing, documentation of the following:

(1) Payment to CVS/Pharmacy of any outstanding restitution;

(2) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);

(3) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;

(4) Compliance with the terms of this Order.

(D) If reinstatement is not accomplished within three years of the effective date of this Order, Thelma K. Rotonda must also show successful completion of the NAPLEX and MPJE examinations or equivalent examinations approved by the Board.

(E) Upon such time as the Board may consider reinstatement, Thelma K. Rotonda will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-0/Recuse-1).

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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of 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 both the State Board of Pharmacy and the

appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

**BY ORDER OF THE STATE BOARD OF PHARMACY**

ORDER MAILED & EFFECTIVE: **December 6, 2006**

By: \_\_\_\_\_  
William T. Winsley, M.S., R.Ph., Executive Director



# OHIO STATE BOARD OF PHARMACY

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## SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

May 18, 2006

**Thelma K. Rotonda, R.Ph.**  
230 Hanford Street  
Columbus, Ohio 43206

Re: Ohio Registered Pharmacist  
Number 03-3-13307

Dear Ms. Rotonda:

In accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on August 8, 1979, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) The continuation of your professional practice presents a danger of immediate and serious harm to others, to wit: you have admitted that you are psychologically addicted to the use of alprazolam, a Schedule IV controlled substance, though you later recanted this admission. You have admitted to stealing controlled substances from your employer, and you have admitted to having illegally consumed 4 mg of alprazolam, a Schedule IV controlled substance, per day while practicing pharmacy.
- (3) You did, on or about May 8, 2006, with purpose to deprive, knowingly obtain or exert control over the controlled substance alprazolam beyond the express or implied consent of the owner, CVS/Pharmacy, to wit: you were viewed, and admitted to, stealing alprazolam 1 mg tablets, a Schedule IV controlled substance, while practicing pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) You did, on or about May 8, 2006, with purpose to deprive, knowingly obtain or exert control over the controlled substance alprazolam beyond the express or implied consent of the owner, CVS/Pharmacy, to wit: you were viewed, and admitted to, stealing alprazolam 0.5 mg tablets, a Schedule IV controlled substance, while

practicing pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (5) You did, on or about May 10, 2006, with purpose to deprive, knowingly obtain or exert control over the controlled substance alprazolam beyond the express or implied consent of the owner, CVS/Pharmacy, to wit: you were viewed, and admitted to, stealing alprazolam 1 mg tablets, a Schedule IV controlled substance, while practicing pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) You did, on or about May 10, 2006, with purpose to deprive, knowingly obtain or exert control over the controlled substance alprazolam beyond the express or implied consent of the owner, CVS/Pharmacy, to wit: you were viewed, and admitted to, stealing alprazolam 0.5 mg tablets, a Schedule IV controlled substance, while practicing pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) You did, on or about May 10, 2006, with purpose to deprive, knowingly obtain or exert control over the controlled substance alprazolam beyond the express or implied consent of the owner, CVS/Pharmacy, to wit: you were viewed, and admitted to, stealing alprazolam 2 mg tablets, a Schedule IV controlled substance, while practicing pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (8) You did, on or about May 10, 2006, or a date prior thereto, with purpose to deprive, knowingly obtain or exert control over the controlled substance acetaminophen w/codeine #3 beyond the express or implied consent of the owner, CVS/Pharmacy, to wit: you stole 85 acetaminophen w/codeine #3 tablets, a Schedule III controlled substance, while practicing pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (9) You did, on or about May 10, 2006, or a date prior thereto, with purpose to deprive, knowingly obtain or exert control over the dangerous drug lisinopril 5 mg beyond the express or implied consent of the owner, CVS/Pharmacy, to wit: you stole 100 lisinopril 5 mg tablets while practicing pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (10) You did, on or about May 12, 2006, knowingly possess a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a prescription, without a legitimate medical purpose, and outside the confines of a pharmacy you possessed 85 tablets of acetaminophen w/codeine #3, a Schedule III controlled substance. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (11) You did, on or about May 12, 2006, knowingly possess a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a prescription, without a legitimate medical purpose, and outside the confines of a pharmacy you possessed 211 tablets of alprazolam 1 mg, a Schedule IV controlled substance. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (12) You did, on or about May 12, 2006, knowingly possess for sale a dangerous drug when the conduct was not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: without a prescription, without a legitimate medical purpose, and outside the confines of a pharmacy you possessed 100 lisinopril 5 mg tablets

with the admitted purpose to put them into stock for sale at a pharmacy. Such conduct is in violation of Section 4729.51(C)(2) of the Ohio Revised Code.

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

(B) If the board under which a person has been issued a license, . . . , . . . determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, . . . , . . . , without a prior hearing.

WHEREFORE, PURSUANT TO SECTION 3719.121(B) 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 a final adjudication order becomes effective, 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 the pharmacist or pharmacy intern 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.

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30<sup>TH</sup>) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. 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 there is no request for such a hearing received by the Board on or prior to the thirtieth (30<sup>th</sup>) day following the mailing of this notice, the Ohio 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 (10) 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

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William T. Winsley, M.S., R.Ph.  
Executive Director

(D-060518-077)