

ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-990219-031)

In The Matter Of:

**BRADLEY JAMES HEIM, R.Ph.**  
6350 Arlington NW  
Massillon, Ohio 44646  
(R.Ph. No. 03-3-13325)

INTRODUCTION

THE MATTER OF BRADLEY JAMES HEIM CAME TO HEARING ON JUNE 14, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

BRADLEY JAMES HEIM WAS REPRESENTED BY JOHN S. McCALL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) David Gallagher, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Bradley James Heim, Respondent
- (2) Robert Humphries, Ph.D.
- (3) Mary Ann Fiely

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Notice of Opportunity for Hearing letter dated February 19, 1999.
- (2) Exhibit 1A--Hearing Request letter dated March 5, 1999.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated March 10, 1999.
- (4) Exhibit 1C--Continuance Request letter dated March 18, 1999.
- (5) Exhibit 1D--Copy of Hearing Schedule letter dated March 19, 1999.
- (6) Exhibit 1E--Two-page copy of Pharmacist File Front Sheet of Bradley James Heim showing original date of registration as August 8, 1979; and two-page copy of Renewal Application for Pharmacist License, No. 03-3-13325, for a license to practice pharmacy in Ohio from September 15, 1998, to September 15, 1999 of Bradley James Heim dated August 7, 1998.
- (7)
- (8)
- (9)

- (10)
- (11)
- (12)
- (13)
- (14)
- (15)
- (16)
- (17)

Respondent's Exhibits:

- (1)
- (2)
- (3)
- (4) Exhibit D--Copy of six-page Akron General Medical Center Performance Management Program for Exempt Staff Review Form of Bradley J. Heim dated February 23, 1998.
- (5)
- (6)
- (7)
- (8)
- (9)
- (10)
- (11) Exhibit K--Copy of U.S. Department of Housing and Urban Development Settlement Statement of Bradley J. and Robyn E. Heim, Loan No. 1813002853, for property located at 6350 Arlington Ave. NW, Massillon, Ohio 44646-9301 dated October 6, 1998.
- (12) Exhibit L--Photograph and description of property located at 6350 Arlington Avenue, N.W., Jackson Township.
- (13)
- (14) Exhibit N--Two-page certified copy of U.S. Department of Housing and Urban Development Settlement Statement of Julia F. Parsons, for property located at 6350 Arlington Ave. NW, Massillon, Ohio dated May 5, 1998.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Ohio State Board of Pharmacy indicate that Bradley James Heim was originally licensed in the State of Ohio on August 8, 1979, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.

(2)

(3)

CONCLUSIONS OF LAW

(1)

- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) 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.

#### ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Bradley James Heim:

- (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 imposes a monetary penalty of five thousand five hundred dollars (\$5,500.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.
- (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 suspends indefinitely the pharmacist identification card, No. 03-3-13325, held by Bradley James Heim. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Bradley James Heim may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs while on active suspension.
- (C) Further, the Board stays the indefinite suspension, and places Bradley James Heim's identification card on probation for ten years. The terms of probation are as follows:
- (1) Bradley James Heim must abide by the treatment plan as designed by Dr. Robert A. Humphries or other professional psychologist/psychiatrist. The psychologist/psychiatrist must submit quarterly reports that document Bradley James Heim's compliance with the treatment plan and his progress for the duration of treatment.
  - (2) Bradley James Heim must submit quarterly progress reports to the Board; due January 10; April 10; July 10; and October 10; of each year of probation (unless released by the Board), that includes written description of his progress towards recovery and what he has been doing during the previous three months.
  - (3) The State Board of Pharmacy hereby declares that Bradley James Heim'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.
  - (4) Bradley James Heim may not serve as a responsible pharmacist.
  - (5) Bradley James Heim must immediately inform the Board of all changes in employment.
  - (6) Bradley James Heim must not violate the drug laws of the state of Ohio, any other state, or the federal government.

- (7) Bradley James Heim must abide by the rules of the Ohio State Board of Pharmacy.
- (8) Bradley James Heim must comply with the terms of this Order.

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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-5/Nay-2).

MOTION CARRIED.

SO ORDERED.