

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-011206-024)

In The Matter Of:

PATRICA ANN FLACK, R.Ph.

3834 Dayton Road, Lot B8

Springfield, Ohio 45502

(R.Ph. No. 03-3-14223)

INTRODUCTION

THE MATTER OF PATRICA ANN FLACK CAME FOR HEARING ON JUNE 3, 2002, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

PATRICA ANN FLACK WAS REPRESENTED BY JOHN R. HAMMOND AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Joseph Meagley, Walgreens

Respondent's Witnesses

1. Patrica Ann Flack, R.Ph., Respondent

State's Exhibits

1. Copy of Summary Suspension Order/Notice Of Opportunity For Hearing letter [12-06-2001]
- 1A-1F. Procedurals
2. Order of the Board Issued To Patricia(*sic*) Ann Flack, R.Ph. [10-29-1996]
3. Order of the Board Issued To Patrica Ann Flack [07-01-1994]
4. Indictment, State of Ohio vs. Patricia A. Flack, Case No. 93-CR-234, Clark County Common Pleas Court [04-19-1993]
5. Judgment Entry of Conviction, State of Ohio vs. Patricia A. Flack, Case No. 93-CR-234, Clark County Common Pleas Court [02-09-1994]
6. Statement of Patrica A. Flack [06-15-1992]
7. Statement of Patrica A. Flack [06-15-1992]
8. Statement of Patrica A. Flack [06-19-1992]
9. Rite Aid Pharmacy #2302 Pharmacist's Statement (Patient Profile) printout for Harold Flack [01-01-1990 to 06-10-1992]
10. Walgreens Application for Employment of Patrica A. Flack [12-29-2000]
11. Statement of Patrica A. Flack to Joe Meagley [10-25-2001]
12. Walgreens Loss Prevention Inquiry Report [10-29-2001]
13. Criminal Complaint, State of Ohio vs. Patricia A. Flack, Case No. 01CRA5460, Clark County Municipal Court, and associated court records [12-10-2001 to 04-02-2002]

Respondent's Exhibits

- A. Letter from Fred Stauffer, Probation Officer [05-28-2002]
- B. Letter from Mandy Holcomb
- C. Letter from Rose M. Tingley, LISW, CCDC III-E [05-29-2002]
- D. Greene Memorial Hospital, Inc. medical record of Harold S. Flack [01-29-2002 to 02-03-2002]

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 State Board of Pharmacy indicate that Patrica Ann Flack was originally licensed as a pharmacist by the State of Ohio on July 31, 1981, pursuant to examination.

(a) On or about March 29, 1994, a Summary Suspension Order/Notice of Opportunity For A Hearing was issued as a result of Patrica Ann Flack pleading guilty to Illegal Processing of Drug Documents, a felony of the fourth degree. On or about June 28, 1994, after notice and hearing, the Board concluded that Patrica Ann Flack was guilty of a felony, of dishonesty and unprofessional conduct in the practice of pharmacy, and of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code. The resulting Order, effective July 1, 1994, placed Patrica Ann Flack on probation until July 1, 1999 and required that she continue with her psychological counseling throughout the probation period.

(b) On or about September 16, 1996, after notice and hearing, the Board concluded that Patrica Ann Flack violated the terms of probation set forth in the July 1, 1994 Order. The resulting Order, effective October 29, 1996, revoked probation and suspended Patrica Ann Flack's pharmacist identification (ID) card for thirty days, and required that Ms. Flack seek counseling by a psychiatrist or psychologist and submit the results of the psychiatrist's or psychologist's evaluation prior to her ID card being reinstated.

(c) On or about December 6, 2001, a Summary Suspension Order/Notice of Opportunity For A Hearing was issued and Patrica Ann Flack is not currently licensed to practice pharmacy in the state of Ohio.

(2) Patrica Ann Flack did, on or about the following dates, while employed as a pharmacist at Walgreens Pharmacy #06521, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Walgreens Pharmacy #06521, beyond the express or implied consent of the owner, to wit: Patrica Ann Flack has admittedly stolen the following drugs:

<u>Date</u>	<u>Drug Type</u>	<u>Amount</u>
08/31/01	propoxyphene N-100	28
09/03/01	propoxyphene N-100	14
09/04/01	propoxyphene N-100	12
09/20/01	propoxyphene N-100	19
09/27/01	propoxyphene N-100	7
09/29/01	propoxyphene N-100	12
09/30/01	propoxyphene N-100	6
10/02/01	propoxyphene N-100	17
10/12/01	propoxyphene N-100	7
10/15/01	propoxyphene N-100	5
10/17/01	propoxyphene N-100	3

Patrica Ann Flack has admitted to stealing a total of 288 unit doses of propoxyphene N-100. Such conduct violates Section 2913.02 of the Ohio Revised Code.

(3) Patrica Ann Flack, on or about January 14, 2002, was found guilty of Theft, a Misdemeanor of the first degree, in violation of Section 2913.02(A)(1) of the Ohio Revised Code. State of Ohio vs. Patricia A. Flack, Case No. 01CRA5460, Clark County Municipal Court of Springfield, Ohio.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes 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 paragraph (2) of the Findings of Fact constitutes 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 (3) of the Findings of Fact constitutes having been convicted of a misdemeanor related to, or committed in the practice of pharmacy as provided in Division (A)(4) 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 Patrica Ann Flack on December 6, 2001.

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. 03-3-14223, held by Patrica Ann Flack and such suspension is effective as of the date of the mailing of this Order.

(A) Patrica Ann Flack, 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) Patrica Ann Flack, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return the 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 Patrica Ann Flack 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) Patrica Ann Flack must continue the treatment plan as designed by her current treatment provider. The psychiatrist or psychologist must provide quarterly progress reports to the Board.

(B) Patrica Ann Flack must provide, at the reinstatement petition hearing, documentation of the following:

(1) Compliance with the licensed psychiatrist's or psychologist's recommended treatment plan;

(2) A report by the licensed psychiatrist or psychologist regarding Patrica Ann Flack's fitness for readmission into the practice of pharmacy;

(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.

(C) If reinstatement is not accomplished within three years of the effective date of this Order, Patrica Ann Flack must also show successful completion of the NAPLEX examination or an equivalent examination approved by the Board.

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

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE JULY 11, 2002

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

December 6, 2001

Patrica Ann Flack, R.Ph.
2231 Beatrice Street
Springfield, Ohio 45503

Re: Ohio Registered Pharmacist
Number 03-3-14223

Dear Ms. Flack:

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 July 31, 1981 pursuant to examination and are currently licensed to practice pharmacy in the state of Ohio. On or about June 28, 1994, you were disciplined for similar violations. The Ohio State Board of Pharmacy, Docket No. D-940329-077, dated July 1, 1994, placed you on probation until July 1, 1999 for those violations.
- (2) You did, on or about the following dates, while employed as a pharmacist at Walgreens Pharmacy #06521, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Walgreens Pharmacy #06521, beyond the express or implied consent of the owner, to wit: you have admittedly stolen the following drugs:

Date	Drug Type	Amount
08/31/01	propoxyphene N-100	28
09/03/01	propoxyphene N-100	14
09/04/01	propoxyphene N-100	12
09/20/01	propoxyphene N-100	19
09/27/01	propoxyphene N-100	7
09/29/01	propoxyphene N-100	12
09/30/01	propoxyphene N-100	6
10/02/01	propoxyphene N-100	17
10/12/01	propoxyphene N-100	7
10/15/01	propoxyphene N-100	5
10/17/01	propoxyphene N-100	3

You have admitted to stealing a total of 288 unit doses of propoxyphene N-100.

Such conduct violates Section 2913.02 of the Ohio Revised Code, and, if proven, constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 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 REQUEST A HEARING within 30 days of the time of the mailing of this notice, such will be afforded. 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 HEREBY ADVISED that if you do not request such a hearing within thirty (30) days of the mailing of this notice, the 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 days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

(D-011206-024)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE DECEMBER 6, 2001

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective July 11, 2002)*

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-960607-060)

In The Matter Of:

PATRICA ANN FLACK, R.Ph.
2231 Beatrice Street
Springfield, Ohio 45503
(R.Ph. No. 03-3-14223)

INTRODUCTION

THE MATTER OF PATRICA ANN FLACK CAME TO HEARING ON SEPTEMBER 16, 1996, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

PATRICA ANN FLACK WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Timothy J. Benedict, Ohio State Board of Pharmacy
- (2) Patrica Ann Flack, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity letter dated June 7, 1996.
- (2) Exhibit 1A--Hearing Schedule letter dated July 17, 1996.
- (3) Exhibit 1B--Ohio State Board of Pharmacy Personal Delivery Record of Patrica A. Flack dated July 23, 1996.
- (4) Exhibit 2--Order of the State Board of Pharmacy, Docket No. D-940329-077, in the matter of Patrica Ann Flack dated July 1, 1994.
- (5) Exhibit 3--Letter from Patrica A. Flack dated October 10, 1994, received by the Board office on October 13, 1994.
- (6) Exhibit 4--Letter from Patrica A. Flack dated February 10, 1995, received by the Board office on February 14, 1995.

- (7) Exhibit 5--Letter from Patricia A. Flack dated May 27, 1995, received by the Board office on May 31, 1995.
- (8) Exhibit 6--Letter from Patricia A. Flack dated August 26, 1995, received by the Board office on August 29, 1995.

Respondent's Exhibits:

- (1) Exhibit A--Copy of three-page letter from Patricia A. Flack dated August 19, 1996.
- (2) Exhibit B--Letter from Patricia A. Flack dated September 15, 1996.

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 Board of Pharmacy indicate that Patricia Ann Flack's license to practice pharmacy in the state of Ohio was placed on probation for a period of five years on July 1, 1994, pursuant to the provisions of Section 4729.16 of the Ohio Revised Code. The terms of probation were as follows: Patricia Ann Flack was to continue psychological counseling throughout the term of probation; Patricia Ann Flack was to submit quarterly reports; and, Patricia Ann Flack was not permitted to be a preceptor during the term of probation.
- (2) Though Patricia Ann Flack submitted quarterly reports on October 13, 1994, February 14, 1995, May 31, 1995, and August 29, 1995, Ms. Flack failed to submit any reports subsequent to August of 1995. The reports received by the Board were not submitted timely; and, Patricia Ann Flack failed to submit reports for the two quarters immediately preceding the issuance of the Notice of Opportunity for Hearing letter dated June 7, 1996. Such conduct constitutes violating the provisions of her probation.

CONCLUSION OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitute violating the terms of probation as set forth in the Order of the State Board of Pharmacy, Docket No. D-940329-077, dated July 1, 1994.

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 Patricia Ann Flack:

- (A) On the basis of the Findings of Fact and Conclusion of Law set forth above, the State Board of Pharmacy hereby revokes probation and suspends the pharmacist identification card, No. 03-3-14223, held by Patricia Ann Flack for thirty days, effective as of the date of the mailing of this Order.

- (B) Further, the license will be reinstated and the identification card will be placed on probation until July 1, 1999, with the following conditions:
- (1) Patrica Ann Flack must seek counseling by a professional psychiatrist or psychologist and present results of a full psychiatric or psychological evaluation and a professional opinion. Ms. Flack must continue with counseling and follow a treatment plan designed and recommended by this professional. Ms. Flack must submit to the Board's compliance administrator the results of the evaluation prior to reinstatement of her license.
 - (2) Patrica Ann Flack 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 written reports and documentation provided by the counselor regarding treatment and progress, and a written description of what she has been doing during the previous three months to comply with this Order.
 - (3) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Patrica Ann Flack's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns until July 1, 1999.
 - (4) Patrica Ann Flack must not violate the laws of the state of Ohio, any other state, or the federal government.
 - (5) Patrica Ann Flack must abide by the rules of the Ohio State Board of Pharmacy.
 - (6) Patrica Ann Flack must comply with the terms of this Order.

Patrica Ann Flack 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.

Division (B) of Section 4729.16 of the Ohio Revised Code provides: "**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 days after receipt of notice of such action.**" The certificate and identification card should be forwarded by certified mail, return receipt requested.

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

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE OCTOBER 29, 1996

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-940329-077)

In The Matter Of:

PATRICA ANN FLACK, R.Ph.
2231 Beatrice Street
Springfield, Ohio 45503
(R.Ph. No. 03-3-14223)

INTRODUCTION

THE MATTER OF PATRICA ANN FLACK CAME TO HEARING ON JUNE 28, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; TIMOTHY D. MOORE, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND RUTH A. PLANT, R.Ph.

PATRICA FLACK WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY GREGG THORNTON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Fred Williams, Ohio State Board of Pharmacy
- (2) Patrica Flack, Respondent

Respondent's Witnesses:

- (1) Harold Flack
- (2) Timothy Heenan
- (3) Rev. William Zimmann, Jr.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Summary Suspension Order/Notice of Opportunity letter dated March 29, 1994.
- (2) Exhibit 1A - Hearing Request letter dated April 11, 1994.
- (3) Exhibit 1B - Hearing Schedule letter dated April 29, 1994.
- (4) Exhibit 1C - Pharmacist File Front Sheet of Patrica Ann Guinther Flack showing original date of registration as July 31, 1981; and Renewal Application for Pharmacist License, No. 03-3-14223, of Patrica Ann Flack dated August 11, 1993.

- (5) Exhibit 2 - Two-page Certified Judgment Entry of Conviction in the Common Pleas Court of Clark County, Ohio of Patricia (sic Patrica) A. Flack, Case No. 93-CR-234, dated February 9, 1994, with attached Regulations of Probation signed by Patrica A. Flack on February 4, 1994.
- (6) Exhibit 3 - Five-page handwritten statement of Patrica A. Flack signed and notarized on June 15, 1992.
- (7) Exhibit 3A - Three-page handwritten statement of Patrica A. Flack signed and notarized on June 15, 1992.
- (8) Exhibit 3B - Handwritten statement of Patrica A. Flack signed and notarized on June 19, 1992.
- (9) Exhibit 4 - Six-page printout of Rite Aid Pharmacy #2302 Patient Profile for Harold Flack dated from January 1, 1990, through June 15, 1992.
- (10) Exhibit 5 - Handwritten statement of Dr. Gary Lau, M.D. signed and notarized on August 19, 1992; and list of prescriptions received by Harold Flack purported to be written by Dr. Lau dated from March 9, 1992, through April 15, 1992.
- (11) Exhibit 6 - Two-page list of prescriptions received by Harold Flack purported to be written by Dr. Dale E. French, M.D. dated from February 12, 1991, through May 20, 1992; and copies of three pages of patient records of Harold A. Flack dated from April 13, 1991, through June 6, 1991.
- (12) Exhibit 7 - Handwritten statement of Thomas Board, Jr., M.D. signed and notarized on August 20, 1992; and list of prescriptions received by Harold Flack purported to be written by Dr. Board dated from September 10, 1991, through April 11, 1992.
- (13) Exhibit 8 - Handwritten statement of Mark T. Shue, D.D.S. signed and notarized on August 20, 1992; and two-page list of prescriptions received by Harold Flack purported to be written by Dr. Shue dated from July 25, 1990, through October 24, 1991.
- (14) Exhibit 9 - Handwritten statement of Cathy Crompton, D.D.S. signed and notarized on August 25, 1992; and list of prescriptions received by Harold Flack purported to be written by Dr. Crompton dated from November 11, 1991, through May 24, 1992.
- (15) Exhibit 10 - Handwritten statement of Randolph S. Shaw, D.D.S. signed and notarized on August 25, 1992; and list of prescriptions received by Harold Flack purported to be written by Dr. Shaw dated from October 13, 1991, through November 24, 1991.
- (16) Exhibit 11 - Copy of patient records of Patrica Flack dated from November 27, 1990, through June 8, 1992; and list of prescriptions purported to be written by Dr. Del Valle, M.D. dated from July 27, 1990, through December 16, 1991.

Respondent's Exhibits:

- (1) Exhibit A - Letter from David W. Ellinger dated June 22, 1994.
- (2) Exhibit B - Letter from Damanjit Yakhmi, M.D. dated June 22, 1994.

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 Board indicate that Patrica Ann Flack was originally licensed in the state of Ohio on July 31, 1981, pursuant to examination and her license was summarily suspended on March 29, 1994.
- (2) Patrica Ann Flack did, on or about January 12, 1994, plead guilty in the Common Pleas Court of Clark County, Ohio, to Illegal Processing of Drug Documents, in violation of Section 2925.23 of the Ohio Revised Code, a felony of the fourth degree.
- (3) Patrica Ann Flack did, from on or about July 31, 1990, through May 24, 1992, intentionally make and/or knowingly possess false or forged prescriptions, to wit: of ninety-two prescriptions written for Patricia Ann Flack’s husband, having fifty-one refills for a total of one hundred forty-three dispensings, Ms. Flack created the following 103 prescriptions which were not authorized by the practitioners:

<u>RX NO.</u>	<u>DRUG</u>	<u>QTY.</u>	<u>DATE</u>	<u>DOCTOR</u>
18650	Vicodin	4	03/25/92	Lau
55438	Propoxyphene APAP	6	08/12/91	Del Valle
130022	Propoxyphene 100/APAP	20	07/27/90	Del Valle
130221	Propoxyphene APAP 65mg	10	07/31/90	Del Valle
130562	Propoxyphene APAP 65mg	10	08/06/90	Del Valle
132638	Hydrocodone BITR/APAP	20	09/10/90	Del Valle
133083	Iophen C	4	09/17/90	Del Valle
134244	Propoxyphene APAP 65mg	20	10/04/90	Del Valle
134806	Hydrocodone BITR/APAP	15	10/17/90	Shue
136032	Hydrocodone BITR/APAP	15	10/27/90	Shue
136093	Wygesic	10	10/29/90	Del Valle
136408	Propoxyphene APAP	10	11/01/90	Del Valle
136697	Propoxyphene APAP 65mg	10	11/06/90	Del Valle
136838	Hydrocodone BITR/APAP	15	11/07/90	Shue
138544	Propoxyphene APAP 65mg	10	12/05/90	Del Valle
140021	Hydrocodone BITR/APAP	18	12/28/90	Shue
140684	Propoxyphene 100/APAP	5	01/07/91	Del Valle
140852	Hydrocodone BITR/APAP	18	01/01/91	Shue
141633	Butalbital	5	01/19/91	Del Valle
141964	Propoxyphene APAP 65mg	15	01/25/91	Del Valle
142197	Propoxyphene APAP 65mg	10	03/12/91	Del Valle
143337	Hydrocodone BITR/APAP	10	02/12/91	French
143337	Hydrocodone BITR/APAP	10	02/13/91	French
143337	Hydrocodone BITR/APAP	10	02/18/91	French
143720	Butalbital	5	12/16/91	Del Valle
144841	Hydrocodone BITR/APAP	10	03/02/91	French
144841	Hydrocodone BITR/APAP	10	03/04/91	French
144841	Hydrocodone BITR/APAP	10	03/07/91	French
145541	Acetaminophen/Codeine 30mg	15	03/15/91	Del Valle
146002	Acetaminophen/Codeine 30mg	15	03/18/91	Del Valle
146002	Acetaminophen/Codeine 30mg	15	03/22/91	Del Valle
148515	Propoxyphene/APAP 65mg	20	04/21/91	French
148968	Propoxyphene/APAP 65mg	10	04/27/91	French
148968	Propoxyphene/APAP 65mg	10	05/02/91	French

<u>RX NO.</u>	<u>DRUG</u>	<u>QTY.</u>	<u>DATE</u>	<u>DOCTOR</u>
148968	Propoxyphene/APAP 65mg	4	08/04/91	French
148968	Propoxyphene/APAP 65mg	6	08/05/91	French
148968	Propoxyphene/APAP 65mg	8	08/08/91	French
148968	Propoxyphene/APAP 65mg	5	08/09/91	French
148968	Propoxyphene/APAP 65mg	10	09/06/91	French
148968	Propoxyphene/APAP 65mg	10	09/14/91	French
148968	Propoxyphene/APAP 65mg	6	09/29/91	French
148968	Propoxyphene/APAP 65mg	14	09/30/91	French
149659	Hydrocodone BITR/APAP	10	05/07/91	Shue
151756	Hydrocodone BITR/APAP	20	06/04/91	Shue
151756	Hydrocodone BITR/APAP	10	06/30/91	Shue
151756	Hydrocodone BITR/APAP	10	07/13/91	Shue
151756	Hydrocodone BITR/APAP	10	07/25/91	Shue
151756	Hydrocodone BITR/APAP	5	08/08/91	Shue
151756	Hydrocodone BITR/APAP	5	08/24/91	Shue
	Hydrocodone BITR/APAP	20		Shue
154723	Hydrocodone BITR/APAP	20	07/16/91	Shue
154723	Hydrocodone BITR/APAP	20	07/20/91	Shue
154723	Hydrocodone BITR/APAP	20	07/28/91	Shue
154723	Hydrocodone BITR/APAP	20	10/03/91	Shue
154723	Hydrocodone BITR/APAP	20	10/04/91	Shue
154723	Hydrocodone BITR/APAP	20	10/08/91	Shue
156466	Propoxyphene/APAP 65mg	8	11/08/91	French
158632	Propoxyphene 100/APAP	10	09/10/91	Board
158632	Propoxyphene 100/APAP	10	09/11/91	Board
158632	Propoxyphene 100/APAP	10	09/16/91	Board
161149	Vicodin	20	10/13/91	Shaw
161149	Vicodin	20	10/14/91	Shaw
161149	Vicodin	20	10/18/91	Shaw
161149	Vicodin	20	10/23/91	Shaw
161149	Vicodin	20	10/26/91	Shaw
162219	Vicodin	20	10/27/91	Shaw
162219	Vicodin	10	11/08/91	Shaw
162219	Vicodin	10	11/09/91	Shaw
162219	Vicodin	20	11/10/91	Shaw
162219	Vicodin	10	11/14/91	Shaw
162219	Vicodin	10	11/15/91	Shaw
162219	Vicodin	20	11/19/91	Shaw
162219	Vicodin	10	11/23/91	Shaw
162219	Vicodin	10	11/24/91	Shaw
162677	Vicodin	10	11/05/91	Shaw
162677	Vicodin	10	11/06/91	Shaw
163709	Acetaminophen/Codeine 30mg	16	unknown	Shaw
164490	Propoxyphene/APAP 65mg	20	01/25/92	French
164823	Hydrocodone BITR/APAP	10	11/29/91	French
164823	Hydrocodone BITR/APAP	10	12/04/91	French
164823	Hydrocodone BITR/APAP	10	12/07/91	French
164823	Hydrocodone BITR/APAP	10	12/11/91	French
164823	Hydrocodone BITR/APAP	10	12/12/91	French

<u>RX NO.</u>	<u>DRUG</u>	<u>QTY.</u>	<u>DATE</u>	<u>DOCTOR</u>
167009	Synalgos DC	12	05/24/92	Crompton
168410	Lortab 7.5mg	20	01/13/92	Board
169296	Lortab 7.5mg	20	01/29/92	Board
169921	Lortab 7.5mg	10	02/02/92	Board
169921	Lortab 7.5mg	10	unknown	Board
170166	Propoxyphene/APAP 65mg	10	02/13/92	French
170170	Lortab 7.5mg	20	02/03/92	Board
170170	Lortab 7.5mg	20	02/05/92	Board
170170	Lortab 7.5mg	20	02/16/92	Board
170170	Lortab 7.5mg	20	02/17/92	Board
171383	Lortab 7.5mg	10	03/15/92	Board
172408	Propoxyphene/APAP 65mg	10	03/06/92	French
174525	Lortab 7.5mg	15	04/04/92	Board
174751	Lortab 7.5mg	15	04/11/92	Board
176405	Propoxyphene/APAP	30	05/12/92	French
177675	Hydrocodone BITR/APAP	15	05/18/92	French
304404	Propoxyphene APAP 65mg	10	04/15/92	Lau
368911	Vicodin	10	07/29/91	Shue
563792	Hydrocodone BITR/APAP	15	10/24/91	Shue
40014253	Propoxyphene/APAP 65mg	20	05/20/92	French

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (4) Patrica Ann Flack did, on various dates preceding June 12, 1992, while practicing pharmacy at Rite Aid, located at the Southern Village Shopping Center on Selma Rd., Springfield, Ohio, knowingly obtain or exert control over drugs, beyond the express or implied consent of the owner, to wit: Patrica Ann Flack admitted to a Board of Pharmacy agent that she had illegally obtained drugs from her employer and Ms. Flack gave them to her drug-addicted husband. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) Patrica Ann Flack did, on an unknown date, knowing that an investigation was likely to be instituted, destroy prescriptions with the purpose to impair their value or availability as evidence in such investigation, to wit: Patrica Ann Flack admitted to Board of Pharmacy agents that she became concerned that someone would notice all the prescriptions in file for her husband, so Ms. Flack pulled the prescriptions and destroyed them. Such conduct is in violation of Section 2921.12 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of a felony as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (5) 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION 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 March 29, 1994.

Pursuant to Section 4729.16 of the Ohio Revised Code and on the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby places Patricia Ann Flack's identification card on probation, effective immediately. Said probation will remain in effect until July 1, 1999. The terms of probation are as follows:

- (1) Patricia Ann Flack must continue with her psychological counseling throughout the probation period.
- (2) Patricia Ann Flack must submit quarterly progress reports to the Board that include documentation regarding her counseling and a written description of what she has been doing during the previous three months.
- (3) Patricia Ann Flack must not violate the laws of the state of Ohio, any other state, or the federal government.
- (4) Patricia Ann Flack must abide by the rules of the Ohio State Board of Pharmacy.
- (5) Patricia Ann Flack 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.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of pharmacy hereby declares that Patricia Ann Flack's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns through July 1, 1999.

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

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE JULY 1, 1994

March 29, 1994

PATRICA ANN FLACK, R.Ph.
2231 Beatrice St.
Springfield, Ohio 45503

Re: Ohio Registered Pharmacist
Number 03-3-14223

Dear Pharmacist:

Records of the Board indicate that you are a pharmacist registered by this Board to practice pharmacy in the state of Ohio.

In accordance with Section 2929.17 of the Ohio Revised Code, the office of the Prosecuting Attorney of Clark County, Ohio, has submitted to this Board information which indicates that on January 12, 1994, you pled guilty in the Common Pleas Court of Clark, Ohio, to a felony drug abuse offense under Section 2925.23 of the Ohio Revised Code.

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

(C) On receiving notification pursuant to Section 2929.17 or 3719.12 of the Revised Code, the Board under which ... Pharmacist ... has been licensed or registered shall immediately suspend the license or registration of that person on his plea of guilty to, or a judicial finding of, a felony drug abuse offense ...

WHEREFORE, PURSUANT TO SECTION 3719.121(C) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS 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 an adjudicatory hearing is held by the Board under Chapter 119. of the Revised Code, during which time you may not engage in the practice of pharmacy. If you request a hearing within 30 days of the time of the mailing of this notice, such will be afforded. You may appear at such hearing in person, by or with your attorney, or you may present your position, arguments, or contentions in writing; and at this hearing, you may present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER NOTIFIED that, at the hearing or consideration of the foregoing, the following allegations will be considered by the Board:

(1) You did, from on or about July 31, 1990, through May 24, 1992, intentionally make and/or knowingly possess false or forged prescriptions, to wit: of ninety-two prescriptions written for your husband, having fifty-one refills for a total of one hundred forty-three dispensings, you created the following 103 prescriptions which were not authorized by the practitioners:

<u>RX NO.</u>	<u>DRUG</u>	<u>QTY.</u>	<u>DATE</u>	<u>DOCTOR</u>
18650	Vicodin	4	03/25/92	Lau
55438	Propoxyphene APAP	6	08/12/91	Del Valle
130022	Propoxyphene 100/APAP	20	07/27/90	Del Valle
130221	Propoxyphene APAP 65mg	10	07/31/90	Del Valle
130562	Propoxyphene APAP 65mg	10	08/06/90	Del Valle
132638	Hydrocodone BITR/APAP	20	09/10/90	Del Valle
133083	Ilophen C	4	09/17/90	Del Valle
134244	Propoxyphene APAP 65mg	20	10/04/90	Del Valle
134806	Hydrocodone BITR/APAP	15	10/17/90	Shue
136032	Hydrocodone BITR/APAP	15	10/27/90	Shue
136093	Wygesic	10	10/29/90	Del Valle
136408	Propoxyphene APAP	10	11/01/90	Del Valle
136697	Propoxyphene APAP 65mg	10	11/06/90	Del Valle
136838	Hydrocodone BITR/APAP	15	11/07/90	Shue
138544	Propoxyphene APAP 65mg	10	12/05/90	Del Valle
140021	Hydrocodone BITR/APAP	18	12/28/90	Shue
140684	Propoxyphene 100/APAP	5	01/07/91	Del Valle
140852	Hydrocodone BITR/APAP	18	01/01/91	Shue
141633	Butalbital	5	01/19/91	Del Valle
141964	Propoxyphene APAP 65mg	15	01/25/91	Del Valle
142197	Propoxyphene APAP 65mg	10	03/12/91	Del Valle
143337	Hydrocodone BITR/APAP	10	02/12/91	French
143337	Hydrocodone BITR/APAP	10	02/13/91	French
143337	Hydrocodone BITR/APAP	10	02/18/91	French
143720	Butalbital	5	12/16/91	Del Valle
144841	Hydrocodone BITR/APAP	10	03/02/91	French
144841	Hydrocodone BITR/APAP	10	03/04/91	French
144841	Hydrocodone BITR/APAP	10	03/07/91	French
145541	Acetaminophen/Codeine 30mg	15	03/15/91	Del Valle
146002	Acetaminophen/Codeine 30mg	15	03/18/91	Del Valle
146002	Acetaminophen/Codeine 30mg	15	03/22/91	Del Valle
148515	Propoxyphene/APAP 65mg	20	04/21/91	French
148968	Propoxyphene/APAP 65mg	10	04/27/91	French
148968	Propoxyphene/APAP 65mg	10	05/02/91	French
148968	Propoxyphene/APAP 65mg	4	08/04/91	French
148968	Propoxyphene/APAP 65mg	6	08/05/91	French
148968	Propoxyphene/APAP 65mg	8	08/08/91	French
148968	Propoxyphene/APAP 65mg	5	08/09/91	French
148968	Propoxyphene/APAP 65mg	10	09/06/91	French
148968	Propoxyphene/APAP 65mg	10	09/14/91	French
148968	Propoxyphene/APAP 65mg	6	09/29/91	French
148968	Propoxyphene/APAP 65mg	14	09/30/91	French
149659	Hydrocodone BITR/APAP	10	05/07/91	Shue
151756	Hydrocodone BITR/APAP	20	06/04/91	Shue
151756	Hydrocodone BITR/APAP	10	06/30/91	Shue
151756	Hydrocodone BITR/APAP	10	07/13/91	Shue
151756	Hydrocodone BITR/APAP	10	07/25/91	Shue
151756	Hydrocodone BITR/APAP	5	08/08/91	Shue
151756	Hydrocodone BITR/APAP	5	08/24/91	Shue

<u>RX NO.</u>	<u>DRUG</u>	<u>QTY.</u>	<u>DATE</u>	<u>DOCTOR</u>
	Hydrocodone BITR/APAP	20		Shue
154723	Hydrocodone BITR/APAP	20	07/16/91	Shue
154723	Hydrocodone BITR/APAP	20	07/20/91	Shue
154723	Hydrocodone BITR/APAP	20	07/28/91	Shue
154723	Hydrocodone BITR/APAP	20	10/03/91	Shue
154723	Hydrocodone BITR/APAP	20	10/04/91	Shue
154723	Hydrocodone BITR/APAP	20	10/08/91	Shue
156466	Propoxyphene/APAP 65mg	8	11/08/91	French
158632	Propoxyphene 100/APAP	10	09/10/91	Board
158632	Propoxyphene 100/APAP	10	09/11/91	Board
158632	Propoxyphene 100/APAP	10	09/16/91	Board
161149	Vicodin	20	10/13/91	Shaw
161149	Vicodin	20	10/14/91	Shaw
161149	Vicodin	20	10/18/91	Shaw
161149	Vicodin	20	10/23/91	Shaw
161149	Vicodin	20	10/26/91	Shaw
162219	Vicodin	20	10/27/91	Shaw
162219	Vicodin	10	11/08/91	Shaw
162219	Vicodin	10	11/09/91	Shaw
162219	Vicodin	20	11/10/91	Shaw
162219	Vicodin	10	11/14/91	Shaw
162219	Vicodin	10	11/15/91	Shaw
162219	Vicodin	20	11/19/91	Shaw
162219	Vicodin	10	11/23/91	Shaw
162219	Vicodin	10	11/24/91	Shaw
162677	Vicodin	10	11/05/91	Shaw
162677	Vicodin	10	11/06/91	Shaw
163709	Acetaminophen/Codeine 30mg	16	unknown	Shaw
164490	Propoxyphene/APAP 65mg	20	01/25/92	French
164823	Hydrocodone BITR/APAP	10	11/29/91	French
164823	Hydrocodone BITR/APAP	10	12/04/91	French
164823	Hydrocodone BITR/APAP	10	12/07/91	French
164823	Hydrocodone BITR/APAP	10	12/11/91	French
164823	Hydrocodone BITR/APAP	10	12/12/91	French
167009	Synalgos DC	12	05/24/92	Crompton
168410	Lortab 7.5mg	20	01/13/92	Board
169296	Lortab 7.5mg	20	01/29/92	Board
169921	Lortab 7.5mg	10	02/02/92	Board
169921	Lortab 7.5mg	10	unknown	Board
170166	Propoxyphene/APAP 65mg	10	02/13/92	French
170170	Lortab 7.5mg	20	02/03/92	Board
170170	Lortab 7.5mg	20	02/05/92	Board
170170	Lortab 7.5mg	20	02/16/92	Board
170170	Lortab 7.5mg	20	02/17/92	Board
171383	Lortab 7.5mg	10	03/15/92	Board
172408	Propoxyphene/APAP 65mg	10	03/06/92	French
174525	Lortab 7.5mg	15	04/04/92	Board
174751	Lortab 7.5mg	15	04/11/92	Board

<u>RX NO.</u>	<u>DRUG</u>	<u>QTY.</u>	<u>DATE</u>	<u>DOCTOR</u>
176405	Propoxyphene/APAP	30	05/12/92	French
177675	Hydrocodone BITR/APAP	15	05/18/92	French
304404	Propoxyphene APAP 65mg	10	04/15/92	Lau
368911	Vicodin	10	07/29/91	Shue
563792	Hydrocodone BITR/APAP	15	10/24/91	Shue
40014253	Propoxyphene/APAP 65mg	20	05/20/92	French

Such conduct is in violation of Section 2925.23 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(2) You did, on various dates preceding June 12, 1992, with the purpose to deprive the owner, Rite Aid, located at the Southern Village Shopping Center on Selma Rd., Springfield, Ohio, knowingly obtain or exert control over drugs, beyond the express or implied consent of the owner, to wit: you admitted to a Board of Pharmacy agent that you had been stealing drugs from your employer and giving them to your drug-addicted husband. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(3) You did, on an unknown date, knowing that an investigation was likely to be instituted, destroy prescriptions with the purpose to impair their value or availability as evidence in such investigation, to wit: you admitted to Board of Pharmacy agents that you became concerned that someone would notice all the prescriptions in file for your husband, so you pulled the prescriptions and destroyed them. Such conduct is in violation of Section 2921.12 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

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 sections 119.01 to 119.13 of the Revised Code, may revoke, suspend, 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 Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not 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 him 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 sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code;

(6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;

(7) Guilty of knowingly lending his name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy; or

(8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, a practitioner or any owner, manager, or employee of a health care facility, rest home, or nursing home.

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 days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

(D-940329-077)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE MARCH 29, 1994

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective July 1, 1994)*