



OHIO STATE BOARD OF PHARMACY

65 S. Front Street, Room 504
Columbus, Ohio 43266-0320
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THE STATE BOARD OF PHARMACY (Docket No. D-870828-009)

In The Matter Of:

SCOTT W. HALL, R.Ph.
1370 Sloane Avenue #704
Lakewood, Ohio 44107

INTRODUCTION

THE MATTER OF SCOTT W. HALL CAME TO HEARING ON FEBRUARY 11, 1988 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: NORMAN LEIBOW, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; TIMOTHY MOORE, R.Ph.; JOSEPH SABINO, R.Ph.; JEROME WIESENHAHN, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

SCOTT W. HALL WAS REPRESENTED BY LEE HUTTON, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity dated August 28, 1987 in the matter of Scott W. Hall.
- (2) Exhibit B - Letter dated September 22, 1987 requesting a hearing.
- (3) Exhibit C - Hearing schedule letter dated September 23, 1987.
- (4) Exhibit D - Letter dated October 8, 1987 requesting a continuance.
- (5) Exhibit E - Hearing schedule letter dated October 15, 1987.
- (6) Exhibit 1 - Accountability statement showing 453 shortage of Ritalin 5mg.
- (7) Exhibit 2 - Accountability statement showing 2,056 shortage of Ritalin 10mg.
- (8) Exhibit 3 - Accountability statement showing 708 shortage of Ritalin 20mg.
- (9) Exhibit 4 - Accountability statement showing 837 shortage of Percodan.
- (10) Exhibit 5 - Interview of Scott Hall taken March 20, 1987.

- (11) Exhibit 6 - Accountability statement showing 107 shortage of Ritalin 5mg.
- (12) Exhibit 7 - Accountability statement showing 775 shortage of Ritalin 10mg.
- (13) Exhibit 8 - Accountability statement showing 1,424 shortage of Ritalin 20mg.
- (14) Exhibit 9 - Accountability statement showing 13,821 shortage of Ritalin 5mg.
- (15) Exhibit 10 - Accountability statement showing 50,273 shortage of Ritalin 10mg.
- (16) Exhibit 11 - Accountability statement showing 3,045 shortage of Ritalin 20mg.
- (17) Exhibit 12 - Accountability statement showing 1,661 shortage of Dexedrine 5mg.
- (18) Exhibit 13 - Accountability statement showing 1,727 shortage of Tylox.
- (19) Exhibit 14 - Accountability statement showing 596 shortage of Ritalin 5mg, and 269 shortage of Ritalin 5mg.
- (20) Exhibit 15 - Accountability statement showing 194 shortage of Ritalin 10mg, and 66 shortage of Ritalin 10mg.
- (21) Exhibit 16 - Accountability statement showing 518 shortage of Ritalin 20mg, and 610 shortage of Ritalin 20mg.
- (22) Exhibit 17 - Accountability statement showing 39 shortage of Ritalin SR 20mg, and 1 shortage of Ritalin SR 20mg.
- (23) Exhibit 18 - Accountability statement showing 3,094 shortage of Percodan, and 2,130 shortage of Percodan.
- (24) Exhibit 19 - Accountability statement showing 88 shortage of Dexedrine 10mg, and 130 overage of Dexedrine 10mg.
- (25) Exhibit 20 - Letter dated November 13, 1986 from Discount Drug Mart submitting theft reports.

Respondent's Exhibits:

- (1) Exhibit 1 - Letter dated February 10, 1988 from Douglas A. Reaves, Glenbeigh Hospital of Cleveland.
- (2) Exhibit 2 - Letter dated September 2, 1987 from Douglas A. Reaves, Glenbeigh Hospital of Cleveland.
- (3) Exhibit 3 - Letter dated September 1, 1987 from Luke Kmetz, Counselor, Glenbeigh Hospital of Cleveland.
- (4) Exhibit 4 - Letter dated September 16, 1987 from A. T. Puskar, M.D., Glenbeigh Hospital of Cleveland.
- (5) Exhibit 5 - Letter dated September 14, 1987 from Dennis Bliss, M.A., C.C.D.C., Adult Clinical Supervisor, Glenbeigh Hospital of Cleveland.
- (6) Exhibit 6 - Letter dated January 13, 1988 from Peter D. Rogers, M.D., Glenbeigh Hospital of Cleveland.
- (7) Exhibit 7 - Letter dated December 26, 1986 from Gary Rutherford, President, PRO, Inc., Columbus, Ohio.

(B) Testimony

State's Witnesses:

- (1) James Sunseri
- (2) Paul Swiz
- (3) Robert Cole

Respondent's Witnesses:

- (1) Dennis Bliss
- (2) William Hall
- (3) Carol Hall
- (4) Gary Rutherford
- (5) Scott Hall, Respondent

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Scott W. Hall did, during the time period of October 1983 through May 1984 while practicing pharmacy at Discount Drug Mart, 2253 Colorado Avenue, Lorain, Ohio, obtain the following controlled substances and dangerous drugs by committing a theft offense as defined in Section 2913.01 of the Ohio Revised Code:

<u>Drug</u>	<u>Quantity</u>
Ritalin-5mg	453 tablets
Ritalin-10mg	2,056 tablets
Ritalin-20mg	708 tablets
Percodan	100 tablets

Such conduct is prohibited by Division (A) of Section 2925.21 of the Ohio Revised Code.

- (2) From the evidence presented, the State Board of Pharmacy finds that Scott W. Hall did, during the time period of October 1983 through May 1984 while practicing pharmacy at Discount Drug Mart, 33382 Walker Road, Avon Lake, Ohio, obtain the following controlled substances and dangerous drugs by committing a theft offense as defined in Section 2913.01 of the Revised Code:

<u>Drug</u>	<u>Quantity</u>
Ritalin-5mg	107 tablets
Ritalin-10mg	775 tablets
Ritalin-20mg	1,424 tablets

Such conduct is prohibited by Division (A) of Section 2925.21 of the Ohio Revised Code.

- (3) From the evidence presented, the State Board of Pharmacy finds that Scott W. Hall did, during the time period of November 1984 through October 1986 while practicing pharmacy at Discount Drug Mart, 27255 Detroit Road, Westlake, Ohio, obtain the following controlled substances and dangerous drugs by committing a theft offense as defined in Section 2913.01 of the Revised Code:

<u>Drug</u>	<u>Quantity</u>
Ritalin-5mg	13,821 tablets
Ritalin-10mg	50,273 tablets
Ritalin-20mg	3,045 tablets
Dexedrine-5mg	10-20 tablets
Tylox	200 capsules
Percodan	1,200-1,500 tablets
Percocet-5	600-750 tablets
Ionamin-30mg	100-150 capsules

Such conduct is prohibited by Division (A) of Section 2925.21 of the Ohio Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Scott W. Hall did, during the time period of October 1983 through October 1986 while practicing pharmacy at Piersstorff's Pharmacy, Inc., 22086 Lorain Road, Fairview Park, Ohio, obtain the following controlled substances and dangerous drugs by committing a theft offense as defined in Section 2913.01 of the Revised Code:

<u>Drug</u>	<u>Quantity</u>
Ritalin-5mg	1,500 tablets
Ritalin-10mg	2,000 tablets
Ritalin-20mg	2,000 tablets
Ritalin SR 20	5 tablets
Percodan	150 tablets

Such conduct is prohibited by Division (A) of Section 2925.21 of the Ohio Revised Code.

- (5) From the evidence presented, the State Board of Pharmacy finds that Scott W. Hall did knowingly obtain, possess, and use the following controlled substances between October 1983 and October 1986, while practicing pharmacy, to wit:

<u>Drug</u>	<u>Quantity</u>
Ritalin-5mg	15,881 tablets
Ritalin-10mg	55,104 tablets
Ritalin-20mg	7,177 tablets
Ritalin SR	5 tablets
Percodan	1,450-1,500 tablets

<u>Drug</u>	<u>Quantity</u>
Dexedrine-5mg	10-20 tablets
Tylox	200 capsules
Percocet-5	600-750 capsules
Ionamin-30mg	100-150 capsules

Such conduct is prohibited by Section 2925.11 of the Ohio Revised Code.

- (6) From the evidence presented, the State Board of Pharmacy finds that Scott W. Hall is addicted to or abusing drugs to such a degree as to render him unfit to practice pharmacy, in that on or about March 20, 1986, Scott W. Hall admitted to Robert L. Cole, an employee of the Board, that he was addicted to drugs to such a degree that all of the above drugs were stolen for consumption by himself.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (5) of the Findings Of Fact constitutes gross immorality in violation of 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 the conduct set forth in paragraph (3) of the Findings Of Fact constitutes dishonesty in the practice of pharmacy in violation of 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 the conduct set forth in paragraphs (4) and (5) of the Findings Of Fact, which occurred subsequent to September 20, 1984, constitutes dishonesty in the practice of pharmacy in violation of Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (5) and (6) of the Findings Of Fact constitutes being addicted to or abusing drugs to such a degree as to render him unfit to practice pharmacy in violation of Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (5) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (5) of the Findings Of Fact constitutes willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of the provisions of Chapters 2925., 3719., and 4729. of the Ohio Revised Code in violation of Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-3-14225, held by Scott W. Hall:

(A) On the basis of paragraphs (1) through (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Scott W. Hall for 60 months.

(B) Further, the Board will suspend 51 months of the suspension, and give Scott W. Hall 6 months credit for time spent not practicing pharmacy while under contract to Pharmacist Rehabilitation Organization, Inc. (PRO), provided that Scott W. Hall contract with the PRO for five years and stay in the program for the full five-year period.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is ..., suspended, ..., 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.

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

ORDER ISSUED: MAY 17, 1988

FZW/sb

By Franklin Z. Wickham
Franklin Z. Wickham, Executive Director

cc: Christopher Costantini, Assistant Attorney General
Lee Hutton, Attorney For Respondent