



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
VOLUNTARY SURRENDER WITH DISCIPLINARY ACTION PENDING
PERMANENT SURRENDER
(Docket No. D-080206-036)

In The Matter Of:

EMIL DONTENVILLE, R.Ph.
20573 White Bark
Strongsville, Ohio 44136
(R.Ph. No. 03-3-14448)

This Settlement Agreement is entered into by and between Emil Dontenville and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Emil Dontenville enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues contained herein.

Emil Dontenville is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against him and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Emil Dontenville's license to practice pharmacy in the State of Ohio, this Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

- (A) The Ohio State Board of Pharmacy is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card, or impose a monetary penalty on the license holder for violation of any of the enumerated grounds.
- (B) Emil Dontenville acknowledges receipt of the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter, dated February 6, 2008, that the Board has duly filed the allegations in its Summary Suspension/Notice of Opportunity as stated therein and waives his right to an adjudication hearing according to the terms of this agreement.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Emil Dontenville knowingly and voluntarily **SURRENDERS PERMANENTLY TO THE STATE BOARD OF PHARMACY HIS LICENSE AND REGISTRATION TO PRACTICE PHARMACY, WITH DISCIPLINARY ACTION PENDING, AND IS PRECLUDED FROM MAKING ANY APPLICATION FOR FURTHER REGISTRATION.**

Pursuant to Rule 4729-9-01, Emil Dontenville may not be employed by or work in any facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs.

Emil Dontenville acknowledges that he has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner.

Emil Dontenville waives any and all claims or causes of action he may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Emil Dontenville waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

Emil Dontenville 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 Agreement 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.

This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of the Board President's signature below.

Emil Dontenville, R.Ph., Respondent

05/19/2008
Date of Signature

David H. Brown, Attorney for Respondent

05/19/2008
Date of Signature

Gregory Braylock, President, Ohio State Board of Pharmacy

06/02/2008
Date of Signature

Sally Ann Steuk, Ohio Assistant Attorney General

06/02/2008
Date of Signature



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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

February 6, 2008

Emil Dontenville, R.Ph.
20573 White Bark
Strongsville, Ohio 44136

Re: Ohio Registered Pharmacist
Number 03-3-14448

Dear Mr. Dontenville:

In accordance with Section 3719.121(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. 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 December 8, 1981, pursuant to reciprocity, and are currently licensed to practice pharmacy in the State of Ohio. Records further reflect that you were previously disciplined by the Board.
- (2) You are addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have previously admitted to Board agents that you are addicted to the use of controlled substances; you were adjudicated by the Board in December of 1996 to be addicted to drugs; and, the following circumstances indicate that you are currently abusing drugs: you have built and operated a methamphetamine lab in your basement; pipes used for smoking methamphetamine were found in your home; you indicated to law enforcement officers that you do not "sell or give away" the methamphetamine made from your lab; your wife has alleged, and your son confirmed, that you have engaged in conduct amounting to domestic violence and she also averred that you smoke methamphetamine. Such conduct indicates that you are within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.

Also to be considered:

- (3) You did, on or about January 19, 2008, knowingly manufacture or otherwise engage in any part of the production of a controlled substance when the conduct was not in accordance with Chapters 3729. and 4729. of the Ohio Revised Code, to wit: without being a licensed manufacturer and in an unlicensed facility, you have built and operated a methamphetamine lab in your basement. You have stolen necessary precursor chemicals (OTC drugs) from your employer, Northcoast Behavioral Hospital-

Northfield Campus. Such conduct is in violation of Section 2925.04 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 provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(A) of the Ohio Revised Code states, in pertinent part: "any ... pharmacist, ... who is or becomes addicted to the use of controlled substances, shall be suspended by the board that authorized the person's license, certificate, or registration..."

WHEREFORE, PURSUANT TO SECTION 3719.121(A) 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 has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, 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 (30TH) 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 (30th) 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 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

WTW: (D-080206-036)

CERTIFIED MAIL / Return Receipt
7004 2510 0006 9804 3625

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

cc: Sally Ann Steuk, Assistant Attorney General



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-960911-013)

In The Matter Of:

EMIL DONTENVILLE, R.Ph.

20573 White Bark

Strongsville, Ohio 44136

(R.Ph. No. 03-3-14448)

INTRODUCTION

THE MATTER OF EMIL DONTENVILLE CAME TO HEARING ON DECEMBER 6, 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.; JOSEPH J. MASLAK, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

EMIL DONTENVILLE 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) None

Respondent's Witnesses:

- (1) Emil Dontenville, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Eight-page Order of the State Board of Pharmacy, Docket No. D-941213-028, in the matter of Emil Dontenville dated December 8, 1995.
(2) Exhibit 1A--Hearing Request letter dated September 3, 1996.
(3) Exhibit 1B--Two-page Hearing Schedule letter dated September 11, 1996.

Respondent's Exhibits:

- (1) Exhibit A--Ten Urine Drug Screen Reports of Emil Dontenville dated as follows: October 12, 1996; October 5, 1996; July 19, 1996; June 12, 1996; May 30, 1996; March 17, 1996; February 26, 1996; February 1, 1995; January 18, 1995; and January 9, 1995; and two copies of urine drug screen reports of Emil Dontenville dated September 24, 1996.
- (2) Exhibit B--Seventeen pages of AA/NA Attendance Verification of Emil Dontenville dated from October 4, 1995, through November 20, 1996.
- (3) Exhibit C--Letter from David F. Merk dated November 19, 1996.
- (4) Exhibit D--Letter from Richard D. Armstrong dated November 21, 1996.
- (5) Exhibit E--Letter from Richard D. Sweet, not dated.
- (6) Exhibit F--Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Emil Dontenville dated January 23, 1996.
- (7) Exhibit G--Letter from Dan Finan dated November 20, 1996, and attached Clinical Science Preceptor Groups Guest Assignments for November 19, 1996, Correlation Conference.
- (8) Exhibit H--Compliance Report in the Cuyahoga County Court of Common Pleas, Probation Department regarding Emil Dontenville dated May 8, 1995; and letter from Joseph E. Feighan dated September 25, 1996.
- (9) Exhibit I--Five Certificates of Continuing Education Participation of Emil Dontenville numbered and dated as follows: 680-032-93-034 dated August 8, 1996; 679702-94-020 dated September 30, 1996; 680-202-94-031 dated October 7, 1996, 680-057-93-030 dated September 30, 1996; and 190-768-94-002 dated October 6, 1996.
- (10) Exhibit J--Copy of Urine Drug Screen Report of Emil Dontenville dated December 4, 1996.
- (11) Exhibit K--Letter from Richard D. Armstrong dated December 3, 1996.
- (12) Exhibit L--Letter from Steven B. Smith dated November 26, 1996.
- (13) Exhibit M--Letter from Angela K. Fortkamp dated December 2, 1996.
- (14) Exhibit N--Letter from Craig F. Lopatka dated November 30, 1996.
- (15) Exhibit O--Letter from Kathy Cole-Kelly and Ted Parran, Jr. dated November 26, 1996.
- (16) Exhibit P--Letter from Stefan N. Ourlian dated November 16, 1996.

FINDING 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) Emil Dontenville is in compliance with the Order of the State Board of Pharmacy, Docket No. D-941213-028, dated December 8, 1995.

ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card of Emil Dontenville to practice pharmacy in the state of Ohio and places him on probation for five years from the date his identification card is issued, with the following conditions:

- (A) Emil Dontenville must enter into a new contract with a limited treatment provider acceptable to the Board for a period of not less than five years from the effective date of this Order and, upon signing, submit a copy of the contract to the Board office. The contract must provide:
- (1) random, **observed** urine screens shall be conducted at least once every three months. The urine drug screens must include testing for benzodiazepines, opiates, methylphenidate, and alcohol, and must also report testing for creatinine as the dilutional standard or specific gravity;
 - (2) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required during outpatient treatment and/or during aftercare;
 - (3) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and
 - (4) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Emil Dontenville 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 his progress towards recovery and what he has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) Emil Dontenville must inform any and all employers of his history of addiction.
 - (2) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that the pharmacist identification card of Emil Dontenville is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
 - (3) Emil Dontenville may not serve as a responsible pharmacist.
 - (4) Emil Dontenville may not destroy, or may not assist in or witness the destruction of, controlled substances.
 - (5) Emil Dontenville must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (6) Emil Dontenville must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (7) Emil Dontenville must abide by the rules of the Ohio State Board of Pharmacy.
 - (8) Emil Dontenville must comply with the terms of this Order.

Emil Dontenville 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.

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

MOTION CARRIED.

SO ORDERED.



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-941213-028)

In The Matter Of:

EMIL DONTENVILLE, R.Ph.

20573 White Bark

Strongsville, Ohio 44136

(R.Ph. No. 03-3-14448)

INTRODUCTION

THE MATTER OF EMIL DONTENVILLE CAME TO HEARING ON OCTOBER 17, 1995, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: PAUL F. LAMPING, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

EMIL DONTENVILLE WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY LAWRENCE D. PRATT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) James Reye, Ohio State Board of Pharmacy
- (2) Detective William Cowger, City of Cleveland, Police Narcotic Unit

Respondent's Witnesses:

- (1) Emil Dontenville, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Summary Suspension Order/Notice of Opportunity letter dated December 13, 1994.
- (2) Exhibit 1A--Addendum Notice dated April 14, 1995.
- (3) Exhibit 1B--Hearing Request letter dated May 8, 1995.
- (4) Exhibit 1C--Hearing Schedule letter dated May 15, 1995.

- (5) Exhibit 1D--Pharmacist File Front Sheet of Emil Dontenville showing original date of registration as December 8, 1981.
- (6) Exhibit 1E--Renewal Application for Pharmacist License, No. 03-3-14448, for a license to practice pharmacy in Ohio from September 15, 1994, to September 15, 1995, of Emil Dontenville dated August 1, 1994.
- (7) Exhibit 1F--Addendum Notice dated October 5, 1995.
- (8) Exhibit 2--Sony Video 8 cassette recording of Rini-Rego Pharmacy starting on December 5, 1994, and ending on December 6, 1994.
- (9) Exhibit 3--Four-page Rini-Rego Pharmacy Prescription Log for December 6, 1994, report dated December 15, 1994.
- (10) Exhibit 4--Three-page handwritten statement of Emil Dontenville signed and notarized on December 13, 1994.
- (11) Exhibit 5--Sony Video 8 cassette recording of Rini-Rego Pharmacy starting on December 6, 1994, and ending December 7, 1994.
- (12) Exhibit 6--Three-page statement of Debbie Bormann signed and notarized on December 11, 1994.
- (13) Exhibit 7--Five-page Rini-Rego Pharmacy Prescription Log for December 7, 1994, report dated December 15, 1994.
- (14) Exhibit 8--U. S. Pharmacist, December 1993 issue, used as a refill log book for Rini-Rego Pharmacy dated from August 18, 1994, through December 13, 1994.
- (15) Exhibit 9--Rini-Rego Pharmacy Tax Insurance Summary of Debbie Bormann dated from January 1, 1994, through December 8, 1994, report dated December 8, 1994.
- (16) Exhibit 10--Prescription No. 401409.
- (17) Exhibit 11--Sony Video 8 cassette recording of Rini Rego Pharmacy starting on December 8, 1994, and ending on December 9, 1994.
- (18) Exhibit 12--Five-page Rini-Rego Pharmacy Prescription Log for December 9, 1994, report dated December 15, 1994; and Page 5 of Rini-Rego Pharmacy Prescription Log for December 8, 1994, report dated December 15, 1994.
- (19) Exhibit 13--Drug Audit Accountability Sheet of Rini-Rego Pharmacy, Terminal Distributor License No. 02-700950, for Hycodan Syrup dated December 14, 1994.
- (20) Exhibit 14--Drug Audit Accountability Sheet of Rini-Rego Pharmacy, Terminal Distributor License No. 02-700950, for Hydromet Syrup dated December 14, 1994.
- (21) Exhibit 15--Drug Audit Accountability Sheet of Rini-Rego Pharmacy, Terminal Distributor License No. 02-700950, for Histussin HC dated December 14, 1994.
- (22) Exhibit 16--Drug Audit Accountability Sheet of Rini-Rego Pharmacy, Terminal Distributor License No. 02-700950, for Lorazepam 1mg dated December 14, 1995.
- (23) Exhibit 17--Drug Audit Accountability Sheet of Rini-Rego Pharmacy, Terminal Distributor License No. 02-700950, for Lorazepam 2mg dated December 14, 1994.
- (24) Exhibit 18--Drug Audit Accountability Sheet of Rini-Rego Pharmacy, Terminal Distributor License No. 02-700950, for Vicodin dated December 14, 1994.
- (25) Exhibit 19--Drug Audit Accountability Sheet of Rini-Rego Pharmacy, Terminal Distributor License No. 02-700950, for Hydrocodone Bitartrate 5mg/Acetaminophen 500mg dated December 14, 1994.
- (26) Exhibit 20--Drug Audit Accountability Sheet of Rini-Rego Pharmacy, Terminal Distributor License No. 02-700950, for Vicodin ES dated December 14, 1994.
- (27) Exhibit 21 Drug Audit Accountability Sheet of Rini-Rego Pharmacy, Terminal Distributor License No. 02-700950, for Hydrocodone Bitartrate 7.5mg/Acetaminophen 750mg dated December 14, 1994.
- (28) Exhibit 22--Drug Audit Accountability Sheet of Rini-Rego Pharmacy, Terminal Distributor License No. 02-700950, for Lorcet Plus dated December 14, 1994.
- (29) Exhibit 23--Drug Audit Accountability Sheet of Rini-Rego Pharmacy, Terminal Distributor License No. 02-700950, for Halcion .125mg dated December 14, 1994.

- (30) Exhibit 25--Drug Audit Accountability Sheet of Rini-Rego Pharmacy, Terminal Distributor License No. 02-700950, for Lortab 7.5/500 dated December 14, 1994.
- (31) Exhibit 27--Drug Audit Accountability Sheet of Rini-Rego Pharmacy, Terminal Distributor License No. 02-700950, for Ritalin 20mg dated January 5, 1995.
- (32) Exhibit 28--Drug Audit Accountability Sheet of Rini-Rego Pharmacy, Terminal Distributor License No. 02-700950, for Methylphenidate 10mg dated January 5, 1995.
- (33) Exhibit 29--Two-page copy of Lake County Regional Forensic Laboratory Report, No. 941213-1785, dated December 13, 14, 1994.
- (34) Exhibit 30--Plastic evidence bag containing an empty syringe, Laboratory No. 941213-1785.
- (35) Exhibit 31--Two-page statement of Richard Watts, M.D. signed and notarized on December 15, 1994.
- (36) Exhibit 32--Two-page statement of Joanne Gorges signed and notarized on December 15, 1994.
- (37) Exhibit 33--Prescription No. 401418.
- (38) Exhibit 34--Rini-Rego Pharmacy Tax Insurance Summary of Helen Dabs dated from May 1, 1994, through December 13, 1994, report dated December 13, 1994.
- (39) Exhibit 35--Prescription No. 401498.
- (40) Exhibit 36--Certified Journal Entry in the Cuyahoga County Court of Common Pleas, Case No. CR-321392, of Emil Dontenville dated June 16, 1995.

Respondent's Exhibits:

- (1) None

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 Emil Dontenville was originally licensed to practice pharmacy in the state of Ohio on December 8, 1981, and on December 13, 1994, his license was summarily suspended in accordance with Section 3719.121(B) of the Ohio Revised Code.
- (2) Emil Dontenville did, on or about December 6, 1994, with the purpose to deprive, knowingly obtain or exert control over the property of another, Rini-Rego Pharmacy, 15325 Edgecliff, Cleveland, Ohio, beyond the express or implied consent of the owner, the property being dangerous drugs, to wit: two separate occasions on December 6, 1994, Emil Dontenville stole Hycodan syrup from Rini-Rego Pharmacy, in an amount equaling 55cc. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) Emil Dontenville did, on or about December 6, 1994, with the purpose to deprive, knowingly obtain or exert control over the property of another, Rini-Rego Pharmacy, 15325 Edgecliff, Cleveland, Ohio, beyond the express or implied consent of the owner, the property being dangerous drugs, to wit: on December 6, 1994, Emil Dontenville stole 1 unit of Halcion .125mg from Rini-Rego Pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Emil Dontenville did, on or about December 7, 1994, with the purpose to deprive, knowingly obtain or exert control over the property of another, Rini-Rego Pharmacy,

15325 Edgecliff, Cleveland, Ohio, beyond the express or implied consent of the owner, the property being dangerous drugs, to wit: three separate occasions on December 7, 1994, Emil Dontenville stole Hydromet syrup from Rini-Rego Pharmacy, in an amount equaling 360cc. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (5) Emil Dontenville did, on or about October 3, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: Emil Dontenville possessed prescription number 401409 written for 360cc of Hydrocodone syrup, which had dispensed unauthorized refills. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (6) Emil Dontenville did, on or about December 7, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: Emil Dontenville possessed prescription number 401409 written for 360cc of Hydrocodone syrup, which had dispensed unauthorized refills. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (7) Emil Dontenville did, on or about December 9, 1994, with the purpose to deprive, knowingly obtain or exert control over the property of another, Rini-Rego Pharmacy, 15325 Edgecliff, Cleveland, Ohio, beyond the express or implied consent of the owner, the property being dangerous drugs, to wit: two separate occasions on December 9, 1994, Emil Dontenville stole Hydromet syrup from Rini-Rego Pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (8) Emil Dontenville did, on or about December 9, 1994, with the purpose to deprive, knowingly obtain or exert control over the property of another, Rini-Rego Pharmacy, 15325 Edgecliff, Cleveland, Ohio, beyond the express or implied consent of the owner, the property being dangerous drugs, to wit: on December 9, 1994, Emil Dontenville stole an unknown amount of Halcion .125mg from Rini-Rego Pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (9) Emil Dontenville did, from July, 1994, through December 12, 1994, with the purpose to deprive, knowingly obtain or exert control over the property of another, Rini-Rego Pharmacy, 15325 Edgecliff, Cleveland, Ohio, beyond the express or implied consent of the owner, the property being dangerous drugs, to wit: Emil Dontenville stole the following dangerous drugs:

<u>Drug</u>	<u>Shortage</u>	<u>% of Stock</u>
Hycodan Syrup	1,098ml	47.99
Hydrocodone Syrup	2,906ml	33.00
Histussin HC Syrup	185ml	7.37
Lorazepam 1mg	130	3.83
Lorazepam 2mg	598	18.93
Vicodin	39	6.87
Hydrocodone 5mg/APAP 500mg	244	23.15
Vicodin ES	33	2.83
Hydrocodone 7.5mg/APAP 750mg	55	16.92
<u>Drug</u>	<u>Shortage</u>	<u>% of Stock</u>
Lorcet Plus	133	27.71
Halcion .125mg	233	73.27
Lortab Plus	46	56.79

Ritalin 20mg	300	28.85
Methylphenidate 10mg	147	5.97

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

- (10) Emil Dontenville did, on or about December 12, 1994, knowingly possess or use a syringe when it had been used to unlawfully administer a controlled substance, to wit: Emil Dontenville was arrested by the Cleveland Police Department after leaving his employment at Rini-Rego Pharmacy while in possession of a syringe having remaining traces of Cocaine and Ritalin therein. Such conduct is in violation of Section 2925.12 of the Ohio Revised Code.
- (11) Emil Dontenville admitted in an interview with a Board agent on December 13, 1994, that he is addicted to drugs, that he has abused drugs, and that he has stolen the following drugs from his employer:

<u>Drug</u>	<u>Shortage</u>	<u>% of Stock</u>
Hycodan Syrup	1,098ml	47.99
Hydrocodone Syrup	2,906ml	33.00
Histussin HC Syrup	185ml	7.37
Lorazepam 1 mg	130	3.83
Lorazepam 2mg	598	18.93
Vicodin	39	6.87
Hydrocodone 5mg/APAP 500mg	244	23.15
Vicodin ES	33	2.83
Hydrocodone 7.5mg/APAP 750mg	55	16.92
Lorcet Plus	133	27.71
Halcion .125mg	233	73.27
Lortab Plus	46	56.79

Emil Dontenville's admission indicates that he is abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

- (12) Emil Dontenville did, on or about August 12, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: Emil Dontenville admittedly created a false refill for prescription number 401418 without authorization from a practitioner. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (13) Emil Dontenville did, on or about August 28, 1994, October 5, 1994, and October 24, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: on or about August 28, 1994, Emil Dontenville created prescription number 401498 without authorization from a practitioner; and on October 5, 1994, and October 24, 1994, Emil Dontenville refilled prescription number 401498 without authorization from a practitioner. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (14) Emil Dontenville was, on or about June 16, 1995, in the Cuyahoga County Court of Common Pleas, Case No. CR-321392, convicted of two felony counts of Attempted Trafficking in Drugs, in violation of Sections 2923.02 and 2925.03 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 (14) 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 (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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (13) of the Findings of Fact constitute being addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) 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 paragraphs (5), (6), (10), and (12) through (14) 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 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 December 13, 1994.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Emil Dontenville:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card, No. 03-3-14448, held by Emil Dontenville indefinitely and such suspension is effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Emil Dontenville may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) December 1, 1996, or thereafter, the Board will consider any petition filed by Emil Dontenville for a hearing, pursuant to Revised Code Chapter 119., upon the question of the reinstatement of his license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met:
 - (1) Emil Dontenville must enter into a new contract, from the effective date of this Order, with a limited treatment provider acceptable to the Board, for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:

- (a) random, **observed** urine screens shall be conducted at least every three months. The urinalysis drug screens must report testing of creatinine as the dilutional standard or specific gravity;
- (b) regular attendance, at least three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meetings, and at meetings of a professional support group, is required during outpatient treatment and/or during aftercare; and
- (c) the treatment provider shall immediately report to the Board of Pharmacy any positive urine screens and/or other violations of the contract.

(2) Emil Dontenville must provide, at the time of petitioning the Board for reinstatement, written documentation from his treatment provider regarding compliance with the contract including all urine drug screen reports, and evidence of continuing pharmacy education.

Division (B) of Section 4729.16 of the Revised Code provides 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 the 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.