APR 29 2010

OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143 *E-MAIL:* exec@bop.state.oh.us *FAX:* 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750 *URL:* http://www.pharmacy.ohio.gov

APR 21 20

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
VOLUNTARY SURRENDER WITH DISCIPLINARY ACTION PENDING
PERMANENT SURRENDER
(Docket No. D-090416-131)

In The Matter Of:

BRUCE ALAN THOMAS, R.Ph.
818 Hillview Avenue
Minerva, Ohio 44657
(R.Ph. No. 03-3-14551

This Settlement Agreement is entered into by and between Bruce Alan Thomas 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.

Bruce Alan Thomas 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.

Bruce Alan Thomas 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 Bruce Alan Thomas' 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) Bruce Alan Thomas neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated April 16, 2009; however, the Board has duly filed the allegations in its Summary Suspension/Notice of Opportunity as stated therein and will not conduct 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, Bruce Alan Thomas 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, Bruce Alan Thomas may not be employed by or work in any facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs.

Bruce Alan Thomas 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.

Bruce Alan Thomas 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. Bruce Alan Thomas waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

Bruce Alan Thomas 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.

Bruce Alan Thomas — 4-27-10
Bruce Alan Thomas, R.Ph., Respondent — Date of Signature

5-10-10
Daniel D. Connor, Attorney for Respondent — Date of Signature

Elizabeth O. Gregg — 6/7/10
Elizabeth I. Gregg, President, Ohio State Board of Pharmacy — Date of Signature

Tracy M. Greuel — 6/7/10
Tracy Marie Greuel, Ohio Assistant Attorney General — Date of Signature

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ADDENDUM NOTICE

October 1, 2009

Bruce Alan Thomas, R.Ph.
818 Hillview Avenue
Minerva, Ohio 44657

Re: Ohio Registered Pharmacist
License No. 03-3-14551

Dear Mr. Thomas:

YOU ARE HEREBY NOTIFIED that, in addition to the allegations stated in the April 16, 2009, Summary Suspension Order/Notice of Opportunity for Hearing letter, the following allegations will also be considered, as numbered:

(8) You as the Responsible Pharmacist did, from May 1, 2006 to May 1, 2008, fail to provide personal supervision of Rite Aid #2398's dangerous drug stocks, to wit: the following dangerous drugs were diverted without detection:

hyrdrocodone/APAP 5/500 mg	-2,125 tablets
hydrocodone/APAP 7.5/750 mg	-817 tablets
alprazolam 0.5 mg	-1,191 tablets
alprazolam 1 mg	-1,543 tablets

Such conduct violates Section 4729-5-11 of the Ohio Administrative Code and if proven constitutes being guilty of unprofessional conduct in the practice of pharmacy and/or guilty of willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

(9) You did, from May 26, 2006 to May 16, 2008, fail to review the patient profile of patient #2 in order to conduct prospective drug utilization review, to wit: you failed to review the patient profile for over-utilization, incorrect dosage and duration of drug treatment, and misuse prior to dispensing the following prescriptions (your dispensings are in bold print):

RX #	Filled	Drug	Strength	Qty.	R.Ph.
370348	05/26/06	Lyrica	75mg	90	RAR
370976	**06/02/06**	**Lyrica**	**150mg**	**60**	**BAT**
370348	**06/18/06**	**Lyrica**	**75mg**	**90**	**BAT**

370976	06/25/06	Lyrica	150mg	60	KMM
374534	**07/11/06**	**Lyrica**	**75mg**	**120**	**BAT**
***376067**	**07/28/06**	**Lyrica**	**75mg**	**120**	**BAT**
377588	**08/11/06**	**Lyrica**	**75mg**	**14**	**BAT**
***376067**	**08/12/06**	**Lyrica**	**75mg**	**120**	**BAT**
378430	08/18/06	Lyrica	225mg	40	RAR
379951	**09/05/06**	**Lyrica**	**225mg**	**60**	**BAT**
379951	09/29/06	Lyrica	225mg	60	RAR
379951	11/06/06	Lyrica	225mg	60	RAR
378337	**11/22/06**	**Lyrica**	**75mg**	**180**	**BAT**
388858	11/30/06	Lyrica	225mg	60	RAR
390570	12/08/06	Lyrica	100mg	90	RAR
391293	12/14/06	Lyrica	150mg	60	RAR
378337	**12/16/06**	**Lyrica**	**75mg**	**180**	**BAT**
388858	12/24/06	Lyrica	225mg	60	RAR
393386	**01/03/07**	**Lyrica**	**100mg**	**90**	**BAT**
391293	01/06/07	Lyrica	150mg	20	RAR
393992	01/08/07	Lyrica	150mg	30	RAR
393992	**01/09/07**	**Lyrica**	**150mg**	**10**	**BAT**
393386	01/16/07	Lyrica	100mg	90	RAR
395225	**01/17/07**	**Lyrica**	**150mg**	**21**	**BAT**
395225	**01/28/07**	**Lyrica**	**150mg**	**21**	**BAT**
395225	01/29/07	Lyrica	150mg	21	RAR
*393386	02/07/07	Lyrica	100mg	90	RAR
395225	**02/23/07**	**Lyrica**	**150mg**	**30**	**BAT**
399781	**02/28/07**	**Lyrica**	**100mg**	**10**	**BAT**
****399845**	**03/01/07**	**Lyrica**	**100mg**	**90**	**BAT**
395225	03/04/07	Lyrica	150mg	27	RAR
****400267**	**03/05/07**	**Lyrica**	**150mg**	**32**	**BAT**
****400267**	**03/06/07**	**Lyrica**	**150mg**	**6**	**BAT**
**400267	03/07/07	Lyrica	150mg	22	RAR
401526	**03/15/07**	**Lyrica**	**75mg**	**14**	**BAT**
402305	03/21/07	Lyrica	225mg	20	RAR
402305	03/22/07	Lyrica	225mg	60	RAR
****399845**	**03/23/07**	**Lyrica**	**100mg**	**30**	**BAT**
****399845**	**04/03/07**	**Lyrica**	**100mg**	**90**	**BAT**
403918	04/03/07	Lyrica	225mg	60	RAR
395037	04/07/07	Lyrica	75mg	60	RAR
404819	**04/12/07**	**Lyrica**	**300mg**	**60**	**BAT**
406523	04/26/07	Lyrica	225mg	60	KGD
419901	05/06/07	Lyrica	100mg	28	NLS
404819	05/12/07	Lyrica	300mg	60	RAR
****399845**	**05/14/07**	**Lyrica**	**100mg**	**62**	**BAT**
406523	05/21/07	Lyrica	225mg	60	RAR
406523	**06/03/07**	**Lyrica**	**225mg**	**60**	**BAT**
404819	06/12/07	Lyrica	300mg	14	RAR
404819	**06/15/07**	**Lyrica**	**300mg**	**60**	**BAT**
406523	**06/26/07**	**Lyrica**	**225mg**	**40**	**BAT**
404819	**07/09/07**	**Lyrica**	**300mg**	**60**	**BAT**
404819	07/31/07	Lyrica	300mg	60	RAR

404819	**08/24/07**	**Lyrica**	**300mg**	**46**	**BAT**
404405	08/30/07	Lyrica	225mg	30	RCA
*421011	09/10/07	Lyrica	300mg	60	RAR
421931	**09/17/07**	**Lyrica**	**225mg**	**30**	**BAT**
421011	09/24/07	Lyrica	300mg	30	RAR
421011	09/25/07	Lyrica	300mg	30	RAR
421931	09/29/07	Lyrica	225mg	30	RAR
421011	**10/06/07**	**Lyrica**	**300mg**	**60**	**BAT**
421931	**10/07/07**	**Lyrica**	**225mg**	**30**	**BAT**
421931	**10/17/07**	**Lyrica**	**225mg**	**30**	**BAT**
421931	**10/25/07**	**Lyrica**	**225mg**	**25**	**BAT**
421931	10/26/07	Lyrica	225mg	5	RAR
426881	**10/28/07**	**Lyrica**	**300mg**	**60**	**BAT**
426881	11/17/07	Lyrica	300mg	30	RAR
426881	11/19/07	Lyrica	300mg	30	RAR
426881	**11/30/07**	**Lyrica**	**300mg**	**30**	**BAT**
426881	12/03/07	Lyrica	300mg	30	RAR
433627	12/24/07	Lyrica	300mg	60	RAR
443457	03/11/08	Lyrica	225mg	60	RAR
444731	03/20/08	Lyrica	75mg	60	RAR
443457	**04/02/08**	**Lyrica**	**225mg**	**60**	**BAT**
444731	**04/13/08**	**Lyrica**	**75mg**	**60**	**BAT**
443457	**04/24/08**	**Lyrica**	**225mg**	**60**	**BAT**
444731	05/05/08	Lyrica	75mg	60	RAR
452000	**05/16/08**	**Lyrica**	**225mg**	**60**	**BAT**

* Indicates day supplies that had been changed from what the prescriber requested.
** Indicates Rx's (and their refills) that were identified as false by the purported issuing prescribers.

This resulted in patient obtaining Lyrica from multiple prescribers in overlapping therapy, with a daily average use in excess of 1,300 mg. Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct in the practice of pharmacy and/or guilty of willfully violating a rule adopted by the Board under Chapter 4729. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(10) You did, from March 12, 2007 to July 1, 2007, fail to review the patient profile of patient #2 in order to conduct prospective drug utilization review, to wit: you failed to review the patient profile for over-utilization, incorrect dosage and duration of drug treatment, and misuse prior to dispensing the following prescriptions (your dispensings are in bold print):

RX #	Filled	Drug	Strength	Qty.	R.Ph.
401105	03/12/07	tramadol	50mg	60	RAR
401105	**03/23/07**	**tramadol**	**50mg**	**60**	**BAT**
****402568**	**03/26/07**	**tramadol**	**50mg**	**60**	**RAR(BAT)**
401105	**03/28/07**	**tramadol**	**50mg**	**60**	**BAT**
**402568	03/30/07	tramadol	50mg	60	RAR
**402568	03/31/07	tramadol	50mg	60	RAR
**402568	04/01/07	tramadol	50mg	60	RAR

**402568	04/02/07	tramadol	50mg	60	BAT
**402568	04/03/07	tramadol	50mg	120	BAT
**402568	04/19/07	tramadol	50mg	120	RAR
**402568	04/30/07	tramadol	50mg	60	BAT
**402568	05/02/07	tramadol	50mg	60	RAR
**402568	05/03/07	tramadol	50mg	60	RAR
**402568	05/04/07	tramadol	50mg	60	BAT
**402568	05/19/07	tramadol	50mg	120	BAT
**402568	05/30/07	tramadol	50mg	120	RAR
**402568	06/09/07	tramadol	50mg	240	RAR
**402568	07/01/07	tramadol	50mg	120	BAT

** Indicates Rx's (and their refills) that were identified as false by the purported issuing prescribers.

Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct in the practice of pharmacy and/or guilty of willfully violating a rule adopted by the Board under Chapter 4729. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(11) You did, [redacted]

(12) You did, from March 12, 2007 to July 1, 2007, sell dangerous drugs when the conduct was not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: without a prescription and without a legitimate medical purpose you sold to patient #2 a total of 720 doses of tramadol 50 mg. Such conduct is in violation of Section 4729.51(C)(1) of the Ohio Revised Code and if proven constitutes being guilty 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.

(13) You did, from January 5, 2006 to November 30, 2006, fail to review the patient profile of patient #3 in order to conduct prospective drug utilization review, to wit: you failed to review the patient profile for over-utilization, incorrect dosage and duration of drug treatment, and misuse prior to dispensing the following prescriptions (your dispensings are in bold print):

RX #	Filled	Drug	Strength	Qty.	R.Ph.
***355343**	**01/05/06**	**hydrocodone/APAP**	**7.5/750mg**	**120**	**BAT**
***355343**	**01/19/06**	**hydrocodone/APAP**	**7.5/750mg**	**120**	**BAT**
358642	02/06/06	hydrocodone/APAP	5/500mg	30	BAT
362184	03/09/06	hydrocodone/APAP	7.5/750mg	120	RAR
362184	**03/25/06**	**hydrocodone/APAP**	**7.5/750mg**	**120**	**BAT**
367310	04/25/06	hydrocodone/APAP	5/500mg	60	RAR
368891	**05/11/06**	**hydrocodone/APAP**	**7.5/750mg**	**140**	**BAT**
368891	05/22/06	hydrocodone/APAP	7.5/750mg	140	RAR
*370896	06/01/06	hydrocodone/APAP	7.5/750mg	140	RAR
373948	07/05/06	hydrocodone/APAP	5/500mg	90	JLB
380659	09/11/06	hydrocodone/APAP	7.5/750mg	20	RAR
381768	09/20/06	hydrocodone/APAP	5/500mg	20	RAR
382882	10/02/06	hydrocodone/APAP	5/500mg	120	BAT
****386113**	**10/30/06**	**hydrocodone/APAP**	**7.5/750mg**	**180**	**BAT**
****387838**	**11/13/06**	**hydrocodone/APAP**	**7.5/750mg**	**180**	**BAT**
**387838	11/19/06	hydrocodone/APAP	7.5/750mg	180	RAR
**386113	11/26/06	hydrocodone/APAP	7.5/750mg	180	RAR
****389736**	**11/30/06**	**hydrocodone/APAP**	**10/660mg**	**180**	**BAT**

* Indicates day supplies that had been changed from what the prescriber requested.
** Indicates Rx's (and their refills) that were identified as false by the purported issuing prescribers.

Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct in the practice of pharmacy and/or guilty of willfully violating a rule adopted by the Board under Chapter 4729. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(14) You did, from March 15, 2006 to April 16, 2007, fail to review the patient profile of patient #3 in order to conduct prospective drug utilization review, to wit: you failed to review the patient profile for over-utilization, incorrect dosage and duration of drug treatment, and misuse prior to dispensing the following prescriptions (your dispensings are in bold print):

RX #	Filled	Drug	Strength	Qty.	R.Ph.
***362200**	**03/15/06**	**tramadol**	**50mg**	**120**	**BAT**
***362200**	**03/25/06**	**tramadol**	**50mg**	**120**	**BAT**
***362200**	**04/07/06**	**tramadol**	**50mg**	**120**	**BAT**
366538	04/18/06	Ultram ER	100mg	30	WBF
*362200	04/21/06	tramadol	50mg	120	RAR
***362200**	**05/01/06**	**tramadol**	**50mg**	**120**	**BAT**
369370	**05/11/06**	**Ultram ER**	**100mg**	**60**	**BAT**
*362200	05/17/06	tramadol	50mg	120	RAR
370579	**05/29/06**	**Ultram ER**	**100mg**	**60**	**BAT**
373404	06/24/06	Ultram ER	100mg	60	RDH
373431	**06/29/06**	**tramadol**	**50mg**	**16**	**BAT**
373805	07/03/06	tramadol	50mg	33	RAR

373404	**07/16/06**	**Ultram ER**	**100mg**	**60**	**BAT**
376327	**07/28/06**	**tramadol**	**50mg**	**40**	**BAT**
396418	08/01/06	tramadol	50mg	50	HLP
377080	08/07/06	tramadol	50mg	50	BAT
377873	08/14/06	tramadol	50mg	50	RAR
377873	08/18/06	tramadol	50mg	50	RAR
378756	**08/22/06**	**tramadol**	**50mg**	**50**	**BAT**
378756	**08/25/06**	**tramadol**	**50mg**	**50**	**BAT**
380555	**09/09/06**	**tramadol**	**50mg**	**50**	**BAT**
381448	09/18/06	tramadol	50mg	50	BAT
382257	09/26/06	tramadol	50mg	50	RAR
383103	10/03/06	tramadol	50mg	50	BAT
383103	10/08/06	tramadol	50mg	50	BAT
384425	10/16/06	tramadol	50mg	50	BAT
385536	10/24/06	tramadol	50mg	60	RAR
387374	11/09/06	tramadol	50mg	60	BAT
391229	**12/13/06**	**tramadol**	**50mg**	**30**	**BAT**
392331	12/22/06	tramadol	50mg	60	RAR
392331	**01/03/07**	**tramadol**	**50mg**	**60**	**BAT**
394306	01/10/07	tramadol	50mg	120	RAR
394306	01/24/07	tramadol	50mg	120	RAR
398856	02/20/07	tramadol	50mg	20	BAT
399565	02/27/07	Ultram ER	200mg	10	RAR
401138	03/12/07	Ultram ER	200mg	10	RAR
403597	03/30/07	Ultram ER	200mg	15	BAT
403597	**04/11/07**	**Ultram ER**	**200mg**	**15**	**BAT**
405272	**04/16/07**	**Ultram ER**	**200mg**	**15**	**BAT**

* Indicates day supplies that had been changed from what the prescriber requested.

Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct in the practice of pharmacy and/or guilty of willfully violating a rule adopted by the Board under Chapter 4729. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(15) You did, [redacted]

(16) You did, [redacted]

(17) You did, from March 15, 2006 to September 26, 2006, sell dangerous drugs when the conduct was not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: without a prescription and without a legitimate medical purpose, you sold to patient #3 a total of 876 doses of tramadol 50 mg. Such conduct is in violation of Section 4729.51(C)(1) of the Ohio Revised Code and if proven constitutes being guilty 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

(18) You did, from May 11, 2006 to July 16, 2006, sell dangerous drugs when the conduct was not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: without a prescription and without a legitimate medical purpose, you sold to patient #3 a total of 180 doses of Ultram ER 100 mg. Such conduct is in violation of Section 4729.51(C)(1) of the Ohio Revised Code and if proven constitutes being guilty 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

(19) You did, from April 11, 2007 to April 16, 2007, sell dangerous drugs when the conduct was not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: without a prescription and without a legitimate medical purpose, you sold to patient #3 a total of 30 doses of Ultram ER 200 mg. Such conduct is in violation of Section 4729.51(C)(1) of the Ohio Revised Code and if proven constitutes being guilty 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

(20) You did, from January 18, 2006 to May 31, 2008, fail to review the patient profile patient #4 in order to conduct prospective drug utilization review, to wit: you failed to review the patient profile for over-utilization, incorrect dosage and duration of drug treatment, and misuse prior to dispensing the following prescriptions (your dispensings are in bold print):

RX #	Filled	Drug	Strength	Qty.	R.Ph.
354592	12/29/05	diazepam	10mg	60	RAR
354592	**01/18/06**	**diazepam**	**10mg**	**60**	**BAT**
359426	02/13/06	diazepam	10mg	60	RAR
359426	**03/07/06**	**diazepam**	**10mg**	**60**	**BAT**
359426	03/22/06	diazepam	10mg	60	RAR

365502	**04/07/06**	**diazepam**	**10mg**	**60**	**BAT**
365717	04/10/06	diazepam	5mg	20	RAR
*365502	04/25/06	diazepam	10mg	60	RAR
369885	05/22/06	diazepam	10mg	60	RAR
369885	**06/08/06**	**diazepam**	**10mg**	**60**	**BAT**
369885	**06/22/06**	**diazepam**	**10mg**	**60**	**BAT**
369885	07/06/06	diazepam	10mg	60	KMM
369885	**07/21/06**	**diazepam**	**10mg**	**60**	**BAT**
369885	**08/03/06**	**diazepam**	**10mg**	**60**	**BAT**
378945	08/24/06	diazepam	5mg	20	RAR
380262	09/07/06	diazepam	10mg	60	RAR
380262	**09/22/06**	**diazepam**	**10mg**	**60**	**BAT**
380262	10/05/06	diazepam	10mg	60	RAR
380262	10/24/06	diazepam	10mg	60	RAR
380262	**11/09/06**	**diazepam**	**10mg**	**60**	**BAT**
380262	**11/28/06**	**diazepam**	**10mg**	**60**	**BAT**
391647	12/18/06	diazepam	10mg	60	RAR
391647	**01/03/07**	**diazepam**	**10mg**	**60**	**BAT**
391647	**01/18/07**	**diazepam**	**10mg**	**60**	**BAT**
391647	02/03/07	diazepam	10mg	60	RAR
391647	**02/24/07**	**diazepam**	**10mg**	**60**	**BAT**
391647	**03/15/07**	**diazepam**	**10mg**	**60**	**BAT**
403203	**03/29/07**	**diazepam**	**5mg**	**20**	**BAT**
*404097	04/05/07	diazepam	10mg	60	RAR
404097	04/24/07	diazepam	10mg	60	RAR
404097	05/08/07	diazepam	10mg	60	RAR
404097	**05/18/07**	**diazepam**	**10mg**	**60**	**BAT**
404097	**05/29/07**	**diazepam**	**10mg**	**60**	**BAT**
404097	06/14/07	diazepam	10mg	60	RAR
413252	06/28/07	diazepam	10mg	60	RAR
413252	**07/09/07**	**diazepam**	**10mg**	**60**	**BAT**
413252	07/21/07	diazepam	10mg	60	RAR
413252	**08/02/07**	**diazepam**	**10mg**	**60**	**BAT**
417914	08/13/07	diazepam	10mg	90	RAR
420801	09/06/07	diazepam	10mg	90	RAR
423414	09/28/07	diazepam	10mg	90	RAR
426171	10/22/07	diazepam	10mg	60	RAR
426171	**11/03/07**	**diazepam**	**10mg**	**60**	**BAT**
430511	11/29/07	diazepam	5mg	60	RAR
432879	12/18/07	diazepam	10mg	60	RAR
430511	12/31/07	diazepam	5mg	60	RAR
432879	**01/16/08**	**diazepam**	**10mg**	**60**	**BAT**
438668	**02/04/08**	**diazepam**	**5mg**	**45**	**BAT**
442618	**03/03/08**	**diazepam**	**5mg**	**45**	**BAT**
444805	03/20/08	diazepam	5mg	20	RAR
**445993	03/29/08	diazepam	5mg	10	RAR
446789	**04/04/08**	**diazepam**	**5mg**	**20**	**BAT**
458607	04/07/08	diazepam	10mg	90	FWG
451251	05/12/08	diazepam	10mg	60	BAT
451251	**05/31/08**	**diazepam**	**10mg**	**60**	**BAT**

* Indicates overlapping therapy between two prescribers.
** Indicates an "emergency supply" given, but not documented on patient profile.

Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct in the practice of pharmacy and/or guilty of willfully violating a rule adopted by the Board under Chapter 4729. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(21) You did, [redacted]

(22) You did, [redacted]

(23) You did, from March 10, 2006 to April 9, 2008, fail to review the patient profile in order to conduct prospective drug utilization review, to wit: you failed to review the patient profile for over-utilization, incorrect dosage and duration of drug treatment, and misuse prior to dispensing the following prescriptions (your dispensings are in bold):

RX #	Filled	Drug	Strength	Qty.	R.Ph.
359740	02/15/06	alprazolam	.5mg	60	BAT
359740	**03/10/06**	**alprazolam**	**.5mg**	**60**	**BAT**
359740	**04/04/06**	**alprazolam**	**.5mg**	**60**	**BAT**
****360793**	**04/27/06**	**alprazolam**	**.5mg**	**60**	**BAT**
****360793**	**05/20/06**	**alprazolam**	**.5mg**	**60**	**BAT**
***371424**	**06/07/06**	**alprazolam**	**.5mg**	**90**	**BAT**
373778	07/03/06	alprazolam	.5mg	90	RAR
373778	07/27/06	alprazolam	.5mg	90	RAR
373778	08/24/06	alprazolam	.5mg	90	RAR
***381118**	**09/14/06**	**alprazolam**	**1mg**	**60**	**BAT**
373778	09/15/06	alprazolam	.5mg	90	RAR
381118	10/07/06	alprazolam	1mg	60	RAR
381118	10/29/06	alprazolam	1mg	60	RAR

388378	11/17/06	alprazolam	1mg	90	RFS
391539	12/16/06	alprazolam	1mg	60	BAT
393650	01/05/07	alprazolam	1mg	6	RAR
391539	01/07/07	alprazolam	1mg	60	RAR
***396899**	**02/01/07**	**alprazolam**	**.5mg**	**60**	**BAT**
397702	02/08/07	alprazolam	1mg	60	RAR
*396899	03/02/07	alprazolam	.5mg	60	RAR
***397702**	**03/15/07**	**alprazolam**	**1mg**	**60**	**BAT**
397702	04/09/07	alprazolam	1mg	60	RAR
****407355**	**05/02/07**	**alprazolam**	**1mg**	**60**	**BAT**
****407355**	**05/28/07**	**alprazolam**	**1mg**	**60**	**BAT**
****407355**	**06/25/07**	**alprazolam**	**1mg**	**60**	**BAT**
413780	07/18/07	alprazolam	1mg	60	SJH
413780	08/11/07	alprazolam	1mg	60	WBF
413780	09/05/07	alprazolam	1mg	60	RAR
**423022	09/28/07	alprazolam	1mg	60	RAR
****423022**	**10/21/07**	**alprazolam**	**1mg**	**60**	**BAT**
**423022	11/15/07	alprazolam	1mg	60	RAR
423026	12/08/07	alprazolam	1mg	60	RAR
423026	12/31/07	alprazolam	1mg	60	RAR
423026	**01/25/08**	**alprazolam**	**1mg**	**60**	**BAT**
440157	**02/18/08**	**alprazolam**	**1mg**	**60**	**BAT**
429282	**03/13/08**	**alprazolam**	**1mg**	**60**	**BAT**
429282	**04/09/08**	**alprazolam**	**1mg**	**60**	**BAT**

* Indicates overlapping dispensing between multiple prescribers.
** Indicates Rx's (and their refills) that were identified as false by the purported issuing prescribers.

Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct in the practice of pharmacy and/or guilty of willfully violating a rule adopted by the Board under Chapter 4729. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(24) You did, [redacted]

(25) You did, [redacted]

YOU ARE HEREBY ADVISED that Section 4729.16 of the Ohio Revised Code states in pertinent part that:

(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, 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 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 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;

(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.

AS PREVIOUSLY NOTED IN THE SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY letter dated April 16, 2009, and with regard to your adjudication hearing scheduled for Tuesday, December 8, 2009 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.

If you wish to request a continuance in this matter, such request should be sent by certified mail, return receipt requested, to the offices of the Ohio State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. However, you must submit such request prior to forty-five (45) days from the date of the scheduled hearing on Tuesday, December 8, 2009. The request will be presented to the Board for consideration and you will be notified as soon as practical regarding the request. If you have any questions regarding this matter, feel free to contact the Board office.

BY ORDER OF THE STATE BOARD OF PHARMACY

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

WTW:vf (D090416-131)

CERTIFIED MAIL/Return Receipt
7004 2510 0001 7345 1723

c: Tracy Marie Greuel, Assistant Attorney General
Daniel D. Connor, Attorney for Respondent; Connor, Evans & Hafenstein, LLP; Brewery District; 501 South High Street; Columbus, Ohio 43215

OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

TEL: **614/466-4143** *E-MAIL:* **exec@bop.state.oh.us** *FAX:* **614/752-4836**
TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750 *URL:* http://www.pharmacy.ohio.gov

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

April 16, 2009

STATE'S EXHIBIT
1

Bruce Alan Thomas, R.Ph.
818 Hillview Avenue
Minerva, Ohio 44657

Re: Ohio Registered Pharmacist
License No. 03-3-14551

Dear Mr. Thomas:

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 2929.24 of the Ohio Revised Code, the office of the Prosecuting Attorney of Stark County, Ohio, has submitted to this Board information which indicates that on February 20, 2009, you pled guilty in the Common Pleas Court of Stark County, Ohio, to a felony drug abuse offense under Section 2913.02 of the Ohio Revised Code. State of Ohio vs. Bruce Alan Thomas, Case No. 2008CR1912, Stark County Common Pleas Court. Additionally, you were found guilty and sentenced to felony drug abuse offenses March 25, 2009.

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

> (C) On receiving notification pursuant to Section 2929.24 or 3719.12 of the Revised Code, the Board under which a person has been issued a license, . . . immediately shall suspend the license, . . . of that person on a plea of guilty to, a finding by a jury or court of the person's guilt of, or conviction 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 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 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.

Additionally, you are hereby notified that you have the right to a hearing on the following allegations:

(1) Records of the State Board of Pharmacy indicate that you were originally licensed in the State of Ohio on March 23, 1982, 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 on May 5, 1993.

(2) [redacted]

(3) You did, [redacted]

(4) You did, [redacted]

(5) You did, [redacted]

(6) You did, [redacted]

[redacted]

(7) You did, [redacted]

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 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 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

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

WTW:lp (D-090416-131)

CERTIFIED MAIL / Return Receipt
7004 2510 0001 7344 9683

cc: Tracy Marie Greuel, Assistant Attorney General