



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-970909-005)

In The Matter Of:

**JOSEPH CLAIRE SALMEN, R.Ph.**

5150 Lower Elkton Road

Leetonia, Ohio 44431

(R.Ph. No. 03-3-14577)

### INTRODUCTION

THE MATTER OF JOSEPH CLAIRE SALMEN CAME TO HEARING ON OCTOBER 7, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: AMONTE B. LITTLEJOHN, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; JOSEPH J. MASLAK, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JOSEPH CLAIRE SALMEN WAS REPRESENTED BY THOMAS W. HESS, 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) Joseph Claire Salmen, Respondent  
(2) Carol Noble, R.Ph., Pharmacists Rehabilitation Organization, Inc.  
(3) Sherry Salmen, Respondent's Spouse

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of six-page Order of the State Board of Pharmacy, Docket No. D-950629-069, in the matter of Joseph Claire Salmen dated April 29, 1996.  
(2) Exhibit 1A--Hearing Request letter dated September 3, 1997; and copy of two-page Judgment Entry in the Mahoning County Common Pleas Court, Case No. 95 CR 726, of Joseph P. Salmen (sic) dated August 14, 1997.

- (3) Exhibit 1B--Hearing Schedule letter dated September 9, 1997.

Respondent's Exhibits:

- (1) Exhibit A--Copy of page one of Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Joseph C. Salmen dated September 18, 1995.
- (2) Exhibit B--Copy of urine drug screen chain of custody request of Joseph Salmen dated October 10, 1995; copy of urine drug screen chain of custody request of Joseph Salmen dated September 19, 1995; copy of urine drug screen report of Joseph Salmen dated October 12, 1995; copy of urine drug screen report of Joseph Salmen dated September 22, 1995; and copy of urine drug screen report of Joseph Salmen dated May 28, 1995.
- (3) Exhibit C--Copy of letter from Marilyn Lane dated March 31, 1995.
- (4) Exhibit D--Copy of five Self-Help Meeting attendance verification sheets of Joe Salmen dated from March 30, 1995, to October 12, 1995.
- (5) Exhibit E--Copy of letter from Robert G. Wilson, not dated.
- (6) Exhibit F--Copy of letter from Wellington W. Hager dated February 5, 1996.
- (7) Exhibit G--Copy of two-page letter from Joseph C. Salmen dated January 10, 1996.
- (8) Exhibit H--Copy of two-page Judgment Entry in the Mahoning County Court of Common Pleas, Case No. 95 CV 726, of Joseph Claire Salmen dated January 11, 1996.
- (9) Exhibit I--Copy of letter from Chris Sotter dated December 28, 1995; copy of five-page Treatment in Lieu of Conviction of Joseph C. Salmen, Case No. 95 CR 726, submitted by Chris Sotter and approved by Richard J. Billak, report dated December 15, 1995.
- (10) Exhibit J--Copy of referral to the Ohio Adult Parole Authority for Presentence Investigation of Joseph Claire Salmen by Hon. Maureen A. Cronin dated January 11, 1996; Grievance Procedures and Guide to Special Conditions of Supervision, Ohio Adult Parole Authority, for Joseph C. Salmen dated January 12, 1996.
- (11) Exhibit K--Copy of four chain of custody requests of Joseph Salmen dated February 13, 1996; January 30, 1996; December 21, 1995; and November 30, 1995; and copies of four urine drug screen reports of Joseph Salmen dated February 16, 1996; February 6, 1996; December 22, 1995; and December 4, 1995.
- (12) Exhibit L--Copy of three pages of Self-Help Meeting attendance verification sheets of Joe Salmen dated from October 16, 1995, through February 29, 1996.
- (13) Exhibit M--Copy of letter from Carol M. Noble dated February 18, 1996.
- (14) Exhibit N--Copy of list of five names and telephone numbers.
- (15) Exhibit O--Copy of two-page Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Joseph C. Salmen dated May 20, 1996.
- (16) Exhibit P--Six chain of custody requests of Joseph Salmen dated August 20, 1997; May 29, 1997; February 11, 1997; December 4, 1996; August 19, 1996; and May 31, 1996; one copy of chain of custody request of Joseph Salmen dated March 5, 1996; and copies of seven urine drug screen reports of Joseph Salmen dated August 24, 1997; June 3, 1997; February 14, 1997; December 3, 1996; August 21, 1996; June 4, 1996; and March 13, 1996.
- (17) Exhibit Q--Twelve AA/NA meeting attendance verification sheets of Joseph Salmen dated from March 4, 1996, through September 25, 1997.
- (18) Exhibit R--Copies of three Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheets of Client Case No. 102 for the periods of January 1, 1997, to March 31, 1997; October 1, 1996, to December 31, 1996; and July 1, 1996, to September 30, 1996; and copies of three Pharmacists Rehabilitation Organization, Inc. Client Monitoring Sheets of Client Case No. 102 dated for the weeks of January

4, 1997, through April 1, 1997; September 28, 1996, through December 28, 1996; and June 29, 1996, through September 28, 1996.

- (19) Exhibit S--Letter from Joseph Salmen, not dated; letter from Joseph C. Salmen dated June 30, 1997; letter from Joseph Salmen dated April 1, 1997; letter from Joseph C. Salmen, not dated; two-page letter from Joseph C. Salmen, not dated; letter from Joseph C. Salmen dated December 26, 1996; and letter from Joseph Salmen, not dated.
- (20) Exhibit T--Copy of two-page Judgment Entry in the Mahoning County Common Pleas Court, Case No. 95 CR 726, of Joseph P. Salmen (sic) dated August 14, 1997.
- (21) Exhibit U--Copy of two-page Neil Kennedy Recovery Clinic Discharge Summary of Joseph Salmen discharged on March 25, 1995; copy of two-page Discharge From Aftercare of Joseph Salmen discharged on June 21, 1995; and copy of four-page Neil Kennedy Recovery Clinic Initial Assessment of Joseph Salmen dated February 21, 1995.
- (22) Exhibit V--Thirteen pages of copies of thirty-two continuing education certificates of Joseph C. Salmen dated from October 24, 1995, through April 23, 1997.
- (23) Exhibit W--Letter from David M. Boyer, not signed, dated September 22, 1997; letter from J. Wilson Peake dated September 22, 1997; and letter from Barbara J. Peake dated September 20, 1997.

#### 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) Joseph Claire Salmen is in compliance with the Order of the Board, Docket No. D-950629-069, dated April 29, 1996.

#### ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card of Joseph Claire Salmen 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) Joseph Claire Salmen must enter into a new contract, after the effective date of this Order, with a treatment provider acceptable to the Board, for a period of not less than five years and submit a copy of the signed contract to the Board office with the renewal application. The contract must provide that:
  - (1) random, **observed** urine screens shall be conducted at least once every three months. The urine drug screens must report testing for 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) Joseph Claire Salmen 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) 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 Joseph Claire Salmen is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.

(2) Joseph Claire Salmen may not serve as a responsible pharmacist.

(3) Joseph Claire Salmen may not destroy, assist in, or witness the destruction of controlled substances.

(4) Joseph Claire Salmen must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.

(5) Joseph Claire Salmen must not violate the drug laws of the state of Ohio, any other state, or the federal government.

(6) Joseph Claire Salmen must abide by the rules of the Ohio State Board of Pharmacy.

(7) Joseph Claire Salmen must comply with the terms of this Order.

Joseph Claire Salmen 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.



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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-950629-069)

In The Matter Of:

**JOSEPH CLAIRE SALMEN, R.Ph.**

5150 Lower Elkton Road

Leetonia, Ohio 44431

(R.Ph. No. 03-3-14577)

### INTRODUCTION

THE MATTER OF JOSEPH CLAIRE SALMEN CAME TO HEARING ON MARCH 6, 1996, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: PAUL F. LAMPING, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JOSEPH CLAIRE SALMEN WAS REPRESENTED BY C. BRUCE WILLIAMS, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) George Pavlich, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Joseph Claire Salmen, Respondent
- (2) Sherry Salmen, Respondent's Wife

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Summary Suspension Order/Notice of Opportunity letter dated June 29, 1995.
- (2) Exhibit 1A--Hearing Request letter dated July 6, 1995.
- (3) Exhibit 1B--Hearing Schedule letter dated July 11, 1995.
- (4) Exhibit 1C--Pharmacist File Front Sheet of Joseph Claire Salmen showing original date of registration as April 26, 1982.

- (5) Exhibit 1D--Renewal Application for Pharmacist License, No. 03-3-14577, of Joseph Claire Salmen for a license to practice pharmacy in Ohio from September 15, 1995, to September 15, 1996, dated June 6, 1995.
- (6) Exhibit 1E--Hearing Schedule letter dated November 8, 1995.
- (7) Exhibit 2--Dangerous Drug Distributor Inspection Report of Columbiana Emergency Medical Services, Terminal Distributor License No. 02-321950, dated February 19, 1995.
- (8) Exhibit 3--Columbiana E.M.S. report, Trip No. 95-067, of Joseph Salmen dated February 17, 1995.
- (9) Exhibit 4--Three-page handwritten statement of Tim Bruner signed and notarized on February 19, 1995.
- (10) Exhibit 5--Accountability Statement of Rite Aid #3181 for Lorcet 10/650 dated May 3, 1995.
- (11) Exhibit 6--Accountability Statement of Rite Aid #3181 for Lortab 7.5/500 dated May 3, 1995.
- (12) Exhibit 7--Accountability Statement of Rite Aid #3181 for Darvocet N-100 and Propoxyphene Napsylate/APAP 650 dated May 3, 1995.
- (13) Exhibit 8--Accountability Statement of Rite Aid #3181 for Vicodin ES and Hydrocodone Bitartrate ES 7.5mg dated May 3, 1995.
- (14) Exhibit 9--Accountability Statement of Rite Aid #3181 for Vicodin and Hydrocodone Bitartrate 5mg dated May 3, 1995.
- (15) Exhibit 10--Accountability Statement of Rite Aid #3181 for Percocet and Oxycodone w/APAP, brand and generic, dated May 3, 1995.
- (16) Exhibit 11--Accountability Statement of Rite Aid #3181 for Valium and Diazepam 10mg dated May 3, 1995.
- (17) Exhibit 12--Accountability Statement of Rite Aid #3181 for Valium and Diazepam 5mg dated May 3, 1995.
- (18) Exhibit 13--Accountability Statement of Rite Aid #3181 for Ativan and Lorazepam 2mg dated May 3, 1995.
- (19) Exhibit 14--Accountability Statement of Rite Aid #3181 for Ativan and Lorazepam 1mg dated May 3, 1995.
- (20) Exhibit 15--Secret Indictment for Theft in the Mahoning County Common Pleas Court of Joseph Claire Salmen dated September 22, 1995.
- (21) Exhibit 16--Copy of Beaver Police Department Arrest Report of Joseph Claire Salmen dated September 29, 1995.

Respondent's Exhibits:

- (1) Exhibit A--Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Joseph C. Salmen dated September 18, 1995.
- (2) Exhibit B--Urine drug screen chain of custody request dated September 19, 1995; copy of urine drug screen report of Joseph Salmen dated May 28, 1995; and urine drug screen chain of custody request dated October 10, 1995.
- (3) Exhibit C--Copy of letter from Marilyn Lane dated March 31, 1995.
- (4) Exhibit D--Five Self-Help Meeting attendance verification sheets of Joe Salmen dated from March 30, 1995, to October 12, 1995.
- (5) Exhibit E--Letter from Robert G. Wilson, not dated.
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- (7) Exhibit G--Two-page copy of letter from Joseph C. Salmen dated January 10, 1996.
- (8) Exhibit H--Two-page copy of Judgment Entry in the Mahoning County Court of Common Pleas, Case No. 95 CR 726, of Joseph Claire Salmen dated January 11, 1996.
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- (10) Exhibit J--Copy of referral to the Ohio Adult Parole Authority for Presentence Investigation of Joseph Claire Salmen by Hon. Maureen A. Cronin dated January 11, 1996; Grievance Procedures, Ohio Adult Parole Authority Probation Development and Parole Supervision of Joseph C. Salmen dated January 12, 1996; and Guide to Special Conditions of Supervision, Ohio Adult Parole Authority, of Joseph C. Salmen dated January 12, 1996.
- (11) Exhibit K--Five chain of custody requests of Joseph Salmen dated November 30, 1995; December 21, 1995; January 30, 1996; February 13, 1996; and March 5, 1996.
- (12) Exhibit L--Three pages of Self-Help Meeting attendance verification sheets of Joe Salmen dated from October 16, 1995, through February 29, 1996.
- (13) Exhibit M--Letter from Carol M. Noble dated February 18, 1996.
- (14) Exhibit N--List of five names and telephone numbers.

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 Joseph Claire Salmen was originally licensed to practice pharmacy in the state of Ohio on April 26, 1982; and, on June 29, 1995, Joseph Claire Salmen's license was suspended in accordance with Sections 3719.121(A) and 3719.121(B) of the Ohio Revised Code.
- (2) Joseph Claire Salmen is addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Joseph Claire Salmen has stolen drugs from the pharmacy where he was employed; Joseph Claire Salmen admitted to an agent of the Board of Pharmacy that he is addicted to drugs and that he has stolen drugs from his employer; and, on February 19, 1995, Joseph Claire Salmen was hospitalized due to an overdose of drugs. Such conduct indicates that Joseph Claire Salmen falls within the ambit of Section 4729.16(A)(3) of the Ohio Revised Code.
- (3) Joseph Claire Salmen did, from on or about May 1, 1993, through February 21, 1995, with the purpose to deprive, knowingly obtain dangerous drugs beyond the scope or consent of the owner, Rite Aid Pharmacy #3181, 110 W. County Line Road, Columbiana, Ohio 44408, to wit: Joseph Claire Salmen stole the following drugs in the following amounts from his employer, Rite Aid Pharmacy #3181:

<u>Drug</u>	<u>Quantity</u>	<u>% of Drug Supply</u>
Lorcet 10/65	208	26%
Lortab 7.5mg	496	41%
Hydrocodone Bitartrate 7.5mg/APAP 750mg	1129	8%
Hydrocodone Bitartate 5mg/APAP 500mg	4223	28%
Oxycodone 5mg/APAP 325mg	138	2%
Diazepam 10mg	276	14%
Diazepam 5mg	812	11%
Lorazepam 2mg	507	30%
Lorazepam 1mg	241	2%

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

## CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being 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.

## 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 June 29, 1995.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Joseph Claire Salmen:

- (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. 03-3-14577, held by Joseph Claire Salmen 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, Joseph Claire Salmen 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) After September, 1997, the Board will consider any petition filed by Joseph Claire Salmen 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) Joseph Claire Salmen must enter into a new contract, after 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 urinal drug screens must include testing for benzodiazapines, hydrocodone, propoxyphene, and barbiturates. Further, the tests must report testing for creatinine or specific gravity of the sample as the dilutional standard;
    - (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 program shall immediately report to the Board of Pharmacy any positive urine screens and/or other violations of the contract.

- (2) Joseph Claire Salmen must provide, at the time of petitioning the Board for reinstatement, written documentation from his treatment provider regarding compliance with the program pursuant to the contract including all urine drug screen reports.

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.

SO ORDERED.