
OHIO STATE BOARD OF PHARMACY JOURNAL

THE STATE BOARD OF PHARMACY
(Docket No. D-890524-124)

In The Matter Of:

DON ALAN BARON, R.Ph.
10236 Boca Estrada Blvd.
Boca Raton, Florida 33428
(R.Ph. No. 03-3-15522)

THE MATTER OF DON ALAN BARON CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON OCTOBER 25, 1989 AS A RESULT OF THE REPORT AND RECOMMENDATION SUBMITTED TO THE BOARD BY HEARING OFFICER AND BOARD MEMBER GERALD CLOUSE. FOLLOWING CONSIDERATION OF THE REPORT AND RECOMMENDATION, THE TRANSCRIPT OF THE HEARING, AND EVIDENCE ADDUCED AT THE HEARING, MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

State's Exhibits

- (1) Exhibit A - Notice of Opportunity letter dated May 24, 1989.
- (2) Exhibit B - Hearing Schedule letter dated July 19, 1989.
- (3) Exhibit 1 - Don A. Baron's Pharmacist Front Sheet and Renewal Applications for Don Alan Baron for 1985 through 1988.
- (4) Exhibit 2 - Letter from Florida Department of Professional Regulation dated February 22, 1989; Order for Don Alan Baron dated December 1, 1988; Stipulation of Facts dated October 20, 1988; and Administrative Complaint dated November 16, 1987.

Respondent's Exhibits

- (1) Exhibit 1 - Letter From Don Alan Baron dated May 30, 1989; letter from Anton M. Krone, M.D., P.A. dated September 15, 1988; letter from Mississippi State Medical Association Impaired Professionals Program dated December 5, 1987; letter from Karen T. Peterson C.L.P. of Largo, Florida; Minutes from the meeting of the Recovering Pharmacist Network Committee Meeting dated April 17, 1989 and signed by James B. Powers; letter from Roger A. Goetz, M.D., Director of the Physicians Recovery Network dated June 7, 1989; letter from Dan Di Lello, R.Ph. dated June 1, 1989.

Findings Of Fact

The State Board of Pharmacy hereby agrees with and adopts the Findings Of Fact set forth in the Report and Recommendation of Hearing Officer and Board Member Gerald Clouse, as follows:

OHIO STATE BOARD OF PHARMACY JOURNAL

- (1) The State Board of Pharmacy finds that on May 24, 1989, Don Alan Baron was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.
- (2) The State Board of Pharmacy finds that, as demonstrated by return receipt of May 27, 1989, Don Alan Baron received the letter of May 24, 1989 informing him of the allegations regarding disciplinary action taken by the Florida Board of Pharmacy, and his rights.
- (3) The State Board of Pharmacy finds that Don Alan Baron submitted a letter, received June 26, 1989, setting forth his position and contentions in writing, and has not requested a hearing in this matter.
- (4) The State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Don Alan Baron has been licensed as a pharmacist in the state of Ohio since September 25, 1984, and has also been licensed to practice pharmacy in the state of Florida.
- (5) The State Board of Pharmacy finds that Don Alan Baron's license to practice pharmacy in the state of Florida was, on or about December 1, 1988, suspended for a period of two years pursuant to disciplinary action taken by the State of Florida Department of Professional Regulation Board of Pharmacy, to wit: Don Alan Baron was disciplined due to: Count One: abuse of cocaine metabolites, meprobamate, and benzodiazepines; Count Two: violation of a July 23, 1987 Board of Pharmacy order that he remain "drug free"; and Count Three: failing to keep accurate records of controlled substances when audits showed shortages of controlled substances Percocet, Percodan, Tylenol #3, and Ritalin 5mg. Such is alleged in and evidenced by Florida case number 0086746.

Conclusions Of Law

The State Board of Pharmacy hereby agrees with and adopts the Conclusions Of Law set forth in the Report and Recommendation of Hearing Officer and Board Member Gerald Clouse, as follows:

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraph (5) of the Findings Of Fact constitutes being guilty of a felony or gross immorality.
- (2) The State Board of Pharmacy concludes that the conduct set forth in paragraph (5) of the Findings Of Fact constitutes dishonesty or unprofessional conduct in the practice of pharmacy.
- (3) The State Board of Pharmacy concludes that the conduct set forth in paragraph (5) of the Findings Of Fact constitutes willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Ohio Revised Code.

OHIO STATE BOARD OF PHARMACY JOURNAL

Action Of The Board

The State Board of Pharmacy hereby agrees with and adopts the recommendation for action set forth in the Report and Recommendation of Hearing Officer and Board Member Gerald Clouse. Therefore, pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy suspends the Ohio pharmacist identification card, number 03-3-15522, held by Don Alan Baron, until December 31, 1993 or until Florida reinstates his license with full privileges.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is ..., suspended, ..., shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

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

MOTION CARRIED.

SO ORDERED.