
OHIO STATE BOARD OF PHARMACY

THE STATE BOARD OF PHARMACY
(Docket No. D-881005-011)

In The Matter Of:

JAY W. BILLINGS, R.Ph.
1911 Western Avenue, Apt. 12-A
Chillicothe, Ohio 45601

INTRODUCTION

THE MATTER OF JAY W. BILLINGS CAME TO HEARING ON JANUARY 25, 1989 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JEROME WIESENHAHN, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

JAY W. BILLINGS WAS REPRESENTED BY ALAN S. KONOP, AND THE STATE OF OHIO WAS REPRESENTED BY CHRISTOPHER COSTANTINI, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) William S. Bonser, R.Ph.
- (2) Detective Ronald Koester - Oregon Police Department
- (3) Dale Fritz - Board of Pharmacy

Respondent's Witnesses:

- (1) Harry S. Seurkamp
- (2) Dave Boyer
- (3) Dorothy Billings
- (4) Dr. Thomas Billings
- (5) Jay W. Billings - Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated October 5, 1988.
- (2) Exhibit B - Request for Hearing letter dated October 20, 1988
- (3) Exhibit C - Hearing Schedule letter dated October 23, 1988.
- (4) Exhibit D - Request for Continuance letter dated December 6, 1988.
- (5) Exhibit E - Hearing Schedule letter dated December 15, 1988.

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- (9) Exhibit 2e - Practical Experience Affidavit for hours from January 4, 1986 through July 26, 1986.
- (10) Exhibit 2f - Practical Experience Affidavit for hours from August 23, 1986 through December 27, 1986.
- (11) Exhibit 2g - Practical Experience Affidavit for hours from January 3, 1987 through March 7, 1987.
- (12) Exhibit 3 - Journal entry from Harding County Court on Stephen B. Weeks, Case No. 5735 (87CRB3-11).

Respondent's Exhibits:

(None)

FINDING OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Stephen B. Weeks has not satisfactorily completed at least the minimum requirements for pharmacy internship as required by Section 4729.08 of the Ohio Revised Code, and in accordance with Rules 4729-3-01 of the Ohio Administrative Code which states in pertinent part:
 - (H) "Practical experience affidavit" is the form which must be used to submit practical experience for internship credit.
 - (3) Practical experience affidavits for a calendar year may be filed at any time, except that they must be filed no later than the first day of March of the following year.

CONCLUSION OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in the Finding Of Fact constitutes failure to qualify for examination and registration as a pharmacist under Section 4729.08 of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.08 of the Ohio Revised Code, the State Board of Pharmacy hereby denies the application for examination and registration as a pharmacist submitted by Stephen Brian Weeks for the January 1989 examination.

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

MOTION CARRIED.

SO ORDERED.

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- (6) Exhibit 1 - Employment Records from St. Charles Hospital for Jay Billings, R.Ph.
- (7) Exhibit 2 - Journal Entry of Conviction on Jay Billings from the Common Pleas Court of Lucas County.
- (8) Exhibit 3 - Accountability Statements (14) on St. Charles Hospital dated May 27, 1986.

Respondent's Exhibits:

- (1) Exhibit 1 - Letter from David M. Boyer, R.Ph. dated December 13, 1989, Drug Screen test results dated April 28, 1988, Drug Screen test results dated June 29, 1988, Drug Screen test results dated October 6, 1988 (2-page report), letter from Mark Unger, R.Ph. dated November 28, 1988, and letter from William Knopp, R.Ph. dated December 7, 1988.
- (2) Exhibit 2 - Letter from Harry E. Seurkamp, R.Ph. dated December 12, 1988, and References and Findings sheet from Harry E. Seurkamp.
- (3) Exhibit 3 - Evaluation Report from the Midwest Institute for Treatment and Study of Alcoholism dated January 10, 1989 on Jay Billings, statement from Fred Matticola, R.Ph. dated November 16, 1988, and letter from William D. Bonser, R.Ph. dated December 6, 1988.
- (4) Exhibit 4 - Impaired Pharmacist's Contract from Pharmacists Rehabilitation Organization Inc. on Jay Billings dated February 10, 1988.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that Jay W. Billings, on or about May 8, 1986 and dates prior thereto, while employed as a pharmacist at the St. Charles Hospital, 2600 Navarre Avenue, Oregon, Ohio 43616, was addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Jay W. Billings admitted and was observed abusing drugs taken illegally from his place of employment.
- (2) From the evidence presented, the State Board of Pharmacy finds that Jay W. Billings, on or about January 30, 1987, in the Court of Common Pleas of Lucas County, Ohio, was convicted of Theft of Drugs in violation of Section 2925.21 of the Ohio Revised Code, a felony of the fourth degree.
- (3) From the evidence presented, the State Board of Pharmacy finds that Jay W. Billings did, between May 7, 1985 and May 28, 1986, obtain a dangerous drug by attempting or committing a theft offense as defined in Section 2913.01 of the Ohio Revised Code, to wit: Jay W. Billings did, with purpose to deprive, knowingly obtain or exert control over the following drugs in the following amounts beyond the express or implied consent of the St. Charles Hospital or person authorized to give consent:

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<u>Drug</u>	<u>Amount</u>	<u>Schedule</u>
(a) Cocaine flakes	20.407 gm	II
(b) Levo-Dromoran 2mg inj.	332 cc	II
(c) Dilaudid 2mg	49.5 tablets	II
(d) Dilaudid 2mg inj.	425 cc	II
(e) Dolophine 5mg	100 tablets	II
(f) Dolophine 10mg	490 tablets	II
(g) Dolophine 10mg inj.	117 cc	II
(h) MS Contin 30mg	215.5 tablets	II
(i) Percocet 5	593 tablets	II
(j) Percodan	61 tablets	II
(k) Ritalin 5mg	59 tablets	II
(l) Tuinal 200mg	180 capsules	II
(m) Nembutal 100mg	30 capsules	II
(n) Levo-Dromoran 2mg	25 tablets	II
(o) Seconal	60 capsules	II
(p) Morphine inj.	20 cc	II
(q) Demerol inj.	20 cc	II

Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (4) From the evidence presented, the State Board of Pharmacy finds that Jay W. Billings did, on or about May 12, 1986, knowingly possess a controlled substance in an amount equal to or exceeding three times the bulk amount when his conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: Jay W. Billings possessed the following controlled substances in the following amounts:

<u>Drug</u>	<u>Amount</u>	<u>Schedule</u>
(a) Dolophine 10mg	84 tablets	II
(b) Dolophine 5mg	87 tablets	II
(c) Percocet 5	2 tablets	II
(d) MS Contin 30mg	4 tablets	II

Such conduct is in violation of Section 2925.03(A)(6) of the Ohio Revised Code.

- (5) From the evidence presented, the State Board of Pharmacy finds that Jay W. Billings did, on or about May 12, 1986, knowingly obtain, possess, or use a controlled substance when his conduct was not in accordance with Chapter 4729. of the Revised Code, to wit: Jay W. Billings obtained or possessed the following controlled substances in the following amounts:

<u>Drug</u>	<u>Amount</u>	<u>Schedule</u>
(a) Xanax .5mg	20 tablets	IV
(b) Halcion .5mg	9 tablets	IV
(c) Restoril 30mg	2 capsules	IV

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Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) through (4) of the Findings Of Fact constitutes being guilty of a felony and gross immorality.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (5) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (1) of the Findings Of Fact constitutes being 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (5) of the Findings Of Fact constitutes willfully violating the provisions of Chapters 2925., 3719., and 4729. of the Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-3-15799, held by Jay W. Billings:

(A) On the basis of paragraphs (1) through (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Jay W. Billings for 84 months effective June 1, 1986.

(B) On the basis of paragraph (4) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of two thousand five hundred dollars (\$2,500.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

(C) Further, the Board will suspend 72 months of the suspension imposed in paragraph (A) above if Jay W. Billings:

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- 1) contracts with a treatment program approved in advance by the Board and/or the Board's Executive Director within 30 days of issuance of this Order.
- 2) submits a copy of the contract with the treatment program to the Board of Pharmacy. Said contract shall contain a clause requiring the treatment provider to immediately notify the Board if Jay W. Billings violates and/or fails to comply with any of the terms contained in the contract.
- 3) reports monthly to the Board of Pharmacy regarding his progress in the treatment program and also arranges for the treatment provider to submit similar reports to the Board monthly.

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.