



OHIO STATE BOARD OF PHARMACY

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

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-980707-001)

In The Matter Of:

JEFFREY SCOTT DANNEMILLER, R.Ph.

1252 Ashwood Road

Akron, Ohio 44312

(R.Ph. No. 03-3-16019)

INTRODUCTION

THE MATTER OF JEFFREY SCOTT DANNEMILLER CAME TO HEARING ON SEPTEMBER 7, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JEFFREY SCOTT DANNEMILLER WAS NOT PRESENT, NOR WAS HE REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Timothy J. Benedict, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Summary Suspension Order/Notice of Opportunity for Hearing letter of Jeffrey Scott Dannemiller dated July 7, 1998.

- (2) Exhibit 1A--Copy of Hearing Request letter from Jeffrey S. Dannemiller, not dated, received in the Board office on August 7, 1998.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated August 11, 1998.
- (4) Exhibit 1C--Letter of Representation from Daniel D. Connor dated October 16, 1998.
- (5) Exhibit 1D--Continuance Request letter dated October 28, 1998.
- (6) Exhibit 1E--Copy of Hearing Schedule letter dated November 5, 1998.
- (7) Exhibit 1F--Continuance Request letter dated April 8, 1999.
- (8) Exhibit 1G--Copy of Hearing Schedule letter dated April 13, 1999.
- (9) Exhibit 1H--Copy of Hearing Schedule letter dated August 20, 1999.
- (10) Exhibit 1I--Copy of Pharmacist File Front Sheet of Jeffrey S. Dannemiller showing original date of registration as August 2, 1985; and two-page copy of Renewal Application for Pharmacist License No. 03-3-16019 for a license to practice pharmacy in Ohio from September 15 1997, to September 15, 1998 of Jeffrey Scott Dannemiller dated August 4, 1997.
- (11) Exhibit 1J--Copy of Continuance Request letter dated September 7, 1999.
- (12) Exhibit 2--Copy of six-page Summary Suspension Order of Jeffrey Scott Dannemiller dated January 24, 1995.
- (13) Exhibit 3--Copy of ten-page Order of the State Board of Pharmacy, Docket No. D-950124-033, in the matter of Jeffrey Scott Dannemiller dated December 8, 1995.
- (14) Exhibit 4--Copy of five-page Order of the State Board of Pharmacy, Docket No. D-960820-010, in the matter of Jeffrey Scott Dannemiller dated March 13, 1997.
- (15) Exhibit 5--Two-page copy of Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Jeffrey S. Dannemiller dated March 17, 1997.
- (16) Exhibit 5A--Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet/Client Monitoring Sheet regarding Jeff Dannemiller for the period from January 1, 1998, to March 31, 1998, with the following attachments: two-page copy of urine drug screen report of Jeff Dannemiller dated February 23, 1998 and copy of three pages of Verification of AA Attendance of Jeff Dannemiller dated from December 30, 1997, through March 29, 1998.
- (17) Exhibit 5B--Letter from Chris Lindskog dated December 23, 1997, and attached two-page copy of urine drug screen report of Jeff Dannemiller dated December 22, 1997.
- (18) Exhibit 5C--Letter from Chris Lindskog dated February 25, 1998, and attached two-page copy of urine drug screen report of Jeff Dannemiller dated February 23, 1998.
- (19) Exhibit 6--Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet/Client Monitoring Sheet regarding Jeff Dannemiller dated from April 1, 1998, through June 30, 1998, with the following attachments: two-page copy of urine drug screen report of Jeff Dannemiller dated June 12, 1998, and two-page copy of urine drug screen report of Jeff Dannemiller dated May 13, 1998.

- (20) Exhibit 6A--Letter from Christine Lindskog dated May 13, 1998, and attached two-page urine drug screen report dated May 13, 1998.
- (21) Exhibit 7--Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet regarding Jeff Dannemiller for the period from July 1, 1998, to September 30, 1998.
- (22) Exhibit 8--Letter from Jeffrey S. Dannemiller, not dated, received in the Board office of January 14, 1998.
- (23) Exhibit 9--Letter from Jeffrey S. Dannemiller, not dated, received in the Board office on April 16, 1998.
- (24) Exhibit 10--Copy of letter from Christine Lindskog dated July 17, 1998.
- (25) Exhibit 11--Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet regarding Jeff Dannemiller for the period from October 1, 1998, to December 31, 1998.
- (26) Exhibit 12--Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet regarding Jeff Dannemiller for the period from January 1, 1999, to March 31, 1999.
- (27) Exhibit 13--Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet regarding Jeff Dannemiller for the period from April 1, 1999, to June 30, 1999.
- (28) Exhibit 14--Copy of letter from David W. Baker dated August 1, 1999.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witness, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board indicate that Jeffrey Scott Dannemiller was originally licensed to practice pharmacy in the state of Ohio on August 2, 1985, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio. Records further reflect that Jeffrey Scott Dannemiller was suspended from the practice of pharmacy from January 24, 1995, through March 12, 1997. Upon reinstatement, on March 13, 1997, Jeffrey Scott Dannemiller's license was placed on probation for a period of five years.
- (2) Jeffrey Scott Dannemiller is 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: Jeffrey Scott Dannemiller has admitted being addicted to controlled substances; Jeffrey Scott Dannemiller has been previously suspended from the practice of pharmacy because of his addiction; Jeffrey Scott Dannemiller has been placed on probation by the Board during a period of rehabilitation; and, Jeffrey Scott Dannemiller relapsed into his addiction and consumed Darvon, a controlled substance, in violation of Section 2925.11 of the Ohio Revised Code. Such

conduct indicates that Jeffrey Scott Dannemiller falls within the ambit of Sections 3719.121(A), 3719.121(B), and 4729.16(A)(3) of the Ohio Revised Code.

CONCLUSION OF LAW

Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) 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 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 to Jeffrey Scott Dannemiller:

Pursuant to Section 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusion of Law set forth above, the State Board of Pharmacy hereby permanently revokes the pharmacist identification card, No. 03-3-16019, held by Jeffrey Scott Dannemiller effective as of the date of the mailing of this Order.

Division (B) of Section 4729.16 of the Ohio Revised Code provides: "Any individual whose identification card is revoked, suspended, or refused, shall return the identification card and license [wall certificate] 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.



OHIO STATE BOARD OF PHARMACY

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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

July 7, 1998

Jeffrey Scott Dannemiller, R.Ph.
1252 Ashwood Road
Akron, Ohio 44312

Re: Ohio Registered Pharmacist
Number 03-3-16019

Dear Pharmacist:

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. Further, in accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice and/or your method of distributing controlled substances presents a danger of immediate and serious harm to others. 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 indicate that you were originally licensed to practice pharmacy in the state of Ohio on August 2, 1985, pursuant to examination, and are currently licensed to practice pharmacy in the state of Ohio. Records further reflect that you were suspended from the practice of pharmacy from January 24, 1995, through March 12, 1997. Upon reinstatement, on March 13, 1997, your license was placed on probation for a period of five years.

(2) You are addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have admitted being addicted to controlled substances; you have been previously suspended from the practice of pharmacy because of your addiction; you have been placed on probation by the Board during a period of rehabilitation; and, you relapsed into your addiction and consumed Darvon, a controlled substance, in violation of Section 2925.11 of the Ohio Revised Code. Such conduct indicates that you fall within the ambit of Sections 3719.121(A), 3719.121(B), and 4729.16(A)(3) 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 have his license or registration suspended by the board“ Additionally, Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

(B) The license or registration of a ... pharmacist, ... may be suspended without a prior hearing by the board under which he has been licensed or registered if the board determines that there is clear and convincing evidence that continuation of his professional practice or his method of distributing controlled substances presents a danger of immediate and serious harm to others. ...

WHEREFORE, PURSUANT TO SECTIONS 3719.121(A) and (B) 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 is held by the Board under Chapter 119. of the Revised Code, 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 sections 119.01 to 119.13 of the Revised Code, may revoke, suspend, 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 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 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 sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending his name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy; or
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, a practitioner or any owner, manager, or employee of a health care facility, residential care facility, or nursing home.

IF YOU REQUEST A HEARING within 30 days of the time of the mailing of this notice, such will be afforded. Such request shall be mailed to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320. 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 you do not request such a hearing within thirty (30) days of the mailing of this notice, the 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.

PHARMACY

BY ORDER OF THE STATE BOARD OF

Franklin Z. Wickham, Pharm.D., M.S., R.Ph.
Executive Director



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-960820-010)

In The Matter Of:

JEFFREY SCOTT DANNEMILLER, R.Ph.

1252 Ashwood Road

Akron, Ohio 44312

(R.Ph. No. 03-3-16019)

INTRODUCTION

THE MATTER OF JEFFREY SCOTT DANNEMILLER CAME TO HEARING ON JANUARY 31, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, 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.

JEFFREY SCOTT DANNEMILLER WAS REPRESENTED BY DANIEL D. CONNOR, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Timothy J. Benedict, R.Ph.; Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Jeffrey Scott Dannemiller, Respondent
- (2) Lisa Vasiliou Dannemiller, Wife of Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Ten-page Order of the State Board of Pharmacy, Docket No. D-950124-033, in the matter of Jeffrey Scott Dannemiller dated December 8, 1995.

- (2) Exhibit 2--Hearing Request letter dated August 15, 1996.
- (3) Exhibit 3--Two-page Hearing Schedule letter dated August 20, 1996.

Respondent's Exhibits:

- (1) Exhibit 1--Two-page letter from Mary Spain dated January 7, 1997; copy of product information page 2427 regarding laboratory test interactions; copy of product information from Searle titled "Brief Summary - DAYPRO (oxaprozin) 600mg caplets; copy of letter from David F. Merk dated January 14, 1997; two-page fax copy of letter from James W. Martin dated January 14, 1997; and letter from Sally Bernard dated January 14, 1997.
- (2) Exhibit 2--Two-page letter from Edward W. Heisler dated January 13, 1997; and letter from Carol M. Noble dated December 23, 1996.
- (3) Exhibit 3--Two-page Affidavit of Jeffrey S. Dannemiller signed and notarized on January 15, 1997.
- (4) Exhibit 4--Copy of two-page Shepherd Hill Hospital Recovery Monitoring Services Agreement of Jeffrey S. Dannemiller dated January 18, 1995.
- (5) Exhibit 5--Copy of two-page Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Jeffrey S. Dannemiller dated January 17, 1995.
- (6) Exhibit 6--Copies of the following: two-page urine drug screen report dated January 3, 1997; letter from Bernadette Charles dated November 20, 1996; two-page urine drug screen report dated December 23, 1996; prescription of Jeffrey Dannemiller written for Daypro 600mg dated November 29, 1996; urine drug screen report dated December 2, 1996; urine drug screen report dated November 16, 1996; urine drug screen report dated December 16, 1996; product information page 2427 regarding laboratory test interactions of Daypro; copy of Physicians' Desk Reference page 2426; urine drug screen report dated October 31, 1996; urine drug screen report dated October 18, 1996; urine drug screen report dated September 29, 1996; urine drug screen report dated September 15, 1996; urine drug screen report dated August 31, 1996; urine drug screen report dated August 19, 1996; urine drug screen report dated August 6, 1996; urine drug screen report dated July 30, 1996; urine drug screen report dated July 25, 1996; urine drug screen report dated July 15, 1996; urine drug screen report dated June 29, 1996; urine drug screen report dated June 13, 1996; urine drug screen report dated May 30, 1996; urine drug screen report dated May 22, 1996; urine drug screen report dated May 14, 1996; two urine drug screen reports dated May 1, 1996; two urine drug screen reports dated April 16, 1996; urine drug screen report dated May 29, 1996; two-page urine drug screen report dated April 4, 1996; two-page urine drug screen report dated March 27, 1996; two-page urine drug screen report dated March 14, 1996; two copies of two-page urine drug screen report dated March 6, 1996; two-page urine drug screen report dated March 8, 1996; two-page urine drug screen report dated March 5, 1996; two-page urine drug screen report dated February 23, 1996;

two-page urine drug screen report dated February 16, 1996; two-page urine drug screen report dated February 1, 1996; two copies of two-page urine drug screen report dated January 25, 1996; two-page urine drug screen report dated January 18, 1996; two-page urine drug screen report dated January 17, 1996; two-page urine drug screen report dated January 3, 1996; two-page urine drug screen report dated December 29, 1995; two-page urine drug screen report dated December 22, 1995; two-page urine drug screen report dated December 13, 1995; two copies of two-page urine drug screen report dated December 8, 1995; two-page urine drug screen report dated November 22, 1995; two-page urine drug screen report dated November 17, 1995; two-page urine drug screen report dated November 18, 1995; urine drug screen report dated November 10, 1995; page one of urine drug screen report dated November 3, 1995; urine drug screen report dated October 28, 1995; page two of urine drug screen report dated November 3, 1995; two-page urine drug screen report dated October 31, 1995; page one of urine drug screen report dated October 25, 1995; urine drug screen report dated October 27, 1995; page two of urine drug screen report dated October 25, 1995; two-page urine drug screen report dated October 18, 1995; urine drug screen report dated October 18, 1995; urine drug screen report dated October 4, 1995; urine drug screen report dated September 25, 1995; urine drug screen report dated September 20, 1995; urine drug screen report dated September 10, 1995; urine drug screen report dated September 1, 1995; urine drug screen report dated August 31, 1995; urine drug screen report dated August 18, 1995; urine drug screen report dated August 14, 1995; urine drug screen report dated August 4, 1995; urine drug screen report dated July 27, 1995; urine drug screen report dated July 23, 1995; urine drug screen report dated July 17, 1995; urine drug screen report dated July 11, 1995; urine drug screen report dated June 30, 1995; urine drug screen report dated June 23, 1995; urine drug screen report dated June 20, 1995; urine drug screen report dated June 9, 1995; urine drug screen report dated June 5, 1995; urine drug screen report dated May 26, 1995; urine drug screen report dated May 24, 1995; urine drug screen report dated May 11, 1995; urine drug screen report dated May 4, 1995; urine drug screen report dated April 28, 1995; urine drug screen report dated April 25, 1995; urine drug screen report dated April 17, 1995; urine drug screen report dated April 7, 1995; urine drug screen report dated April 3, 1995; urine drug screen report dated March 24, 1995; urine drug screen report dated March 21, 1995; letter from Jeffrey S. Dannemiller in regards to the missed urine screen on June 21, 1996; and letter from Martha Norman dated June 24.

- (7) Exhibit 7--Copies of twenty-seven pages of Verification of A.A. Attendance of Jeff Dannemiller dated from January 17, 1995, through December 30, 1996.
- (8) Exhibit 8--Copy of two-page letter from Fred N. Karaffa dated January 29, 1997, and copy of prescription of Jeffrey Dannemiller written for Daypro 600mg dated November 29, 1996.
- (9) Exhibit 9--Copy of letter from David F. Merk dated January 30, 1997.

- (10) Exhibit 10--Copy of letter from David M. Boyer dated January 20, 1997.
- (11) Exhibit 11--Copy of Verification of AA Attendance of Jeff Dannemiller dated from January 2, 1997, through January 29, 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) Jeffrey Scott Dannemiller is in compliance with the Order of the Board, Docket No. D-950124-033, dated December 8, 1995.

ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card of Jeffrey Scott Dannemiller 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) Jeffrey Scott Dannemiller 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 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) Jeffrey Scott Dannemiller must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation; with the first report due July 10) 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 Jeffrey Scott Dannemiller is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
 - (2) Jeffrey Scott Dannemiller may not serve as a responsible pharmacist.
 - (3) Jeffrey Scott Dannemiller may not destroy, or may not assist in or witness the destruction of, controlled substances.
 - (4) Jeffrey Scott Dannemiller must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (5) Jeffrey Scott Dannemiller must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (6) Jeffrey Scott Dannemiller must abide by the rules of the Ohio State Board of Pharmacy.
 - (7) Jeffrey Scott Dannemiller must comply with the terms of this Order.

Jeffrey Scott Dannemiller 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-950124-033)

In The Matter Of:

JEFFREY SCOTT DANNEMILLER, R.Ph.

124 Glenmont Avenue
Columbus, Ohio 43214
(R.Ph. No. 03-3-16019)

INTRODUCTION

THE MATTER OF JEFFREY SCOTT DANNEMILLER CAME ON FOR CONSIDERATION ON DECEMBER 1, 1995, AS A RESULT OF THE REPORT AND RECOMMENDATION SUBMITTED TO THE BOARD BY THE HEARING OFFICERS.

THE HEARING OFFICER HEARING WAS HELD ON OCTOBER 16, 1995. JEFFREY SCOTT DANNE-MILLER WAS REPRESENTED BY DANIEL D. CONNOR, AND THE STATE OF OHIO WAS REPRESENTED BY LAWRENCE D. PRATT, ASSISTANT ATTORNEY GENERAL.

FOLLOWING CONSIDERATION OF THE REPORT AND RECOMMENDATION, TRANSCRIPT OF THE HEARING, AND EVIDENCE ADDUCED AT THE HEARING, MOTIONS WERE MADE, RECORDED, AND THE FOLLOWING ORDER WAS ADOPTED:

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Detective William Folwarczny, Narcotics Bureau, Columbus Police Department
- (2) Chris Reed, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Fred Karaffa, M.D., Shepherd Hill Hospital
- (2) George Perdue, Pharmacists Rehabilitation Organization, Inc.
- (3) Rick Kryc, Pharmacists Rehabilitation Organization, Inc.
- (4) Lisa Dannemiller

(5) Jeffrey Scott Dannemiller, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Summary Suspension Order/Notice of Opportunity letter dated January 24, 1995.
- (2) Exhibit 1A--Hearing Request letter dated February 10, 1995.
- (3) Exhibit 1B--Hearing Schedule letter dated February 17, 1995.
- (4) Exhibit 1C--Pharmacist File Front Sheet of Jeffrey Scott Dannemiller showing original date of registration as August 2, 1985; and Renewal Application for Pharmacist License, No. 03-3-16019, for a license to practice pharmacy in Ohio from September 15, 1994, to September 15, 1995, of Jeffrey Scott Dannemiller dated August 12, 1994.
- (5) Exhibit 1D--Letter of Representation and Continuance Request dated April 17, 1995.
- (6) Exhibit 1E--Hearing Schedule letter dated April 21, 1995.
- (7) Exhibit 1F--Two-page Continuance Request letter dated June 20, 1995; and copy of Order of Reference and Notice of Hearing in the Court of Common Pleas, Franklin County, Ohio, Case No. 93CVC09-6553, dated February 16, 1995.
- (8) Exhibit 1G--Hearing Schedule letter dated June 23, 1995.
- (9) Exhibit 2--DEA Form 222, No. 940333879, of National Medical Care Home Care Division dated March 3, 1994.
- (10) Exhibit 3--DEA Form 222, No. 940333877, of National Medical Care Home Care Division dated March 15, 1994.
- (11) Exhibit 4--DEA Form 222, No. 940333885, of National Medical Care Home Care Division dated April 18, 1994.
- (12) Exhibit 5--DEA Form 222, No. 940333884, of National Medical Care Home Care Division dated April 28, 1994.
- (13) Exhibit 6--DEA Form 222, No. 940333883, of National Medical Care Home Care Division dated June 7, 1994.
- (14) Exhibit 7--DEA Form 222, No. 940333881, of National Medical Care Home Care Division dated June 29, 1994.
- (15) Exhibit 8--DEA Form 222, No. 940333882, of National Medical Care Home Care Division dated July 13, 1994.
- (16) Exhibit 9--DEA Form 222, No. 940333875, of National Medical Care Home Care Division dated July 21, 1994.
- (17) Exhibit 10--Prescription No. 3950-781751.
- (18) Exhibit 11--Revco Prescription Access Link, Patient Insurance Profile of Jack Elder from September 1, 1994, to September 30, 1994, dated February 22, 1995.
- (19) Exhibit 12--Prescription No. 3950-782505.
- (20) Exhibit 13--Prescription No. 4036607.
- (21) Exhibit 14--Drug Emporium #001, Medical Expenses of Jack J. Elder from September 1, 1994, to September 30, 1994, dated January 20, 1995.
- (22) Exhibit 15--Prescription No. 4036647.
- (23) Exhibit 16--Prescription No. 4036802.
- (24) Exhibit 17--Prescription No. 4036839.
- (25) Exhibit 18--Prescription No. 4036875.

- (26) Exhibit 19--Copy of Revco No. 3950 Customer Signature Log for prescriptions dated on or about September 10, 1994.
- (27) Exhibit 20--Copy of Revco No. 3950 Customer Signature Log for prescriptions dated September 13, 1994, and September 14, 1994.
- (28) Exhibit 21--Copy of Constitutional Rights and Waiver of Jeffrey Dannemiller signed and dated September 28, 1994.
- (29) Exhibit 22--Copy of Document Examination Handwriting Comparison of Jeffrey Dannemiller dated January 25, 1995.
- (30) Exhibit 23--Microcassette tape recording of interview of Jeffrey Scott Dannemiller with Chris Reed on September 28, 1994.

Respondent's Exhibits:

- (1) Exhibit A1--Two-page copy of Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Jeff Dannemiller dated January 17, 1995.
- (2) Exhibit A2--Two-page copy of Shepherd Hill Hospital Recovery Monitoring Services Agreement of Jeff Dannemiller dated January 18, 1995; and copy of chart of Aftercare Attendance for RMS by Jeffrey Dannemiller from March, 1995, through September, 1995.
- (3) Exhibit A3--Four-page copy of Shepherd Hill Hospital History and Physical Examination of Jeff Dannemiller dated October 10, 1994; two-page copy of Shepherd Hill Hospital Discharge Summary of Jeff Dannemiller dated November 14, 1994; three-page copy of Shepherd Hill Hospital Psychiatric Evaluation of Jeff S. Dannemiller dated October 18, 1994; two-page copy of Shepherd Hill Hospital Counselor Discharge Summary dated January 16, 1995; copy of Shepherd Hill Hospital Counselor Discharge Summary of Jeffrey Dannemiller dated February 21, 1995; three-page copy of Shepherd Hill Hospital History and Physical Examination of Jeff Dannemiller dated February 23, 1995; and copy of Shepherd Hill Hospital Counselor Discharge Summary dated March 10, 1995.
- (4) Exhibit A4--Copies of twenty-nine urine drug screen reports of Jeffrey S. Dannemiller dated as follows: October 4, 1995; September 25, 1995; September 20, 1995; September 10, 1995; September 1, 1995; August 31, 1995; August 18, 1995; August 14, 1995; August 4, 1995; July 27, 1995; July 23, 1995; July 17, 1995; July 11, 1995; June 30, 1995; June 23, 1995; June 5, 1995; June 9, 1995; June 20, 1995; May 24, 1995, May 26, 1995; May 11, 1995; May 4, 1995; April 28, 1995; April 25, 1995; April 17, 1995; April 3, 1995; April 7, 1995; March 24, 1995; and March 21, 1995.
- (5) Exhibit A5--Copy of ten pages of Verification of A.A. Attendance of Jeff Dannemiller dated from January 17, 1995, through October 3, 1995.
- (6) Exhibit A6--Copy of letter from Paul C. Suthern dated February 26, 1991; copy of letter from H. Maurice Elbeck dated June 24, 1991; copy of letter from Sam Bornholdt and Henrie Goulet dated July 22, 1988; and copy of letter from Gary Hoar, Henrie L. Goulet, Karen Wooten, and Sam Bornholdt dated December 2, 1988.
- (7) Exhibit A7--Copy of letter from Fred N. Karaffa dated April 26, 1995; copy of two-page letter from Mary Spain dated April 18, 1995; copy of letter from Nick A. Kallis dated October 4, 1995; copy of letter from Henry Lynn Hook dated October 6, 1995; copy of two-page

letter from Edward W. Heisler dated October 12, 1995; and copy of letter from J. R. Abrahamsen dated January 13, 1995.

- (8) Exhibit B--Letter from Pat and Jim Vasilian, not dated.
- (9) Exhibit C--Letter from Marian and George Dannemiller, not dated.

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 the Hearing Officers, as follows:

- (1) Records of the Board indicate that Jeffrey Scott Dannemiller was originally licensed to practice pharmacy in the state of Ohio on August 2, 1985; and on January 24, 1995, the Board summarily suspended Jeffrey Scott Dannemiller's license in accordance with Sections 3719.121(A) and 3719.121(B) of the Ohio Revised Code.
- (2) Jeffrey Scott Dannemiller did, on or about March 3, 1994, knowingly possess a controlled substance in an amount exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy two 20ml vials of Morphine Sulfate 25mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(4) of the Ohio Revised Code.
- (3) Jeffrey Scott Dannemiller did, on or about March 3, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of N.M.C. Homecare, beyond the express or implied consent of the owner, to wit: Jeffrey Scott Dannemiller stole two 20ml vials of Morphine Sulfate 25mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Jeffrey Scott Dannemiller did, on or about March 15, 1994, knowingly possess a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy four 20ml vials of Morphine Sulfate 25mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(6) of the Ohio Revised Code.
- (5) Jeffrey Scott Dannemiller did, on or about March 15, 1994, knowingly obtain, possess, or use a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy ten 1ml vials of Dilaudid HP 10mg/ml, a schedule II controlled substance.

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

- (6) Jeffrey Scott Dannemiller did, on or about March 15, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of N.M.C. Homecare, beyond the express or implied consent of the owner, to wit: Jeffrey Scott Dannemiller stole four 20ml vials of Morphine Sulfate 25mg/ml and ten 1ml vials of Dilaudid HP 10mg/ml, schedule II controlled substances. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) Jeffrey Scott Dannemiller did, on or about April 18, 1994, knowingly possess a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy five 20ml vials of Morphine Sulfate 25mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(6) of the Ohio Revised Code.
- (8) Jeffrey Scott Dannemiller did, on or about April 18, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of N.M.C. Homecare, beyond the express or implied consent of the owner, to wit: Jeffrey Scott Dannemiller stole five 20ml vials of Morphine Sulfate 25mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (9) Jeffrey Scott Dannemiller did, on or about April 28, 1994, knowingly possess a controlled substance in an amount exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy two 20ml vials of Morphine Sulfate 25mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(4) of the Ohio Revised Code.
- (10) Jeffrey Scott Dannemiller did, on or about April 28, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of N.M.C. Homecare, beyond the express or implied consent of the owner, to wit: Jeffrey Scott Dannemiller stole two 20ml vials of Morphine Sulfate 25mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (11) Jeffrey Scott Dannemiller did, on or about June 7, 1994, knowingly possess a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not

in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy twenty 1ml vials of Dilaudid HP 10mg/ml, thirty 5ml vials of Dilaudid HP 10mg/ml, and nine 20ml vials of Morphine Sulfate 25mg/ml, schedule II controlled substances. Such conduct is in violation of Section 2925.03(A)(6) of the Ohio Revised Code.

- (12) Jeffrey Scott Dannemiller did, on or about June 7, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of N.M.C. Homecare, beyond the express or implied consent of the owner, to wit: Jeffrey Scott Dannemiller stole twenty 1ml vials of Dilaudid HP 10mg/ml, thirty 5ml vials of Dilaudid HP 10mg/ml, and nine 20ml vials of Morphine Sulfate 25mg/ml, schedule II controlled substances. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (13) Jeffrey Scott Dannemiller did, on or about June 29, 1994, knowingly possess a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy forty 5ml vials of Dilaudid HP 10mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(6) of the Ohio Revised Code.
- (14) Jeffrey Scott Dannemiller did, on or about June 29, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of N.M.C. Homecare, beyond the express or implied consent of the owner, to wit: Jeffrey Scott Dannemiller stole forty 5ml vials of Dilaudid HP 10mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (15) Jeffrey Scott Dannemiller did, on or about July 13, 1994, knowingly possess a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy thirty 5ml vials of Dilaudid HP 10mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(6) of the Ohio Revised Code.
- (16) Jeffrey Scott Dannemiller did, on or about July 13, 1994, knowingly possess a controlled substance in an amount exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy three 20ml vials of Morphine Sulfate 25mg/ml, a

schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(4) of the Ohio Revised Code.

- (17) Jeffrey Scott Dannemiller did, on or about July 13, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of N.M.C. Homecare, beyond the express or implied consent of the owner, to wit: Jeffrey Scott Dannemiller stole thirty 5ml vials of Dilaudid HP 10mg/ml and three 20ml vials of Morphine Sulfate 25mg/ml, schedule II controlled substances. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (18) Jeffrey Scott Dannemiller did, on or about July 21, 1994, knowingly possess a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy ten 5ml vials of Dilaudid HP 10mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(6) of the Ohio Revised Code.
- (19) Jeffrey Scott Dannemiller did, on or about July 21, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of N.M.C. Homecare, beyond the express or implied consent of the owner, to wit: Jeffrey Scott Dannemiller stole ten 5ml vials of Dilaudid HP 10mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (20) Jeffrey Scott Dannemiller did, between March 3, 1994, and July 21, 1994, knowing that an investigation was likely to be instituted, destroy, conceal, or remove records with purpose to impair their value as evidence, to wit: after ordering and receiving controlled substances using DEA form 222, on seven different occasions Jeffrey Scott Dannemiller removed and/or destroyed the records of the purchases to cover for his thefts of the drugs. Such conduct is in violation of Section 2921.12 of the Ohio Revised Code.
- (21) Jeffrey Scott Dannemiller did, on or about September 10, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 3950-781751 at Drug World, 2800 N. High St., Columbus, Ohio, for 60 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (22) Jeffrey Scott Dannemiller did, on or about September 14, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 3950-781751(R) at Drug World, 2800 N. High St., Columbus, Ohio, for 60 unit doses of

Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (23) Jeffrey Scott Dannemiller did, on or about September 18, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 3950-782505 at Drug World, 2800 N. High St., Columbus, Ohio, for 60 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (24) Jeffrey Scott Dannemiller did, on or about September 2, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 4036607 at Drug Emporium, 260 Graceland Blvd., Columbus, Ohio, for 30 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (25) Jeffrey Scott Dannemiller did, on or about September 4, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 4036607(R) at Drug Emporium, 260 Graceland Blvd., Columbus, Ohio, for 30 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (26) Jeffrey Scott Dannemiller did, on or about September 6, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 4036647 at Drug Emporium, 260 Graceland Blvd., Columbus, Ohio, for 60 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (27) Jeffrey Scott Dannemiller did, on or about September 12, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 4036647(R) at Drug Emporium, 260 Graceland Blvd., Columbus, Ohio, for 60 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (28) Jeffrey Scott Dannemiller did, on or about September 16, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 4036802(R) at Drug Emporium, 260 Graceland Blvd., Columbus, Ohio, for 60 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such

conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (29) Jeffrey Scott Dannemiller did, on or about September 19, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 4036839 at Drug Emporium, 260 Graceland Blvd., Columbus, Ohio, for 60 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (30) Jeffrey Scott Dannemiller did, on or about September 21, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 4056875 at Drug Emporium, 260 Graceland Blvd., Columbus, Ohio, for 60 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (31) Jeffrey Scott Dannemiller did, on or about September 25, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 4056875(R) at Drug Emporium, 260 Graceland Blvd., Columbus, Ohio, for 60 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (32) Jeffrey Scott Dannemiller is addicted to or abusing controlled substances or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Jeffrey Scott Dannemiller has admittedly stolen drugs and destroyed drug records; Jeffrey Scott Dannemiller has forged prescriptions in order to obtain controlled substances; Jeffrey Scott Dannemiller has admitted that he has resigned a position as a pharmacist because the "job was too stressful" and that at the time of his resignation Jeffrey Scott Dannemiller was injecting Dilaudid and Morphine Sulfate daily.

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 the Hearing Officers, as follows:

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (31) 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) through (32) of the Findings of Fact constitute being addicted to or abusing drugs 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.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2), (4), (5), (7), (9), (11), (13), (15), (16), (18), and (21) through (31), of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation 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 4729.17 of the Ohio Revised Code and the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy hereby agrees with and adopts, with modification, the recommendation for action set forth in the Report and Recommendation of the Hearing Officers, as follows:

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued January 24, 1995.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby takes the following actions in the matter of Jeffrey Scott Dannemiller:

- (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. 03-3-16019, held by Jeffrey Scott Dannemiller indefinitely and Jeffrey Scott Dannemiller 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 January 1, 1997, the Board will consider any petition filed by Jeffrey Scott Dannemiller for a hearing, pursuant to Revised Code Chapter 119., upon the question of the reinstatement of his license to practice pharmacy in Ohio; and consider the reinstatement of the license only if the following conditions have been met:
 - (1) Jeffrey Scott Dannemiller must abide by the contracts with Shepherd Hill Hospital and the Pharmacists Rehabilitation Organization, Inc. throughout the suspension period. The contract(s) must provide that:
 - (a) random, **observed** urine screens shall be conducted at least once a month. 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 program shall immediately report to the Board of Pharmacy any positive urine screens and/or other violations of the contract.
- (2) Jeffrey Scott Dannemiller must provide, at the time of petitioning the Board for reinstatement, written documentation from his treatment providers regarding compliance with the program pursuant to the contract. The documentation must include compliance with paragraphs (1)(a) and (1)(b) set forth above.

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

MOTION CARRIED.

SO ORDERED



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

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URL: <http://www.pharmacy.ohio.gov>

(Docket No. D-950124-033)

REPORT AND RECOMMENDATION

In The Matter Of:

JEFFREY SCOTT DANNEMILLER, R.Ph.

124 Glenmont Avenue
Columbus, Ohio 43214
(R.Ph. No. 03-3-16019)

INTRODUCTION

THE MATTER OF JEFFREY SCOTT DANNEMILLER WAS HEARD ON OCTOBER 16, 1995, BY THE FOLLOWING MEMBERS OF THE BOARD: PAUL F. LAMPING, R.Ph. (presiding); AND ACTING AS HEARING OFFICERS PURSUANT TO SECTION 4729.17 OF THE OHIO REVISED CODE: ROBERT B. CAVENDISH, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER. JEFFREY SCOTT DANNEMILLER WAS REPRESENTED BY DANIEL D. CONNOR, AND THE STATE OF OHIO WAS REPRESENTED BY LAWRENCE D. PRATT, ASSISTANT ATTORNEY GENERAL.

THE FOLLOWING ARE OUR FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION FOR ACTION, EACH OF WHICH YOU MAY ADOPT OR REJECT.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Detective William Folwarczny, Narcotics Bureau, Columbus Police Department
- (2) Chris Reed, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Fred Karaffa, M.D., Shepherd Hill Hospital
- (2) George Perdue, Pharmacists Rehabilitation Organization, Inc.
- (3) Rick Kryc, Pharmacists Rehabilitation Organization, Inc.
- (4) Lisa Dannemiller

(5) Jeffrey Scott Dannemiller, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Summary Suspension Order/Notice of Opportunity letter dated January 24, 1995.
- (2) Exhibit 1A--Hearing Request letter dated February 10, 1995.
- (3) Exhibit 1B--Hearing Schedule letter dated February 17, 1995.
- (4) Exhibit 1C--Pharmacist File Front Sheet of Jeffrey Scott Dannemiller showing original date of registration as August 2, 1985; and Renewal Application for Pharmacist License, No. 03-3-16019, for a license to practice pharmacy in Ohio from September 15, 1994, to September 15, 1995, of Jeffrey Scott Dannemiller dated August 12, 1994.
- (5) Exhibit 1D--Letter of Representation and Continuance Request dated April 17, 1995.
- (6) Exhibit 1E--Hearing Schedule letter dated April 21, 1995.
- (7) Exhibit 1F--Two-page Continuance Request letter dated June 20, 1995; and copy of Order of Reference and Notice of Hearing in the Court of Common Pleas, Franklin County, Ohio, Case No. 93CVC09-6553, dated February 16, 1995.
- (8) Exhibit 1G--Hearing Schedule letter dated June 23, 1995.
- (9) Exhibit 2--DEA Form 222, No. 940333879, of National Medical Care Home Care Division dated March 3, 1994.
- (10) Exhibit 3--DEA Form 222, No. 940333877, of National Medical Care Home Care Division dated March 15, 1994.
- (11) Exhibit 4--DEA Form 222, No. 940333885, of National Medical Care Home Care Division dated April 18, 1994.
- (12) Exhibit 5--DEA Form 222, No. 940333884, of National Medical Care Home Care Division dated April 28, 1994.
- (13) Exhibit 6--DEA Form 222, No. 940333883, of National Medical Care Home Care Division dated June 7, 1994.
- (14) Exhibit 7--DEA Form 222, No. 940333881, of National Medical Care Home Care Division dated June 29, 1994.
- (15) Exhibit 8--DEA Form 222, No. 940333882, of National Medical Care Home Care Division dated July 13, 1994.
- (16) Exhibit 9--DEA Form 222, No. 940333875, of National Medical Care Home Care Division dated July 21, 1994.
- (17) Exhibit 10--Prescription No. 3950-781751.
- (18) Exhibit 11--Revco Prescription Access Link, Patient Insurance Profile of Jack Elder from September 1, 1994, to September 30, 1994, dated February 22, 1995.
- (19) Exhibit 12--Prescription No. 3950-782505.
- (20) Exhibit 13--Prescription No. 4036607.
- (21) Exhibit 14--Drug Emporium #001, Medical Expenses of Jack J. Elder from September 1, 1994, to September 30, 1994, dated January 20, 1995.
- (22) Exhibit 15--Prescription No. 4036647.
- (23) Exhibit 16--Prescription No. 4036802.
- (24) Exhibit 17--Prescription No. 4036839.
- (25) Exhibit 18--Prescription No. 4036875.

- (26) Exhibit 19--Copy of Revco No. 3950 Customer Signature Log for prescriptions dated on or about September 10, 1994.
- (27) Exhibit 20--Copy of Revco No. 3950 Customer Signature Log for prescriptions dated September 13, 1994, and September 14, 1994.
- (28) Exhibit 21--Copy of Constitutional Rights and Waiver of Jeffrey Dannemiller signed and dated September 28, 1994.
- (29) Exhibit 22--Copy of Document Examination Handwriting Comparison of Jeffrey Dannemiller dated January 25, 1995.
- (30) Exhibit 23--Microcassette tape recording of interview of Jeffrey Scott Dannemiller with Chris Reed on September 28, 1994.

Respondent's Exhibits:

- (1) Exhibit A1--Two-page copy of Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Jeff Dannemiller dated January 17, 1995.
- (2) Exhibit A2--Two-page copy of Shepherd Hill Hospital Recovery Monitoring Services Agreement of Jeff Dannemiller dated January 18, 1995; and copy of chart of Aftercare Attendance for RMS by Jeffrey Dannemiller from March, 1995, through September, 1995.
- (3) Exhibit A3--Four-page copy of Shepherd Hill Hospital History and Physical Examination of Jeff Dannemiller dated October 10, 1994; two-page copy of Shepherd Hill Hospital Discharge Summary of Jeff Dannemiller dated November 14, 1994; three-page copy of Shepherd Hill Hospital Psychiatric Evaluation of Jeff S. Dannemiller dated October 18, 1994; two-page copy of Shepherd Hill Hospital Counselor Discharge Summary dated January 16, 1995; copy of Shepherd Hill Hospital Counselor Discharge Summary of Jeffrey Dannemiller dated February 21, 1995; three-page copy of Shepherd Hill Hospital History and Physical Examination of Jeff Dannemiller dated February 23, 1995; and copy of Shepherd Hill Hospital Counselor Discharge Summary dated March 10, 1995.
- (4) Exhibit A4--Copies of twenty-nine urine drug screen reports of Jeffrey S. Dannemiller dated as follows: October 4, 1995; September 25, 1995; September 20, 1995; September 10, 1995; September 1, 1995; August 31, 1995; August 18, 1995; August 14, 1995; August 4, 1995; July 27, 1995; July 23, 1995; July 17, 1995; July 11, 1995; June 30, 1995; June 23, 1995; June 5, 1995; June 9, 1995; June 20, 1995; May 24, 1995, May 26, 1995; May 11, 1995; May 4, 1995; April 28, 1995; April 25, 1995; April 17, 1995; April 3, 1995; April 7, 1995; March 24, 1995; and March 21, 1995.
- (5) Exhibit A5--Copy of ten pages of Verification of A.A. Attendance of Jeff Dannemiller dated from January 17, 1995, through October 3, 1995.
- (6) Exhibit A6--Copy of letter from Paul C. Suthern dated February 26, 1991; copy of letter from H. Maurice Elbeck dated June 24, 1991; copy of letter from Sam Bornholdt and Henrie Goulet dated July 22, 1988; and copy of letter from Gary Hoar, Henrie L. Goulet, Karen Wooten, and Sam Bornholdt dated December 2, 1988.
- (7) Exhibit A7--Copy of letter from Fred N. Karaffa dated April 26, 1995; copy of two-page letter from Mary Spain dated April 18, 1995; copy of letter from Nick A. Kallis dated October 4, 1995; copy of letter from Henry Lynn Hook dated October 6, 1995; copy of two-page

letter from Edward W. Heisler dated October 12, 1995; and copy of letter from J. R. Abrahamsen dated January 13, 1995.

- (8) Exhibit B--Letter from Pat and Jim Vasilian, not dated.
- (9) Exhibit C--Letter from Marian and George Dannemiller, not dated.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the Hearing Officers find the following to be fact:

- (1) Records of the Board indicate that Jeffrey Scott Dannemiller was originally licensed to practice pharmacy in the state of Ohio on August 2, 1985; and on January 24, 1995, the Board summarily suspended Jeffrey Scott Dannemiller's license in accordance with Sections 3719.121(A) and 3719.121(B) of the Ohio Revised Code.
- (2) Jeffrey Scott Dannemiller did, on or about March 3, 1994, knowingly possess a controlled substance in an amount exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy two 20ml vials of Morphine Sulfate 25mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(4) of the Ohio Revised Code.
- (3) Jeffrey Scott Dannemiller did, on or about March 3, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of N.M.C. Homecare, beyond the express or implied consent of the owner, to wit: Jeffrey Scott Dannemiller stole two 20ml vials of Morphine Sulfate 25mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Jeffrey Scott Dannemiller did, on or about March 15, 1994, knowingly possess a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy four 20ml vials of Morphine Sulfate 25mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(6) of the Ohio Revised Code.
- (5) Jeffrey Scott Dannemiller did, on or about March 15, 1994, knowingly obtain, possess, or use a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy ten 1ml vials of Dilaudid HP 10mg/ml, a schedule II controlled substance.

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

- (6) Jeffrey Scott Dannemiller did, on or about March 15, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of N.M.C. Homecare, beyond the express or implied consent of the owner, to wit: Jeffrey Scott Dannemiller stole four 20ml vials of Morphine Sulfate 25mg/ml and ten 1ml vials of Dilaudid HP 10mg/ml, schedule II controlled substances. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) Jeffrey Scott Dannemiller did, on or about April 18, 1994, knowingly possess a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy five 20ml vials of Morphine Sulfate 25mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(6) of the Ohio Revised Code.
- (8) Jeffrey Scott Dannemiller did, on or about April 18, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of N.M.C. Homecare, beyond the express or implied consent of the owner, to wit: Jeffrey Scott Dannemiller stole five 20ml vials of Morphine Sulfate 25mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (9) Jeffrey Scott Dannemiller did, on or about April 28, 1994, knowingly possess a controlled substance in an amount exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy two 20ml vials of Morphine Sulfate 25mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(4) of the Ohio Revised Code.
- (10) Jeffrey Scott Dannemiller did, on or about April 28, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of N.M.C. Homecare, beyond the express or implied consent of the owner, to wit: Jeffrey Scott Dannemiller stole two 20ml vials of Morphine Sulfate 25mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (11) Jeffrey Scott Dannemiller did, on or about June 7, 1994, knowingly possess a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not

in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy twenty 1ml vials of Dilaudid HP 10mg/ml, thirty 5ml vials of Dilaudid HP 10mg/ml, and nine 20ml vials of Morphine Sulfate 25mg/ml, schedule II controlled substances. Such conduct is in violation of Section 2925.03(A)(6) of the Ohio Revised Code.

- (12) Jeffrey Scott Dannemiller did, on or about June 7, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of N.M.C. Homecare, beyond the express or implied consent of the owner, to wit: Jeffrey Scott Dannemiller stole twenty 1ml vials of Dilaudid HP 10mg/ml, thirty 5ml vials of Dilaudid HP 10mg/ml, and nine 20ml vials of Morphine Sulfate 25mg/ml, schedule II controlled substances. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (13) Jeffrey Scott Dannemiller did, on or about June 29, 1994, knowingly possess a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy forty 5ml vials of Dilaudid HP 10mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(6) of the Ohio Revised Code.
- (14) Jeffrey Scott Dannemiller did, on or about June 29, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of N.M.C. Homecare, beyond the express or implied consent of the owner, to wit: Jeffrey Scott Dannemiller stole forty 5ml vials of Dilaudid HP 10mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (15) Jeffrey Scott Dannemiller did, on or about July 13, 1994, knowingly possess a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy thirty 5ml vials of Dilaudid HP 10mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(6) of the Ohio Revised Code.

- (16) Jeffrey Scott Dannemiller did, on or about July 13, 1994, knowingly possess a controlled substance in an amount exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy three 20ml vials of Morphine Sulfate 25mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(4) of the Ohio Revised Code.
- (17) Jeffrey Scott Dannemiller did, on or about July 13, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of N.M.C. Homecare, beyond the express or implied consent of the owner, to wit: Jeffrey Scott Dannemiller stole thirty 5ml vials of Dilaudid HP 10mg/ml and three 20ml vials of Morphine Sulfate 25mg/ml, schedule II controlled substances. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (18) Jeffrey Scott Dannemiller did, on or about July 21, 1994, knowingly possess a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jeffrey Scott Dannemiller stole and possessed outside the pharmacy ten 5ml vials of Dilaudid HP 10mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2925.03(A)(6) of the Ohio Revised Code.
- (19) Jeffrey Scott Dannemiller did, on or about July 21, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of N.M.C. Homecare, beyond the express or implied consent of the owner, to wit: Jeffrey Scott Dannemiller stole ten 5ml vials of Dilaudid HP 10mg/ml, a schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (20) Jeffrey Scott Dannemiller did, between March 3, 1994, and July 21, 1994, knowing that an investigation was likely to be instituted, destroy, conceal, or remove records with purpose to impair their value as evidence, to wit: after ordering and receiving controlled substances using DEA form 222, on seven different occasions Jeffrey Scott Dannemiller removed and/or destroyed the records of the purchases to cover for his thefts of the drugs. Such conduct is in violation of Section 2921.12 of the Ohio Revised Code.
- (21) Jeffrey Scott Dannemiller did, on or about September 10, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 3950-781751 at Drug World, 2800 N. High St., Columbus, Ohio, for 60 unit doses of

Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (22) Jeffrey Scott Dannemiller did, on or about September 14, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 3950-781751(R) at Drug World, 2800 N. High St., Columbus, Ohio, for 60 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (23) Jeffrey Scott Dannemiller did, on or about September 18, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 3950-782505 at Drug World, 2800 N. High St., Columbus, Ohio, for 60 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (24) Jeffrey Scott Dannemiller did, on or about September 2, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 4036607 at Drug Emporium, 260 Graceland Blvd., Columbus, Ohio, for 30 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (25) Jeffrey Scott Dannemiller did, on or about September 4, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 4036607(R) at Drug Emporium, 260 Graceland Blvd., Columbus, Ohio, for 30 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (26) Jeffrey Scott Dannemiller did, on or about September 6, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 4036647 at Drug Emporium, 260 Graceland Blvd., Columbus, Ohio, for 60 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (27) Jeffrey Scott Dannemiller did, on or about September 12, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 4036647(R) at Drug Emporium, 260 Graceland Blvd., Columbus, Ohio, for 60 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such

conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (28) Jeffrey Scott Dannemiller did, on or about September 16, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 4036802(R) at Drug Emporium, 260 Graceland Blvd., Columbus, Ohio, for 60 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (29) Jeffrey Scott Dannemiller did, on or about September 19, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 4036839 at Drug Emporium, 260 Graceland Blvd., Columbus, Ohio, for 60 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (30) Jeffrey Scott Dannemiller did, on or about September 21, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 4056875 at Drug Emporium, 260 Graceland Blvd., Columbus, Ohio, for 60 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (31) Jeffrey Scott Dannemiller did, on or about September 25, 1994, intentionally make, utter, or knowingly possess a false or forged prescription, to wit: Jeffrey Scott Dannemiller created, possessed, and then uttered prescription number 4056875(R) at Drug Emporium, 260 Graceland Blvd., Columbus, Ohio, for 60 unit doses of Lortab 7.5mg, a schedule III controlled substance. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (32) Jeffrey Scott Dannemiller is addicted to or abusing controlled substances or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Jeffrey Scott Dannemiller has admittedly stolen drugs and destroyed drug records; Jeffrey Scott Dannemiller has forged prescriptions in order to obtain controlled substances; Jeffrey Scott Dannemiller has admitted that he has resigned a position as a pharmacist because the "job was too stressful" and that at the time of his resignation Jeffrey Scott Dannemiller was injecting Dilaudid and Morphine Sulfate daily.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the Hearing Officers conclude that paragraphs (2) through (31) 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 Hearing Officers conclude that paragraphs (2) through (32) of the Findings of Fact constitute being addicted to or abusing drugs 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.
- (3) Upon consideration of the record as a whole, the Hearing Officers conclude that paragraphs (2), (4), (5), (7), (9), (11), (13), (15), (16), (18), and (21) through (31), of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

HEARING OFFICERS' RECOMMENDATION FOR ACTION

Pursuant to Section 3719.121 of the Ohio Revised Code, the Hearing Officers recommend removing the Summary Suspension Order issued January 24, 1995.

Pursuant to Section 4729.16 of the Ohio Revised Code, the Hearing Officers recommend taking the following actions in the matter of Jeffrey Scott Dannemiller:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, suspend the pharmacist identification card, No. 03-3-16019, held by Jeffrey Scott Dannemiller indefinitely and Jeffrey Scott Dannemiller 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 January 1, 1997, consider any petition filed by Jeffrey Scott Dannemiller for a hearing, pursuant to Revised Code Chapter 119., upon the question of the reinstatement of his license to practice pharmacy in Ohio; and consider the reinstatement of the license only if the following conditions have been met:
 - (1) Jeffrey Scott Dannemiller must abide by the contracts with Shepherd Hill Hospital and the Pharmacists Rehabilitation Organization, Inc. throughout the suspension period. The contract(s) must provide that:
 - (a) random, **observed** urine screens shall be conducted at least every three months. The

urinalysis drug screens must include reporting of 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 program shall immediately report to the Board of Pharmacy any positive urine screens and/or other violations of the contract.
- (2) Jeffrey Scott Dannemiller must provide, at the time of petitioning the Board for reinstatement, written documentation from his treatment providers regarding compliance with the program pursuant to the contract. The documentation must include compliance with paragraphs (1)(a) and (1)(b) set forth above.

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