



# 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](mailto:exec@bop.state.oh.us)

FAX: 614/752-4836

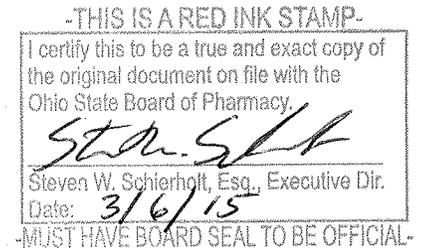
TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

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

## ORDER OF THE STATE BOARD OF PHARMACY (Case Number 2013-1449)

In The Matter Of:

**Steven Jeffrey Huffman, R.Ph.**  
590 Olde Orchard Drive North East  
Bolivar, Ohio 44612  
(License No. 03-3-16068)



### INTRODUCTION

The Matter of Steven Jeffrey Huffman came for hearing on February 4, 2015, before the following members of the Board: Michael A. Moné, R.Ph.; (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Fred M. Weaver, R.Ph. and Kilee S. Yarosh, R.Ph.

Megan E. Marchal, R.Ph., Absent.

Steven Jeffrey Huffman was represented by Douglas E. Graff. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

### SUMMARY OF EVIDENCE

#### State's Witnesses:

1. Greg Whitney, Ohio State Board of Pharmacy
2. Steven Jeffrey Huffman, R.Ph., Respondent

#### Respondent's Witnesses:

1. Steven Jeffrey Huffman, R.Ph., Respondent

#### State's Exhibits:

- |        |   |                           |
|--------|---|---------------------------|
| 1.     | Notice of Opportunity for Hearing                 | 08-22-14                  |
| 1A-1D. | Procedurals                                       |                           |
| 2.     | Anonymous Letter to Rite Aid #2408                | 04-26-13                  |
| 3.     | Copy of RX#0702252                                | 08-29-10                  |
| 4.     | Patient History Report for Steven Huffman         | 11-29-05 through 10-15-13 |
| 5.     | Notarized Statement of Dr. Julie Lavinder         | 01-21-14                  |
| 6.     | Copy of RX#0827064                                | 07-13-12                  |
| 8.     | Notarized Statement of Dr. Michael Fomich         | 09-24-12                  |
| 9.     | Statement of Steven Huffman, Rite Aid Corporation | 10-14-13                  |
| 10.    | Copy of RX#0827094                                | 07-14-12                  |

Respondent's Exhibits:

A. Resumé for Steven Huffman

No Date

FINDINGS OF FACT

The State of Ohio and respondent, by and through counsel, stipulate to the following Findings of Fact, which are accepted and adopted by the Board:

- (1) Records of the State Board of Pharmacy indicate that Steven Jeffrey Huffman was originally licensed in the State of Ohio on August 2, 1985, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Steven Jeffrey Huffman did, on or about August 29, 2010, knowingly make a false statement in a prescription, order, report, or record required by Chapter 3719. or 4729. of the Ohio Revised Code, and by deception, with purpose to deprive Rite Aid Pharmacy #2408 of property or services, knowingly obtained or exerted control over a dangerous drug, beyond the express or implied consent of Rite Aid Pharmacy #2408, to wit: a false phone-in prescription for 24 capsules of Cephalexin 500mg, Rx# 0702252, purporting to have been authorized by Dr. Julie Lavinder, was created and dispensed by Steven Jeffrey Huffman from Rite Aid #2408 for his personal use without a legitimate prescription.
- (3) Steven Jeffrey Huffman did, on or about July 13, 2012, with purpose to defraud, or knowing that he was facilitating a fraud, and with purpose to deprive Rite Aid Pharmacy #2408 of property or services, knowingly obtain or exert control over a dangerous drug, beyond the express or implied consent of Rite Aid Pharmacy #2408, to wit: Steven Jeffrey Huffman forged a false phone-in prescription for TrueTrack Glucose Test Strips under "On Hold," Rx #0827064, and later dispensed same to himself for his personal use under Rx#0827067.

CONCLUSIONS OF LAW

The State of Ohio and respondent, by and through counsel, stipulate to the following Conclusions of Law, which are accepted and adopted by the Board:

- (1) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) Further, as a result of the evidence and testimony presented, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of 2925.23(A), 2925.23(B)(3), 2925.23(F)(2) of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

(A) Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby imposes a monetary penalty of two

Steven Jeffrey Huffman, R.Ph.

Page 3

Order of the Board

thousand five hundred dollars (\$2,500) on Steven Jeffrey Huffman and payment in full is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

(B) Steven Jeffrey Huffman must obtain, within one (1) year from the effective date of this Order, six (0.6 CEUs) of approved continuing pharmacy education. Three (0.3 CEUs) must be in law and three (0.3 CEUs) in ethics, which may not be used for license renewal.

(C) Steven Jeffrey Huffman shall not fill prescriptions for self or family members.

Mr. Kolezynski moved for Conclusions of Law; Mr. Weaver seconded the motion. Motion passed (Aye-6/Nay-0).

Ms. Yarosh moved for Action of the Board; Ms. Huwer seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

**BY ORDER OF THE STATE BOARD OF PHARMACY**

ORDER MAILED & EFFECTIVE: March 6, 2015

By:   
Steven W. Schierholt, Esq., Executive Director

SWS/rlc

CMRRR: 7011 1150 0001 6782 6600

c: Charissa D. Payer, Assistant Attorney General

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## THE STATE BOARD OF PHARMACY (Docket No. D-890224-102)

In The Matter Of:

STEVEN J. HUFFMAN, R.Ph.  
413 Kelly Street, N.W.  
New Philadelphia, Ohio 44663

(Identification No. 03-3-16068)

THE MATTER OF STEVEN J. HUFFMAN CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON FRIDAY, JUNE 30, 1989 AS A RESULT OF THE REPORT AND RECOMMENDATION SUBMITTED TO THE BOARD BY HEARING OFFICER AND BOARD MEMBER BETTY NICHOL. 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

#### 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 Betty Nichol, as follows:

- (1) The State Board of Pharmacy finds that Steven J. Huffman was originally licensed to practice pharmacy in Ohio on August 2, 1985, and has been practicing pharmacy in Ohio since that date.
- (2) The State Board of Pharmacy finds that Steven 3. Huffman did fail to renew his pharmacist identification card by September 15, 1988, as is required by Section 4729.12 of the Ohio Revised Code, when he renewed on October 18, 1988. Steven 3. Huffman had also lapsed previously from September 15, 1986 to October 2, 1986.
- (3) The State Board of Pharmacy finds that Steven J. Huffman did, on or about September 16, 1988, while not being a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, dispense or sell dangerous drugs, to wit: Steven 3. Huffman dispensed, pursuant to prescription number 092765, 18 tablets of Tylenol \*3, a Schedule III controlled substance, after his pharmacist license had expired. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (4) The State Board of Pharmacy finds that Steven J. Huffman did, on or about September 26, 1988, while not being a registered pharmacist or a pharmacy intern under the

personal supervision of a registered pharmacist, dispense or sell dangerous drugs, to wit: Steven J. Huffman dispensed, pursuant to prescription number 093287, 60 tablets of Xanax .5mg, a Schedule IV controlled substance, after his pharmacist license had expired. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (5) The State Board of Pharmacy finds that Steven J. Huffman did, on or about September 29, 1988, while not being a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, dispense or sell dangerous drugs, to wit: Steven J. Huffman dispensed, pursuant to prescription number 093606, 60 tablets of Xanax .5mg, a Schedule IV controlled substance, after his pharmacist license had expired. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (6) The State Board of Pharmacy finds that Steven 3. Huffman did, on or about September 29, 1988, while not being a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, dispense or sell dangerous drugs, to wit: Steven 3. Huffman dispensed, pursuant to prescription number 093607, 30 capsules of Adapin 75mg, a dangerous drug, after his pharmacist license had expired. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (7) The State Board of Pharmacy finds that Steven 3. Huffman did, on or about October 9, 1988, while not being a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, dispense or sell dangerous drugs, to wit: Steven 3. Huffman dispensed, pursuant to prescription number 094218, 15 tablets of Tylox, a Schedule II controlled substance, after his pharmacist license had expired. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (8) The State Board of Pharmacy finds that Steven J. Huffman did, on or about October 16, 1988, while not being a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, dispense or sell dangerous drugs, to wit: Steven J. Huffman dispensed, pursuant to prescription number 094641, 30 tablets of Percocet, a Schedule II controlled substance, after his pharmacist license had expired. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

#### Conclusion of Law

The State Board of Pharmacy hereby agrees with and adopts the Conclusion of Law set forth in the Report and Recommendation of Hearing Officer and Board Member Betty Nichol, as follows:

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (8) of the Findings of Fact constitutes willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of the provisions of Chapter 4729. of the Ohio Revised Code.

#### 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 Betty Nichol. Therefore, pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license held by Steven J. Huffman:

- (A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of four hundred dollars (\$400.00).

(B) Further, the Board suspends three hundred dollars of the four hundred dollar monetary penalty imposed in paragraph (A) above. The one hundred dollar (\$100.00) monetary penalty that was not suspended in paragraph (B) above is 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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.  
MOTION CARRIED.  
SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

**BY ORDER OF THE STATE BOARD OF PHARMACY**

CERTIFIED MAIL ORDER MAILED: AUGUST 23, 1989

Return Receipt #P 417 664 892

By: Franklin Z. Wickham, Executive Director

cc: Steve Dlott, Assistant Attorney General

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CERTIFIED MAIL ORDER MAILED: AUGUST 23, 1989

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By: Franklin Z. Wickham, Executive Director

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