



OHIO STATE BOARD OF PHARMACY

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

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-040224-060)

In The Matter Of:

THOMAS ALLAN SCOTT, R.Ph.

2738 Hillview Drive

Portsmouth, Ohio 45662

(R.Ph. No. 03-3-16170)

INTRODUCTION

THE MATTER OF THOMAS ALLAN SCOTT CAME FOR HEARING ON SEPTEMBER 13, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, R.Ph.; (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

THOMAS ALLAN SCOTT WAS REPRESENTED BY ERIC J. PLINKE AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. None

Respondent's Witnesses

1. Thomas Allan Scott, R.Ph., Respondent
2. Michael Quigley, R.Ph.
3. Michael M. Fraulini, R.Ph.

State's Exhibits

1. Reinstatement Hearing Request letter from Thomas Scott [02-23-04]
1A-1C. Procedurals
2. Statement of Thomas A. Scott [12-18-02]
- 2A. State Board of Pharmacy Order in re Thomas Allan Scott [09-10-03]
3. Statement of Rory Phillips, R.Ph. [01-02-03] and attached spreadsheet of Drugs Found At The Residence of Thomas Scott, R.Ph. [12-18-02]
4. Twenty-six pages of IDENTIDEX Imprint Identification Documents [03/2003]
5. Envelope containing controlled substances [not dated]
6. Envelope containing dangerous drugs [not dated]
7. Patient Rx History of Thomas A. Scott [04-04-02 to 11-08-02]

8. State of Ohio vs. Thomas A. Scott, Case No. 03-CR-284, Scioto County Common Pleas Court Bill of Information [03-26-03], Defendant's Motion for Intervention in Lieu of Conviction [04-10-03]; Entry [04-10-03], and Judgment Entry [07-22-03],

Respondent's Exhibits

- A. Two PRO Pharmacist's Recovery Contracts for Tom Scott [05-28-04 and 05-20-03]
- B. List of Counseling Centers [not dated]; letter from Thomas A. Marsh ISW, CCDCIII [08-03-04]
- C. List of AA/NA and Caduceus Meetings [not dated]; Support Group Attendance Records [12-31-02 to 08-27-04]
- D. Drug Testing Custody and Control Forms [07-08-03 to 08-10-04]; Compass Vision Licensee Summary Report [07-08-03 to 08-10-04]
- E. Scioto County Adult Probation Status Report for Thomas A. Scott [08-23-04]; Judgment Entry, State of Ohio vs. Thomas A. Scott, Case No.03-CR-284, Scioto County Common Pleas Court [07-22-03]
- F. Nine letters of Support [08-02-04 to 08-17-04]
- G. Summary Report of Continuing Pharmacy Education Credits [07-19-00 to 08-03-04]
- H. State Board of Pharmacy Order in re Thomas Allan Scott [09-10-03]; Scheduling letter for Thomas Scott [02-24-04]

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Thomas Allan Scott has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-030107-048, effective September 10, 2003.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-3-16170, held by Thomas Allan Scott to practice pharmacy in Ohio and places Thomas Allan Scott on probation for five years beginning on the effective date of this Order, with the following conditions:

- (A) Thomas Allan Scott must enter into a new contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office before his pharmacist identification card is issued. The contract must provide that:
 - (1) Random, observed urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.
 - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Results of all drug screens must be negative. Any positive results, including those that may have resulted from ingestion of food, but

excluding false positives that resulted from medication legitimately prescribed, indicate a violation of probation.

- (c) Refusals of urine screens or diluted urine screens are equivalent to a positive result and indicate a violation of probation.
 - (2) The intervener/sponsor shall provide copies of all drug screen reports to the Board in a timely fashion.
 - (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Thomas Allan Scott must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:
- (1) The written report and documentation provided by the treatment program pursuant to the contract, and
 - (2) A written description of Thomas Allan Scott's progress towards recovery and what Thomas Allan Scott has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Thomas Allan Scott's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - (2) Thomas Allan Scott may not serve as a responsible pharmacist.
 - (3) Thomas Allan Scott may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) Thomas Allan Scott must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
 - (5) Thomas Allan Scott must not violate the drug laws of Ohio, any other state, or the federal government.
 - (6) Thomas Allan Scott must abide by the rules of the State Board of Pharmacy.
 - (7) Thomas Allan Scott must comply with the terms of this Order.
 - (8) Thomas Allan Scott's license is deemed not in good standing until successful completion of the probationary period.

- (D) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Thomas Allan Scott 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 (Aye-8/Nay-0).

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 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 a Notice of Appeal with both the State Board of Pharmacy and 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: OCTOBER 6, 2004

CERTIFIED MAIL / Return Receipt
7003 0500 0002 4347 2658

By: _____
William T. Winsley, M.S., R.Ph., Executive Director



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-030107-048)

In The Matter Of:

THOMAS ALLAN SCOTT, R.Ph.

2738 Hillview Drive

Portsmouth, Ohio 45662

R.Ph. No. 03-3-16170

INTRODUCTION

THE MATTER OF THOMAS ALLAN SCOTT CAME FOR HEARING ON AUGUST 5, 2003 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

THOMAS ALLAN SCOTT WAS REPRESENTED BY ERIC J. PLINKE AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Todd Zevchik, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses

1. Thomas Allan Scott, R.Ph., Respondent

State's Exhibits

1. Copy of Summary Suspension Order/Notice of Opportunity For Hearing [01-07-03] 1A-1C. Procedurals
2. Notarized Statement of Thomas A. Scott, R.Ph. [12-18-02]
3. Notarized Statement of Rory Phillips, R.Ph. [01-02-03]; Spreadsheet of Drugs Found At The Residence of Thomas Scott, R.Ph. [12-18-02]
4. Twenty-six pages of IDENTIDEX Imprint Identification Documents [not dated]
5. Envelope containing controlled substances [not dated]
6. Envelope containing dangerous drugs [not dated]
7. Patient Profile re: Thomas A. Scott [04-04-02 to 11-08-02]

8. Bill of Information [03-26-03], Defendant's Motion for Intervention in Lieu of Conviction [04-10-03], and Entry [04-10-03], State of Ohio vs. Thomas A. Scott, Case No.03-CR-284, Scioto County Common Pleas Court

Respondent's Exhibits

- A. List of AA/NA and Caduceus Meetings; Seven pages of Support Group Attendance Records [12-31-02 to 07-31-03]
- B. Three pages of Client Monitoring Sheets [12-28-02 to 07-27-03]
- C. List of Advocates and Sponsors; letter from Michael M. Fraulini [07-29-03]; letter from Joel Siegfried, R.Ph. [not dated]; letter from Rory Phillips, R.Ph. [08-01-03]
- D. PRO Pharmacist's Recovery Contract for Thomas A. Scott [05-20-03]
- E. Specimen Custody and Control Forms for Thomas Scott [07-08-03 and 07-28-03]
- F. Recovery Progress letter from Thomas A. Marsh MSW, LSW, CCDCIII [07-03-03]; Information Disclosure Form for Thomas A. Scott [05-27-03]
- G. Judgment Entry, State of Ohio vs. Thomas A. Scott, Case No. 03-CR-284, Scioto County Common Pleas Court [07-24-03]

FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that Thomas Allan Scott was originally licensed by the State of Ohio as a pharmacist on August 2, 1985, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended effective January 7, 2003.
- (2) Thomas Allan Scott is addicted to the use of controlled substances, to wit: Thomas Allan Scott has admitted stealing controlled substances and dangerous drugs to Board agents; Thomas Allan Scott is dependent upon sedation by controlled substances and dangerous drugs "to aid him in getting to sleep at night and to control anxiety." Such conduct indicates that Mr. Scott falls within the ambit of Sections 3719.121 and 4729.16(A)(3) of the Ohio Revised Code.
- (3) Thomas Allan Scott did, on or about late 1998 through December, 2002, while employed as a pharmacist at Southern Ohio Medical Center, with purpose to deprive knowingly obtain or exert control over dangerous drugs, beyond the express or implied consent of the owner, to wit: Thomas Allan Scott has admittedly stolen between five to twenty tablets of various controlled substances and dangerous drugs, two to three times per week, on a random basis. Such conduct violates Section 2913.02 of the Ohio Revised Code.
- (4) Thomas Allan Scott did, on or about December 18, 2002, knowingly possess or use a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: agents of the Board found the following controlled substances at Thomas Allan Scott's residence when he did not have a prescription or legitimate medical purpose for the drugs:

<u>Drug</u>	<u>Strength</u>	<u>Qty</u>
APAP/Codeine	30/300 mg	13
APAP/Codeine	60/300 mg	2
hydrocodone/apap	7.5/500 mg	6

hydrocodone/apap	10/500 mg	2
hydrocodone/apap	10/325 mg	1
pentazocine/naloxone	50/0.5 mg	1
propoxy/apap	100/650 mg	7
Vicodin	5/500 mg	1
Vicoprofen	7.5/200 mg	1

Such conduct violates Section 2925.11 of the Ohio Revised Code.

- (5) Thomas Allan Scott did, on or about December 18, 2002, knowingly possess or use a dangerous drug when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: agents of the Board found the following dangerous drugs at Thomas Allan Scott's residence when he did not have a prescription or legitimate medical purpose for the drugs:

<u>Drug</u>	<u>Strength</u>	<u>Qty</u>
atenolol	50 mg	1
baclofen	10 mg	3
carisoprodol	350 mg	11
chlorpromazine	25 mg	3
chlorzoxazone	500 mg	10
cyclobenzaprine	10 mg	11
Demadex	20 mg	3
furosemide	80 mg	2
methocarbamol	750 mg	9
methocarbamol	500 mg	11
Prinivil	5 mg	6
Skelaxin	500 mg	3
Zanaflex	4 mg	5

Such conduct violates Section 4729.51(C)(3) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) through (5) of the Findings of Fact constitutes being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (3) through (5) 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.
- (3) 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.
- (4) The State Board of Pharmacy concludes that paragraphs (4) through (5) 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 Chapter 2925. or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION 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 Thomas Allan Scott on January 7, 2003.

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 suspends indefinitely the pharmacist identification card, No. 03-2-16170, held by Thomas Allan Scott and such suspension is effective as of the date of the mailing of this Order.

- (A) Thomas Allan Scott, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Thomas Allan Scott, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after one year from the effective date of this Order, the Board will consider any petition filed by Thomas Allan Scott for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (A) Thomas Allan Scott must enter into a contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, mail a copy of the contract to the Board office. The contract must provide that:
 - (1) Random, observed urine drug screens shall be conducted at least once each month.
 - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Results of all drug screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives that resulted from medication legitimately prescribed, indicates a violation of the contract.
 - (c) Refusals of urine screens or diluted urine screens are equivalent to a positive result and indicate a violation of the contract.
 - (2) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

- (3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Thomas Allan Scott must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
- (C) Thomas Allan Scott must provide, at the reinstatement petition hearing, documentation of the following:
 - (1) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);
 - (2) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
 - (3) Compliance with the terms of this Order.
- (D) If reinstatement is not accomplished within three years of the effective date of this Order, Thomas Allan Scott must also show successful completion of the NAPLEX examination or an equivalent examination approved by the Board.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).

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 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 a Notice of Appeal with both the State Board of Pharmacy and 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: SEPTEMBER 10, 2003

CERTIFIED MAIL / Return Receipt
#7099 3400 0013 9263 8970

WTW/lf

By: _____
William T. Winsley, M.S., R.Ph., Executive Director



OHIO STATE BOARD OF PHARMACY

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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

January 7, 2003

Thomas Allen Scott, R.Ph.
2738 Hillview Drive
Portsmouth, Ohio 45662

Re: Ohio Registered Pharmacist
Number 03-3-16170

Dear Mr. Scott:

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 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 of Pharmacy indicate that you were originally licensed in the State of Ohio on August 2, 1985, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You are addicted to the use of controlled substances, to wit: you have admitted to stealing controlled substances and dangerous drugs to Board agents; you are dependent upon sedation by controlled substances and dangerous drugs "to aid you in getting to sleep at night and to control anxiety." Such conduct indicates that you are addicted to the use of controlled substances within the meaning of Section 3719.121 of the Ohio Revised Code; and that you are addicted to or abusing controlled substances to such a degree as to render you unfit to practice pharmacy; guilty of a felony or gross immorality and/ guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (3) You did, on or about late 1998 through December, 2002, while employed as a pharmacist at Southern Ohio Medical Center, with purpose to deprive knowingly obtain or exert control over dangerous drugs, beyond the express or implied consent of the owner, to wit: you have admittedly stolen between 5 to 20 tablets of various controlled substances and dangerous drugs, 2 to 3 times per week, on a random basis. Such

conduct violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

- (4) You did, on or about December 18, 2002, knowingly possess or use a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: agents of the Board found the following controlled substances at your residence when you did not have a prescription or legitimate medical purpose for the drugs:

<u>Drug</u>	<u>Strength</u>	<u>Qty</u>
APAP/Codeine	30/300 mg	13
APAP/Codeine	60/300 mg	2
hydrocodone/apap	7.5/500 mg	6
hydrocodone/apap	10/500 mg	2
hydrocodone/apap	10/325 mg	1
pentazocine/naloxone	50/0.5 mg	1
propoxy/apap	100/650 mg	7
Vicodin	5/500 mg	1
Vicoprofen	7.5/200 mg	1

Such conduct violates Section 2925.11 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; dishonesty and unprofessional conduct in the practice of pharmacy; and/or willfully violating the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

- (5) You did, on or about December 18, 2002, knowingly possess or use a dangerous drug when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: agents of the Board found the following dangerous drugs at your residence when you did not have a prescription or legitimate medical purpose for the drugs:

<u>Drug</u>	<u>Strength</u>	<u>Qty</u>
atenolol	50 mg	1
baclofen	10 mg	3
carisoprodol	350 mg	11
chlorpromazine	25 mg	3
chlorzoxazone	500 mg	10
cyclobenzaprine	10 mg	11

<u>Drug</u>	<u>Strength</u>	<u>Qty</u>
Demadex	20 mg	3
furosemide	80 mg	2
methocarbamol	750 mg	9
methocarbamol	500 mg	11
Prinivil	5 mg	6
Skelaxin	500 mg	3
Zanaflex	4 mg	5

Such conduct violates Section 4729.51(C)(3) of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality; dishonesty and unprofessional conduct in the practice of pharmacy; and/or willfully violating the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 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 be suspended by the board that authorized the person’s license, certificate, or registration...”

YOU ARE HEREBY NOTIFIED that Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

- (B) If the board under which a person has been issued a license, . . . , . . . determines that there is clear and convincing evidence that continuation of the person’s professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person’s license, . . . , . . . , without a prior hearing.

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 has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, 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 Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, 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 Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no 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 the pharmacist or pharmacy intern 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 this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;
- (10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

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, Room 1702, Columbus, Ohio 43215-6126. 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.

BY ORDER OF THE STATE BOARD OF PHARMACY

William T. Winsley, M.S., R.Ph.
Executive Director