



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-031016-021)

In The Matter Of:

ANTHONY KORNOKOVICH, R.Ph.

86 Eastshore Boulevard
Timberlake, Ohio 44095
(R.Ph. No. 03-3-16986)

INTRODUCTION

THE MATTER OF ANTHONY KORNOKOVICH CAME FOR HEARING ON MAY 3, 2004, 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.; DOROTHY S. TEATER, PUBLIC MEMBER.

ANTHONY KORNOKOVICH WAS REPRESENTED BY JOHN R. IRWIN, M.D. AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witnesses

1. Anthony Kornokovich, R.Ph., Respondent
2. Christopher M. Holzman, R.Ph.

State's Exhibits

1. Reinstatement Hearing Request letter from John R. Irwin, M.D. [10-07-03]
 - 1A-1E. Procedurals
 - 2A. Copy of State Board of Pharmacy Order in re Anthony Kornokovich, R.Ph. [05-15-03]
 - 2.
 - 3.
 - 4.
 - 5.
 - 6.
 - 7.
 - 8.

Respondent's Exhibits

- A1-A3. Facsimile copy of PRO Pharmacist's Recovery Contract for Tony Kornokovich [12-10-02]
- B. Support Group Attendance Verification cover letter from Anthony Kornokovich [04-28-04]
- C1-C13. Calendar pages for April 2003 to April 2004
- D1-D21. Support Group Attendance Records [04-04-03 to 04-28-04]
- E1-E14. Support Group Attendance Records [05-13-03 to 04-28-04]
- F. Letter from Anthony J. Kornokovich [04-29-04]
- G1-G15. Calendar pages for February 2003 to April 2004
- H1-H3. Compass Vision Licensee Summary Report [02-10-03 to 03-02-04]
- I1-I2. Compass Vision Drug Screen Report [04-23-04]
- J. Letter from Michael D. Quigley, R.Ph. [04-30-04]
- K1-K2.
- L.
- M.
- N.
- O.
- P.
- Q.
- R. Ohio Bureau of Motor Vehicles Notification/Reinstatement Requirement for Driver License Status of Anthony J. Kornokovich [03-18-04]
- S1-S2. Copy of Cleveland Clinic Progress Reports [04-06-04 and 04-19-04]
- S3-S4. The Cleveland Clinic Foundation letter confirming Vicodin prescription [10-24-03]; copy of Rx #970949 [10-24-03]
- S5. Treatment Compliance letter from Stacey B. Foerstner, Ph.D. [not dated]
- S6-S7. Letters of Support [04-28-04 and 04-30-04]
- T1-T33. Continuing Pharmaceutical Education Credits and Certificates [12-10-00 to 04-25-04]

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 Anthony Kornokovich has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-021016-020, effective May 15, 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. 03-3-16986, held by Anthony Kornokovich to practice pharmacy in Ohio and places Anthony Kornokovich on probation for five years beginning on the effective date of this Order, with the following conditions:

- (A) Anthony Kornokovich 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) Soma, Valium, Fioricet, Vicodin, Lortab, and Ultram must be added to the standard urine drug screen.

(c) 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.

(d) 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) Anthony Kornokovich 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 Anthony Kornokovich's progress towards recovery and what Anthony Kornokovich 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 Anthony Kornokovich'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.

ANTHONY KORNOKOVICH, R.Ph.

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Order of the Board

- (2) Anthony Kornokovich may not serve as a responsible pharmacist.
- (3) Anthony Kornokovich may not destroy, assist in, or witness the destruction of controlled substances.
- (4) Anthony Kornokovich may not work in a pharmacy more than 40 hours per week during the first twelve months of practice.
- (5) Anthony Kornokovich must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
- (6) Anthony Kornokovich must not violate the drug laws of Ohio, any other state, or the federal government.
- (7) Anthony Kornokovich must abide by the rules of the State Board of Pharmacy.
- (8) Anthony Kornokovich must comply with the terms of this Order.
- (9) Anthony Kornokovich'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.

Anthony Kornokovich 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-6/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.

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Order of the Board

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: **JUNE 28, 2004**

CERTIFIED MAIL / Return Receipt
#7001 0360 0002 4137 2123

WTW/lf

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

c: Sally Ann Steuk, Assistant Attorney General
John R. Irwin, M.D.; John R. Irwin, M.D. Co., L.P.A.; 8401 Chagrin Road, Suite 19;
Chagrin Falls, Ohio 44023

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-021016-020)

In The Matter Of:

ANTHONY KORNOKOVICH, R.Ph.

86 Eastshore Boulevard
Timberlake, Ohio 44095
(R.Ph. No. 03-3-16986)

INTRODUCTION

THE MATTER OF ANTHONY KORNOKOVICH CAME FOR HEARING ON APRIL 8, 2003, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: DIANE C. ADELMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; AND JAMES E. TURNER, R.Ph.

ANTHONY KORNOKOVICH WAS REPRESENTED BY JOHN R. IRWIN, M.D. AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Frank J. Bodi, Ohio State Board of Pharmacy

Respondent's Witnesses

1. Anthony Kornokovich, R.Ph., Respondent

State's Exhibits

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [10-16-02]
1A-1C. Procedurals
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

Respondent's Exhibits

- A. Letter from Joseph W. Janesz, Ph.D., PPC, CCDC III-E, CRC and Gregory B. Collins, M.D. [04-04-03]
- B. PRO Pharmacist's Recovery Contract for Tony Kornokovich [12-10-02]
- C. Support Group Attendance Records [10-08-02 to 04-02-03]
- D. Drug Screen Reports [02-10-03 and 03-27-03]
- E.
- F.
- G. Copy of letter from George L. Plataz [03-31-03]
- H. Copy of letter from Ralph B. Homer, Jr. [04-04-03]
- I. Letter from Robert J. Widmar [04-04-03]

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)
- (2)
- (3)
- (4)
- (5)
- (6)

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (3) through (6) of the Findings of Fact constitute 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 paragraph (6) of the Findings of Fact constitutes 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) and (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 Anthony Kornokovich on October 16, 2002.

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. 03-3-16986, held by Anthony Kornokovich and such suspension is effective as of the date of the mailing of this Order.

(A) Anthony Kornokovich, 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) Anthony Kornokovich, 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 Anthony Kornokovich 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) Anthony Kornokovich 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) Soma, Valium, Fioricet, Vicodin, Lortab, and Ultram must be added to the standard urine drug screen.

(c) 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 which resulted from medication legitimately prescribed, indicates 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) Anthony Kornokovich 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) Anthony Kornokovich 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, Anthony Kornokovich 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-6/Nay-0).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE MAY 15, 2003

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

October 16, 2002

Anthony Kornokovich, R.Ph.
86 Eastshore Boulevard
Timberlake, Ohio 44095

Re: Ohio Registered Pharmacist
Number 03-3-16986

Dear Mr. Kornokovich:

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 February 26, 1988, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You are addicted to 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 to being addicted to drugs for four or five years, and you have admitted to stealing drugs while practicing pharmacy. 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.
- (3) On September 27, 2002, you were arrested by the Willoughby Police Department for Disorderly Conduct and Child Endangering after you were found to be physically unsteady and slurring your words. Both of your sons, ages 6 and 3, were with you at the time of arrest. Several white tablets were located in your vehicle's ashtray and in your pocket. You admitted stealing these drugs from your employer, Medic Drug, and to abusing prescription medications. Due to your abuse of drugs while having your children with you, you created a substantial risk to the safety of your children. Such conduct is in violation of Section 2919.22 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality within the meaning of Section 4729.16 of the Ohio Revised Code.
- (4) You did, on or about September 27, 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: five (5) hydrocodone 7.5 mg tablets, a Schedule III controlled substance, and one (1) diazepam tablet, a Schedule IV controlled substance was found in your vehicle and on your person. Such conduct violates Section 2925.11 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality 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 September 27, 2002, knowingly possess a dangerous drug when not in accordance with Chapters 4729., and 4731. of the Ohio Revised Code, to wit: twelve (12) butalbital tablets and fourteen (14) carisoprodol tablets were found in your vehicle and on your person. Such conduct violates Section 4729.51(C) of the Ohio Revised Codes, and if proven constitutes being guilty of a felony or gross immorality and/or willfully violating provisions of Chapter 4729. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- (6) You did, on or about September 27, 2002, knowingly obtain or exert control over dangerous drugs, the property of Medic Drug, beyond the express or implied consent of the owner, to wit: you have admittedly stolen five (5) hydrocodone 7.5 mg tablets, twelve (12) butalbital tablets, one (1) diazepam tablet, and fourteen (14) carisoprodol tablets. 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.

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.

(D-021016-020)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE OCTOBER 16, 2002

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective May 15, 2003)*