



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-100622-135)

In The Matter Of:

**BARNEY T. DOTSON, R.Ph.**

3605 Westwood Northern Boulevard

Cincinnati, Ohio 45211

(R.Ph. Number 03-3-20222)

### INTRODUCTION

The Matter of Barney T. Dotson came for hearing on February 7, 2012, before the following members of the Board: Donald M. Casar, R.Ph. (presiding); Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Kevin J. Mitchell, R.Ph.

Brian M. Joyce, R.Ph., Absent.

Michael A. Moné, R.Ph., Absent.

Barney T. Dotson was represented by Harry B. Plotnick. The State of Ohio was represented by Tracy M. Nave, Assistant Attorney General.

### SUMMARY OF EVIDENCE

#### State's Witnesses:

None

#### Respondent's Witness:

1. Barney T. Dotson, R.Ph., Respondent

#### State's Exhibits:

1. Reinstatement petition letter [06-18-10]  
1A-1E. Procedurals
2. Copy of State Board of Pharmacy Order in re Barney T. Dotson [12-05-07]

#### Respondent's Exhibits:

- A. Copy of State Board of Pharmacy Order in re Barney T. Dotson [12-05-07]
- B. PRO Pharmacist's Recovery Contract for Barney T. Dotson [12-17-9-07]
- C. First Lab PRO Test History Report [01-01-07 to 02-04-12]
- D. Support group attendance records with attachments [10-05-07 to 01-27-12]
- E. Continuing education credits and certificates [04-22-07 to 04-17-11]
- F. Correspondence from David F. Logan, Prospect House, Inc. [12-13-10]; Certificate of Completion, Prospect House, Inc. [01-31-10]; Certification of Graduation from Hamilton

County Drug Court [01-28-10]; ADAPT Individual Service Plan Update [12-28-07 to 09-08-08]; Three letters of support [01-03-11 to 02-04-12]

FINDING 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 that Barney T. Dotson has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket Number D-100622-135, effective December 5, 2007.

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, Number 03-3-20222, held by Barney T. Dotson to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

(A) Barney T. Dotson 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) approved 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) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.

(c) Results of all drug and alcohol screens must be negative. Refusal of a urine screen or a diluted urine screen is equivalent to a positive result. 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) The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

(3) Attendance is required a minimum of three times per calendar week (Sunday through Saturday), 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) Barney T. Dotson 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 Barney T. Dotson's progress towards recovery and what Barney T. Dotson 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 Barney T. Dotson'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) Barney T. Dotson may not serve as a responsible pharmacist.

(3) Barney T. Dotson may not destroy, assist in, or witness the destruction of controlled substances.

(4) Barney T. Dotson must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.

(5) Barney T. Dotson must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Barney T. Dotson must abide by the rules of the State Board of Pharmacy.

(7) Barney T. Dotson must comply with the terms of this Order.

(8) Barney T. Dotson'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.

Barney T. Dotson 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.

**Barney T. Dotson, R.Ph.**

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Order of the Board

Deborah Lange moved for Findings of Fact; Troy Gahm seconded the motion. Motion passed (Aye-5/Nay-0).

Troy Gahm moved for Action of the Board; Richard Kolezynski seconded the motion. Motion passed (Aye-5/Nay-0).

SO ORDERED.

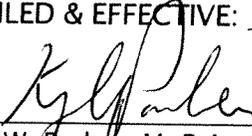
It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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 9, 2012

By:   
\_\_\_\_\_  
Kyle W. Parker, M. B.A., R.Ph., Executive Director

KWP/lp

Certified Mail / Return Receipt  
7004 2510 0006 9808 4161

c: Tracy M. Nave, Assistant Attorney General  
Harry B. Plotnick, Attorney for Respondent; 810 Sycamore Street; Fourth Floor;  
Cincinnati, Ohio 45202



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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-070403-036)

In The Matter Of:

**BARNEY T. DOTSON, R.Ph.**

5367 Race Road

Cincinnati, Ohio 45247

(R.Ph. No. 03-3-20222)

### INTRODUCTION

THE MATTER OF BARNEY T. DOTSON CAME FOR HEARING ON NOVEMBER 6, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: NATHAN S. LIPSYC, R.Ph. (presiding); ELIZABETH I. GREGG, R.Ph.; RICHARD F. KOLEZYNSKI, R.Ph.; KEVIN J. MITCHELL, R.Ph.; HEATHER L. PASQUALE, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; JAMES E. TURNER, R.Ph.; AND JEROME J. WIESENHAHN, R.Ph.

BARNEY T. DOTSON WAS REPRESENTED BY HARRY B. PLOTNICK. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### State's Witness

1. Rick Haun, Ohio State Board of Pharmacy

#### Respondent's Witnesses

1. Barney T. Dotson, R.Ph., Respondent
2. Richard Magliano, R.Ph.

#### State's Exhibits

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [04-03-07]
  - 1A-1B. Procedurals
  - 1C. Addendum Notice [09-04-07]
  - 1D.-1F. Procedurals
2. Notarized Statement of Barney Dotson [03-28-07]
3. Uniform Traffic Ticket No. 061529, State of Ohio vs. Barney T. Dotson, Case No. C/07/CRB/10013, Hamilton County Municipal Court [03-16-07]; Journal Entry [04-06-07]
4. Uniform Traffic Ticket No. 953869, State of Ohio vs. Barney T. Dotson, Case No. C/07/TRC/14886/A, Hamilton County Municipal Court [03-16-07]; Journal Entry [05-14-07]

5. Hamilton County Crime Laboratory Toxicology Report [04-17-07]
6. Indictment, State of Ohio vs. Evan A. Miller, Case No. B-0703688, Hamilton County Court of Common Pleas [05-08-07]; Drug Court Judgment Entry Granting Intervention in Lieu of Conviction [08-08-07]

#### Respondent's Exhibits

- A. Motion of Defendant for Intervention in Lieu of Conviction, State of Ohio vs. Barney T. Dotson, Case No. B-0703688, Hamilton County Common Pleas Court [06-26-07]
- B. PRO Pharmacist's Recovery Contract for Barney T. Dotson [04-05-07]
- C. Support Group Attendance Records [04-07-07 to 11-04-07]
- D. FirstLab Urine Test History Report [05-07-07 to 06-29-07]; FirstLab OHPRO Test History Report [05-15-07 to 07-06-07]; Talbert House Drug Screen Laboratory [07-11-07 to 10-09-07]
- E. ADAPT Assessment Report [07-22-07]; Individual Service Plan [07-29-07 to 09-24-07]; Discharge Plan from Talbert House [09-09-07]; Talbert House Certificate of Driver Intervention Program [09-11-07 to 09-21-07]; Letter from Mandy Stocklin, HIMC to Harry Plotnick, Attorney at Law [04-25-07]; Fairbanks Medical Records for Barney Dotson [03-29-07 to 04-05-07]; Letter from Doug Ulrich, L.I.S.W., L.I.C.D.C. to Harry Plotnick, Attorney at Law [06-21-07]
- F. Continuing Pharmaceutical Education Credits and Certificates [04-22-07]

#### 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 Board of Pharmacy indicate that Barney T. Dotson was originally licensed by the State of Ohio as a pharmacist on October 26, 1993, pursuant to reciprocity, and that his license to practice pharmacy in Ohio was summarily suspended effective April 3, 2007.

(2) Barney T. Dotson is addicted to or abusing drugs or alcohol and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Barney T. Dotson has admitted to a Board agent that he is addicted to both drugs and alcohol. Barney T. Dotson has been to in-patient alcohol treatment previously, and has stated an intention to enter into treatment again. Barney T. Dotson has admittedly stolen fentanyl and hydromorphone from his employer; Barney T. Dotson has admittedly stolen drugs for his abuse "every other day;" Barney T. Dotson has admitted to stealing Vicodin since he began practicing pharmacy in 1980. Barney T. Dotson has indicated to a Board agent that his consumption of hydromorphone began with ingestion of approximately 2 mg per occasion, and it escalated to 8 to 10 mg each use. Barney T. Dotson's abuse was discovered on March 16, 2007, when he was arrested after having passed out while driving his car and struck another vehicle. Such conduct indicates that Barney T. Dotson is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.

(3) Barney T. Dotson did, on or about March 16, 2007, and on various dates preceding, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Curascript Infusion Pharmacy, beyond the express or implied consent of the owner, to wit: Barney T. Dotson has admittedly stolen fentanyl and hydromorphone from his employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(4) On or about August 8, 2007, you pled guilty to (3) three counts of Theft of Drugs, felonies of the fourth degree, under Section 2913.02 (A)(1) of the Ohio Revised Code. You were granted Intervention in Lieu of Conviction. State of Ohio vs. Barney T. Dotson, Case No. B 0703688, Hamilton County Common Pleas Court.

#### CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (3) and (4) of the Findings of Fact constitute being guilty of a felony and 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) and (4) 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.

#### 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 Barney T. Dotson on April 3, 2007.

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. 03-3-20222, held by Barney T. Dotson and such suspension is effective as of the date of the mailing of this Order.

(A) Barney T. Dotson, 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) Barney T. Dotson, 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 three years from the effective date of this Order, the Board will consider any petition filed by Barney T. Dotson 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) Barney T. Dotson 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. 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) Alcohol must be added to the standard urine drug screen and documentation provided to show inclusion in the test panel. A Breathalyzer may be used to test for alcohol, but the test must be conducted by an appropriately certified individual within twelve hours of notification.

(c) Results of all drug and alcohol screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. 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) The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

(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) Barney T. Dotson 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) Barney T. Dotson 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 four years of the effective date of this Order, Barney T. Dotson must also show successful completion of the NAPLEX.

(E) Upon such time as the Board may consider reinstatement, Barney T. Dotson will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/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 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: DECEMBER 5, 2007

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

WTW/lf

CERTIFIED MAIL/Return Receipt  
7004 2510 0006 9804 2840

c: Sally Ann Steuk, Assistant Attorney General  
Harry B. Plotnick, Attorney for Respondent; 810 Sycamore Street, Sixth Floor; Cincinnati,  
Ohio 45202



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## SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

April 3, 2007

**Barney T. Dotson, R.Ph.**  
5367 Race Road  
Cincinnati, Ohio 45247

Re: Ohio Registered Pharmacist  
Number 03-3-20222

Dear Mr. Dotson:

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. 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 October 26, 1993, pursuant to reciprocity, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You are addicted to or abusing drugs or alcohol and/or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have admitted to a Board agent that you are addicted to both drugs and alcohol. You have been to in-patient alcohol treatment previously, and have stated an intention to enter into treatment again. You have admittedly stolen fentanyl and hydromorphone from your employer; you have admittedly stolen drugs for your abuse "every other day;" you have admitted to stealing Vicodin since you began practicing pharmacy in 1980. You have indicated to a Board agent that your consumption of hydromorphone began with ingestion of approximately 2 mg per occasion, and it escalated to 8 to 10 mg each use. Your abuse was discovered on March 16, 2007, when you were arrested after having passed out while driving your car and struck another vehicle. Such conduct indicates that you are within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, on or about March 16, 2007, and on various dates preceding, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Curascript Infusion Pharmacy, beyond the express or implied consent of the owner, to wit: you have admittedly stolen fentanyl and hydromorphone from your employer. Such conduct is in violation of Section 2913.02 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..."

WHEREFORE, PURSUANT TO SECTION 3719.121(A) 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 DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30<sup>TH</sup>) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. 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 there is no request for such a hearing received by the Board on or prior to the thirtieth (30<sup>th</sup>) day following the mailing of this notice, the Ohio 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

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

WTW: (D-070403-036)

CERTIFIED MAIL / Return Receipt  
7004 2510 0006 9804 5018

cc: Sally Ann Steuk, Assistant Attorney General