



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-950217-037)

In The Matter Of:

MICHAEL D. QUIGLEY

2364 Meadowwood

Toledo, Ohio 43606

(D.O.B. 12/18/51)

INTRODUCTION

THE MATTER OF MICHAEL D. QUIGLEY CAME TO HEARING ON JANUARY 24, 1996, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: PAUL F. LAMPING, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

MICHAEL D. QUIGLEY WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy
- (2) Michael D. Quigley, Respondent

Respondent's Witnesses:

- (1) Dr. Fred Karaffa, Shepherd Hill Hospital
- (2) Gary R. Rutherford, Pharmacists Rehabilitation Organization
- (3) Richard Kryc, Pharmacists Rehabilitation Organization
- (4) Phyllis Grauer, Pharmacists Rehabilitation Organization
- (5) George Perdue, Pharmacists Rehabilitation Organization
- (6) Nick Kallis, Pharmacists Rehabilitation Organization

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Notice of Opportunity letter dated February 17, 1995.
- (2) Exhibit 1A--Hearing Request letter dated March 1, 1995.
- (3) Exhibit 1B--Hearing Schedule letter dated March 7, 1995.
- (4) Exhibit 1C--Continuance Request letter via facsimile dated September 8, 1995.
- (5) Exhibit 1D--Hearing Schedule letter dated September 8, 1995.
- (6) Exhibit 1E--Hearing Schedule letter dated September 19, 1995.

- (7) Exhibit 2--Application for Examination as a Pharmacist of Michael D. Quigley received February 6, 1995.
- (8) Exhibit 3--Pharmacist File Front Sheet, No. 03-21-1429, of Michael D. Quigley showing original date of registration as August 4, 1975.
- (9) Exhibit 4--Five-page Order of the State Board of Pharmacy, Docket No. D-890921-051, in the matter of Michael D. Quigley dated December 18, 1989.
- (10) Exhibit 5--Four-page Order of the State Board of Pharmacy, Docket No. D-920918-022, in the matter of Michael D. Quigley dated December 16, 1992.
- (11) Exhibit 6--Five-page Order of the State Board of Pharmacy, Docket No. D-931022-022, in the matter of Michael D. Quigley dated March 14, 1994.
- (12) Exhibit 7--Pages 103 to 150 of the transcript of the proceedings before the Ohio State Board of Pharmacy in the matter of Michael D. Quigley held on October 23, 1989.

Respondent's Exhibits:

- (1) Exhibit A--Copy of two-page Pharmacists Rehabilitation Organization, Inc. Recovering Pharmacist's Contract of Mike Quigley dated March 6, 1992.
- (2) Exhibit B--Copy of two-page Pharmacists Rehabilitation Organization, Inc. Impaired Pharmacist's Contract of Mike Quigley dated May 18, 1989.
- (3) Exhibit C--Copies of four Pharmacists Rehabilitation Organization, Inc. Client Monitoring Sheets, Client Case No. 0038, of Michael D. Quigley as follows: page 1 dated from the week of June 28, 1992, through the week of September 27, 1992; page 2 dated from the week of March 15, 1992, through the week of June 28, 1992; page 3 dated from the week of October 13, 1991, through the week of March 8, 1992; and page 4 dated from the week of May 12, 1991, through the week of October 6, 1991.
- (4) Exhibit D--Copy of twelve-page AA/NA meeting attendance verifications of Michael D. Quigley dated from September of 1989 to October of 1992.
- (5) Exhibit E--Copy of letter from Richard Martin Friedmar dated May 2, 1991; copy of letter from Alan Hersh dated October 17, 1992; copy of letter from Mrs. R. (Jean) and Richard W. Quigley dated October 17, 1992; copy of letter from Richard W. Quigley, Jr. dated October 20, 1992; copy of letter from Robert J. Hoagland dated October 20, 1992; copy of letter from Dianne Nyitray, not dated; copy of letter from Richard C. Mitchell, III dated August 7, 1992; and copy of two-page letter from (name is illegible) dated October 16, 1992.
- (6) Exhibit F--Copy of letter from Harry Chisholm dated October 20, 1992; copy of letter from Paul C. Redmond dated October 20, 1992; copy of letter from Robert B. Forney dated November 8, 1989; and copy of letter from Fred N. Karaffa dated November 2, 1989.
- (7) Exhibit G--Copies of twenty-one continuing pharmaceutical education certificates numbered and dated as follows: 183-129-8901 dated February 2, 1989; 690-165-89002 dated February 27, 1989; 183-129-8908 dated October 11, 1989; 183-129-8906 dated August 1, 1989; 189-761-91-004 dated March 9, 1992; 183-129-8909 dated October 11, 1989; 680-302-90-075 dated March 20, 1992; 680-302-92-062 dated March 20, 1992; 680-302-87-080 dated March 20, 1992; 680-302-86-080 dated January 31, 1989; 680-073-90-06 dated April 5, 1992; 680-073-90-03 dated April 5, 1992; 680-073-90-01 dated April 5, 1992; 680-073-89-12 dated April 5, 1992; 680-073-89-10 dated April 5, 1992; 680-073-89-09 dated April 5, 1992; 680-073-89-08 dated April 5, 1992; 680-073-89-07 dated April 5, 1992; 682-327-91-201 dated March 6, 1992; 680-073-89-06 dated April 5, 1992; and 680-071-90-002 dated March 30, 1992.
- (8) Exhibit H--Copies of four Pharmacists Rehabilitation Organization, Inc. Client Monitoring Sheets, Client Case No. 0038, of Michael D. Quigley as follows: page

- 1 dated from the week of October 4, 1992, through the week of February 28, 1993; page 2 s dated from the week of March 7, 1993, through June 27, 1993; page 3 dated from the week of July 4, 1993, through September 26, 1993; and page 4 dated from the week of October 3, 1993, through December 26, 1993.
- (9) Exhibit I--Copy of six-page AA/NA meeting attendance verifications of Michael D. Quigley dated from October of 1992 through December of 1993.
 - (10) Exhibit J--Copy of letter from Carol A. Bobak dated December 29, 1993; copy of letter from Mrs. R. (Jean) and Richard W. Quigley dated November 27, 1993; copy of letter from Richard W. Quigley, Jr. dated November 24, 1993; copy of letter from Robert J. Hoagland dated November 25, 1993; copy of first quarter grade card of Bryan Quigley, not dated; and copy of letter from Ms. Charlotte Best and Ms. Merrie-Ellen Vogan.
 - (11) Exhibit K--Copy of certificate of completion in the Pharmacist Recovery Network Convention of Michael Quigley dated October 23, 1993; copies of six continuing pharmaceutical education certificates numbered and dated as follows: 189-761-92-008 dated June 7, 1993; 692-424-92-002 dated June 7, 1993; 189-761-92-009 dated June 7, 1993; 692-424-92-001 dated June 7, 1993; 189-761-92-006 dated June 7, 1993; 692-424-93-003 dated June 1, 1993; and copies of five letters from James G. Alexander dated June 7, 1993 regarding successful completion for the following classes: Recent Advances in ACE Inhibitor Therapy; Therapeutic Drug Monitoring-Class 1 Antiarrhythmics; Alzheimer's Disease: 1906-1991 Yesterday's Future . . . Tomorrow's Reality?; The Pharmacology of Nicotine and Nicotine Replacement in Smoking Cessation Therapy; and Low Estrogen Oral Contraceptives.
 - (12) Exhibit L--Copies of pages 1, 6, and 7 of the transcript of proceedings in the Lucas County Court of Common Pleas, Case Numbers CR89-6349 and CR89-7311, in the matter of Michael Quigley on October 13, 1989.
 - (13) Exhibit M--Copy of two-page letter from Joseph C. MacMillan dated July 7, 1993; copy of letter from Graeme M. Cunningham dated April 19, 1993; and copy of letter from David E. Smith dated May 13, 1993.
 - (14) Exhibit N--Copy of three-page Anchor Hospital, Talbott Marsh Recovery System, Admission Note/Psychiatric Assessment of Michael Quigley on October 5, 1993.
 - (15) Exhibit O--Copy of two-page Anchor Hospital, Talbott Marsh Recovery System, Discharge Summary of Michael D. Quigley dated October 7, 1993.
 - (16) Exhibit P--Copy of three-page O.A.S.I.S. Counseling Center, Confidential Psychological Evaluation dated October 7, 1993.
 - (17) Exhibit Q--Copies of the following: Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet, Client Case No. 0038, for the period of January 2, 1994, to March 27, 1994; Pharmacists Rehabilitation Organization, Inc. Client Monitoring Sheet, Client Case No. 0038, dated from the week of January 2, 1994, thorough the week of March 27, 1994; urine drug screen report dated February 16, 1994; urine drug screen report dated March 19, 1994; urine drug screen report dated January 7, 1994; Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet dated from April 3, 1994, to June 26, 1994; Pharmacists Rehabilitation Organization, Inc. Client Monitoring Sheet dated from the week of April 3, 1994, through the week of June 26, 1994; urine drug screen report dated June 8, 1994; urine drug screen report dated July 5, 1994; Pharmacists Rehabilitation Organization, Inc. Client Monitoring Sheet dated from July 3, 1994, to October 1, 1994; Pharmacists Rehabilitation Organization, Inc. Client Monitoring Sheet dated from the week of July 3, 1994, to the week of September 25, 1994; urine drug screen report dated September 13, 1994; Pharmacists Rehabilitation Organization, Inc. Client Monitoring Sheet dated from October 2, 1994, through December 31, 1994; Pharmacists Rehabilitation Organization, Inc.

- Client Monitoring Sheet dated from the week of October 2, 1994, through the week of December 25, 1994; urine drug screen report dated October 6, 1994; urine drug screen report dated December 12, 1994; Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet dated from January 1, 1995, to April 1, 1995; Pharmacists Rehabilitation Organization, Inc. Client Monitoring Sheet dated from the week of January 1, 1995, through the week of March 26, 1995; urine drug screen report dated March 9, 1995; Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet dated from April 2, 1995, to June 30, 1995; Pharmacists Rehabilitation Organization, Inc. Client Monitoring Sheet dated from the week of April 2, 1995, through June 25, 1995; urine drug screen report dated June 23, 1995; and Pharmacists Rehabilitation Organization, Inc. Client Reporting Sheet dated from October 1, 1995, to December 31, 1995.
- (18) Exhibit R--Copy of certificate from the University of Utah of Michael D. Quigley for participation in Alcoholism and other Drug Dependencies dated June 24, 1994; Copy of certificate from the University of Utah of Michael D. Quigley for participation in Alcoholism and other Drug Dependencies dated June 19, 1994; and continuing pharmaceutical education certificate numbered 679-105-95-13 dated May 6, 1995.
 - (19) Exhibit S--Copy of cover and pages 18 and 19 of Dateline N. B. C. Transcript, No. 120, dated August 11, 1994.
 - (20) Exhibit T--Copy of Judgment Entry in the Lucas County Common Pleas Court, Case No. CR89-7311, of Michael D. Quigley, date illegible; copy of two-page letter from Carol McKeon dated November 1, 1995; copy of letter from Fred N. Karaffa dated November 1, 1995; copy of two-page letter from Gary A. Bunting dated November 2, 1995; copy of letter from Nick A. Kallis dated August 29, 1995; copy of letter from H. Ken Lawson dated September 6, 1995; copy of letter from Curtis D. Black dated September 17, 1995; and letter from William Knopp, not dated.
 - (21) Exhibit U--Seventeen-page Hospital Formulary Manual for Tylenol, by McNeil Consumer Products Company.

FINDINGS OF FACT

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

- (1) Records of the Board indicate that Michael D. Quigley submitted an Application for Examination as a Pharmacist on or about February 6, 1995.
- (2) Records further indicate that Michael D. Quigley was originally licensed to practice pharmacy in the state of Ohio pursuant to examination on August 4, 1975; and Michael D. Quigley was the responsible pharmacist at Larry's Pharmacy, 12 E. Bancroft Street, Toledo, Ohio 43620. On December 18, 1989, the State Board of Pharmacy found that:
 - (a) Michael D. Quigley is addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
 - (b) Michael D. Quigley did, on or about February 6, 1989, and dates prior thereto, obtain a dangerous drug by committing a theft offense, to

wit: Michael D. Quigley stole the following Schedule II controlled substances from Larry's Pharmacy:

<u>Drug</u>	<u>Quantity</u>
Percocet	62,060
Levo-Dromoran	5,019
Dolophine 5mg	4,883
Percodan	1,018
Tylox	802
Demerol 50mg	191
MS Contin 30mg	185

Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (3) On December 18, 1989, the Board found Michael D. Quigley to be guilty of a felony and gross immorality, guilty of dishonesty and unprofessional conduct in the practice of pharmacy, and guilty of willfully violating provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code. As a result of this conduct the Board revoked Michael D. Quigley's pharmacist identification card, license number 03-2-11429.
- (4) Michael D. Quigley did, on or about July 27, 1992, submit an Application for Examination as a Pharmacist. On December 16, 1992, the Board affirmed its previous findings in that Michael D. Quigley has been guilty of a felony and gross immorality, guilty of dishonesty and unprofessional conduct, and guilty of willfully violating Chapters 2925., 3719., or 4729., of the Revised Code. The Board also found that Michael D. Quigley did, on or about October 30, 1989, enter a guilty plea to Trafficking in Drugs, a third degree felony, in the Common Pleas Court of Lucas County, Ohio. Michael D. Quigley was sentenced to two years imprisonment; ordered to pay a mandatory fine of \$2,500.00; and ordered to pay \$20,944.77 in restitution. The Board further found that Michael D. Quigley was not of good moral character and habits as provided in Rule 4729-5-04 of the Ohio Administrative Code. As a result, the Board denied the issuance of a certificate of registration or identification card, and therefore denied the Application for Examination as a Pharmacist.
- (5) Michael D. Quigley did, on or about September 2, 1993, submit an Application for Examination as a Pharmacist, and on March 14, 1994, his application was again denied.
- (6) Michael D. Quigley has submitted sufficient evidence to prove that he has not used mind-altering substances since February of 1989, and he has continued to work a successful recovery program since 1989. Michael D. Quigley is now of good moral character and habits.

ACTION OF THE BOARD

Pursuant to Sections 4729.07, 4729.08, and 4729.16 of the Ohio Revised Code, the State Board of hereby approves the Application for Examination as a Pharmacist submitted by Michael D. Quigley. However, Michael D. Quigley must submit a new application and if he successfully completes the examinations and becomes licensed to practice pharmacy in Ohio, his identification card will

be placed on probation for five years, effective as of the date of registration. The terms of probation are as follows:

- (A) Michael D. Quigley must enter into a new contract, prior to registration, with a limited treatment provider acceptable to the Board, for the duration of the probation period and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:
 - (1) random, observed urine screens shall be conducted at least twice a month for the first contract year and at least once a month for the remaining four contract years. The urine drug screens must report testing for alcohol and must also report testing for creatinine or specific gravity of the sample as the dilutional standard;
 - (2) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required during outpatient treatment and/or during aftercare;
 - (3) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and
 - (4) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Michael D. Quigley 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 his progress towards recovery and what he has been doing during the previous three months.
- (C) Other terms of probation are as follows:
 - (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Michael D. Quigley's pharmacist identification card will not be in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns throughout the probation period.
 - (2) The Board further stipulates that Michael D. Quigley may not serve as a responsible pharmacist while on probation.
 - (3) Michael D. Quigley may not destroy, or may not assist in or witness the destruction of controlled substances while on probation.
 - (4) Michael D. Quigley must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (5) Michael D. Quigley must not violate the drug laws of the state of Ohio, any other state, or the federal government.

- (6) Michael D. Quigley must abide by the rules of the Ohio State Board of Pharmacy.
- (7) Michael D. Quigley must comply with the terms of this Order.

Michael D. Quigley 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 the period of probation, the Board may revoke probation for a violation occurring during the probation period.

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



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-931022-022)

In The Matter Of:

MICHAEL D. QUIGLEY

2364 Meadowwood

Toledo, Ohio 43606-3157

(D.O.B. 12/18/51)

INTRODUCTION

THE MATTER OF MICHAEL D. QUIGLEY CAME TO HEARING ON JANUARY 26, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; TIMOTHY D. MOORE, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

MICHAEL D. QUIGLEY WAS NOT REPRESENTED BY COUNSEL, AND THE STATE OF OHIO WAS REPRESENTED BY GREGG THORNTON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Michael D. Quigley, Respondent
- (2) William Knapp, Pharmacists Rehabilitation Organization, Inc.
- (3) Gary Bunting
- (4) Gary Rutherford, Pharmacists Rehabilitation Organization, Inc.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Notice of Opportunity letter dated October 22, 1993.
- (2) Exhibit 1A - Hearing Request letter dated October 25, 1993.

- (3) Exhibit 1B - Hearing Schedule letter dated November 4, 1993.
- (4) Exhibit 1C - Two-page facsimile received on December 3, 1993: page one is a cover sheet, page two is a Continuance Request letter dated November 30, 1993.
- (5) Exhibit 1D - Hearing Schedule letter dated December 9, 1993.
- (6) Exhibit 2 - Application for Examination as a Pharmacist of Michael D. Quigley signed and notarized on August 30, 1993.
- (7) Exhibit 3 - Order of the State Board of Pharmacy, Docket No. D-890921-051, of Michael D. Quigley, R.Ph. dated December 18, 1989.
- (8) Exhibit 4 - Order of the State Board of Pharmacy, Docket No. D-920918-022, of Michael D. Quigley dated December 16, 1992.
- (9) Exhibit 5 - Pages 103-150 of the hearing transcript in the matter of Michael D. Quigley held October 23, 1989.

Respondent's Exhibits:

- (1) Exhibit A - Two-page copy of Pharmacists Rehabilitation Organization, Inc. Recovering Pharmacist's Contract of Mike Quigley dated March 6, 1992.
- (2) Exhibit B - Two-page copy of Pharmacists Rehabilitation Organization, Inc. Impaired Pharmacist's Contract of Mike Quigley dated May 18, 1989.
- (3) Exhibit C - Four-page copy of Pharmacists Rehabilitation Organization, Inc. Client Monitoring Sheet of Client Case No. 0038 dated from May 12, 1991, to September 27, 1992.
- (4) Exhibit D - Twelve-page copy of NA/AA Meeting attendance verification sheets of Michael Quigley dated approximately from September, 1989, through October, 1992.
- (5) Exhibit E - Copy of letter from Richard Martin Friedmar dated May 2, 1991; copy of letter from Richard W. Quigley, Jr. dated October 20, 1992; copy of letter from Richard C. Mitchell, III dated August 7, 1992; copy of letter from Dianne Nyitray, not dated; copy of letter from Robert J. Hoagland dated October 20, 1992; copy of letter from Mrs. R. (Jean) Quigley and Richard W. Quigley dated October 17, 1992; copy of letter from Alan Hersh dated October 17, 1992; and two-page copy of letter from Palco employee (name illegible) dated October 16, 1992.
- (6) Exhibit F - Copy of letter from Harry Chisholm dated October 20, 1992; copy of letter from Paul C. Redmond dated October 20, 1992; copy of letter from Fred N. Karaffa dated November 2, 1989; and copy of letter from Robert B. Forney, Jr. dated November 8, 1989.
- (7) Exhibit G - Eight-page copy of twenty-one certificates of continuing pharmaceutical education of Michael D. Quigley dated approximately from January, 1989, through April, 1992.
- (8) Exhibit H - Four-page copy of Pharmacists Rehabilitation Organization, Inc. Client Monitoring sheet of Client Case No. 0038 dated from October 4, 1992, through December 26, 1993.
- (9) Exhibit I - Six-page copy of NA/AA Meeting attendance verification sheets of Michael Quigley dated approximately from October, 1992, through December, 1993.
- (10) Exhibit J - Copy of letter from Carol A. Bobak dated December 29, 1993; copy of letter from J. Todd Fraker dated December 1, 1993; copy of letter from Mrs. R. (Jean) Quigley and Richard W. Quigley dated November 27, 1993; copy of letter from Richard W. Quigley, Jr. dated November 24, 1993; copy of letter from Robert J. Hoagland dated November 25, 1993; copy of letter from Richard Mitchell dated November 15, 1993; two-page copy of Diocese of

Toledo Catholic Elementary Schools report card of Bryan Quigley for the first semester of the 1993-1994 school year; and a copy of acceptance to the National Honor Society and 1st quarter report card from the Central Catholic High School of Casey Marie Quigley dated October 29, 1993.

- (11) Exhibit K - Copy of Pharmacist Recovery Network Convention Certificate of Completion of Michael Quigley dated October 23, 1993; two-page copy of six continuing pharmaceutical education certificates of Michael D. Quigley, all dated May 26, 1993; and copies of five letters regarding successful completion of: Recent Advances in ACE Inhibitor Therapy; Therapeutic Drug Monitoring-Class I Antiarrhythmics; Alzheimer's Disease: 1906-1991 Yesterday's Future... Tomorrow's Reality; The Pharmacology of Nicotine and Nicotine Replacement in Smoking Cessation Therapy; and Low Estrogen Oral Contraceptives; all letters signed by James G. Alexander, Pharm.D. and dated June 7, 1993.
- (12) Exhibit L - Copy of pages 1, 6, and 7 of a transcript in the Court of Common Pleas of Lucas County, Ohio, in the matter of Michael Quigley, Case Nos. CR89-6394 and CR89-7311, commencing on October 13, 1989.
- (13) Exhibit M - Two-page copy of letter from J. C. MacMillan dated July 7, 1993; copy of letter from Graeme M. Cunningham dated April 19, 1993; and copy of letter from David E. Smith dated May 13, 1993.
- (14) Exhibit N - Three-page copy of Anchor Hospital Talbott Marsh Recovery System Admission Note/Psychiatric Assessment of Michael D. Quigley examined by James W. Blevins, M.D. on October 5, 1993.
- (15) Exhibit O - Two-page copy of Anchor Hospital Talbott Marsh Recovery System Discharge Summary of Michael D. Quigley discharged on October 7, 1993, signed by Philip O. Wilson, M.D. and Joanne Royston, R.N.
- (16) Exhibit P - Three-page copy of O.A.S.I.S. Counseling Center Confidential Psychological Evaluation of Michael D. Quigley dated October 5-6, 1993, signed by Robert J. Daniell, Ph.D.

FINDINGS OF FACT

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

- (1) Records of the Board indicate that Michael D. Quigley submitted an Application for Examination as a Pharmacist on September 2, 1993.
- (2) Records further indicate that Michael D. Quigley was originally licensed to practice pharmacy in the state of Ohio pursuant to examination on August 4, 1975; and Mr. Quigley was the responsible pharmacist at Larry's Pharmacy, 12 E. Bancroft Street, Toledo, Ohio 43620.
- (3) On December 18, 1989, the State Board of Pharmacy found that:
 - (a) Michael D. Quigley is addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
 - (b) Michael D. Quigley did, on or about February 6, 1989, and dates prior thereto, obtain a dangerous drug by committing a theft offense, to wit: Michael D. Quigley stole the following schedule II controlled substances from Larry's Pharmacy:

<u>Drug</u>	<u>Quantity</u>
Percocet	62,060 tablets
Levo-Dromoran	5,019 tablets
Dolophine 5mg	4,883 tablets
Percodan	1,018 tablets
Tylox	802 tablets
Demerol 50mg	191 tablets
MS Contin 30mg	185 tablets

Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (4) On December 18, 1989, the Board found Michael D. Quigley to be guilty of a felony and gross immorality, guilty of dishonesty and unprofessional conduct in the practice of pharmacy, and guilty of willfully violating provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code. As a result of this conduct, the Board revoked Michael D. Quigley's pharmacist identification card, license number 03-2-11429.
- (5) Michael D. Quigley did, on or about July 27, 1992, submit an Application for Examination as a Pharmacist. On December 16, 1992, the Board affirmed its previous findings in that Michael D. Quigley has been guilty of a felony and gross immorality, guilty of dishonesty and unprofessional conduct, and guilty of willfully violating Chapters 2925., 3719., or 4729. of the Revised Code. The Board also found that Michael D. Quigley did, on or about October 30, 1989, enter a guilty plea to Trafficking in Drugs, a third degree felony, in the Common Pleas Court, Lucas County, Ohio. Michael D. Quigley was sentenced to two years imprisonment, ordered to pay a mandatory fine of \$2,500.00, and ordered to pay \$20,944.77 in restitution. The Board further found that Michael D. Quigley is not of good moral character and habits as provided in Rule 4729-5-04 of the Ohio Administrative Code. As a result, the Board denied the issuance of a certificate of registration or identification card, and therefor denied the Application for Examination as a Pharmacist.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (5) of the Findings of Fact constitutes being guilty of a felony, gross immorality, dishonesty and unprofessional conduct in the practice of pharmacy, and willful violations of Chapters 2925., 3715., 3719., and 4729., of the Ohio Revised Code as provided in Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (5) of the Findings of Fact constitute not being of good moral character and habits as provided in Rule 4729-5-04 of the Ohio Administrative Code.

ACTION OF THE BOARD

Pursuant to Sections 4729.08 and 4729.16 of the Ohio Revised Code, and Rule 4729-5-04 of the Ohio Administrative Code, the State Board of Pharmacy hereby denies the issuance of a certificate of registration or identification card, and therefore denies the Application for Examination as a Pharmacist submitted by Michael D. Quigley.

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

MOTION CARRIED.

SO ORDERED.



OHIO STATE BOARD OF PHARMACY

- An Equal Opportunity Employer and Service Provider -

77 S. High Street, 17th Floor; Columbus, Ohio 43266-0320
Telephone: 614/466-4143 FAX: 614/752-4836
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ORDER OF THE STATE BOARD OF PHARMACY (Docket No. D-920918-022)

In The Matter Of:

MICHAEL D. QUIGLEY
2364 Meadowwood
Toledo, Ohio 43606
(R.Ph. No. 12/18/51)

INTRODUCTION

THE MATTER OF MICHAEL D. QUIGLEY CAME TO HEARING ON OCTOBER 22, 1992, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY D. MOORE, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; WAYNE C. MILLER, R.Ph.; RUTH A. PLANT, R.Ph.; NICHOLAS R. REPKE; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

MICHAEL D. QUIGLEY WAS REPRESENTED BY DAVID W. GRAUER, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Fritz, Ohio State Board of Pharmacy
- (2) Michael D. Quigley, Respondent

Respondent's Witnesses:

- (1) Michael D. Quigley, Respondent
- (2) Gary Rutherford
- (3) Bill Knopp
- (4) Todd Fraker
- (5) Carol Bobak

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Notice of Opportunity letter dated September 18, 1992.
- (2) Exhibit 2 - Hearing Request letter, not dated, received September 23, 1992.
- (3) Exhibit 3 - Hearing Schedule letter dated September 25, 1992.
- (4) Exhibit 3A - Hearing Schedule letter dated October 19, 1992.
- (5) Exhibit 3B - Notice of Appearance and Certificate of Service in the matter of Mike Quigley by David Grauer dated October 20, 1992.

- (6) Exhibit 4 - Ohio State Board of Pharmacy Order, Docket No. D-890921-051, of Michael D. Quigley dated December 13, 1989.
- (7) Exhibit 5 - Three-page certified Trial Docket Orders and Motion Docket Entries in the Common Pleas Court, Lucas County, Ohio of Michael Quigley dated from October 12, 1989 through July 6, 1992.
- (8) Exhibit 6 - Transcript pages 103 through 150 of the Michael D. Quigley Hearing, direct testimony of Michael Timothy Kelley, M.D., held Monday October 23, 1989.
- (9) Exhibit 7 - Application for Examination as a Pharmacist of Michael D. Quigley signed and notarized July 6, 1992; attached statement of Michael D. Quigley; and Certificate of Pharmacy Education signed by William P. Mies, R.Ph., Ph.D.

Respondent's Exhibits:

- (1) Exhibit A - Two-page copy of Pharmacists' Rehabilitation Organization, Inc. (PRO), Recovering Pharmacist's Contract of Michael D. Quigley dated March 6, 1992.
- (2) Exhibit B - Copy of PRO, Impaired Pharmacist's Contract of Mike Quigley dated May 18, 1989.
- (3) Exhibit C - Four-page copy of PRO, Client Monitoring Sheets of Client Case No. 0038, dated from May 12, 1991, through September 27, 1992.
- (4) Exhibit D - Twelve-page copy of AA/NA meetings attended by Michael D. Quigley dated from September 28, 1989, through October 16, 1992.
- (5) Exhibit E - Copy of letter from Richard Martin Friedmar dated May 2, 1991; copy of letter from Richard C. Mitchell, III, dated August 7, 1992; copy of letter from Mrs. R. (Jean) Quigley and Richard W. Quigley dated October 17, 1992; copy of letter from Alan Herish dated October 17, 1992; copy of letter from Robert J. Hoagland dated October 20, 1992; two-page copy of letter from Bolauck (sic), a Palco Supervisor, dated October 16, 1992; copy of letter from Richard W. Quigley, Jr. dated October 20, 1992; and copy of letter from Dianne Nyitray, not dated.
- (6) Exhibit F - Copy of letter from Harry Chisholm dated October 20, 1992; copy of letter from Paul C. Redmond dated October 20, 1992; copy of letter from Robert B. Forney, Jr. dated November 8, 1989; and copy of letter from Fred N. Karaffa dated November 2, 1989.
- (7) Exhibit G - Eight-page copy of twenty-one continuing pharmaceutical education participation certificates of Michael Quigley dated from February 2, 1989 through April 5, 1992.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that on December 18, 1989, the Board found that:
 - (a) Michael D. Quigley was originally licensed to practice pharmacy in this state pursuant to examination on August 4, 1975, and that Mr. Quigley was the Responsible Pharmacist at Larry's Pharmacy, 12 E. Bancroft St., Toledo, Ohio 43620.
 - (b) Michael D. Quigley was addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

- (c) Michael D. Quigley did, on or about February 6, 1989, and dates prior thereto, obtain a dangerous drug by committing a theft offense, to wit: Michael D. Quigley stole the following schedule II controlled substances from Larry's Pharmacy:

<u>Drug</u>	<u>Amount</u>
Percocet	62,060 tablets
Levo-Dromoran	5,019 tablets
Dolophine 5mg	4,883 tablets
Percodan	1,018 tablets
Tylox	802 tablets
Demerol 50mg	191 tablets
MS Contin 30mg	185 tablets

Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

- (2) From the evidence presented, the State Board of Pharmacy finds that on December 18, 1989, the Board concluded that Michael D. Quigley was guilty of a felony and gross immorality; guilty of dishonesty and unprofessional conduct; and guilty of willfully violating any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Ohio Revised Code.
- (3) From the evidence presented, the State Board of Pharmacy finds that on December 18, 1989, the Board revoked Michael D. Quigley's pharmacist identification card, license number 03-2-11429.
- (4) From the evidence presented, the State Board of Pharmacy finds that Michael D. Quigley did, on or about October 30, 1989, enter a guilty plea to Trafficking in Drugs, a third degree felony, in the Common Pleas Court, Lucas County, Ohio. Michael D. Quigley was sentenced to two years imprisonment; ordered to pay a mandatory fine of \$2,500.00; and ordered to pay \$20,944.77 in restitution.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (1b), (1c), and (2) through (4) of the Findings of Fact constitute being guilty of a felony, gross immorality, dishonesty and unprofessional conduct in the practice of pharmacy, and willful violations of Chapters 2925., 3715., 3719., and 4729. of the Ohio Revised Code as provided in Sections 4729.16 of the Revised Code as provided in Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (1b), (1c), and (2) through (4) of the Findings of Fact constitute not being of good moral character and habits as provided in Rule 4729-5-04 of the Ohio Administrative Code.

ACTION OF THE BOARD

Pursuant to Sections 4729.08 and 4729.16 of the Ohio Revised Code, and Rule 4729-5-04 of the Ohio Administrative Code, the State Board of Pharmacy hereby denies the issuance of a certificate of registration or identification card, and

MICHAEL D. QUIGLEY
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Order of the Board

therefore denies the Application for Examination as a Pharmacist submitted by Michael D. Quigley.

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 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

ORDER MAILED

AND EFFECTIVE: DECEMBER 16, 1992

CERTIFIED MAIL
Return Receipt
#P 749 728 935

FZW/so

By



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

cc: Ronda Anderson, Assistant Attorney General
David W. Grauer, Attorney for Respondent; Squire, Sanders & Dempsey;
1300 Huntington Center; 41 S. High St.; Columbus, Ohio 43215



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-890921-051)

In The Matter Of:

MICHAEL D. QUIGLEY, R.Ph.
Inmate Number 216344
Orient Correctional Reception Center
P.O. Box 300
Orient, Ohio 43146
(R.Ph. No. 03-2-11429)

INTRODUCTION

THE MATTER OF MICHAEL D. QUIGLEY CAME TO HEARING ON OCTOBER 23, 1989 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY MOORE, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; NORMAN LEIBOW, R.Ph.; METTA LOU HENDERSON, R.Ph.; JOSEPH SABINO, R.Ph.; ROBERT VALENTINE, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

MICHAEL D. QUIGLEY WAS REPRESENTED BY KEVIN SHOEMAKER, AND THE STATE OF OHIO WAS REPRESENTED BY STEVE DLOTT, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale Russell Fritz, Jr. - Board of Pharmacy
- (2) Detective Patrick Joseph Gladieux - Toledo Police Department
- (3) Lawrence Weiss
- (4) Dr. Michael Kelley

Respondent's Witnesses:

- (1) Alan Hersh
- (2) Steve Goebel
- (3) Mary Gawle
- (4) Michael D. Quigley - Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated September 21, 1989.
- (2) Exhibit B - Request for Hearing letter received September 27, 1989.

- (3) Exhibit C - Hearing Schedule letter dated September 28, 1989.
- (4) Exhibit D - Hearing Reschedule letter dated October 3, 1989.
- (5) Exhibit E - Request for continuance letter dated October 11, 1989.
- (6) Exhibit F - Letter acknowledging receipt of continuance request by Defense counsel dated October 17, 1989.
- (7) Exhibit 1 - Terminal Distributor of Dangerous Drugs Renewal Application for Larry's Pharmacy Inc. for 1988 and Michael D. Quigley's Pharmacist Front Sheet.
- (8) Exhibit 2 - Application for Registration as a Distributor of Dangerous Drugs for Larry's Pharmacy Inc. signed by Lawrence Weiss.
- (9) Exhibit 3 - Application for Registration under Controlled Substances Act of 1970 for Larry's Pharmacy Inc. dated 9/9/85, and signed by Michael Quigley.
- (10) Exhibit 4 - Transcript of Interview with Michael Quigley, R.Ph. and Dale Fritz, Investigator of the Ohio State Board of Pharmacy held on July 24, 1989.
- (11) Exhibit 5 - Five-page document from The Toledo Hospital on Michael D. Quigley.
- (12) Exhibit 6 - Twenty-six-page document from Shepherd Hill Hospital on Michael D. Quigley, dated July 10, 1989.
- (13) Exhibit 7 - Fourteen-page document from Mercy Hospital on Michael D. Quigley.
- (14) Exhibit 8 - Chart of Daily Acetaminophen Consumption - Averaged by Month.
- (15) Exhibit 9 - Chart of Daily Acetaminophen Consumption - Averaged by Month.
- (16) Exhibit 10 - Chart of Percocet Tablets Missing by Month.
- (17) Exhibit 11 - Accountability Statement from Larry's Pharmacy for Percocet-5 Tablets showing a shortage of 62,060 tablets, dated April 26, 1989.
- (18) Exhibit 12 - Indictment from the Lucas County Common Pleas Court on Michael Quigley for Trafficking (CR89-6394).
- (19) Exhibit 13 - Indictment from the Lucas County Common Pleas Court on Michael Quigley for seven counts of Aggravated Trafficking. (CR89-6394)
- (20) Exhibit 14 - Accountability Statement from Larry's Pharmacy for Levo-Dromoran 2mg tablets showing a shortage of 5,019 tablets, dated April 26, 1989.
- (21) Exhibit 15 - Accountability Statement from Larry's Pharmacy for Dolophine 5mg tablets showing a shortage of 4,883 tablets, dated April 26, 1989.
- (22) Exhibit 16 - Accountability Statement from Larry's Pharmacy for Percodan tablets showing a shortage of 1,018 tablets, dated April 16, 1989.
- (23) Exhibit 17 - Accountability Statement from Larry's Pharmacy for Tylox Capsules showing a shortage of 802 capsules, dated April 26, 1989.
- (24) Exhibit 18 - Accountability Statement from Larry's Pharmacy for Contin 30mg tablets showing a shortage of 185 tablets, dated April 26, 1989.
- (25) Exhibit 19 - Accountability Statement from Larry's Pharmacy for Demerol 50mg tablets showing a shortage of 191 tablets, dated April 26, 1989.

Respondent's Exhibits:

- (1) Exhibit 1 - Transcript of hearing held in the Court of Common Pleas of Lucas County, State of Ohio vs Michael Quigley, CR89-6394 and CR89-7311.
- (2) Exhibit 2 - Letter from Gerald Cooper, R.Ph. and owner of Sam's Douglas Road Drugs dated October 20, 1989.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Michael D. Quigley was originally licensed to practice pharmacy in this state pursuant to examination on August 4, 1975, and Mr. Quigley is the Responsible Pharmacist at Larry's Pharmacy, 12 E. Bancroft Street, Toledo, Ohio 43620.
- (2) From the evidence presented, the State Board of Pharmacy finds that Michael D. Quigley is addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
- (3) From the evidence presented, the State Board of Pharmacy finds that Michael D. Quigley did, on or about February 6, 1989, and dates prior thereto, obtain a dangerous drug by committing a theft offense, to wit: Michael D. Quigley stole the following Schedule II controlled substances from Larry's Pharmacy:

<u>Drug</u>	<u>Amount</u>
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Tylox	802 tablets
Demerol 50mg	191 tablets
MS Contin 30mg	185 tablets

Such conduct is in violation of Section 2925.21 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) and (3) of the Findings Of Fact constitutes being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) and (3) of the Findings Of Fact constitutes 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) and (3) of the Findings Of Fact constitutes willfully violating any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Ohio Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-2-11429, held by Michael D. Quigley:

(A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Michael D. Quigley.

(B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Michael D. Quigley.

(C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Michael D. Quigley.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, ..., 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.

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.

MICHAEL D. QUIGLEY, R.Ph.
Page Five
Order of the Board

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.

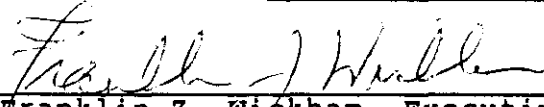
BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P-417-664-086

ORDER MAILED: DECEMBER 18, 1989

FZW/pw

By


Franklin Z. Wickham, Executive Director

cc: Steve Dlott, Assistant Attorney General
Kevin Shoemaker, Attorney for Respondent;
88 E. Broad St.; Columbus, Ohio 43215