



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-980508-056)

In The Matter Of:

LISA KATHERINE RAMIREZ, R.Ph.

511 West Lakeshore Drive, Unit 501 A-3

Port Clinton, Ohio 43452

(R.Ph. No. 03-3-21554)

INTRODUCTION

THE MATTER OF LISA KATHERINE RAMIREZ CAME TO HEARING ON JUNE 10, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: AMONTE B. LITTLEJOHN, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; JOSEPH J. MASLAK, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

LISA KATHERINE RAMIREZ WAS REPRESENTED BY WILLIAM G. MEYER, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) None

Respondent's Witnesses:

(1) Lisa K. Ramirez, Respondent

(2) Michael D. Quigley, Pharmacists Rehabilitation Organization, Inc.

(B) Exhibits

State's Exhibits:

(1) Exhibit 1--Copy of four-page Probation Violation Hearing letter dated May 8, 1998.

(2) Exhibit 2--Copy of six-page Order of the State Board of Pharmacy, Docket No. D-930629-098, in the matter of Lisa Katherine Ramirez, R.Ph. dated December 9, 1993.

- (3) Exhibit 3--Copy of seven-page Order of the State Board of Pharmacy, Docket No. D-960315-044, in the matter of Lisa Katherine Ramirez dated October 29, 1996.
- (4) Exhibit 4--Urine Drug Screen Report of Lisa Ramirez dated March 26, 1998.
- (5) Exhibit 5--Urine Drug Screen Report of Lisa Ramirez dated April 8, 1998.
- (6) Exhibit 6--Urine Drug Screen Report of Lisa Ramirez dated April 10, 1998.
- (7) Exhibit 7--Chain of Custody Request of Lisa K. Ramirez dated March 5, 1997; and Urine Drug Screen Report of Lisa Ramirez dated March 5, 1997.
- (8) Exhibit 8--Chain of Custody Request of Lisa K. Ramirez dated March 26, 1998; and Urine Drug Screen Report of Lisa Ramirez dated March 26, 1998.

Respondent's Exhibits:

- (1) Three page Hearing Brief in the matter of Lisa Katherine Ramirez, not dated.
- (2) Exhibit A--Copy of two-page letter from Sharon A. Taxter dated May 1, 1998; copies of page one and page five of the Insider dated December 4, 1997; copy of an Internet document titled "Opiates Test" from Drug Detection Devices Limited; copy of eight pages of an Internet document titled "Challenges of Contemporary Parenting: Effectively Applying Urine Drug Tests for Children"; copy of an Internet document titled "The Analysis of Thebaine in Urine for the Detection of Poppy Seed Consumption" from the Journal of Analytical Toxicology; copy of a three-page Internet document titled "Is it Poppy Seeds or Opiates?" from MedReview, Inc.; and copy of a three-page Internet document titled "Automatic Quantitative Opiates (Morphine/Codeine)" from Poison Lab.
- (3) Exhibit B--Letter from Lee Kelley with attached business card, not dated; two-page letter from Nancy J. Reed dated June 5, 1998; letter from Cheryl Cooper dated May 31, 1998; letter from Tim and Laurie Smith dated May 30, 1998; letter from Clyde E. Lentz dated May 27, 1998; letter from Brenda Fishburn dated May 28, 1998; letter from Dana Stahl dated May 28, 1998; letter from Mark May dated May 28, 1998; letter from Terri P. Radecki dated May 15, 1998; letter from Dr. John L. Miller, not dated, with attached references; two-page letter from Frank Strader dated May 18, 1998; letter from Jeffrey L. Wilson dated May 13, 1998; letter from Debbie Hymore Tester dated May 14, 1998; letter from Nick Johnson, not dated; letter from Paul Dornbusch dated May 12, 08 (sic 98); letter from Everett M. Woodel, Jr. dated May 13, 1998; and letter from Nan Davis dated April 8, 1998.
- (4) Exhibit C--Copies of twenty-seven pages of AA Attendance Record of Lisa K. Ramirez dated from September 15, 1996, through May 13, 1998; copy of letter from David Lewandowski dated April 8, 1997; and copy of N.C.O.A. Intergroup Sober Horizon Area Group News, February, 1998.

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 of Pharmacy indicate that Lisa Katherine Ramirez was originally licensed to practice pharmacy in the State of Ohio on April 16, 1981, pursuant to examination. On June 29, 1993, Lisa Katherine Ramirez's license was summarily suspended in accordance with Section 3719.121(B) of the Ohio Revised Code. On December 9, 1993, pursuant to the Order of

the Board, Docket No. D-930629-098, Lisa Katherine Ramirez's license, No. 03-2-14085, was revoked.

- (2) On or about December 11, 1995, Lisa Katherine Ramirez submitted an Application for Examination as a Pharmacist. The Board proposed to deny the application, and the matter came to hearing on September 18, 1996. On or about October 29, 1996, the Board voted to approve Lisa Katherine Ramirez's application for examination pursuant to the Order of the Board, Docket No. D-960315-044; and, provided the examinations were successfully completed and upon registration, Lisa Katherine Ramirez's identification card was to be placed on probation for five years. Lisa Katherine Ramirez was licensed, for the second time, to practice pharmacy in the State of Ohio on April 18, 1997; thus, Lisa Katherine Ramirez's identification card was placed on probation for five years from that date, and the terms of probation were set forth as follows:
 - (A) Lisa Katherine Ramirez must enter into a new contract prior to registration, with a 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 drug 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 specimen must be obtained within eight hours from the time the urine drug screen was requested. The urine drug screen 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) Lisa Katherine Ramirez 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 her progress towards recovery and what she 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 Lisa Katherine Ramirez'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 Lisa Katherine Ramirez may not serve as a responsible pharmacist while on probation.
- (3) Lisa Katherine Ramirez may not destroy, or may not assist in or witness the destruction of, controlled substances while on probation.
- (4) Lisa Katherine Ramirez must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
- (5) Lisa Katherine Ramirez must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (6) Lisa Katherine Ramirez must abide by the rules of the Ohio State Board of Pharmacy.
- (7) Lisa Katherine Ramirez must comply with the terms of this Order.

Lisa Katherine Ramirez was 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; and that, at any time during the period of probation, the Board may revoke probation for a violation occurring during the probation period.

- (3) Pursuant to the terms of Lisa Katherine Ramirez's probation, she gave a specimen of urine on or about March 26, 1998, to be tested for various substances. The test results were positive, indicating that Lisa Katherine Ramirez had consumed an amount of an opiate, specifically morphine. The positive test is in violation of the terms of probation set forth in the Board's Order dated October 29, 1996.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Lisa Katherine Ramirez:

- (A) On the basis of the Findings of Fact set forth above, the State Board of Pharmacy hereby reprimands Lisa Katherine Ramirez.
- (B) On the basis of the Findings of Fact set forth above, the State Board of Pharmacy hereby continues the probation of Lisa Katherine Ramirez for the duration of the original probation period, through April 18, 2002, and sets the following new terms of probation:

(1) Lisa Katherine Ramirez must enter into a new contract, after the effective date of this Order, with a treatment provider acceptable to the Board, for the duration of the original probation period, through April 18, 2002 and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:

- (a) random, **observed** urine drug screens shall be conducted at least once every month. The urine sample must be given within eight hours of notification. The urine drug screen must report testing for alcohol and must also report testing for creatinine or specific gravity of the sample as the dilutional standard;
- (b) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required;
- (c) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and the intervener/sponsor may not be Michael D. Quigley;
- (d) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.

Urine drug screen results 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, constitutes a violation of the contract and probation.

(2) Lisa Katherine Ramirez 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:

(a) the written report and documentation provided by the treatment program pursuant to the contract, and

(b) a written description of her progress towards recovery and what she has been doing during the previous three months.

(3) Other terms of probation are as follows:

- (a) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Lisa Katherine Ramirez's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.

- (b) Lisa Katherine Ramirez may not serve as a responsible pharmacist.
- (c) Lisa Katherine Ramirez may not destroy, assist in, or witness the destruction of controlled substances.
- (d) Lisa Katherine Ramirez must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
- (e) Lisa Katherine Ramirez must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (f) Lisa Katherine Ramirez must abide by the rules of the Ohio State Board of Pharmacy.
- (g) Lisa Katherine Ramirez must comply with the terms of this Order.

Lisa Katherine Ramirez 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.

MOTION CARRIED.

SO ORDERED.



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-960315-044)

In The Matter Of:

LISA KATHERINE RAMIREZ
1653 North Windward Drive
Port Clinton, Ohio 43452
(D.O.B. 11/22/58)

INTRODUCTION

THE MATTER OF LISA KATHERINE RAMIREZ CAME TO HEARING ON SEPTEMBER 18, 1996, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

LISA KATHERINE RAMIREZ WAS REPRESENTED BY WILLIAM G. MEYER, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) Jim Reye, Ohio State Board of Pharmacy

Respondent's Witnesses:

(1) Lisa Katherine Ramirez, Respondent
(2) Michael Quigley, Pharmacists Rehabilitation Organization

(B) Exhibits

State's Exhibits:

(1) Exhibit 1--Notice of Opportunity for Hearing letter dated March 15, 1996.
(2) Exhibit 1A--Hearing Request letter dated March 22, 1996.
(3) Exhibit 1B--Hearing Schedule letter dated March 25, 1996.
(4) Exhibit 1C--Hearing Schedule letter dated August 29, 1996.

- (5) Exhibit 2--Application for Examination as a Pharmacist of Lisa Katherine Ramirez signed and notarized on December 11, 1995, with attached continuation page answering question number four of the application.
- (6) Exhibit 3--Six-page Order of the State Board of Pharmacy, Docket No. D-930629-098, in the matter of Lisa Katherine Ramirez, R.Ph. dated December 9, 1993.
- (7) Exhibit 4--Copy of six-page Judgment Entry of Conviction and Sentence in the Lorain County Common Pleas Court, Case No. 92CR042677, of Lisa Ramirez dated March 14, 1994; and attached copy of Journal Entry in the Lorain County Common Pleas Court, Case No. 92CR042677, of Lisa Ramirez dated March 16, 1994.

Respondent's Exhibits:

- (1) Three-page Hearing Summary and Exhibit List submitted by William G. Meyer.
- (2) Exhibit A--Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Lisa Ramirez dated August 18, 1996.
- (3) Exhibit B--Letter from Mike Kolhoff dated August 27, 1996.
- (4) Exhibit C--Letter from Mark May dated July 29, 1996.
- (5) Exhibit D--AA Meeting Verification Lists of Lisa Ramirez dated from July 20, 1995, through September 15, 1996.
- (6) Exhibit E--Two-page letter from Douglas L. Linker and David C. Knepper dated September 3, 1996; copy of Adult Parole Authority, Columbus, Ohio, Final Release from Parole Supervision of Lisa Ramirez dated August 15, 1996; copy of letter from Jessica Daniels dated August 26, 1996; letter from David Lewandowski dated October 24, 1995; copy of letter from Paul T. Romond dated May 8, 1995; copy of letter from Christine Weatherly, date illegible; copy of letter from Miguel A. Ramirez, not dated; copy of interoffice communication from Valerie E. Aden dated April 21, 1995; copy of Certificate of Award for recognition of outstanding dedication in tutoring dated March 20, 1995; copy of Certificate of Completion of Lisa Ramirez for a Literacy workshop dated May 11, 1995; copy of Certificate for Stress Management, not dated; and, copy of Ohio Department of Rehabilitation and Correction, Inmate Evaluation Report dated April 25, 1995.
- (7) Exhibit F--Letter from David Lewandowski, not dated.
- (8) Exhibit G--Letter from David N. Gragg dated May 31, 1996.
- (9) Exhibit H--Letter from Nan H. Davis dated April 25, 1996;
- (10) Exhibit I--Letter from Dean M. dated July 23, 1996.
- (11) Exhibit J--Copy of letter from Terri P. Radecki dated July 23, 1996.
- (12) Exhibit K--Letter from Mark Johnson dated September 4, 1996.
- (13) Exhibit L--Letter from Rosalynn A. Brubaker, not dated.
- (14) Exhibit M--Letter from Gregory S. Masimore, not dated.
- (15) Exhibit N--Letter from Jeffrey L. Wilson dated July 27, 1996.
- (16) Exhibit O--Copies of Continuing Education Participation Certificates of Lisa K. Ramirez numbered and dated as follows: 129-000-96-006-H01 dated June 28, 1996; 129-000-96-005-H01 dated May 31, 1996; 129-000-96-004-H01 dated April 29, 1996; 073-000-96-001-H01 dated April 9, 1996; 129-000-96-003-H01 dated March 21, 1996; 129-000-96-001-H01 and 129-000-96-002-H01 dated March 5, 1996; 129-000-95-012-H01 dated December 21, 1995; 129-000-95-011-H01 dated December 6, 1995; 129-000-95-010-H01 dated October 25, 1996; 129-000-95-009-H01 dated October 3, 1995; 129-000-95-008-H01 dated August 22, 1995; 129-000-95-007-H01 dated July 24, 1995; 129-000-95-006-H01 dated June 15,

1995; 129-000-95-005-H01 dated May 19, 1995; 183-129-95-003 and 183-129-95-004 dated May 15, 1995; 183-129-95-001 and 183-129-95-002 dated March 9, 1995; 183-129-94-012 dated December 29, 1994; 183-129-94-010 and 183-129-94-011 dated November 23, 1994; 183-129-94-009 dated September 29, 1994; 183-129-94-008 dated August 22, 1994; 183-129-94-007 dated August 1, 1994; 183-129-9406 dated June 20, 1994; 183-129-9403 and 183-129-9404 dated June 13, 1994; 183-129-9405 dated June 7, 1994; 183-129-9312, 183-129-9401, and 183-129-9402 dated March 11, 1994; 183-129-9309, 183-129-9310, and 183-129-9311 dated December 13, 1993; 183-129-9308 dated August 31, 1993; 183-129-9307 dated July 26, 1993; 680-073-92-69 dated July 9, 1992; 183-129-9306 dated July 6, 1993; and copy of Invoice from the Ohio Pharmacists Association of Lisa Ramirez dated September 27, 1993.

- (17) Exhibit P--Letter from Cheryl A. Cooper dated September 1, 1996.
- (18) Exhibit Q--Letter from Marcie C. and Robert E. Hundsrucker dated September 13, 1996.
- (19) Exhibit R--Letter from Dana Stahl dated September 18, 1996.
- (20) Exhibit S--Copy of two-page Pharmacists Rehabilitation Organization, Inc. Recovering Pharmacist's Contract of Lisa K. Ramirez dated September 3, 1992.

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 of Pharmacy indicate that on December 20, 1995, Lisa Katherine Ramirez submitted an Application for Examination as a Pharmacist.
- (2) Records of the Board of Pharmacy further indicate that Lisa Katherine Ramirez was originally licensed to practice pharmacy in the state of Ohio on April 16, 1981, pursuant to examination, and her license was summarily suspended on June 29, 1993. After an Ohio Revised Code Chapter 119. hearing was held on October 28, 1993, the Board determined the following Findings of Fact:
 - (a) Lisa Katherine Ramirez was addicted to or abusing liquor and drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Lisa Katherine Ramirez admitted her abuse and dependence to alcohol and drugs; Lisa Katherine Ramirez stole and traded drugs for alcohol; Lisa Katherine Ramirez admitted to self-medicating with drugs such as Tranxene, Valium, Xanax, and Phenobarbital; Lisa Katherine Ramirez dispensed drugs pursuant to false or forged prescriptions due in part to impaired judgment from dependence on alcohol and/or drugs; and Lisa Katherine Ramirez resigned from employment at Elyria Memorial Hospital and Rini-Rego Pharmacy due to her excessive alcohol and drug abuse.
 - (b) Lisa Katherine Ramirez did, on or about March 26, 1992, knowingly possess a false or forged prescription, to wit: Lisa Katherine Ramirez watched another individual, Carol Gasper AKA Carol Randall, alter prescription number 4001425 from 5 tablets of Valium 5mg to 50 tablets of Valium 5mg, and then Lisa Katherine Ramirez dispensed 50 tablets

and maintained the prescription in the pharmacy records of Rini-Rego Pharmacy. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

- (c) Lisa Katherine Ramirez did, on or about April 23, 1992, knowingly possess a false or forged prescription, to wit: Lisa Katherine Ramirez possessed prescription number 4001465, forged by Carol Gasper AKA Carol Randall for 50 tablets of Valium 10mg, and then she dispensed 50 tablets and maintained the prescription in the pharmacy records of Rini-Rego Pharmacy. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (d) Lisa Katherine Ramirez did, between February, 1992, and July, 1992, knowingly sell a controlled substance in an amount greater than three times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Lisa Katherine Ramirez traded Acetaminophen with Codeine #3 tablets for bottles of Bailey's Irish Cream, an intoxicating liquor. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (e) Lisa Katherine Ramirez did, between January, 1991, and July, 1992, with the purpose to deprive, knowingly obtain and exert control over the property of another beyond the express or implied consent of the owner, Rini-Rego Pharmacy, the property being dangerous drugs, to wit: Lisa Katherine Ramirez stole the following controlled substances from her employer:

| <u>Drug</u> | <u>Amount</u> |
|----------------------|---------------|
| Xanax 0.25mg | 554 tablets |
| Xanax 0.5mg | 997 tablets |
| Xanax 1.0mg | 27 tablets |
| Serax 15mg | 38 capsules |
| Valium 5mg | 39 tablets |
| Valium 10mg | 223 tablets |
| Diazepam 10mg | 85 tablets |
| Phenobarbital 30mg | 282 tablets |
| Centrax 5mg | 15 tablets |
| Centrax 10mg | 32 tablets |
| Tranxene 15mg | 90 tablets |
| Tranxene 7.5mg | 40 tablets |
| Chlorazepate 3.75mg | 110 tablets |
| APAP with Codeine #3 | 1,437 tablets |

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (f) Lisa Katherine Ramirez did, between January, 1991, and July, 1992, give away or deliver at retail without a prescription from a practitioner which under federal and Ohio law can be sold only on prescription, to wit: Lisa Katherine Ramirez gave the following drugs to employees of the Rini-Rego Store without prescriptions being issued:

| <u>Drug</u> | <u>Amount</u> |
|------------------|---------------|
| Zorpin 800mg | 100 units |
| Motrin 800mg | 120 units |
| Cephalexin 500mg | 40 units |
| Ceclor 250mg | 80 units |
| Dilantin 100mg | 20 units |
| Penicillin 500mg | 100 units |
| Motrin 400 mg | 10 units |
| Theo Dur 300mg | 3 units |

Such conduct is in violation of Section 3715.52(L) of the Ohio Revised Code.

- (g) Lisa Katherine Ramirez did, between January, 1991, and July, 1992, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Lisa Katherine Ramirez gave 50 tablets of Darvocet N-100, a schedule IV controlled substance, to employees of Rini-Rego store without prescriptions having been issued. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

The Board concluded that Lisa Katherine Ramirez was guilty of dishonesty and unprofessional conduct in the practice of pharmacy, addicted to or abusing liquor and drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, and guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code; and, on December 9, 1993, the Board revoked Lisa Katherine Ramirez's identification card.

- (3) Lisa Katherine Ramirez was, on or about March 14, 1994, sentenced in the Lorain County Common Pleas Court, Case No. 92CR042677, to a period of incarceration of a minimum of two years up to fifteen years after having pled guilty to eight counts of Trafficking in Drugs in violation of Divisions (A)(1), (A)(4), (A)(6), and (A)(7) of Section 2925.03 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Sections 4729.07, 4729.08, and 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby approves the Application for Examination as a Pharmacist submitted by Lisa Katherine Ramirez. However, Lisa Katherine Ramirez must submit a new application form and, if she successfully completes the examinations and becomes licensed to practice pharmacy in Ohio, her 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) Lisa Katherine Ramirez 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 drug 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 specimen must be obtained within eight hours from the time the urine drug screen is requested. 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) Lisa Katherine Ramirez 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 her progress towards recovery and what she 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 Lisa Katherine Ramirez'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 Lisa Katherine Ramirez may not serve as a responsible pharmacist while on probation.
 - (3) Lisa Katherine Ramirez may not destroy, or may not assist in or witness the destruction of, controlled substances while on probation.
 - (4) Lisa Katherine Ramirez must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (5) Lisa Katherine Ramirez must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (6) Lisa Katherine Ramirez must abide by the rules of the Ohio State Board of Pharmacy.
 - (7) Lisa Katherine Ramirez must comply with the terms of this Order.

Lisa Katherine Ramirez 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-930629-098)

In The Matter Of:

LISA KATHERINE RAMIREZ, R. Ph.
1653 North Windward Drive
Catawba Island, Ohio 43452
(R.Ph. No. 03-2-14085)

INTRODUCTION

THE MATTER OF LISA KATHERINE RAMIREZ CAME TO HEARING ON OCTOBER 28, 1993, 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.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

LISA KATHERINE RAMIREZ WAS REPRESENTED BY JACK W. BRADLEY, AND THE STATE OF OHIO WAS REPRESENTED BY ANNE C. BERRY, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) James Reye, Ohio State Board of Pharmacy
- (2) Detective Gordon Adams, Vermilion Police Department
- (3) Carol Gasper Randall
- (4) Ronald Holiday, Riser Foods, Security
- (5) Michael McConnell, Riser Foods, Director of Pharmacy

Respondent's Witnesses:

- (1) Donald Rettig, R.Ph.
- (2) David Gragg
- (B) Exhibits

State's Exhibits:

- (1) Exhibit 1 — Summary Suspension Order/Notice of Opportunity letter dated June 29, 1993.
- (2) Exhibit 1A — Hearing Request letter dated July 12, 1993.
- (3) Exhibit 1B — Hearing Schedule letter dated July 19, 1993.
- (4) Exhibit 2 — Pharmacist File Front Sheet of Lisa Katherine Ramirez showing original date of registration as April 16, 1981; and Renewal Application for Pharmacist License, No. 03—2—14085, for a license to practice pharmacy in Ohio from September 15, 1992, to September 15, 1993, of Lisa Katherine Ramirez dated June 22, 1992.
- (5) Exhibit 3 — Notification of Change of Responsible Person form of Rini—Rego Stop N Shop Pharmacy, effective September 10, 1990.
- (6) Exhibit 4 — Four—page handwritten statement of Lisa K. Ramirez signed and notarized on August 6, 1992.
- (10) Exhibit 7 — Copy of Intra—Company Communication, Riser Foods, Inc. to M. Landers from R. Holliday regarding Rini—Rego it4435 and Lisa Ramirez dated July 22, 1992.
- (11) Exhibit 8 — Ten—page copy of Sealed Medical Records from St. Joseph's Hospital.
- (12) Exhibit 9 — Copy of Recap of Theft of Controlled Substances Investigation signed by Michael McConnell, dated July 28, 1992.
- (13) Exhibit 10 — Prescription number 4001425.
- (14) Exhibit hA — Prescription number 4001465.
- (15) Exhibit 11B — Copy of prescription number 4001465.
- (16) Exhibit 12 — Five—page copy of Controlled Substance Inventory prepared by Rini—Rego and attached six—page Product Activity Report of Rini—Rego dated from April 16, 1991, through July 13, 1992.
- (17) Exhibit 13 — Three—page copy of handwritten statement of Lisa Ramirez dated July 20, 1992.
- (18) Exhibit 14 — Two—page handwritten statement of Jennifer Roth, L.P.N. signed and notarized on August 20, 1992.
- (19) Exhibit 16 — Fifty—six—page Transcript of Audio Taped Interview, Case No. 92—1552, of Lisa Ramirez with Agent James Reye on August 6, 1992.
- (20) Exhibit 17 - Twenty—six—page Transcript of Audio Taped Telephone Conversation of Lisa Ramirez with Agent James Reye on September 11, 1992.
- (21) Exhibit 18 — Copy of DEA Form 106, Report of Theft or Loss of Controlled Substances, of Rini—Rego Pharmacy dated July 28, 1992.

Respondent's Exhibits:

- (1) None

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 of Pharmacy indicate that Lisa Katherine Ramirez was originally licensed in the state of Ohio on April 16, 1981, pursuant to examination, and her license to practice pharmacy in the state of Ohio was summarily suspended on June 29, 1993.

- (2) Lisa Katherine Ramirez is addicted to or abusing liquor and drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Lisa Katherine Ramirez has admitted her abuse and dependence to alcohol and drugs; Lisa Katherine Ramirez has stolen and traded drugs for alcohol; Lisa Katherine Ramirez has admitted to self—medicating with drugs such as Tranxene, Valium, Xanax and Phenobarbital; Lisa Katherine Ramirez has dispensed drugs pursuant to false or forged prescriptions due in part to impaired judgment from dependence on alcohol and/or drugs; and Lisa Katherine Ramirez resigned from employment at Elyria Memorial Hospital and Rini-Rego Pharmacy due to her excessive alcohol and drug abuse.
- (3) Lisa Katherine Ramirez did, on or about March 26, 1992, knowingly possess a false or forged prescription, to wit: Lisa Katherine Ramirez watched another individual, Carol Casper AKA Carol Randall, alter prescription number 4001425 from 5 tablets of Valium 5mg to 50 tablets of Valium 5mg, and then Ms. Ramirez dispensed 50 tablets and maintained the prescription in the pharmacy records of Rini—Rego Pharmacy. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (4) Lisa Katherine Ramirez did, on or about April 23, 1992, knowingly possess a false or forged prescription, to wit: Lisa Katherine Ramirez possessed prescription number 4001465, forged by Carol Casper AKA Carol Randall for 50 tablets of Valium 10mg, and then Ms. Ramirez dispensed 50 tablets and maintained the prescription in the pharmacy records of Rini—Rego Pharmacy. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (5) Lisa Katherine Ramirez did, between February, 1992, and July, 1992, knowingly sell a controlled substance in an amount greater than three times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Lisa Katherine Ramirez traded Acetaminophen with Codeine *3 tablets for bottles of Bailey's Irish Cream, an intoxicating liquor. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (6) Lisa Katherine Ramirez did, between January, 1991, and July, 1992, with the purpose to deprive, knowingly obtain and exert control over the property of another beyond the express or implied consent of the owner, Rini—Rego Pharmacy, the property being dangerous drugs, to wit: Lisa Katherine Ramirez stole the following controlled substances from her employer:

| DRUG | AMOUNT |
|--------------------|-------------|
| Xanax 0.25mg | 554 tablets |
| Xanax 0.5mg | 997 tablets |
| Xanax 1.0mg | 27 tablets |
| Serax 15mg | 38 capsules |
| Valium 5mg | 39 tablets |
| Valium 10mg | 223 tablets |
| Diazepam 10mg | 85 tablets |
| Phenobarbital 30mg | 282 tablets |
| Centrax 5mg | 15 tablets |
| Centrax 10mg | 32 tablets |
| Tranxene 15mg | 90 tablets |

| | |
|---------------------|---------------|
| Tranxene 7.5mg | 40 tablets |
| Chlorazepate 3.75mg | 110 tablets |
| APAP v/Codeine *3 | 1,437 tablets |

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (7) Lisa Katherine Ramirez did, between January 1991, and July, 1992, give away or deliver at retail without a prescription from a practitioner which under federal and Ohio law can be sold only on prescription, to wit: Lisa Katherine Ramirez gave the following drugs to employees of Rini—Rego Store without prescriptions having been issued:

| DRUG | AMOUNT |
|------------------|-----------|
| Zorpin 800mg | 100 units |
| Motrin 800mg | 120 units |
| Cephalexin 500mg | 40 units |
| Ceclor 250mg | 80 units |
| Dilantin 100mg | 20 units |
| Penicillin 500mg | 100 units |
| Motrin 400mg | 10 units |
| Theo Dur 300mg | 3 units |

Such conduct is in violation of Section 3715.52(L) of the Ohio Revised Code.

- (8) Lisa Katherine Ramirez did, between January 1991, and July, 1992, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Lisa Katherine Ramirez gave 50 tablets of Darvocet-N 100, a schedule IV controlled substance, to employees of Rini—Rego Store without prescriptions having been issued. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (8) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor and drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy as provided in Division (A)(3) 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 paragraphs (2) through (8) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION 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 June 29, 1993.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Lisa Katherine Ramirez:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03—2—14085, held by Lisa Katherine Ramirez effective as of the date of the mailing of this Order.
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03—2—14085, held by Lisa Katherine Ramirez effective as of the date of the mailing of this Order.
- (C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the identification card, No. 03—2—14085, held by Lisa Katherine Ramirez effective as of the date of the mailing of this Order.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-1).

MOTION CARRIED.

SO ORDERED.



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

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

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

June 29, 1993

LISA KATHERINE RAMIREZ, R.Ph.
1653 North Windward Drive
Catawba Island, Ohio 43452

Re: Ohio Registered Pharmacist
License No. 03-2-14085

Dear Pharmacist:

Records of the Board indicate that you are a pharmacist registered by this Board to practice pharmacy in the state of Ohio.

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 practice of pharmacy and/or your method of distributing controlled substances presents a danger of immediate and serious harm to others. The specific evidence in support of this determination is as follows:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the state of Ohio on April 16, 1981, pursuant to examination, and are currently licensed to practice pharmacy in Ohio.
- (2) You are addicted to or abusing liquor and drugs or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have admitted your abuse and dependence to alcohol and drugs; you have stolen and traded drugs for alcohol; you have admitted to self— medicating with drugs such as Tranxene, Valium, Xanax and Phenobarbital; you have dispensed drugs pursuant to false or forged prescriptions due in part to impaired judgment from dependence on alcohol and/or drugs; and you resigned from employment at Elyria Memorial Hospital and Rini—Rego Pharmacy due to your excessive alcohol and drug abuse.
- (3) You did, on or about March 26, 1992, knowingly possess a false or forged prescription, to wit: you watched another individual, Carol Gasper AKA Carol Randall, alter prescription number 4001425 from 5 tablets of Valium 5mg to 50 tablets of Valium 5mg, and then you dispensed 50 tablets and maintained the prescription in the pharmacy records of Rini—Rego Pharmacy. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating and/or aiding and abetting the violation of a provision of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

- (4) You did, on or about April 23, 1992, knowingly possess a false or forged prescription, to wit: you possessed prescription number 4001465, forged by Carol Gasper AKA Carol Randall for 50 tablets of Valium 10mg, and then you dispensed 50 tablets and maintained the prescription in the pharmacy records of Rini—Rego Pharmacy. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating and/or aiding and abetting the violation of a provision of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- (5) You did, between February, 1992, and July, 1992, knowingly sell a controlled substance in an amount greater than three times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on three separate occasions, you traded 500 tablets of Acetaminophen with Codeine *3 for bottles of Bailey's Irish Cream, an intoxicating liquor. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating and/or aiding and abetting the violation of a provision of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- (6) You did, between January, 1991, and July, 1992, with the purpose to deprive, knowingly obtain and exert control over the property of another beyond the express or implied consent of the owner, Rini—Rego Pharmacy, the property being dangerous drugs, to wit: you stole the following controlled substances from your employer:

| DRUG | AMOUNT |
|---------------------|---------------|
| Xanax 0.25mg | 554 tablets |
| Xanax 0.5mg | 997 tablets |
| Xanax 1.0mg | 27 tablets |
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| Centrax 5mg | 15 tablets |
| Centrax 10mg | 32 tablets |
| Tranxene 15mg | 90 tablets |
| Tranxene 7.5mg | 40 tablets |
| Chlorazepate 3.75mg | 110 tablets |
| APAP v/Codeine *3 | 1,500 tablets |

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating and/or aiding and abetting the violation of a provision of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

- (7) You did, between January 1991, and July, 1992, give away or deliver at retail without a prescription from a practitioner which under federal and Ohio law can

be sold only on prescription, to wit: you gave the following drugs to employees of Rini—Rego Store without prescriptions having been issued:

| DRUG | AMOUNT |
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| Motrin 800mg | 120 units |
| Cephalexin 500mg | 40 units |
| Ceclor 250mg | 80 units |
| Dilantin 100mg | 20 units |
| Penicillin 500mg | 100 units |
| Motrin 400mg | 10 units |
| Theo Dur 300mg | 3 units |

Such conduct is in violation of Section 3715.52(L) of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating and/or aiding and abetting the violation of a provision of Sections 3715.52 to 3715.72 of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

- (8) You did, between January 1991, and July, 1992, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you gave 50 tablets of Darvocet—N 100, a schedule IV controlled substance, to employees of Rini—Rego Store without prescriptions having been issued. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating and/or aiding and abetting the violation of a provision of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

The allegations in paragraphs (2) through (8) indicate that the continuation of your professional practice or your method of distributing controlled substances presents a danger of immediate and serious harm to others.

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

- (B) The license or registration of a ... pharmacist... may be suspended without a prior hearing by the Board... if the Board determines that there is clear and convincing evidence that continuation of his professional practice or his method of distributing controlled substances presents a danger of immediate and serious harm to others.

WHEREFORE, PURSUANT TO SECTION 3719.121(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.

This suspension shall remain in effect until an adjudicatory hearing is held by the Board under Chapter 119. of the Revised Code, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER ADVISED that pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, you may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

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.

If you request a hearing within 30 days of the time of mailing of this notice, such will be afforded. You may appear at such hearing in person, by or with your attorney, or you may present your position, arguments, or contentions in writing; and at this hearing, you may present evidence and examine any witnesses appearing for and against you.

BY ORDER OF THE STATE BOARD OF PHARMACY
Franklin Z. Wickham, R.Ph., M.S.
Executive Director

DLR:so (D-930629-098)