



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-050928-033)

In The Matter Of:

JOHN PAUL TEKULVE, R.Ph.
3205 Queen City Avenue, Apt 4
Cincinnati, Ohio 45238
(R.Ph. No. 03-3-21594)

INTRODUCTION

THE MATTER OF JOHN PAUL TEKULVE CAME FOR HEARING ON OCTOBER 10, 2006, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; HEATHER L. PASQUALE, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

JOHN PAUL TEKULVE WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Timothy J. Benedict, R.Ph., Ohio State Board of Pharmacy
2. Richard Haun, Ohio State Board of Pharmacy

Respondent's Witnesses

1. John Paul Tekulve, R.Ph., Respondent
2. Corissa Tekulve

State's Exhibits

1. Notice of Opportunity For Hearing letter [09-28-05]
1A-1F. Procedurals
2. State Board of Pharmacy Order in re John Paul Tekulve, R.Ph. [05-14-98]
3. State Board of Pharmacy Order in re John Paul Tekulve, R.Ph. [09-13-01]
4. State Board of Pharmacy Order in re John Paul Tekulve, R.Ph. [11-10-04]
5. Ohio Pharmacists Rehabilitation Organization Inc. Licensee Summary Report [08-05-04 to 08-01-05]
6. Copy of PRO Pharmacist's Client Reporting Sheet for July to September Quarterly Report [10-19-05]; Letter from John Tekulve, R.Ph to Mr. Benedict [10-21-05]
- 6A. Copy of PRO Pharmacist's Client Reporting Sheet for October to December Quarterly Report [01-19-06]; Letter from John Tekulve, R.Ph to Mr. Benedict [01-23-06]

- 6B. Copy of PRO Pharmacist's Client Reporting Sheet for January to March Quarterly Report [04-28-06]; Client Monitoring Sheet [01-07-06 to 04-01-06]
- 6C. Copy of PRO Pharmacist's Client Reporting Sheet for April to June Quarterly Report [08-08-06]
- 7. LabOne Drug Screen Report [08-10-06]
- 7A. Notarized Statement of John P. Tekulve, R.Ph. [08-16-06]
- 7B. Notarized Statement of James F. Liebetrau [08-15-06]
- 7C. Copy of computer e-mail letters between Rick Haun and Steve Sidell [08-16-06]

Respondent's Exhibits

- A. Two Letters of Support [10-09-06 and 10-10-06]

FINDINGS OF FACT

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

- (1) Records of the Board of Pharmacy reflect that John Paul Tekulve was previously disciplined by the Board: his license was suspended on January 27, 1998; his license was reinstated on September 21, 2001, with a period of probation imposed through September 21, 2006; John Paul Tekulve was again disciplined by the Board on November 10, 2004, with a period of probation imposed through May 10, 2010.
- (2) John Paul Tekulve did, on or about the following dates, violate his Board-imposed probation, to wit: John Paul Tekulve missed drug tests on July 5, 2005; July 6, 2005; and again on August 26, 2005. Such conduct indicates that John Paul Tekulve violated his probation and/or is guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of dishonesty and unprofessional conduct in the practice of pharmacy, and indicates a violation of John Paul Tekulve's probation in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of John Paul Tekulve as follows:

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 permanently the pharmacist identification card, No. 03-3-21594, held by John Paul Tekulve effective as of the date of the mailing of this Order.

JOHN PAUL TEKULVE, R.Ph.

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Order of the Board

Pursuant to Section 4729.16(B) of the Ohio Revised Code, John Paul Tekulve must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-0).

MOTION CARRIED.

SO ORDERED.

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

Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with both the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: NOVEMBER 8, 2006

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9804 5346

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

WTW/lf

cc: Sally Ann Steuk, Assistant Attorney General



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-040205-056)

In The Matter Of:

JOHN PAUL TEKULVE, R.Ph.

3773 Frances Avenue
Cincinnati, Ohio 45211
(R.Ph. No. 03-3-21594)

INTRODUCTION

THE MATTER OF JOHN TEKULVE CAME FOR HEARING ON OCTOBER 4, 2004 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, R.Ph.; (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

JOHN TEKULVE WAS REPRESENTED BY ERIC J. PLINKE AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Richard Haun, Ohio State Board of Pharmacy

Respondent's Witnesses

1. John Paul Tekulve, R.Ph., Respondent

State's Exhibits

1. Notice of Opportunity For Hearing letter [02-05-04]
 - 1A-1B. Procedurals
 - 1C. Addendum Notice [06-30-04]
 - 1D. Amendment Notice [07-15-04]
 - 1E-1F. Procedurals
2. Notarized Statement of John Paul Tekulve, R.Ph. [01-08-04]
3. statements of John Tekulve [01-07-04]
4. Wal-Mart Stores, Inc. Restitution Note Issued to John P. Tekulve [01-07-04]
5. Journal/Judgment Entry, State of Ohio vs. John P. Tekulve, Case No. CRB 0400025, Butler County Area III Court [05-17-04]

6. Two State Board of Pharmacy Orders in re John Paul Tekulve, R.Ph. [09-13-01 and 05-14-98]

Respondent's Exhibits

- A. Treatment Progress Report from Richard L. Baum, Ed.D. [09-27-04]
- B. Letter from James F. Liebetrau, R.Ph. [not dated]
- C. Letter from Matthew E. Fisher, R.Ph. [09-23-04]
- D. Copy of Day Reporting Theft Program Completion Certificate for John Tekulve [07-08-04]
- E. Journal/Judgment Entry, State of Ohio vs. John P. Tekulve, Case No. CRB 0400025, Butler County Area III Court [05-17-04]
- F. Copy of Money Order Receipt, No. 08144467227, made payable to Wal Mart Stores, Inc. [08-11-04]; United States Postal Service Certified Mail Return Receipt for Article No. 7003 2260 0006 9546 1926 [08-11-04]

FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that John Paul Tekulve was originally licensed by the State of Ohio as a pharmacist on October 16, 1996, pursuant to examination, and is currently licensed to practice pharmacy in Ohio. Further, the Board previously disciplined John Tekulve on May 14, 1998.
- (2) John Paul Tekulve did, from on or about February, 2003, through December, 2003, with purpose to deprive, knowingly obtain or exert control over property of Wal-Mart beyond the scope of the express or implied consent of the owner, to wit: John Paul Tekulve admittedly stole over \$500.00 worth of merchandise from his employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) On May 17, 2004, John Paul Tekulve was found guilty of one (1) count of Theft, a misdemeanor of the first degree under Section 2913.02 of the Ohio Revised Code. State of Ohio vs. John P. Tekulve, Case No. CRB 0400025, Butler County Area III Court.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

- (3) The State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes having been convicted of a misdemeanor related to, or committed in, the practice of pharmacy as provided in Division (A)(4) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of John Paul Tekulve as follows:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-3-21594, held by John Paul Tekulve effective as of the date of the mailing of this Order. Further, the Board suspends the revocation and hereby suspends for six months the pharmacist identification card, No. 03-3-21594, held by John Paul Tekulve and such suspension is effective as of the date of the mailing of this Order.
 - (1) John Paul Tekulve, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
 - (2) John Paul Tekulve, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.
- (B) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of two thousand five hundred dollars (\$2,500.00) on John Paul Tekulve and payment of the monetary penalty is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (C) John Paul Tekulve must enter into a new contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and six months and submit a copy of the signed contract to the Board office before his pharmacist identification card is issued. The contract must provide that:
 - (1) Random, observed urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.

- (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Alcohol must be added to the standard urine drug screen and documentation provided to show inclusion in the test panel. A Breathalyzer may be used to test for alcohol, but the test must be conducted by an appropriately certified individual within twelve hours of notification.
 - (c) Results of all drug and alcohol screens must be negative. Refusal of a drug screen or a diluted urine screen is equivalent to a positive result. Any positive results, including those that may have resulted from ingestion of food, but excluding false positives that resulted from medication legitimately prescribed, indicate a violation of the contract.
- (2) The intervener/sponsor shall provide copies of all drug screen reports to the Board in a timely fashion.
 - (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (D) John Paul Tekulve 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 John Paul Tekulve's progress towards recovery and what John Paul Tekulve has been doing during the previous three months.
- (E) John Paul Tekulve must continue counseling with a licensed psychiatrist or psychologist. The psychiatrist or psychologist must provide directly to the Board office semi-annual reports and also a final report at the end of probation or treatment, whichever comes first.
- (F) John Paul Tekulve must obtain, within six months from the effective date of this Order, one hour (0.1 CEU) of Board approved continuing pharmacy education in jurisprudence, which may not also be used for license renewal. Documentation of successful completion must be submitted to the Board office.

- (G) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby places John Paul Tekulve on probation for five years effective upon reinstatement of his identification card. The terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that John Paul Tekulve's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - (2) John Paul Tekulve may not serve as a responsible pharmacist.
 - (3) John Paul Tekulve may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) John Paul Tekulve must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
 - (5) John Paul Tekulve must not violate the drug laws of Ohio, any other state, or the federal government.
 - (6) John Paul Tekulve must abide by the rules of the State Board of Pharmacy.
 - (7) John Paul Tekulve must comply with the terms of this Order.
 - (8) John Paul Tekulve's license is deemed not in good standing until successful completion of the probationary period.
 - (9) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

John Paul Tekulve is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

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

JOHN PAUL TEKULVE, R.Ph.

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Order of the Board

Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with both the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: NOVEMBER 10, 2004

CERTIFIED MAIL / Return Receipt
7003 0500 0002 4347 2733

WTW/lf

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

c: Sally Ann Steuk, Assistant Attorney General
Eric J. Plinke, Attorney for Respondent; Porter, Wright, Morris & Arthur; 41 S. High Street;
Columbus, Ohio 43215-6194



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-010604-070)

In The Matter Of:

JOHN PAUL TEKULVE, R.Ph.
311 E. Jenkins Avenue, Apt. C
Columbus, Ohio 43207
(R.Ph. No. 03-3-21594)

INTRODUCTION

THE MATTER OF JOHN PAUL TEKULVE CAME FOR HEARING ON AUGUST 7, 2001, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ANN D. ABELE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

JOHN PAUL TEKULVE WAS NOT REPRESENTED BY COUNSEL, 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) John Paul Tekulve, R.Ph., Respondent
- (2) Wayne Miller, R.Ph.
- (3) James Edward Tekulve, Father of Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1A--Hearing Request letter dated May 22, 2000.
- (2) Exhibit 1B--Copy of Hearing Schedule letter dated June 9, 2000.
- (3) Exhibit 1C--Copy of Hearing Schedule letter dated June 30, 2000.
- (4) Exhibit 1D--Hearing Continuance Request letter, not dated.

JOHN PAUL TEKULVE, R.Ph.

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Order of the Board

- (5) Exhibit 1E--Copy of Hearing Schedule letter dated September 8, 2000.
- (6) Exhibit 1F--Copy of Fax Cover Sheet and Hearing Request letter dated December 13, 2000.
- (7) Exhibit 1G--Copy of Hearing Schedule letter dated January 2, 2001.
- (8) Exhibit 1H--Copy of Hearing Schedule letter dated June 4, 2001.
- (9) Exhibit 1I--Copy of Ohio Pharmacist computer record of John Paul Tekulve.
- (10) Exhibit 2--Copy of six-page Order of the State Board of Pharmacy, Docket No. D-980127-032 in the matter of John Paul Tekulve, R.Ph. effective May 14, 1998.
- (11) Exhibit 3
- (12) Exhibit 4
- (13) Exhibit 5
- (14) Exhibit 6
- (15) Exhibit 7
- (16) Exhibit 8
- (17) Exhibit 9
- (18) Exhibit 10
- (19) Exhibit 11--Copy of letter from Mike Puccini dated August 13, 1997.
- (20) Exhibit 12--Copy of Ohio State Board of Pharmacy Jurisprudence Examination (MPJE) grade results for John Paul Tekulve dated November 21, 2000.

Respondent's Exhibits:

- (1) Exhibit A--Copy of six-page Order of the State Board of Pharmacy, Docket No. D-980127-032 in the matter of John Paul Tekulve, R.Ph. effective May 14, 1998.
- (2) Exhibit B--Two-page copy of PRO Inc. Pharmacist's Recovery Contract of John Paul Tekulve dated January 31, 1999.
- (3) Exhibit C--Two-page copy of PRO Inc. Pharmacist's Recovery Contract of John Tekulve dated February 15, 2000; Two-page copy of PRO Inc. Pharmacist's Recovery Contract of John Tekulve dated June 1, 2001.
- (4) Exhibit D--Copy of Ohio State Board of Pharmacy Jurisprudence Examination (MPJE) grade results for John Paul Tekulve dated November 21, 2000.
- (5) Exhibit E--Copies of letters from: Amy R. Pittman, LSW dated November 19, 1998; David W. Baker dated August 27, 2000; James and Judith Tekulve dated August 18, 2000; Kelly L. Tekulve dated August 26, 2000; Charles J. Broussard, R.Ph., M.Ed. dated August 20, 2000; Terry L. Hughes, D.D.S. dated August 28, 2000; Steven A. Goldblatt dated November 27, 2000; Wayne C. Miller dated October 6, 2000; Wayne C. Miller dated April 10, 2000; Jay S. Belcher, R.Ph. dated July 23, 2001; James F. Liebetrau, R.Ph., not dated; Corissa R. Tekulve dated July 2, 2001.
- (6) Exhibit F--Copies of twenty-three pages of support meeting attendance records of John Tekulve dated from February 7, 1999 to August 5, 2001.
- (7) Exhibit G--Copies of eighteen pages of Bendiner & Schlesinger, Inc. drug screen reports of John Tekulve for samples collected April 21, 1999; May 31, 1999; June 1, 1999; August 31, 1999; September 22, 1999; November 30, 1999; February 16, 2000; and March 6, 2000; Copies of thirty-nine pages of Quest Diagnostics drug screen reports of John Tekulve for samples collected April 10, 2000; May 8, 2000; May 19, 2000; June 7, 2000; July 8, 2000; August 10, 2000; August 28, 2000; September 25, 2000; October 19, 2000; November 27, 2000; December 27, 2000; January 12, 2001; January 25, 2001; February 12, 2001; March 8, 2001; March 19, 2001; April 18, 2001; May 20, 2001; and June 22, 2001.

- (8) Exhibit H--Twenty-one pages of copies of continuing education certificates dated from May 16, 1999 to August 3, 2001.

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that John Paul Tekulve has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-980127-032, effective May 14, 1998.

ACTION OF THE BOARD

Upon consideration of the record as a whole, and on the basis of the Finding of Fact set forth above, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-3-21594, held by John Paul Tekulve to practice pharmacy in the state of Ohio and places Mr. Tekulve on probation for five years from the date the identification card is issued, with the following conditions:

- (A) John Paul Tekulve must enter into a contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office with the renewal application. The contract must provide that:
- (1) Random, observed urine drug screens shall be conducted at least once every three months.
 - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.
 - (c) Results of all drug and alcohol screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.
 - (2) The intervener/sponsor shall provide copies of all drug and alcohol screen reports to the Board in a timely fashion.
 - (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

- (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) John Paul Tekulve 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 John Paul Tekulve's progress towards recovery and what Mr. Tekulve has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that John Paul Tekulve's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - (2) John Paul Tekulve may not serve as a responsible pharmacist.
 - (3) John Paul Tekulve may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) John Paul Tekulve must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (5) John Paul Tekulve must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (6) John Paul Tekulve must abide by the rules of the State Board of Pharmacy.
 - (7) John Paul Tekulve must comply with the terms of this Order.

John Paul Tekulve is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

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

MOTION CARRIED.

SO ORDERED.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: September 13, 2001



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

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

AMENDED ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-980127-032)

In The Matter Of:

JOHN PAUL TEKULVE, R.Ph.

6702 Merwin Avenue

Cincinnati, Ohio 45227

(R.Ph. No. 03-3-21594)

INTRODUCTION

THE MATTER OF JOHN PAUL TEKULVE CAME TO HEARING ON APRIL 6, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; JOHN L. HANNA, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JOHN PAUL TEKULVE WAS REPRESENTED BY CHARLES J. TEKULVE, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Elaine Jones, R.Ph., Ohio State Board of Pharmacy
- (2) Detective Rick Hahn, Cincinnati Police Department, Drug Diversion Unit

Respondent's Witnesses:

- (1) John Paul Tekulve, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Summary Suspension Order/Notice of Opportunity for Hearing letter dated January 27, 1998.
- (2) Exhibit 1A--Copy of Hearing Request letter dated February 3, 1997 (sic 1998).
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated February 5, 1998.
- (4) Exhibit 1C--Copy of Pharmacist File Front Sheet of John Paul Tekulve showing original date of registration as October 16, 1996; and two-page copy of Renewal

Application for Intern License, for a license to practice pharmacy as an intern in Ohio from September 15, 1996, to September 15, 1997, of John Paul Tekulve dated August 13, 1996.

- (5) Exhibit 2
- (6) Exhibit 3
- (7) Exhibit 4
- (8) Exhibit 4A
- (9) Exhibit 5
- (10) Exhibit 6
- (11) Exhibit 7
- (12) Exhibit 8
- (13) Exhibit 9
- (14) Exhibit 10
- (15) Exhibit 11
- (16) Exhibit 12-
- (17) Exhibit 13

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 John Paul Tekulve was originally licensed in the state of Ohio on October 16, 1996, pursuant to examination, and on January 27, 1998, his license was summarily suspended in accordance with Section 3719.121(C) of the Ohio Revised Code.
- (2)
- (3) John Paul Tekulve did, on or about July 18, 1997, knowingly obtain, possess, and/or use a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John Paul Tekulve obtained and possessed marijuana, a schedule I controlled substance. Further, John Paul Tekulve admitted on numerous occasions of marijuana use. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (4) John Paul Tekulve 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, to wit: John Paul Tekulve arrived at the pharmacy to begin his shift unexplainably late on several occasions; John Paul Tekulve committed numerous errors while practicing pharmacy during the chosen time period of October 28, 1996, through August 4, 1997; and John Paul Tekulve has used the pharmacy's telephone to make arrangements to obtain marijuana.

CONCLUSIONS OF LAW

- (1)
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (4) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. 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 January 27, 1998.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of John Paul Tekulve:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card, No. 03-3-21594, held by John Paul Tekulve indefinitely and such suspension is effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, John Paul Tekulve 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.
- (B) November, 1999, or thereafter, the Board will consider any petition filed by John Paul Tekulve for a hearing, pursuant to Revised Code Chapter 119., regarding the reinstatement of his license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met:
 - (1) John Paul Tekulve must enter into a new contract with a treatment provider acceptable to the Board for a period of not less than five years from the effective date of this Order and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:

- (a) Random, **observed** urine samples shall be provided to, and conducted in, a certified Ohio Department of Alcohol and Drug Addiction Service (ODADAS) facility at least once a month for one year, and once every three months for the remaining four years. Each urine screen must comply to the following standards:
 - (i) The samples must be given within eight hours of random notification.
 - (ii) Chain of custody must be maintained and documented for each sample/screen.
 - (iii) Reports must include testing the sample for alcohol and marijuana and must also report testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (iv) Sample analysis and reports must be completed within forty-eight (48) hours from the urine collection time.
 - (b) Regular attendance, at least three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meetings, and at meetings of a professional support group, is required during outpatient treatment and/or during aftercare; and
 - (c) The program shall immediately report to the Board of Pharmacy any positive urine screens and/or other violations of the contract.
- (2) John Paul Tekulve must take and successfully complete the jurisprudence examination offered by the Board prior to petitioning the Board for reinstatement.
 - (3) John Paul Tekulve must provide, at the time of petitioning the Board for reinstatement, written documentation from his treatment provider regarding compliance with the program pursuant to the contract including all urine drug screen reports.

Division (B) of Section 4729.16 of the Ohio Revised Code provides: "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.

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

BY ORDER OF THE STATE BOARD OF PHARMACY



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

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

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

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-980127-032)

In The Matter Of:

JOHN PAUL TEKULVE, R.Ph.

6702 Merwin Avenue
Cincinnati, Ohio 45227
(R.Ph. No. 03-3-21594)

INTRODUCTION

THE MATTER OF JOHN PAUL TELKULVE CAME TO HEARING ON APRIL 6, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; JOHN L. HANNA, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JOHN PAUL TEKULVE WAS REPRESENTED BY CHARLES J. TEKULVE, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Elaine Jones, R.Ph., Ohio State Board of Pharmacy
- (2) Detective Rick Hahn, Cincinnati Police Department, Drug Diversion Unit

Respondent's Witnesses:

- (1) John Paul Tekulve, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Summary Suspension Order/Notice of Opportunity for Hearing letter dated January 27, 1998.
- (2) Exhibit 1A--Copy of Hearing Request letter dated February 3, 1997 (sic 1998).
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- (17) Exhibit 13

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 John Paul Tekulve was originally licensed in the state of Ohio on October 16, 1996, pursuant to examination, and on January 27, 1998, his license was summarily suspended in accordance with Section 3719.121(C) of the Ohio Revised Code.
- (2)
- (3) John Paul Tekulve did, on or about July 18, 1997, knowingly obtain, possess, and/or use a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John Paul Tekulve obtained and possessed marijuana, a schedule I controlled substance. Further, John Paul Tekulve admitted on numerous occasions of marijuana use. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (4) John Paul Tekulve 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, to wit: John Paul Tekulve arrived at the pharmacy to begin his shift unexplainably late on several occasions; John Paul Tekulve committed numerous errors while practicing pharmacy during the chosen time period of October 28, 1996, through August 4, 1997; and John Paul Tekulve has used the pharmacy's telephone to make arrangements to obtain marijuana.

CONCLUSIONS OF LAW

- (1)
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (4) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

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- (B) November, 1999, or thereafter, the Board will consider any petition filed by John Paul Tekulve for a hearing, pursuant to Revised Code Chapter 119., regarding the reinstatement of his license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met:
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 - (a) Random, **observed** urine samples shall be provided to, and conducted in, a certified Ohio Department of Alcohol and Drug

Addiction Service (ODADAS) facility at least once a month for one year, and once every three months for the remaining four years. Each urine screen must comply to the following standards:

- (i) The samples must be given within eight hours of random notification.
 - (ii) Chain of custody must be maintained and documented for each sample/screen.
 - (iii) Reports must include testing the sample for alcohol and marijuana and must also report testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (iv)
- (b) Regular attendance, at least three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meetings, and at meetings of a professional support group, is required during outpatient treatment and/or during aftercare; and
 - (c) The program shall immediately report to the Board of Pharmacy any positive urine screens and/or other violations of the contract.
- (2) John Paul Tekulve must take and successfully complete the jurisprudence examination offered by the Board prior to petitioning the Board for reinstatement.
 - (3) John Paul Tekulve must provide, at the time of petitioning the Board for reinstatement, written documentation from his treatment provider regarding compliance with the program pursuant to the contract including all urine drug screen reports.

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THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-0).

MOTION CARRIED.

SO ORDERED.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: May 14, 1998