



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-001227-028)

In The Matter Of:

JEFFREY PAUL CZUBA, R.Ph.

4811 Columbia Road, #301
North Olmsted, Ohio 44070
(R.Ph. No. 03-3-21768)

INTRODUCTION

THE MATTER OF JEFFREY PAUL CZUBA 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.

JEFFREY PAUL CZUBA WAS REPRESENTED BY DENNIS M. COYNE, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) James Reye, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Jeffrey Paul Czuba, R.Ph., Respondent
- (2) Todd Jaros, R.Ph.
- (3) Tom Nameth

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Notice of Opportunity for Hearing letter dated December 27, 2000.
- (2) Exhibit 1A--Hearing Request letter dated January 16, 2001.

- (3) Exhibit 1B--Copy of Hearing Schedule letter dated January 25, 2001.
- (4) Exhibit 1C--Copy of Hearing Schedule letter dated April 30, 2001.
- (5) Exhibit 1D--Copy of Ohio Pharmacist computer record of Jeffrey Paul Czuba.
- (6) Exhibit 1E--Copy of two-page letter from Jeffrey P. Czuba dated July 25, 2000.
- (7) Exhibit 2--Copy of four-page Order of the State Board of Pharmacy, Docket No. D-980319-049 in the matter of Jeffrey Paul Czuba, R.Ph. effective September 9, 1998.
- (8) Exhibit 3--Copy of Journal Entry in the Cuyahoga County Common Pleas Court, State of Ohio vs. Jeffrey P. Czuba, Case No. CR352981, dated October 20, 1997.
- (9) Exhibit 4--Copy of three-page Fairview Park Police Department Police Report #FP9908799 of Jeffrey P. Czuba dated December 12, 1999.
- (10) Exhibit 5--Copy of Fairview Park Police Alcoholic Influence Report No. FP9908799 of Jeffrey Czuba, not dated.
- (11) Exhibit 6--Copy of Rocky River Municipal Court Ticket No. F22255 of Jeffrey P. Czuba dated December 12, 1999.
- (12) Exhibit 7--Copy of two-page Journal Entry in the Rocky River Municipal Court, State of Ohio vs. Jeffrey P. Czuba, Case No. 99 TRC 20754 A/B, dated March 9, 2000.

Respondent's Exhibits:

- (1) Exhibit A--Copy of three-page Notice of Opportunity for Hearing letter dated December 27, 2000; Copy of Hearing Schedule letter dated January 25, 2001; Copy of Hearing Schedule letter dated April 30, 2001.
- (2) Exhibit B-- Copy of Rocky River Municipal Court Ticket No. F22255 of Jeffrey P. Czuba dated December 12, 1999; Copy of two-page Journal Entry in the Rocky River Municipal Court, State of Ohio vs. Jeffrey P. Czuba, Case No. 99 TRC 20754 A/B, dated March 9, 2000; Copy of Rocky River Municipal Court Receipt No. 32844 of Jeffrey P. Czuba dated March 9, 2000; Copy of Midwest Services Court Order for Ignition Interlock for Jeff Czuba dated March 9, 2000; Copy of Relapse Prevention Certificate of Jeffrey Czuba dated June 29, 2000; Copy of Oriana House, Inc. Receipt No. 12147 of Jeffrey Czuba dated March 13, 2000.
- (3) Exhibit C--Two-page copy of PRO Inc. Pharmacist's Recovery Contract of Jeff Czuba dated March 15, 2000.
- (4) Exhibit D--Copy of P.R.O. Annual Conference-2000 Certificate of Participation in Continuing Pharmacy Education dated May 21, 2000; Copy of 3rd Annual Conference on Chemical Dependency in the Profession of Pharmacy Certificate of Participation in Continuing Pharmacy Education dated April 29, 2001.
- (5) Exhibit E--Seventeen pages of copies of letters from the following: Tamara L. Koerber M.Ed., L.P.C. dated January 3, 2000; Tom Nameth, R.Ph. dated February 8, 2000; Tamara L. Koerber M.Ed., L.P.C. dated February 15, 2000; Todd R. Jaros, R.Ph. dated July 6, 2000; Tamara L. Koerber M.Ed., L.P.C. dated July 11, 2000; Suzanne O'Connell dated July 18, 2000; Diana Miller, CCDC III-E, CRPS dated July 24, 2000; Diane Judson, M.A., CCDCIII-E dated February 14, 2001; Robert J. Dougherty, R.Ph. dated April 20, 2001; Bob Tschinkel dated April 25, 2001; Todd R. Jaros, R.Ph. dated April 26, 2001; Charles Broussard, R.Ph., M.Ed. dated April 26, 2001; David F. Merk dated April 28, 2001; Alfonso Greco, R.Ph., not dated; Parviz Boodjeh dated June 19, 2001; Tom Nameth, R.Ph. and Peter Ratycz, R.Ph. dated June 19, 2001.
- (6) Exhibit F--Copy of twenty-two pages of support group attendance records of Jeffrey Czuba dated December 30, (no year given), and January 5, 2000 to July 2, 2001.
- (7) Exhibit G--Copy of verification of observation of urine drug screen for Jeffrey Czuba performed by Company Health Care on March 17, 2000; Copy of thirty-three pages of drug screen reports for samples collected from Jeffrey Czuba on March 17, 2000, April 25, 2000, May 19, 2000, June 2, 2000, July 8, 2000, July 27, 2000, August 22,

2000, September 18, 2000, November 8, 2000, December 5, 2000, December 29, 2000, January 24, 2001, February 11, 2001, March 7, 2001, April 3, 2001, April 28, 2001, and May 21, 2001.

- (8) Exhibit (Supplement Packet)--Copy of three pages of support group attendance records of Jeff Czuba dated May 31 (no year given) and June 1, 2001 to August 6, 2001; Copy of four pages of drug screen reports for samples collected from Jeffrey Czuba on October 10, 2000, January 10, 2001, and July 9, 2001.

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 Jeffrey Paul Czuba was originally licensed as a pharmacist in the state of Ohio on July 30, 1996, pursuant to examination, and is currently licensed to practice pharmacy in Ohio. Records further reflect that Jeffrey Paul Czuba was disciplined by the Board on September 9, 1998, for having committed acts equivalent to operating a motor vehicle while under the influence of alcohol and recklessly causing the death of another, and being convicted of the reduced charge of Vehicular Homicide pursuant to Section 2903.07 of the Ohio Revised Code. Accordingly, Jeffrey Paul Czuba's license to practice pharmacy was placed on probation for a period of one year.
- (2) Jeffrey Paul Czuba did, on or about December 12, 1999, operate a motor vehicle in the state of Ohio while under the influence of alcohol and/or drugs of abuse, to wit: Jeffrey Paul Czuba was observed driving while under the influence of alcohol; this was Jeffrey Paul Czuba's second DUI offense within the past five years. Such conduct is in violation of Section 4511.19 of the Ohio Revised Code.
- (3) Jeffrey Paul Czuba was convicted in the Rocky River Municipal Court of Driving while Under the Influence in violation of Section 4511.19 of the Ohio Revised Code and of Speed (45mph in a 25mph zone) in violation of Section 4511.21 of the Ohio Revised Code. City of Fairview Park vs Jeffrey P. Czuba, 99 TRC 20754 A/B.

CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraphs (1) through (3) of the Findings of Fact constitute 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.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusion of Law set forth above, the State Board of Pharmacy hereby suspends for ten years the pharmacist identification card, No. 03-3-21768, held by Jeffrey Paul Czuba effective as of the date of the mailing of this Order.

Further, the State Board of Pharmacy will stay all but the first six months of the ten-year suspension and place Mr. Czuba on probation for the remaining nine and one-half years provided that Jeffrey Paul Czuba does not violate the following conditions:

- (A) Jeffrey Paul Czuba, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Jeffrey Paul Czuba, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return the 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.
- (C) Jeffrey Paul Czuba 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 ten years and submit a copy of the signed contract to the Board office within ten days of signing. 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.
- (D) Jeffrey Paul Czuba 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 Jeffrey Paul Czuba's progress towards recovery and what he has been doing during the previous three months.

(E) Other terms of probation are as follows:

- (1) The State Board of Pharmacy hereby declares that Jeffrey Paul Czuba'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) Jeffrey Paul Czuba may not serve as a responsible pharmacist.
- (3) Jeffrey Paul Czuba may not destroy, assist in, or witness the destruction of controlled substances.
- (4) Jeffrey Paul Czuba must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
- (5) Jeffrey Paul Czuba must not violate the drug laws of the State of Ohio, any other state, or the federal government.
- (6) Jeffrey Paul Czuba must abide by the rules of the State Board of Pharmacy.
- (7) Jeffrey Paul Czuba must comply with the terms of this Order.

Jeffrey Paul Czuba 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-980319-049)

In The Matter Of:

JEFFREY PAUL CZUBA, R.Ph.

3899 West 226th Street

Fairview Park, Ohio 44126

(R.Ph. No. 03-3-21768)

INTRODUCTION

THE MATTER OF JEFFREY PAUL CZUBA CAME TO HEARING ON AUGUST 4, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JEFFREY PAUL CZUBA WAS REPRESENTED BY DENNIS M. COYNE, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Patrolman Raymond Barda, North Olmsted Police Department

Respondent's Witnesses:

- (1) Jeffrey Paul Czuba, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Notice of Opportunity for Hearing letter of Jeffrey Paul Czuba dated March 19, 1998.
- (2) Exhibit 1A--Hearing Request letter dated March 25, 1998.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated March 31, 1998.
- (4) Exhibit 1C--Continuance Request letter dated April 3, 1998.
- (5) Exhibit 1D--Copy of Hearing Schedule letter dated April 14, 1998.

- (6) Exhibit 1E--Copy of Pharmacist File Front Sheet of Jeffrey Paul Czuba showing original date of registration as July 30, 1996; and two-page copy of Renewal Application for Pharmacist License, No. 03-3-21768, for a license to practice pharmacy in Ohio from September 15, 1997, to September 15, 1998, of Jeffrey Paul Czuba dated July 17, 1997.
- (7) Exhibit 2--Copy of Journal Entry in the Cuyahoga County Court of Common Pleas, State of Ohio vs. Jeffrey P. Czuba, dated October 20, 1997.
- (8) Exhibit 3--Copy of six-page North Olmsted Ohio Traffic Crash Report of Jeffrey Paul Czuba for incident occurring on January 25, 1997.
- (9) Exhibit 4--Copy of BAC DataMaster Test Report Form of Jeffrey P. Czuba dated January 25, 1997, and attached St. John West Shore Hospital test results of Jeffrey P. Czuba dated January 25, 1997.

Respondent's Exhibits:

- (1) Exhibit 1--Copy of letter from Sally J. Poirier dated April 26, 1998.
- (2) Exhibit 2--Copy of Columbia St. John West Shore Hospital assessment of Jeffrey Czuba dated April 2, 1997; and copy of TAI Alcohol and Drug Lecture Series, dated May 14.
- (3) Exhibit 3--Copies of seven attendance verification letters of Jeffrey Czuba for speaking on the following dates: December 18, 1997; January 16, 1998; February 4, 1998; March 18, 1998; April 29, 1998; June 10, 1998; and July 22, 1998.
- (4) Exhibit 4--Copy of letter from Kathryn A. McGinty dated December 3, 1997.
- (5) Exhibit 5--Copy of letter from Mabel Freeman dated March 8, 1996; copy of The Rho Chi Society certificate of Jeffrey Paul Czuba dated November 16, 1995; and copy of Phi Kappa Phi certificate of Jeffrey Paul Czuba dated May 21, 1996.
- (6) Exhibit 6--Copies of nine pages of transcripts of grades from The Ohio State University of Jeffrey Paul Czuba dated from December 18, 1991, through June 4, 1996.
- (7) Exhibit 7--Copy of letter from Forest B. Stoudt dated July 31, 1998.
- (8) Exhibit 8--Two-page copy of Settlement Agreement and Release of All Claims signed by Jeff Czuba on March 20, 1998, and by David P. Poirier on April 19, 1998.
- (9) Exhibit 9--Copy of four-page Assignment of Life Insurance Policy as Collateral of Insured Jeffrey P. Czuba dated March 20, 1998; and copy of Individual Acknowledgment notarized on March 20, 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 Jeffrey Paul Czuba was originally licensed in the state of Ohio on July 30, 1996, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
- (2) Jeffrey Paul Czuba did, on or about January 25, 1997, while operating a motor vehicle in the state of Ohio under the influence of alcohol, recklessly cause the death of another, an act for which he was convicted of the reduced charge of Vehicular Homicide pursuant to Section 2903.07 of the Ohio Revised Code.

CONCLUSION OF LAW

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

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and the Findings of Fact and Conclusion of Law set forth above, the State Board of Pharmacy hereby places the pharmacist identification card, No. 03-3-21768, held by Jeffrey Paul Czuba on probation for one year effective as of the date of the mailing of this Order. The terms of probation are as follows:

- (A) Jeffrey Paul Czuba must comply with the terms of probation imposed by the Cuyahoga County Court of Common Pleas.
- (B) Jeffrey Paul Czuba must submit quarterly progress reports to the Board; due December 10, 1998; March 10, 1999; June 10, 1999; and September 10, 1999; that include:
 - (1) evidence of compliance with court-ordered probation; and
 - (2) a brief summary regarding each speaking engagement.
- (C) Jeffrey Paul Czuba must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (D) Jeffrey Paul Czuba must abide by the rules of the Ohio State Board of Pharmacy.
- (E) Jeffrey Paul Czuba must comply with the terms of this Order.

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

MOTION CARRIED.

SO ORDERED.