

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-020116-033)

In The Matter Of:

DEBRA LYNN NIGN (formerly COOPER), R.Ph.

375 Lexington Avenue
Mansfield, Ohio 44907
(R.Ph. No. 03-3-21795)

INTRODUCTION

THE MATTER OF DEBRA LYNN NIGN CAME FOR HEARING ON MAY 7, 2002 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.

DEBRA LYNN NIGN WAS NOT REPRESENTED BY COUNSEL AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses:

None

Respondent's Witnesses:

1. Judith Nign
2. Tom Foti, R.Ph.
3. Debra Lynn Nign, R.Ph., Respondent

State's Exhibits:

1. Hearing request letter from Debra L. Nign (Cooper), R.Ph. [01-15-2002]
1A-1B. Procedurals
2. Order of the State Board of Pharmacy [11-07-2001]
- 2A. Rite Aid script for Stadol NS to Aaron Cooper [03-02-2000]
3. Printout for Rx #105238 for Stadol NS 10mg/ml spray for Aaron B. Cooper [09-02-2000]
4. Written Statement of Debra Cooper [09-27-2000]
5. Anthem Insurance Pharmacy Profile Report for Debra Cooper [10-24-1999 to 04-15-2000]
6. Rite Aid #2411 Customer History Report for Debra L. Cooper [01-01-1997 to 09-27-2000]
7. Medicine Shoppe-New Philadelphia Insurance Profile Printout for Debra L. Cooper [09-28-1999 to 09-28-2000]
8. Rite Aid-New Carlisle Customer History Report for Debra Cooper [01-01-1999 to 12-31-1999]
9. CVS/Revco #3457 Pharmacist's Statement Report for Debra Cooper [01-01-1999 to 04-24-2000]

10. Drug Castle #8 Controlled Substance Audit Report for Stadol NS 10mg/ml spray [04-25-2000]
11. Drug Castle #9 Medical Expenses Report for Debra Cooper and Controlled Substance Audit Report for Stadol NS 10mg/ml spray [01-01-1999 to 04-20-2000]
12. Drug Castle #10 Controlled Substance Audit Report for Stadol NS 10mg/ml spray
13. Rite Aid #2411 Customer History Report for Aaron B. Cooper [01-01-1997 to 09-27-2000]
14. Letter from Daniel H. Brumfield, M.D. [09-26-2000]
15. Drug Castle-Huber Heights Report of Theft or Loss of Controlled Substances on DEA Form 106
16. Indictment, State of Ohio vs. Debra L. Cooper, Case No. 2001-CR-05-0135, Tuscarawas County Common Pleas Court [05-14-2001]
17. Judgment Entry, State of Ohio vs. Debra L. Cooper, Case No. 2001-CR-05-0135, Tuscarawas County Common Pleas Court [09-26-2001]

Respondent's Exhibits:

- A. PRO Pharmacist's Recovery Contract for Debra L. Cooper [01-08-2001]; PRO Pharmacist's Recovery Contract for Debra L. Nign [12-15-2001]; Shepherd Hill Hospital Recovery Plan [12-15-00]; Information and Schedule Pamphlet for P.R.O. Conference [04-27,28-2002]
- B. Support Group Attendance Records [12-15-2000 to 05-06-2002]
- C. Urine Drug Screen Reports [02-01-2001 to 05-06-2002]
- D. Continuing Pharmaceutical Education Certificates [04-29-01 to 04-28-02]
- E. Character and Support Letters [03-22-2002 to 05-02-2002] (*sealed*)
- F. Probation Records [09-26-2001 to 04-11-2002] (*sealed*)
- G. Restitution Records [09-28-2001 to 05-06-2002] (*sealed*)

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 Debra Lynn Nign has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-001003-012, effective November 7, 2001.

DECISION OF THE BOARD

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. 03-3-21795, held by Debra Lynn Nign to practice pharmacy in the state of Ohio and places Debra Lynn Nign on probation for five years from the date the identification card is issued with the following conditions:

- (A) Debra Lynn Nign 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 each month for the first twelve months 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) Stadol must be added to the standard urine drug screen.

(c) Results of all drug 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 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) Debra Lynn Nign 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 Debra Lynn Nign's progress towards recovery and what she 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 Debra Lynn Nign'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) Debra Lynn Nign may not serve as a responsible pharmacist.

(3) Debra Lynn Nign may not destroy, assist in, or witness the destruction of controlled substances.

(4) Debra Lynn Nign must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.

(5) Debra Lynn Nign must not violate the drug laws of the State of Ohio, any other state, or the federal government.

(6) Debra Lynn Nign must abide by the rules of the State Board of Pharmacy.

(7) Debra Lynn Nign must comply with the terms of this Order.

Debra Lynn Nign 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.

ORDER EFFECTIVE JUNE 10, 2002

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-001003-012)

In The Matter Of:

DEBRA LYNN COOPER, R.Ph.
61 West Main Street
Lexington, Ohio 44904
(R.Ph. No. 03-3-21795)

INTRODUCTION

THE MATTER OF DEBRA LYNN COOPER CAME FOR HEARING ON OCTOBER 2, 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.

DEBRA LYNN COOPER WAS REPRESENTED BY DAVID W. GRAUER AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) David G. Gallagher, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Debra Lynn Cooper, Respondent
- (2) Thomas Foti, R.Ph.
- (3) Ellen Laubis

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of four-page Summary Suspension Order/Notice of Opportunity for Hearing letter dated October 3, 2000.
- (2) Exhibit 1A--Hearing Request letter from David W. Grauer dated November 7, 2000.
- (3) Exhibit 1B--Copy of letter from David L. Rowland dated November 7, 2000.
- (4) Exhibit 1C--Notice of Appearance letter and Certificate of Service from David W. Grauer dated November 20, 2000.
- (5) Exhibit 1D--Request for Hearing letter and Certificate of Service from David W. Grauer dated November 20, 2000.
- (6) Exhibit 1E--Copy of two-page Hearing Schedule letter dated November 21, 2000.

- (7) Exhibit 1F--Request for Continuance letter from David W. Grauer dated March 20, 2001.
- (8) Exhibit 1G--Copy of Hearing Schedule letter dated March 21, 2001.
- (9) Exhibit 1H--Copy of Hearing Schedule letter dated July 23, 2001.
- (10) Exhibit 1I--Copy of Ohio Board of Pharmacy pharmacist computer record of Debra Lynn Cooper.
- (11) Exhibit 1J--Copy of Hearing Schedule letter dated August 24, 2001.
- (12) Exhibit 1K--Motion for Continuance letter and Certificate of Service from David W. Grauer dated August 28, 2001.
- (13) Exhibit 2--Rite Aid Prescription No. 02411 105238 dated August 10, 2000.
- (14) Exhibit 3--Rite Aid Prescription No. 02411 106127 dated September 2, 2000.
- (15) Exhibit 4--Four-page Statement of Debra Cooper notarized September 27, 2000.
- (16) Exhibit 5--Copy of three-page Pharmacy Profile report re Debra Cooper dated April 20, 2000, and copy of letter from Carol S. Harris dated April 21, 2000.
- (17) Exhibit 6--Copy of Rite Aid-N. Tuscarawas Village Plaza Customer History Report covering January 1, 1997 to September 27, 2000, re Debra L. Cooper dated September 27, 2000.
- (18) Exhibit 7--Copy of Medicine Shoppe Insurance Profile printout covering September 28, 1999 to September 28, 2000, re Debra L. Cooper dated September 28, 2000.
- (19) Exhibit 8--Copy of RAP - S. Main Street Customer History Report covering January 1, 1999 to December 31, 1999, re Debra Cooper dated April 24, 2000.
- (20) Exhibit 9--Copy of six-page CVS/Revco #3457 Pharmacist's Statement covering January 1, 1999 to April 24, 2000, re Debra Cooper dated April 24, 2000.
- (21) Exhibit 10--Copy of Drug Castle #8 Controlled Substance Audit Report (By Drug) re Stadol NS 10mg/ml spray dated April 25, 2000.
- (22) Exhibit 11--Copy of two-page Drug Castle #9 Medical Expenses report covering January 1, 1999 to April 20, 2000, re Debra Cooper, not dated; copy of Drug Castle No. 9 Controlled Substance Audit Report (By Drug) re Stadol NS 10mg/ml spray, not dated.
- (23) Exhibit 12--Copy of Drug Castle #10 Controlled Substance Audit Report (By Drug) re Stadol NS 10mg/ml spray, not dated.
- (24) Exhibit 13--Copy of Rite Aid N.-Tuscarawas Village Plaza Customer History Report covering January 1, 1997 to September 27, 2000 re Aaron B. Cooper dated September 27, 2000.
- (25) Exhibit 14--Letter from Daniel H. Brumfield, M.D. dated September 26, 2000.
- (26) Exhibit 15--Two-page copy of Report of Theft or Loss of Controlled Substances of Drug Castle, not dated.
- (27) Exhibit 16--Copy of three-page Indictment, State of Ohio vs. Debra L. Cooper, Case No. 2001CR050135, Tuscarawas County Court of Common Pleas, dated May 14, 2001.

Respondent's Exhibits:

- (1) Exhibit A--Copy of nine pages of AA/NA attendance verification records dated from December 15, 2000 to September 24, 2001.
- (2) Exhibit B--Copy of ten Quest Diagnostics Chain of Custody Document/Request Forms of Debra Cooper for specimens collected on February 1, 2001, February 23, 2001, March 19, 2001, April 17, 2001, May 17, 2001, June 14, 2001, July 2, 2001, July 27, 2001, August 23, 2001, and September 13, 2001.

- (3) Exhibit C--Copy of ten Quest Diagnostics drug screen reports for specimens collected from Debra Cooper on February 1, 2001, February 23, 2001, March 19, 2001, April 17, 2001, May 13, 2001, June 14, 2001, July 2, 2001, July 27, 2001, August 23, 2001, and September 13, 2001.
- (4) Exhibit D--Copy of Shepherd Hill Hospital Recovery Plan of Debra Cooper dated December 15, 2000; copy of letter from Frederick N. Karaffa, M.D. dated March 7, 2001; copy of letter from Frederick N. Karaffa, M.D. dated September 11, 2001; copy of letter from Ellen Laubis, M.Ed., CCDC III dated March 14, 2001; copy of letter from Ellen Laubis, M.Ed., CCDC III dated August 7, 2001.
- (5) Exhibit E--Copy of two-page Pharmacist's Recovery Contract of Debra L. Cooper dated January 5, 2001.
- (6) Exhibit F--Seventeen pages of copies of letters from the following: Christopher Hart, R.Ph. dated August 7, 2001; Thomas W. Foti, R.Ph., not dated; Judy Nign dated March 10, 2001; Perry Nign, not dated; Lois P. Thompson dated March 10, 2001; Leslie Booth, not dated; Jennifer, Ashten, and Bristen Nign dated March 11, 2001; Vickie Graves dated August 5, 2001; Reverend Gordon Myers dated March 11, 2001; Andrew C. Basinger, D.D.S. dated March 6, 2001; Cheryl Nalle dated August 6, 2001; John I. Anderson Jr., not dated; Brooke Love dated March 8, 2001; and Susan L. Davis dated March 14, 2001.
- (7) Exhibit G--Six pages of copies of Continuing Pharmacy Education Certificates dated April 29, 2001, July 29, 2001, September 3, 2001, September 4, 2001, and September 5, 2001.
- (8) Exhibit H--Two-page copy of Conditions of Supervision for Debra Cooper dated September 19, 2001; Copy of Parole Officer Laurie Stewart's calling card; Copy of four-page Judgement Entry, State of Ohio vs. Debra L. Cooper, Case No. 2001 CR 05 0135, Tuscarawas County Common Pleas Court, dated September 26, 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 Debra Lynn Cooper was originally licensed by the State of Ohio on February 27, 1997, pursuant to examination, and that her license to practice pharmacy in the state of Ohio was summarily suspended effective October 3, 2000.
- (2) Debra Lynn Cooper is addicted to liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Debra Lynn Cooper is admittedly addicted to Stadol, a Schedule IV controlled substance; Debra Lynn Cooper became addicted after having used Stadol to treat migraine headaches; Debra Lynn Cooper practiced pharmacy while being impaired; and, Debra Lynn Cooper forged prescriptions to cover her thefts. Such conduct indicates that Debra Lynn Cooper falls within the ambit of Sections 3719.121(A), 3719.121(B), and 4729.16(A)(3) of the Ohio Revised Code.

- (3) Debra Lynn Cooper did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: Debra Lynn Cooper created the following prescriptions in order to obtain the controlled substance Stadol:

<u>Rx#</u>	<u>Date</u>
105238T	08/10/00
106127	09/02/00

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

- (4) Debra Lynn Cooper did, from January 1, 1999, through April 15, 2000, by deception, procure a prescription for a dangerous drug, to wit: Debra Lynn Cooper obtained 60 bottles of Stadol, a Schedule IV controlled substance, without prescriptions for a legitimate medical purpose from several different pharmacies. Such conduct is in violation of Section 2925.22(A) of the Ohio Revised Code.
- (5) Debra Lynn Cooper did, from September 7, 1999, through April 6, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Drug Castle Pharmacy, 6550 Brandt Pike, Huber Heights, Ohio, beyond the express or implied consent of the owner, to wit: Debra Lynn Cooper stole ten bottles of Stadol NS, a Schedule IV controlled substance, valued at \$650.00 from her employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) Debra Lynn Cooper did, on or about September 25, 2000, by deception, procure a prescription for a dangerous drug, to wit: Debra Lynn Cooper obtained a prescription for Promethazine & Codeine Syrup, a Schedule III controlled substance, from her physician. Debra Lynn Cooper failed to advise her physician of her addiction and continued use of Stadol. Such conduct is in violation of Section 2925.22(A) of the Ohio Revised Code.
- (7) Debra Lynn Cooper, R.Ph. did, on or about September 27, 2000, possess dangerous drugs when not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: Debra Lynn Cooper possessed twelve and one-half units of Cyclo-benzaprine Hydrochloride 10mg and one unit of Furosemide 40mg without having a prescription for a legitimate medical purpose. Such conduct is in violation of Section 4729.51(C)(3) 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 (3) through (7) of the Findings of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (7) 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 (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her 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 (3), (4), (6), and (7) 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. 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 to Debra Lynn Cooper on October 3, 2000.

Pursuant to Section 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-3-21795, held by Debra Lynn Cooper and such suspension is effective as of the date of the mailing of this Order.

- (A) Debra Lynn Cooper, 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) Debra Lynn Cooper, 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.

Further, after six months from the effective date of this Order, the Board will consider any petition filed by Debra Lynn Cooper for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (A) Debra Lynn Cooper 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, upon signing, mail 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 once each month.
- (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

- (b) Results of all drug 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.
- (2) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
- (3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Debra Lynn Cooper must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
- (C) Debra Lynn Cooper must provide, at the reinstatement petition hearing, documentation of the following:
 - (1) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);
 - (2) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
 - (3) Compliance with the terms of this Order.
- (D) If reinstatement is not accomplished within three years of the effective date of this Order, Debra Lynn Cooper must show successful completion of the NAPLEX examination or an equivalent examination approved by the Board.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-2).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE NOVEMBER 7, 2001

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

October 3, 2000

Debra Lynn Cooper, R.Ph.
5958 Dog Run Road, N.E.
Mineral City, Ohio 44656

Re: Ohio Registered Pharmacist
Number 03-3-21795

Dear Ms. Cooper:

In accordance with Section 3719.121(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. Further, 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 professional practice presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on February 27, 1997, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You are addicted to liquor or drugs or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you are admittedly addicted to Stadol, a Schedule IV controlled substance; you became addicted after having used Stadol to treat migraine headaches; you practiced pharmacy while being impaired; and, you forged prescriptions to cover for your thefts. Such conduct indicates that you fall within the ambit of Sections 3719.121(A), 3719.121(B), and 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: you created the following prescriptions in order to obtain the controlled substance Stadol:

<u>Rx#</u>	<u>Date</u>
105238T	08/10/00
106127	09/02/00

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

- (4) You did, from January 1, 1999, through April 15, 2000, by deception, procure a prescription for a dangerous drug, to wit: you obtained 60 bottles of Stadol, a Schedule IV controlled substance, without prescriptions for a legitimate medical purpose from several different pharmacies. Such conduct is in violation of Section 2925.22(A) of the Ohio Revised Code.

- (5) You did, from September 7, 1999, through April 6, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Drug Castle Pharmacy, 6550 Brandt Pike, Huber Heights, Ohio, beyond the express or implied consent of the owner, to wit: you stole ten bottles of Stadol NS, a Schedule IV controlled substance, valued at \$650.00 from your employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(A) of the Ohio Revised Code states, in pertinent part: "any ... pharmacist, ... who is or becomes addicted to the use of controlled substances, shall be suspended by the board that authorized the person's license, certificate, or registration..."

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

(B) If the board under which a person has been issued a license, . . . , . . . determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, . . . , . . . , without a prior hearing.

WHEREFORE, PURSUANT TO SECTIONS 3719.121(A) and (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. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until an adjudicatory hearing has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER ADVISED, that the Board will also consider the following allegations, as numbered:

- (6) You did, on or about September 25, 2000, by deception, procure a prescription for a dangerous drug, to wit: you obtained a prescription for Promethazine & Codeine Syrup, a Schedule III controlled substance, from your physician. You failed to advise your physician of your addiction and continued use of Stadol. Such conduct is in violation of Section 2925.22(A) 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, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code within the meaning of Section 4729.16(A) of the Ohio Revised Code.
- (7) You did, on or about September 27, 2000, possess dangerous drugs when not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: you possessed 12½ units of Cyclobenzaprine Hydrochloride 10mg and 1 unit of Furosemide 40mg without having a prescription for a legitimate medical purpose. Such conduct is in violation of Section 4729.51(C)(3) 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, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 4729. of the Revised Code within the meaning of Section 4729.16(A) of the Ohio Revised Code.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code.

IF YOU REQUEST A HEARING within 30 days of the time of the mailing of this notice, such will be afforded. Such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if you do not request such a hearing within thirty (30) days of the mailing of this notice, the State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

(D-001003-012)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE OCTOBER 3, 2000

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective November 7, 2001)*