



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-040726-005)

In The Matter Of:

ALAN PATRICK HORVATH, R.Ph.

2762 Wynnerock Court

Hilliard, Ohio 43026

(R.Ph. No. 03-3-21869)

INTRODUCTION

THE MATTER OF ALAN PATRICK HORVATH CAME FOR HEARING ON JANUARY 4, 2005, 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.

ALAN PATRICK HORVATH 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. Alan Patrick Horvath, R.Ph., Respondent
2. James Scott Patton, R.Ph.
3. Nick A. Kallis, R.Ph.

State's Exhibits

1. Reinstatement Hearing Request letter from Alan Horvath [06-25-04]
- 1A-1B. Procedurals
2. Rx #2216610 [03-07-02]
- 2A. State Board of Pharmacy Order in re Alan Patrick Horvath, R.Ph. [12-10-03]
3. Notarized Statement of Alan P. Horvath [07-01-02]
4. Notarized Statement of Alan P. Horvath [07-31-02]
5. Notarized Statement of Alan P. Horvath [08-01-02]
6. Rx #2217705 [06-22-02]
8. Notarized Statement of Charles W. Sindeldecker [08-06-02]

9. Indictment, State of Ohio vs. Alan P. Horvath, Case No. 03CR 02-1171, Franklin County Common Pleas Court [02-25-03]
10. Entry of Guilty Plea [06-24-03]
11. Judgment Entry [06-24-03]

Respondent's Exhibits

- A. Two PRO Pharmacist's Recovery Contracts for Alan Horvath [10-05-02 and 12-10-03]
- B. Calendar pages with Support Group Meeting Notes [August 2002 to December 2004]; Support Group Attendance Records [08-11-02 to 01-02-05]
- C. Drug Screen Reports [10-29-02 to 12-13-04]; Compass Vision Licensee Summary Report [01-16-03 to 11-18-04]; Compass Vision Drug Panel [not dated]
- D. Notice (Community Control Imposed) [06-23-03]; Judgment Entry (Community Control Imposed) [06-24-03]; Conditions of Supervision [06-27-03]; Receipt No. 164941 [12-02-03]; Receipt No. 158355 [08-11-03]; copy of two bank checks, No. 521111537 and No. 520340770, payable to Franklin County Clerk of Courts [12-01-03 and 08-09-03]; Early Termination of Probation [12-28-04]. State of Ohio vs. Alan P. Horvath, Case No. 03CR02-1171, Franklin County Common Pleas Court.
- E. Copy of bank check, No. 121905837, payable to Kroger [08-12-02]
- F. Two-page Summary Report of Continuing Pharmacy Education Credits [02-13-01 to 12-03-04]; Continuing Pharmaceutical Education Credit Statements and Certificates [07-20-00 to 12-03-04]
- G. Twenty-three Letters of Support [02-25-03 to 12-16-04]; OSU College of Pharmacy Nomination Letter for "Preceptor-of-the-Year Award" for 2001 [05-31-01]

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 Alan Patrick Horvath has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-020808-004, effective December 10, 2003.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-3-21869, held by Alan Patrick Horvath to practice pharmacy in Ohio and places Alan Patrick Horvath on probation for five years beginning on the effective date of this Order, with the following conditions:

- (A) Alan Patrick Horvath 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 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) Results of all drug 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 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) Alan Patrick Horvath 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 Alan Patrick Horvath's progress towards recovery and what Alan Patrick Horvath 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 Alan Patrick Horvath'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) Alan Patrick Horvath may not serve as a responsible pharmacist.
 - (3) Alan Patrick Horvath may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) Alan Patrick Horvath may not, during the first six months of practice, work in a pharmacy more than 40 hours per week.
 - (5) Alan Patrick Horvath must, during the first six months of practice, work only with a pharmacist whose license is in good standing.
 - (6) Alan Patrick Horvath must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
 - (7) Alan Patrick Horvath must not violate the drug laws of Ohio, any other state, or the federal government.
 - (8) Alan Patrick Horvath must abide by rules of the State Board of Pharmacy.

(9) Alan Patrick Horvath must comply with the terms of this Order.

(D) 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.

Alan Patrick Horvath 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-020808-004)

In The Matter Of:

ALAN PATRICK HORVATH, R.Ph.

2762 Wynnerock Court

Hilliard, Ohio 43026

(R.Ph. No. 03-3-21869)

INTRODUCTION

THE MATTER OF ALAN PATRICK HORVATH CAME FOR HEARING ON NOVEMBER 5, 2003, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

ALAN PATRICK HORVATH WAS REPRESENTED BY R. WILLIAM MEEKS AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Christopher Reed, Ohio State Board of Pharmacy

Respondent's Witnesses

1. Nick Kallis, R.Ph.
2. Alan Patrick Horvath, R.Ph., Respondent

State's Exhibits

1. Copy of Summary Suspension Order/Notice of Opportunity For Hearing letter [08-08-02]
 - 1A-1F. Procedurals
 - 1G. Copy of Addendum Notice letter [10-06-03]
 - 1H. Procedural
2. Rx #2216610 [03-07-02]
3. Notarized Statement of Alan P. Horvath [07-01-02]
4. Notarized Statement of Alan P. Horvath [07-31-02]
5. Notarized Statement of Alan P. Horvath [08-01-02]

6. Rx #2217705 [06-22-02]
7. Rx #2217705 Vial containing 180 OxyContin 40 mg tablets [06-22-02]
8. Notarized Statement of Charles W. Sindeldecker [08-06-02]
9. Indictment, State of Ohio vs. Alan P. Horvath, Case No. 03CR 02-1171, Franklin County Common Pleas Court [02-25-03]
10. Entry of Guilty Plea [06-24-03]
11. Judgment Entry [06-24-03]

Respondent's Exhibits

- A. PRO Pharmacist's Recovery Contract for Alan Horvath [10-15-02]
- B. Copy of Support Group Attendance Records [08-11-02 to 10-12-03]; Copy of Calendar pages with Support Group Meeting Notes [August 2002 to October 2003]
- C. Copy of Urine Drug Screen Reports and Custody & Control Forms [10-29-02 to 10-15-03]
- D. Copy of Restitution Check No. 121905837 to Kroger [08-12-02]
- E. Copy of Continuing Pharmacy Education Credits and Certificates [02-17-03 to 10-27-03]
- F. Fourteen Letters of Support [02-25-03 to 10-27-03]; OSU College of Pharmacy Nomination Letter for "Preceptor-of-the-Year Award" for 2001 [05-31-01]

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 indicate that Alan Patrick Horvath was originally licensed by the State of Ohio as a pharmacist on July 30, 1996, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended effective August 8, 2002.
- (2) Alan Patrick Horvath did, on or about February 15, 2002, and by conduct continuing on March 7, 2002, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Medco Health, its patient, and/or Kroger, by deception, to wit: Alan Patrick Horvath stole a prescription written for 180 tablets of OxyContin 10 mg, a Schedule II controlled substance, from Medco, and subsequently obtained 100 tablets of the drug by further deception from Kroger for his personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) Alan Patrick Horvath did, on or about March 7, 2002, intentionally create and/or knowingly possess a false or forged prescription for OxyContin 10 mg, a Schedule II controlled substance, to wit: Alan Patrick Horvath possessed and filed at Kroger Pharmacy a prescription for another, but indicated on the prescription that he had dispensed the medication to the patient when in fact he had not done so. Instead, Alan Patrick Horvath stole the medication. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (4) Alan Patrick Horvath did, on or about March 7, 2002, 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: Alan Patrick Horvath fraudulently obtained and possessed OxyContin 10 mg, a Schedule II controlled substance, that had been prescribed for another, and Alan Patrick Horvath consumed the medication. Alan Patrick Horvath admitted to Board agents that he used the drugs to satisfy his curiosity and to self-medicate for tension headaches. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (5) Alan Patrick Horvath did, on or about June 21, 2002, and by conduct continuing on June 22, 2002, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Medco Health, its patient, and/or Kroger, by deception, to wit: Alan Patrick Horvath stole a prescription written for 180 tablets of OxyContin 80 mg, a Schedule II controlled substance, from Medco, and subsequently obtained 180 OxyContin 40 mg tablets by further deception from Kroger for his personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) Alan Patrick Horvath did, on or about June 22, 2002, intentionally create and/or knowingly possess a false or forged prescription for OxyContin 80 mg, Schedule II controlled substance, to wit: Alan Patrick Horvath possessed and filed at Kroger Pharmacy a prescription for another, but indicated on the prescription that he had dispensed the medication to the patient when in fact he had not done so. Further, Alan Patrick Horvath altered the name of the intended patient and altered the strength of the drug, then subsequently stole the medication. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (7) Alan Patrick Horvath did, on or about June 22, 2002, 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: Alan Patrick Horvath fraudulently obtained and possessed 180 OxyContin 40 mg tablets, a Schedule II controlled substance, that had been prescribed for another. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (8) On June 23, 2003, Alan Patrick Horvath pled guilty to two (2) counts of Theft of Drugs, felonies of the fourth degree under Section 2913.02 of the Ohio Revised Code, and to two (2) counts of Illegal Processing of Drug Documents, felonies of the fourth degree under Section 2925.23 of the Ohio Revised Code. State of Ohio vs. Alan P. Horvath, Case No. 03CR02-1171, Franklin County Common Pleas Court.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (8) 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) The State Board of Pharmacy concludes that paragraphs (2) 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) The State Board of Pharmacy concludes that paragraphs (2), (4) and (5) of the Findings of Fact constitute abusing drugs or impaired physically or mentally to such a degree as to render Alan Patrick Horvath unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) 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 Chapters 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION 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 Alan Patrick Horvath on August 8, 2002.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-3-21869, held by Alan Patrick Horvath and such suspension is effective as of the date of the mailing of this Order.

- (A) Alan Patrick Horvath, 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) Alan Patrick Horvath, 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.

Further, after one year from the effective date of this Order, the Board will consider any petition filed by Alan Patrick Horvath 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) Alan Patrick Horvath 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. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive result, 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) Alan Patrick Horvath must demonstrate satisfactory proof to the Board that he is no longer abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
- (C) Alan Patrick Horvath 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, Alan Patrick Horvath must also take and pass the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board.

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

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE DECEMBER 10, 2003



OHIO STATE BOARD OF PHARMACY

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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

August 8, 2002

Alan Patrick Horvath, R.Ph.
2762 Wynnerock Court
Hilliard, Ohio 43026

Re: Ohio Registered Pharmacist
Number 03-3-21869

Dear Mr. Horvath:

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 July 30, 1996, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You did, on or about February 15, 2002, and by conduct continuing on March 7, 2002, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Medco Health, its patient, and/or Kroger, by deception, to wit: you stole a prescription written for 180 tablets of OxyContin 10 mg, a Schedule II Controlled Substance, from Medco, and subsequently obtained 100 tablets of the drug by further deception from Kroger for your personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) You did, on or about March 7, 2002, intentionally create and/or knowingly possess a false or forged prescription for OxyContin 10 mg, a Schedule II Controlled Substance, to wit: you possessed and filed at Kroger Pharmacy a prescription for another, but indicated on the prescription that you had dispensed the medication to the patient when in fact you had not done so. Instead, you stole the medication. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (4) You did, on or about March 7, 2002, 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: you fraudulently obtained and possessed Oxycontin 10 mg, a Schedule II Controlled Substance, that had been prescribed for another, and you consumed the medication. You admitted to Board agents that you used the drugs to satisfy your curiosity and to self-medicate for

tension headaches. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

- (5) You did, on or about June 21, 2002, and by conduct continuing on June 22, 2002, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Medco Health, its patient, and/or Kroger, by deception, to wit: you stole a prescription written for 180 tablets of OxyContin 80 mg, a Schedule II Controlled Substance, from Medco, and subsequently obtained 180 OxyContin 40 mg tablets by further deception from Kroger for your personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) You did, on or about June 22, 2002, intentionally create and/or knowingly possess a false or forged prescription for OxyContin 80 mg, Schedule II Controlled Substance, to wit: you possessed and filed at Kroger Pharmacy a prescription for another, but indicated on the prescription that you had dispensed the medication to the patient when in fact you had not done so. Further, you altered the name of the intended patient and altered the strength of the drug, then subsequently stole the medication. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (7) You did, on or about June 22, 2002, 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: you fraudulently obtained and possessed 180 Oxycontin 40 mg tablets, a Schedule II Controlled Substance, that had been prescribed for another. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

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 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 ARE 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 a final adjudication order becomes effective, during which time you may not engage in the practice of pharmacy.

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, limit, 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;
- (10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. 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. 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 HEREBY 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 identifica-

tion 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-020808-004)

BY ORDER OF THE STATE BOARD OF PHARMACY

SUMMARY SUSPENSION EFFECTIVE AUGUST 8, 2002

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.
(Order Effective December 10, 2003)*