



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-061108-013)

In The Matter Of:

DONALD A. ALEXANDER, R.Ph.

518 Charles Street

Wellsburg, West Virginia 26070

(R.Ph. No. 03-3-27121)

INTRODUCTION

THE MATTER OF DONALD A. ALEXANDER CAME FOR HEARING ON NOVEMBER 6, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: GREGORY BRAYLOCK, R.Ph. (presiding); ELIZABETH I. GREGG, R.Ph.; RICHARD F. KOLEZYNSKI, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; HEATHER L. PASQUALE, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; JAMES E. TURNER, R.Ph.; AND JEROME J. WIESENHAHN, R.Ph.

DONALD A. ALEXANDER WAS REPRESENTED BY DANIEL D. CONNOR. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

1. George Pavlich, Ohio State Board of Pharmacy

Respondent's Witnesses

1. Donald Alexander, R.Ph., Respondent
2. Dana E. Davis, Sr.
3. Fran Alexander

State's Exhibits

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [11-08-06]
1A-1E. Procedurals
2. Notarized Statement of Donald Alexander [10-13-06]
3. Photograph of Prescription Vial and Pills [10-13-06]
4. Bureau of Criminal Identification and Investigation Lab Analysis Report [11-15-06]
5. Drug Accountability Statement at Kroger #N-512 for Alprazolam .25 mg [02-20-07]
6. Drug Accountability Statement at Kroger #N-512 for Alprazolam .05 mg [02-20-07]
7. Drug Accountability Statement at Kroger #N-512 for Alprazolam 1 mg [02-20-07]

8. Drug Accountability Statement at Kroger #N-512 for Alprazolam 2 mg [02-20-07]
9. Rx #2231319 [08-06-06]
10. Rx #2231434 [08-13-06]
11. Rx #2231593 [08-27-06]
12. Rx #2231632 [08-30-06]
13. Rx #2231633 [08-30-06]
14. Rx #2231728 [09-06-06]
15. Rx #2231730 [09-06-06]
16. Rx #2231838 [09-14-06]
17. Rx #2231837 [09-14-06]
18. Rx #2231961 [09-25-06]
19. Rx #2231939 [09-25-06]
20. Rx #2231940 [09-25-06]
21. Rx #2231993 [09-27-06]
22. Rx #2232020 [09-29-06]
23. Rx #2232032 [10-01-06]
24. Rx #2232126 [10-06-06]
25. Rx #2232127 [10-06-06]
26. Rx #2232206 [10-12-06]
27. Hand-written note from Nicole to Cindy [not dated]; one incomplete prescription form and one prescription written for OxyIR 30 mg [10-13-06]
28. Prescriber Statement of Bryan Negrini, M.D. [10-24-06]

Respondent's Exhibits

- A. PRO Pharmacist's Recovery Contract for Donald Alexander [03-19-07]
- B. Letter from George M. MacNabb, M.D. to Daniel D. Connor, Esq. [09-25-07]
- C. Talbot Recovery Campus Medical Records [12-08-05]; Discharge Summary [03-28-06]; Continuing Care Plan [03-11-06]
- C-1. Page two of Physician Discharge Summary [not dated]
- D. Talbot Recovery Campus Discharge Summary [01-15-07]; Continuing Care Plan [12-29-06]
- E. Northwest Toxicology Drug Test Reports [10-30-06 to 12-11-06]
- F. First Lab OHPRO Test History Report [03-30-07 to 09-14-07]
- G. Support Group Attendance Records [02-27-07 to 10-15-07]
- H. Eight Letters of Support [10-09-07 to 10-19-07]
- I. First Lab Drug Testing Panels [10-11-06]
- J. Support Group Attendance Records [10-02-07 to 11-03-07]

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 Donald A. Alexander was originally licensed by the State of Ohio as a pharmacist on April 4, 2006, pursuant to reciprocity, and that his license was summarily suspended on November 8, 2006.

(2) Donald A. Alexander is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Donald A. Alexander has admitted to a Board agent that he is addicted to controlled substances. Further, Donald A. Alexander has admitted that he has been to drug treatment in both Georgia and West Virginia, and that he continues to abuse drugs. Donald A. Alexander has also indicated that while in treatment and/or aftercare, he would obtain a friend's urine and subversively submit it as his own so as to pass drug screens. Donald A. Alexander forged prescriptions to cover his thefts of the drugs he used and gave to others. Such conduct indicates that Donald A. Alexander is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.

(3) Donald A. Alexander did, on or about October 13, 2006, knowingly possess a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a prescription and not for a legitimate medical purpose, Donald A. Alexander possessed 4 oxycodone CR 40 mg tablets, 67 oxycodone HCL 30 mg tablets, 5 alprazolam 1mg tablets, and 1 alprazolam 2 mg tablet. Donald A. Alexander was stopped for questioning by his employer after he left his pharmacy shift. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

(4) Donald A. Alexander did, on or about October 13, 2006, and dates previous, intentionally create and/or knowingly possess false or forged prescriptions, to wit: Donald A. Alexander created, helped create, and/or knowingly possessed on file in the pharmacy the following documents so as to cover his theft of the drugs:

(a) Rx #2231319, written August 2, 2006, dispensed August 6, 2006 for Jennifer Bennett, 36 OxyContin (oxycodone CR) 40 mg tablets.

Note: Donald A. Alexander stated that Jennifer Bennett is not his girlfriend but he shared this prescription with her after she created it and gave it to him.

(b) Rx #2231434, written August 8, 2006, dispensed August 13, 2006 for Jennifer Bennett, 60 OxyContin (oxycodone CR) 80 mg tablets.

Note: Donald A. Alexander confirmed that Jennifer Bennett created the prescription and he dispensed it and shared the drugs with her.

(c) Rx #2231593, written August 25, 2006, dispensed August 27, 2006 for Jessie Campana, 60 OxyContin (oxycodone CR) 40 mg tablets.

Note: A new name was used by Jennifer Bennett to create this prescription. Donald A. Alexander dispensed the drug and shared it with Jennifer Bennett.

(d) Rx #2231632, written August 30, 2006, dispensed August 30, 2006 for Jennifer Bennett, 60 OxyContin (oxycodone CR) 80 mg tablets.

Note: Donald A. Alexander stated that the prescription was created by Jennifer Bennett and he shared the tablets with her.

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(e) Rx #2231633, written August 30, 2006, dispensed August 30, 2006 for Jennifer Bennett, 90 OxyIR (oxycodone HCL) 30 mg tablets.

Note: This prescription was created by Jennifer Bennett. Donald A. Alexander dispensed the drug and shared it with Jennifer Bennett.

(f) Rx #2231728, written September 6, 2006, dispensed September 6, 2006, for Joseph DeFranco, 60 OxyContin (oxycodone CR) 40 mg tablets.

Note: Donald A. Alexander stated that he needed another name as the patient because the quantity levels were too high and too close. Donald A. Alexander shared these tablets with Jennifer Bennett.

(g) Rx #2231730, written September 6, 2006, dispensed September 6, 2006, for Joseph DeFranco, 90 OxyIR (oxycodone HCL) 15 mg tablets.

Note: Donald A. Alexander stated that he shared these tablets with Jennifer Bennett.

(h) Rx #2231838, written September 13, 2006, dispensed September 14, 2006, for Jennifer Bennett, 30 Ritalin (Methylin) 10 mg tablets.

Note: Donald A. Alexander stated that these tablets were for himself and that he created the prescription.

(i) Rx #2231837, written September 13, 2006, dispensed September 14, 2006, for Jennifer Bennett, 90 OxyIR (oxycodone HCL) 30 mg tablets.

Note: Donald A. Alexander stated that these tablets were for himself and that he created the prescription.

(j) Rx #2231961, written September 25, 2006, dispensed September 25, 2006, for Jennifer Bennett, 30 Ritalin (Methylin) 20 mg tablets.

Note: Donald A. Alexander stated that he created the prescription, had never used this drug before, but consumed it all himself.

(k) Rx #2231939, written September 20, 2006, dispensed September 25, 2006, for Jessie Campana, 90 OxyIR (oxycodone HCL) 15 mg tablets.

Note: Donald A. Alexander created the prescription and consumed the drugs himself.

(l) Rx #2231940, written September 20, 2006, dispensed September 25, 2006, for Jessie Campana, 60 OxyContin (oxycodone CR) 40 mg tablets.

Note: This name was initially used by Jennifer Bennett. Donald A. Alexander created this prescription and consumed the drugs himself.

(m) Rx #2231993, written September 25, 2006, dispensed September 27, 2006, for Jennifer Bennett, 90 OxyIR (oxycodone HCL) 30 mg tablets.

Note: Donald A. Alexander stated that he created the prescription and the drug was just for himself because he became paranoid about Jennifer Bennett.

(n) Rx #2232020, written September 25, 2006, dispensed September 29, 2006, for Jennifer Bennett, 90 OxyContin (oxycodone CR) 80 mg tablets.

Note: Donald A. Alexander stated that both he and Jennifer Bennett shared the drugs.

(o) Rx #2232032, written September 29, 2006, dispensed October 1, 2006, for Joseph DeFranco, 60 Ritalin (Methylin) 10 mg tablets.

Note: Donald A. Alexander stated that these tablets were for himself and that he created the prescription.

(p) Rx #2232126, written September 29, 2006, dispensed October 6, 2006, for Joseph DeFranco, 60 OxyContin (oxycodone CR) 40 mg tablets.

Note: Donald A. Alexander stated that he created the prescription and consumed the drug himself.

(q) Rx #2232127, written September 29, 2006, dispensed October 6, 2006, for Joseph DeFranco, 90 OxyIR (oxycodone HCL) 15 mg tablets.

Note: Donald A. Alexander stated that he created the prescription and consumed the drug himself.

(r) Rx #2232206, written October 12, 2006, dispensed October 12, 2006, for Jennifer Bennett, 90 OxyIR (oxycodone HCL) 30 mg tablets.

Note: These were some of the tablets (67) that Donald A. Alexander possessed when stopped on October 13, 2006. Donald A. Alexander stated that he shared some of the original 90 tablets with a friend (5 or 6 tablets), and that the 67 tablets were left over from October 12, 2006.

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

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (3) and (4) 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 (3) and (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) 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 him 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) and (4) 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.

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 Donald A. Alexander on November 8, 2006.

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 Donald A. Alexander as follows:

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. 03-3-27121, held by Donald A. Alexander and such suspension is effective as of the date of the mailing of this Order.

(A) Donald A. Alexander, 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) Donald A. Alexander, 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 three years from the effective date of this Order, the Board will consider any petition filed by Donald A. Alexander 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) Donald A. Alexander 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. 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 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) The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

(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) Donald A. Alexander must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

(C) Donald A. Alexander 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 four years of the effective date of this Order, Donald A. Alexander must also show successful completion of the NAPLEX.

(E) Upon such time as the Board may consider reinstatement, Donald A. Alexander will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

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THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-1).

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 the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with 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: DECEMBER 5, 2007

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

WTW/lf

CERTIFIED MAIL/Return Receipt
7004 2510 0006 9804 2802

c: Sally Ann Steuk, Assistant Attorney General
Daniel D. Connor, Attorney for Respondent; Connor & Behal, LLP; 501 South High Street;
Columbus, Ohio 43215



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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

DATE: November 7, 2006

Donald A. Alexander, R.Ph.
518 Charles Street
Wellsburg, West Virginia 26070

Re: Ohio Registered Pharmacist
Number 03-3-27121

Dear Mr. Alexander:

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 April 4, 2006, pursuant to reciprocity, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You are addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have admitted to a Board agent that you are addicted to controlled substances. Further, you have admitted that you have been to drug treatment in both Georgia and West Virginia, and that you continue to abuse drugs. You have also indicated that while in treatment and/or aftercare, you would obtain a friend's urine and subversively submit it as your own so as to pass drug screens. You forged prescriptions to cover your thefts of the drugs you used and gave to others. Such conduct indicates that you are within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, on or about October 13, 2006, knowingly possess a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a prescription and not for a legitimate medical purpose, you possessed 4 oxycodone CR 40 mg tablets, 67 oxycodone HCL 30 mg

tablets, 5 alprazolam 1 mg tablets, and 1 alprazolam 2 mg tablet. You were stopped for questioning by your employer after you left your pharmacy shift. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

- (4) You did, on or about October 13, 2006, and dates previous, intentionally create and/or knowingly possess false or forged prescriptions, to wit: you created, helped create, and/or knowingly possessed on file in the pharmacy the following documents so as to cover your theft of the drugs:

(a) Rx #2231319

Written Date 08-02-06 Dispensed Date 08-06-06

Patient name Jennifer Bennett

Drug/Qty OxyContin (oxycodone CR) 40 mg # 36 tablets

Note: You stated that Jennifer Bennett is not your girlfriend but you shared this prescription with her after she created it and gave it to you.

(b) Rx #2231434

Written Date 08-08-06 Dispensed Date 08-13-06

Patient name Jennifer Bennett

Drug/Qty OxyContin (oxycodone CR) 80 mg # 60 tablets

Note: You confirmed that Jennifer Bennett created the prescription and you dispensed it and shared the drugs with her.

(c) Rx #2231593

Written Date 08-25-06 Dispensed Date 08-27-06

Patient name Jessie Campana

Drug/Qty OxyContin (oxycodone CR) 40 mg # 60 tablets

Note: A new name was used by Jennifer Bennett to create this prescription. You dispensed the drug and shared it with Jennifer Bennett.

(d) Rx #2231632

Written Date 08-30-06 Dispensed Date 08-30-06

Patient name Jennifer Bennett

Drug/Qty OxyContin (oxycodone CR) 80 mg # 60 tablets

Note: You stated that the prescription was created by Jennifer Bennett and you shared the tablets with her.

(e) Rx #2231633

Written Date 08-30-06 Dispensed Date 08-30-06

Patient name Jennifer Bennett

Drug/Qty Oxy IR (oxycodone HCL) 30 mg # 90 tablets

Note: This prescription was created by Jennifer Bennett. You dispensed the drug and shared it with Jennifer Bennett.

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(f) Rx #2231728

Written Date 09-06-06

Dispensed Date 09-06-06

Patient name

Joseph DeFranco

Drug/Qty

OxyContin (oxycodone CR) 40 mg # 60 tablets

Note: You stated that you needed another name as the patient because the quantity levels were too high and too close. You shared these tablets with Jennifer Bennett.

(g) Rx #2231730

Written Date 09-06-06

Dispensed Date 09-06-06

Patient name

Joseph DeFranco

Drug/Qty

Oxy IR (oxycodone HCL) 15 mg # 90 tablets

Note: You stated that you shared these tablets with Jennifer Bennett.

(h) Rx #2231838

Written Date 09-13-06

Dispensed Date 09-14-06

Patient name

Jennifer Bennett

Drug/Qty

Ritalin (Methylin) 10 mg # 30 tablets

Note: You stated that these tablets were for yourself and that you created the prescription.

(i) Rx #2231837

Written Date 09-13-06

Dispensed Date 09-14-06

Patient name

Jennifer Bennett

Drug/Qty

Oxy IR (oxycodone HCL) 30 mg # 90 tablets

Note: You stated that these tablets were for yourself and that you created the prescription.

(j) Rx #2231961

Written Date 09-25-06

Dispensed Date 09-25-06

Patient name

Jennifer Bennett

Drug/Qty

Ritalin (Methylin) 20 mg # 30 tablets

Note: You stated that you created the prescription, had never used this drug before, but consumed it all yourself.

(k) Rx #2231939

Written Date 09-20-06

Dispensed Date 09-25-06

Patient name

Jessie Campana

Drug/Qty

Oxy IR (oxycodone HCL) 15 mg # 90 tablets

Note: You created the prescription and consumed the drugs yourself.

(l) Rx #2231940

Date Written 09-20-06

Dispensed Date 09-25-06

Patient name

Jessie Campana

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Drug/Qty OxyContin (oxycodone CR) 40 mg # 60 tablets

Note: This name was initially used by Jennifer Bennett. You created this prescription and consumed the drugs yourself.

(m) Rx #2231993

Written Date 09-25-06 Dispensed Date 09-27-06

Patient name Jennifer Bennett

Drug/Qty Oxy IR (oxycodone HCL) 30 mg # 90 tablets

Note: You stated that you created the prescription and the drug was just for yourself because you became paranoid about Jennifer Bennett.

(n) Rx #2232020

Written Date 09-25-06 Dispensed Date 09-29-06

Patient name Jennifer Bennett

Drug/Qty OxyContin (oxycodone CR) 80 mg # 90 tablets

Note: You stated that both you and Jennifer Bennett shared the drugs.

(o) Rx #2232032

Written Date 09-29-06 Dispensed Date 10-01-06

Patient name Joseph DeFranco

Drug/Qty Ritalin (Methylin) 10 mg # 60 tablets

Note: You stated that these tablets were for yourself and that you created the prescription.

(p) Rx #2232126

Written Date 09-29-06 Dispensed Date 10-06-06

Patient name Joseph DeFranco

Drug/Qty OxyContin (oxycodone CR) 40 mg # 60 tablets

Note: You stated that you created the prescription and consumed the drug yourself.

(q) Rx #2232127

Written Date 09-29-06 Dispensed Date 10-06-06

Patient name Joseph DeFranco

Drug/Qty Oxy IR (oxycodone HCL) 15 mg # 90 tablets

Note: You stated that you created the prescription and consumed the drug yourself.

(r) Rx #2232206

Written Date 10-12-06 Dispensed Date 10-12-06

Patient name Jennifer Bennett

Drug/Qty Oxy IR (oxycodone HCL) 30 mg # 90 tablets

Note: These were some of the tablets (67) that you possessed when stopped on October 13, 2006. You stated that you shared some of the original 90 tablets with a friend (5 or 6 tablets), and that the 67 tablets were left over from October 12, 2006.

Such conduct is in violation of Section 2925.23(B) 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 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 DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30TH) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. 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 there is no request for such a hearing received by the Board on or prior to the thirtieth (30th) day following the mailing of this notice, the Ohio 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.

DONALD A. ALEXANDER, R.Ph.

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Order of the Board

BY ORDER OF THE STATE BOARD OF PHARMACY

William T. Winsley, M.S., R.Ph.
Executive Director