



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

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

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

ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-050915-030)

In The Matter Of:

DEEB M.E. MASHNI

4424 Hill Avenue, Apt 12

Toledo, Ohio 43615

INTRODUCTION

THE MATTER OF DEEB M.E. MASHNI CAME FOR HEARING ON DECEMBER 6, 2005, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE R. EASTMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

DEEB M.E. MASHNI WAS REPRESENTED BY DAVID C. McCULLEY. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness:

1. Dale Fritz, Ohio State Board of Pharmacy

Respondent's Witnesses

1. Deeb M.E. Mashni, Respondent
2. Ahmad Mashni

State's Exhibits:

1. Proposal to Deny/Notice of Opportunity For Hearing letter [09-15-05]
1A-1C. Procedurals
2. Application for Pharmacy Intern Registration with attachments submitted by Deeb M.E. Mashni [09-13-04]
- 2A. The University of Toledo Re-Admission Memorandum [03-09-05]
3. Santa Cruz County Mental Health Assessment Report [06-04-02]
4. Toledo Police Department Traffic Crash Report [10-27-02]
5. Indictment, State of Ohio vs. Deeb Mashni, Lucas County Common Pleas Court, Case No. CR02002-03328 [11-19-02]; Order [05-02-05]
6. The Toledo Hospital Treatment Records [10-27-02 to 10-28-02]
7. Northcoast Behavioral Healthcare Evaluation of Competency to Stand Trial [03-28-03]
8. Unison Behavioral Health Group Initial Psychiatric Evaluation [06-15-04]; Treatment Plan and Recommendations [06-18-04]
9. Treatment Progress Reports [01-13-05 to 11-03-05]

Respondent's Exhibits:

- A. Proposal to Deny/Notice of Opportunity For Hearing letter [09-15-05]
- A1-A3. Procedurals
- B. Application for Pharmacy Intern Registration with attachments submitted by Deeb M.E. Mashni [09-13-04]
- B1. The University of Toledo Re-Admission Memorandum [03-09-05]
- C. Santa Cruz County Mental Health Assessment Report [06-04-02]
- D. Toledo Police Department Traffic Crash Report [10-27-02]
- E-E4. Indictment, State of Ohio Lucas County vs. Deeb Mashni, Case No. CR02-03328, Lucas County Common Pleas Court [11-19-02] Order [01-31-03]; Order [04-09-03]; Order [05-02-05]; Judgment Entry and Order [04-29-04]
- F. The Toledo Hospital Treatment Records [10-27-02 to 10-28-02]
- G. Northcoast Behavioral Healthcare Evaluation of Competency to Stand Trial [03-28-03]; Letter from Beth A. Downey [03-31-03]
- G1. Northcoast Behavioral Healthcare Evaluation of Competency to Stand Trial [04-17-03]
- H. Unison Behavioral Health Group Initial Psychiatric Evaluation [06-15-04]
- I. Treatment Progress Reports [01-20-05 to 06-23-05]
- I1. Letter from Siva Yechoor, M.D. [11-03-05]; Treatment Progress Reports [06-17-05 to 11-03-05]
- J-J2. Three letters of Recommendation [09-26-05 to 09-30-05]
- K-K1. Two letters from Jane Joseph, Lucas County Forensic Monitor to University of Toledo-Office of Student Affairs [06-23-04 to 10-30-05]
- L. Northcoast Behavioral Healthcare Discharge Summary [06-01-04]
- L1. Letter from Julie Hartley, M.D. [07-13-04]

FINDINGS OF FACT

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

- (1) Records of the Board of Pharmacy indicate that Deeb M. E. Mashni applied to the Board for registration as an intern in the State of Ohio on September 13, 2004.
- (2) Deeb M. E. Mashni was, on or about October 27, 2002, charged with Aggravated Vehicular Homicide and Vehicular Assault. Deeb M. E. Mashni was found Incompetent to Stand Trial on January 29, 2003, and ordered to undergo treatment. Subsequently, on April 30, 2003, Deeb M. E. Mashni was found Not Guilty by Reason of Insanity and committed to an institution. State of Ohio v. Deeb Mashni, Case No. G-4801-CR-0200203328, Lucas County Common Pleas Court. Deeb M. E. Mashni has informed Board agents that he was “seeing spirits, hearing voices of [his] family, and other problems dealing with reality.” Family members convinced Deeb M. E. Mashni to seek mental health help, and he was found to have mental problems; yet, Deeb M. E. Mashni refused medications and denied his condition. While in pharmacy school in the year 2002, Deeb M. E. Mashni “had trouble with classes because of hallucinations and delusions.” The aforementioned criminal charges arose because Deeb M. E. Mashni killed someone in an automobile accident while driving his car “trying to get away from the Antichrist who was trying to kill him.” Such condition indicates that Deeb M. E. Mashni is impaired physically or mentally to such a degree as to render him unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being impaired physically or mentally to such a degree as to render Deeb M.E. Mashni unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.11 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby denies the Application for Pharmacy Intern Registration submitted by Deeb M.E. Mashni on September 13, 2004.

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 filing 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: JANUARY 11, 2006

CERTIFIED MAIL/Return Receipt
7001 0360 0002 4139 4477

WTW/lf

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

cc: Sally Ann Steuk, Assistant Attorney General
David C. McCulley, Attorney for Respondent; Balk, Hess & Miller, LLP; Charter One Bank
Building; 5744 Southwyck Boulevard; Toledo, Ohio 43614