



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-031124-037)

In The Matter Of:

JASON MATTHEW REIP

1363 Crossings Parkway #1363

Westlake, Ohio 44145

(D.O.B. 11/16/76)

INTRODUCTION

THE MATTER OF JASON MATTHEW REIP CAME FOR HEARING ON SEPTEMBER 14, 2004, 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.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

JASON MATTHEW REIP WAS REPRESENTED BY AMBER L. CLUCAS AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. Mark Kabat, Ohio State Board of Pharmacy

Respondent's Witnesses

None

State's Exhibits

1. Proposal to Deny/Notice of Opportunity For Hearing letter [11-24-03]
1A-1E. Procedurals
2. Application for Examination as a Pharmacist submitted by Jason Matthew Reip [10-14-03]
3. Application for Pharmacy Intern Registration submitted by Jason Matthew Reip [01-06-00]; Pharmacy Intern Registration Letter [02-14-00]; Three Renewal Applications For Intern License [08-03-00, 07-30-01, 07-31-02]
4. Statement of Richard W. Bodeker, R.Ph. [11-06-03]
5. Statement of Bob Lunato [11-18-03]
6. Lorain County Drug Task Force Investigative Report, Case No. 03-094, re Jason M. Reip [11-05-03]
7. Lorain County Forensic Services Sample Report [11-05-03]
8. Three-page AEGIS Analytical Laboratories Specimen Report [11-05-03]
9. Drug Accountability Statement at Giant Eagle #220 for OxyContin 80 mg [11-17-03]

10. Seven color photographs of two OxyContin 80 mg containers, Case No. #03-094 [11-06-03]
11. Three Drug Accountability Statements at Giant Eagle #220 for diazepam 5 mg, diazepam 10 mg and temazepam 30 mg [11-17-03]

Respondent's Exhibits

None

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witness, 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 Jason Matthew Reip submitted an Application For Examination As A Pharmacist on or about October 14, 2003. Records further indicate that Jason Matthew Reip was originally licensed by the State of Ohio as a Pharmacy Intern on January 30, 2000, and Jason Matthew Reip's license to practice pharmacy as a Pharmacy Intern lapsed on September 15, 2003.
- (2) Jason Matthew Reip is addicted to or abusing dangerous drugs to such a degree as to render him unfit to practice pharmacy, to wit: while working as a pharmacy intern, Jason Matthew Reip was observed as being excessively tardy for work, having a disheveled appearance, and "seeming out of it" on occasion. Jason Matthew Reip admitted to stealing drugs, selling controlled substances in exchange for cocaine, and abusing cocaine. Such conduct indicates that Jason Matthew Reip falls within the ambit of Rule 4729-5-04 of the Ohio Administrative Code and Sections 4729.08 and 4729.16 of the Ohio Revised Code.
- (3) Jason Matthew Reip did, on or about November 5, 2003, knowingly possess and/or use a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jason Matthew Reip admittedly used cocaine, and his urine tested positive for cocaine, while working in a pharmacy. Jason Matthew Reip had not been prescribed medication by a prescriber. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (4) Jason Matthew Reip did, between October 1, 2003, and November 1, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Giant Eagle Pharmacy #220, beyond the express or implied consent of the owner, to wit: Jason Matthew Reip admittedly stole 20 dosage units of OxyContin, a Schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) Jason Matthew Reip did, approximately two weeks preceding November 5, 2003, knowingly sell a controlled substance in an amount exceeding bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jason Matthew Reip admittedly sold 20 dosage units of OxyContin, a Schedule II controlled substance, in exchange for cocaine for his personal abuse. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (6) Jason Matthew Reip did, on or prior to November 6, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Giant Eagle Pharmacy #220, by deception, to wit: Jason Matthew Reip took a razor, slit open a full, stock bottle of OxyContin 80 mg, a Schedule II controlled substance, and stole six dosage units. Jason Matthew Reip then placed the bottle back on the shelf to make it appear unused. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) Jason Matthew Reip did, from May 1, 2003 to November 6, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Giant Eagle Pharmacy #220, beyond the express or implied consent of the owner, to wit: Jason Matthew Reip stole two dosage units of diazepam 5 mg, 130 dosage units of diazepam 10 mg, and two dosage units of temazepam 30 mg, all of which are Schedule IV controlled substances. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) through (7) of the Findings of Fact constitute being not of good moral character and habits as provided in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.
- (2) The State Board of Pharmacy concludes that paragraphs (2), (3), and (5) of the Findings of Fact constitute being addicted to or abusing liquor or drugs as provided in paragraph (D) of Rule 4729-5-04 of the Ohio Administrative Code.

DECISION OF THE BOARD

Pursuant to Section 4729.08 of the Ohio Revised Code and Rule 4729-5-04 of the Ohio Administrative Code, and on the basis of the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy hereby denies admission to the licensure examination and, therefore, denies the Application for Examination as a Pharmacist submitted by Jason Matthew Reip on or about October 14, 2003. Further, the State Board of Pharmacy stipulates that:

- (A) Jason Matthew Reip may not submit an Application for Examination as a Pharmacist prior to ten years from the effective date of this Order.
- (B) Jason Matthew Reip 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 ten-year period and, after this period, must receive prior approval from the Board.

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

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 a Notice of Appeal with both the State Board of Pharmacy and 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: OCTOBER 6, 2004

CERTIFIED MAIL / Return Receipt
7003 0500 0002 4347 2641

WTW/lf

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

c: Sally Ann Steuk, Assistant Attorney General
Amber L. Clucas, Attorney for Respondent; The Commons; 520 Broadway, Third Floor;
Lorain, Ohio 44052