



# OHIO STATE BOARD OF PHARMACY

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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-070209-032)

In The Matter Of:

**DANIELLE LYN TIMKOVICH**

3031 Palmarie Drive

Poland, Ohio 44514

(Intern License No. 06-0-03803)

### INTRODUCTION

THE MATTER OF DANIELLE LYN TIMKOVICH CAME FOR HEARING ON MAY 9, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; HEATHER L. PASQUALE, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

DANIELLE LYN TIMKOVICH WAS REPRESENTED BY ELIZABETH Y. COLLIS. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### State's Witnesses

None

#### Respondent's Witness

1. Danielle Lyn Timkovich, Respondent

#### State's Exhibits

1. Reinstatement Hearing Request letter from Beth Collis [02-08-07]  
1A-1B. Procedurals
2. State Board of Pharmacy Order In Re Danielle Lyn Timkovich [03-08-07]  
2A. State Board of Pharmacy Order In Re Danielle Lyn Timkovich [09-14-06]

#### Respondent's Exhibits

- A. State Board of Pharmacy Order In Re Danielle Lyn Timkovich [03-08-07]
- B. State Board of Pharmacy Order In Re Danielle Lyn Timkovich [09-14-06]
- C. PRO Pharmacist's Recovery Contract for Danielle Timkovich [02-09-07]
- C1. PRO Pharmacist's Recovery Contract for Danielle Timkovich [04-24-06]
- D. PRO Client Reporting Sheet for Quarterly Report [03-27-07]
- E-E1. Two Treatment Compliance Letters from Cynthia Schroeder, PCC, CCDCI [01-22-07 and 04-24-07]

- F. Support Group Attendance Records [01-22-07 to 04-28-07]; Calendar pages for February 2007 to April 2007
- F1. Support Group Attendance Records [08-08-06 to 01-20-07]; Calendar pages for August 2006 to January 2007
- G. Letter from Cynthia Schroeder, PCC, CCDCI [05-03-07]; Drug Screen Report [02-27-07]
- H. Letter from Michael D. Quigley, R.Ph. [04-21-07]; FirstLab Test History Report [03-08-07 to 04-26-07]
- I. Drug Screen Report [03-08-07]
- J. Order Granting Intervention in Lieu of Conviction, State of Ohio v. Danielle L Timkovich, Case No. G-4801-CR-0200601449-000, Lucas County Common Pleas Court [06-07-06]
- K. Kroger Agreed Payment Schedule [08-10-06]; Restitution Documentation [08-18-06 to 11-29-06]
- L. Drug Screen Reports [08-01-06 to 01-18-07]
- M. The University of Toledo Official Academic Transcript For Danielle Lyn Timkovich [01-30-07]
- N. Letter from Curtis D. Black, R.Ph., Ph.D. [01-24-07]
- O. Letter from Anne M. Stover, M.D. [01-16-07]
- P. Letter from Christine Nafe [01-22-07]

#### FINDING 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 that Danielle Lyn Timkovich has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-060810-005, effective March 8, 2007.

#### DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the intern identification card, No. 06-0-03803, held by Danielle Lyn Timkovich.

Further, the Board places Danielle Lyn Timkovich on probation for the duration of her internship. The terms of probation are as follows:

- (A) Danielle Lyn Timkovich must continue compliance with her current PRO treatment contract dated February 9, 2007, with the following conditions:
  - (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 urine screen or a diluted urine 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 to the Board reports, 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) Danielle Lyn Timkovich 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 Danielle Lyn Timkovich's progress towards recovery and what Danielle Lyn Timkovich has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) Danielle Lyn Timkovich must abide by the contract with her treatment provider and must immediately report any violation of the contract to the Board.
  - (2) Danielle Lyn Timkovich must not violate the drug laws of Ohio, any other state, or the federal government.
  - (3) Danielle Lyn Timkovich must abide by the rules of the State Board of Pharmacy.
  - (4) Danielle Lyn Timkovich must comply with the terms of this Order.
  - (5) Danielle Lyn Timkovich's license is deemed not in good standing until successful completion of the probationary period.
- (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.

Danielle Lyn Timkovich 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.

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: June 11, 2007

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

WTW/lf

CERTIFIED MAIL/Return Receipt  
7004 2510 0006 9804 5186

c: Sally Ann Steuk, Assistant Attorney General  
Elizabeth Y. Collis, Attorney for Respondent; Collis, Smiles & Collis, LLC; 1650 Lake Shore Drive, Suite 225; Columbus,



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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-060810-005)

In The Matter Of:

**DANIELLE LYN TIMKOVICH**

3031 Palmarie Drive

Poland, Ohio 44514

(Intern License No. 06-0-03803)

### INTRODUCTION

THE MATTER OF DANIELLE LYN TIMKOVICH CAME FOR HEARING ON FEBRUARY 7, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, 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.; HEATHER L. PASQUALE, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

DANIELLE LYN TIMKOVICH WAS REPRESENTED BY ELIZABETH Y. COLLIS. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

### SUMMARY OF EVIDENCE

#### State's Witnesses

1. None

#### Respondent's Witnesses

1. Danielle Lyn Timkovich, Respondent
2. Michael Quigley, R.Ph.

#### State's Exhibits

1. Reinstatement Hearing Request letter from Beth Collis [08-09-06]  
1A-1C. Procedurals
2. State Board of Pharmacy Order In Re Danielle Lyn Timkovich [09-14-06]

#### Respondent's Exhibits

- A. Order, State of Ohio v. Danielle L. Timkovich, Case No. G-4801-CR-0200601449-000, Lucas County Common Pleas Court [06-05-06]
- B. PRO Pharmacist's Recovery Contract for Danielle Timkovich [04-24-06]

- C. Kroger Restitution Agreement [08-10-06]; Restitution Documentation [08-18-06 to 11-29-06]
- D. The University of Toledo Official Academic Transcript For Danielle Lyn Timkovich [01-30-07]
- E. Letter from Curtis D. Black, R.Ph., Ph.D. [01-24-07]
- F. Letter from Anne M. Stover, MD [01-16-07]
- G. Letter from Christine Nafe [01-22-07]
- H. Support Group Attendance Records [08-08-06 to 01-12-07]
- I. Calendar pages for August 2006 to January 2007
- J. Treatment Compliance Letter from Cynthia Schroeder, PCC, CCDCI [01-22-07]
- K. Drug Screen Reports [08-01-06 to 01-18-07]
- L. Drug Screen Reports [12-26-06 and 01-05-07]; Toxicology Requisition/Phone Report [not dated]
- M. Reference Letter from Erik and Melanie Kyle [not dated]; Seventeen timesheets [09-08-06 to 01-26-07]

#### 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 Danielle Lyn Timkovich has not complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-060208-060, effective September 14, 2006, nor has she demonstrated 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.

#### DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby denies the reinstatement of the intern identification card, No. 06-0-03803, held by Danielle Lyn Timkovich to practice pharmacy in Ohio. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Danielle Lyn Timkovich may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during suspension.

Further, the Board will not hold a hearing for Danielle Lyn Timkovich until after May 1, 2007, 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) Danielle Lyn Timkovich must show 90 continuous days of strict compliance with the conditions set forth in paragraph B below.
- (B) Danielle Lyn Timkovich must enter into a **new** contract, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) approved 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 her 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 urine screen or a diluted urine 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 to the Board reports, 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.
- (C) Danielle Lyn Timkovich must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
  - (D) Danielle Lyn Timkovich 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 terms of this Order.

Upon such time as the Board may consider reinstatement, Danielle Lyn Timkovich 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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-0/Abstain-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 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: MARCH 8, 2007

CERTIFIED MAIL/Return Receipt  
7001 0360 0002 4139 3005

WTW/lf

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

cc: Sally Ann Steuk, Assistant Attorney General  
Elizabeth Y. Collis, Attorney for Respondent; Collis, Smiles & Collis, LLC; 1650 Lake  
Shore Drive, Suite 225; Columbus, Ohio 43204



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## ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-060208-060)

In The Matter Of:

### **DANIELLE LYN TIMKOVICH**

3031 Palmarie Drive  
Poland, Ohio 44514

(Intern No. 06-0-03803)

### INTRODUCTION

THE MATTER OF DANIELLE LYN TIMKOVICH CAME FOR HEARING ON AUGUST 9, 2006, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; HEATHER L. PASQUALE, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

DANIELLE LYN TIMKOVICH WAS REPRESENTED BY ELIZABETH Y. COLLIS. 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. Danielle Timkovich, Respondent
2. Christine Nafe, R.Ph.
3. Michael Quigley, R.Ph.

#### State's Exhibits

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [02-08-06]  
1A-1C. Procedurals  
1D. Addendum Notice [06-27-06]  
1E-1F. Procedurals
2. Indictment, State of Ohio vs. Danielle L. Timkovich, Case No. G-4801-CR-2006-1449, Lucas County Common Pleas Court [02-28-06]; Plea of Guilty [06-01-06]; Request for Intervention in Lieu of Conviction with Speedy Trial Waiver [04-10-06]
3. Notarized Statement of Danielle Lyn Timkovich [02-02-06]
4. Rite Aid Customer History Report for Danielle Timkovich [12-21-04 to 02-13-06]

- 5. Ohio State Board of Pharmacy Inventory of Evidence with two photocopies of Drug Vials [02-02-06]

Respondent's Exhibits

- A. Order, State of Ohio v. Danielle L Timkovich, Case No. G-4801-CR-0200601449-000, Lucas County Common Pleas Court [06-05-06]
- B. Continuing Pharmaceutical Education Certificate on Chemical Dependency in the Profession of Pharmacy [04-30-06]
- C. PRO Pharmacist's Recovery Contract for Danielle Timkovich [04-24-06]
- D. Letter from Christine N. Hinko, Ph.D. [07-20-06]
- E. Letter from Raymond R. Carlson, R.Ph. [07-20-06]
- F. Letter from Michael D. Quigley, R.Ph. [07-09-06]
- G. Letter from Christine Nafe, R.Ph. [07-24-06]
- H. Treatment Report from ProMedica Health System [07-18-06]; Clinical Notes [04-06-06]
- I. Drug Screen Reports [02-20-06 to 08-01-06]
- J. Calendar pages for April 2006 to July 2006
- K. Support Group Attendance Records [03-03-06 to 08-01-06]
- L. University of Toledo Official Academic Transcript [08-02-06]
- M-P. Four Letters of Support [07-17-06 to 07-23-06]

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 Danielle Lyn Timkovich was originally licensed as an intern by the State of Ohio on May 28, 2002.
- (2) Danielle Lyn Timkovich is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Danielle Lyn Timkovich has admitted to Board agents that she is addicted to the use of controlled substances and Danielle Lyn Timkovich has admitted to stealing controlled substances for her own personal use. Such conduct is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) Danielle Lyn Timkovich did, on or about January 12, 2006, while employed as an intern at Kroger Pharmacy N-895 knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-895, beyond the express or implied consent of the owner, to wit: Danielle Lyn Timkovich has admitted to stealing the following:

DRUG	STRENGTH	QTY	SCHEDULE
hydrocodone/APAP	7.5/500 mg	7	CIII
hydrocodone/APAP	5/500 mg	5	CIII
hydrocodone/APAP	7.5/750 mg	4	CIII

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (4) Danielle Lyn Timkovich did, on or about January 14, 2006, while employed as an intern at Kroger Pharmacy N-895 knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-895, beyond the express or implied

consent of the owner, to wit: Danielle Lyn Timkovich has admitted to stealing the following:

<b>DRUG</b>	<b>STRENGTH</b>	<b>QTY</b>	<b>SCHEDULE</b>
hydrocodone/APAP	7.5/500 mg	24	CIII
hydrocodone/APAP	5/500 mg	13	CIII

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (5) Danielle Lyn Timkovich did, on or about January 17, 2006, while employed as an intern at Kroger Pharmacy N-895 knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-895, beyond the express or implied consent of the owner, to wit: Danielle Lyn Timkovich has admitted to stealing the following:

<b>DRUG</b>	<b>STRENGTH</b>	<b>QTY</b>	<b>SCHEDULE</b>
hydrocodone/APAP	10/650 mg	9	CIII
hydrocodone/APAP	7.5/750 mg	8	CIII

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (6) Danielle Lyn Timkovich did, on or about January 21, 2006, while employed as an intern at Kroger Pharmacy N-895 knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-895, beyond the express or implied consent of the owner, to wit: Danielle Lyn Timkovich has admitted to stealing the following:

<b>DRUG</b>	<b>STRENGTH</b>	<b>QTY</b>	<b>SCHEDULE</b>
Ambien	10 mg	83	CIV
hydrocodone/APAP	10/660 mg	26	CIII
hydrocodone/APAP	7.5/750 mg	15	CIII
hydrocodone/APAP	10/500 mg	11	CIII
hydrocodone/APAP	7.5/500 mg	7	CIII

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (7) Danielle Lyn Timkovich did, on or about January 24, 2006, while employed as an intern at Kroger Pharmacy N-895 knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-895, beyond the express or implied consent of the owner, to wit: Danielle Lyn Timkovich has admitted to stealing the following:

<b>DRUG</b>	<b>STRENGTH</b>	<b>QTY</b>	<b>SCHEDULE</b>
hydrocodone/APAP	10/500 mg	23	CIII
hydrocodone/APAP	10/650 mg	12	CIII
hydrocodone/APAP	10/660 mg	10	CIII
hydrocodone/APAP	7.5/500 mg	10	CIII
hydrocodone/APAP	5/500 mg	8	CIII
Ambien	10 mg	8	CIV
hydrocodone/APAP	7.5/750 mg	7	CIII

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (8) Danielle Lyn Timkovich did, on or about February 2, 2006, while employed as an intern at Kroger Pharmacy N-895 knowingly obtain or exert control over dangerous

drugs, the property of Kroger Pharmacy N-895, beyond the express or implied consent of the owner, to wit: Danielle Lyn Timkovich has admitted to stealing the following:

DRUG	STRENGTH	QTY	SCHEDULE
hydrocodone/ibuprofen	7.5/200 mg	61	CIII
Ambien	10 mg	56	CIV
hydrocodone/APAP	7.5/750 mg	9	CIII

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (9) On or about June 1, 2006, Danielle Lyn Timkovich pled guilty to (6) six counts of Theft of Drugs, felonies of the fourth degree, under Section 2913.02 (A)(3) & (B)(6) of the Ohio Revised Code. Danielle Lyn Timkovich was granted Intervention in Lieu of Conviction. State of Ohio vs. Danielle L. Timkovich, Case No. G-4801-CR-200601449, Lucas County Common Pleas Court.

#### CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) through (9) 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 (3) through (9) 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 her 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 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Danielle Lyn Timkovich on February 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 hereby suspends indefinitely the intern identification card, No. 06-0-03803, held by Danielle Lyn Timkovich and such suspension is effective as of the date of the mailing of this Order.

- (A) Danielle Lyn Timkovich 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) Danielle Lyn Timkovich, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her 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, on or after February 1, 2007, the Board will consider any petition filed by Danielle Lyn Timkovich for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the intern license if the following conditions have been met:

(A) Danielle Lyn Timkovich 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, 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 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 to the Board reports, 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) Danielle Lyn Timkovich must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.

(C) Danielle Lyn Timkovich must provide, at the reinstatement petition hearing, documentation of the following:

(1) Payment to Kroger Pharmacy of any outstanding restitution;

(2) 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.);

(3) Compliance with the terms of this Order.

(D) Upon such time as the Board may consider reinstatement, Danielle Lyn Timkovich 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.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-5/Nay-3).

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: SEPTEMBER 14, 2006



# 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](mailto: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>

## SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

February 8, 2006

Danielle Lyn Timkovich  
1826 North Westwood, Apt 1  
Toledo, Ohio 43607

Re: Ohio Pharmacy Intern  
Number 06-0-03803

Dear Ms. Timkovich:

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. 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 as an intern in the State of Ohio on May 28, 2002.
- (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 Board agents that you are addicted to the use of controlled substances and you have admitted to stealing controlled substances for your own personal use. 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 January 12, 2006, while employed as an intern at Kroger Pharmacy N-895 knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-895, beyond the express or implied consent of the owner, to wit: you have admitted to stealing the following:

DRUG	STRENGTH	QTY	SCHEDULE
hydrocodone/APAP	7.5/500mg	7	CIII
hydrocodone/APAP	5/500 mg	5	CIII
hydrocodone/APAP	7.5/750 mg	4	CIII

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (4) You did, on or about January 14, 2006, while employed as an intern at Kroger Pharmacy N-895 knowingly obtain or exert control over dangerous drugs, the

property of Kroger Pharmacy N-895, beyond the express or implied consent of the owner, to wit: you have admitted to stealing the following:

<b>DRUG</b>	<b>STRENGTH</b>	<b>QTY</b>	<b>SCHEDULE</b>
hydrocodone/APAP	7.5/500 mg	24	CIII
hydrocodone/APAP	5/500 mg	13	CIII

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (5) You did, on or about January 17, 2006, while employed as an intern at Kroger Pharmacy N-895 knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-895, beyond the express or implied consent of the owner, to wit: you have admitted to stealing the following:

<b>DRUG</b>	<b>STRENGTH</b>	<b>QTY</b>	<b>SCHEDULE</b>
hydrocodone/APAP	10/650 mg	9	CIII
hydrocodone/APAP	7.5/750 mg	8	CIII

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (6) You did, on or about January 21, 2006, while employed as an intern at Kroger Pharmacy N-895 knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-895, beyond the express or implied consent of the owner, to wit: you have admitted to stealing the following:

<b>DRUG</b>	<b>STRENGTH</b>	<b>QTY</b>	<b>SCHEDULE</b>
Ambien	10 mg	83	CIV
hydrocodone/APAP	10/660 mg	26	CIII
hydrocodone/APAP	7.5/750 mg	15	CIII
hydrocodone/APAP	10/500 mg	11	CIII
hydrocodone/APAP	7.5/500 mg	7	CIII

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (7) You did, on or about January 24, 2006, while employed as an intern at Kroger Pharmacy N-895 knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-895, beyond the express or implied consent of the owner, to wit: you have admitted to stealing the following:

<b>DRUG</b>	<b>STRENGTH</b>	<b>QTY</b>	<b>SCHEDULE</b>
hydrocodone/APAP	10/500 mg	23	CIII
hydrocodone/APAP	10/650 mg	12	CIII
hydrocodone/APAP	10/660 mg	10	CIII
hydrocodone/APAP	7.5/500 mg	10	CIII
hydrocodone/APAP	5/500 mg	8	CIII
Ambien	10 mg	8	CIV
hydrocodone/APAP	7.5/750 mg	7	CIII

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (8) You did, on or about February 2, 2006, while employed as an intern at Kroger Pharmacy N-895 knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-895, beyond the express or implied consent of the owner, to wit: you have admitted to stealing the following:

DRUG	STRENGTH	QTY	SCHEDULE
hydrocodone/ibuprofen	7.5/200 mg	61	CIII
Ambien	10 mg	56	CIV
hydrocodone/APAP	7.5/750 mg	9	CIII

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 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 (30<sup>TH</sup>) 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 (30<sup>th</sup>) 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.

BY ORDER OF THE STATE BOARD OF PHARMACY

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