

STATE BOARD NEWS -- MAY 1996 ISSUE

OFFICIAL NOTICE

LICENSE RENEWAL - PHARMACISTS AND INTERNS (1996-1997 LICENSURE YEAR)

Applications for renewal of Ohio pharmacist and pharmacy intern licenses will be mailed during the first week of June 1996. If you do not receive your application for renewal by **August 1, 1996**, contact the Board office immediately at 614/466-4143.

Those pharmacists who have to submit evidence of successfully completing 45 hours of continuing pharmacy education (4.5 CEUs) in order to renew their licenses this year (03-2-xxxx) will receive a continuing pharmacy education report form with their application for renewal. Remember, one hour (0.1 CEU) of the continuing pharmacy education reported must be in Board-approved jurisprudence.

Applications that have been completed as required and returned with the renewal fee and any other required documentation prior to the August 15, 1996 due date will be processed upon receipt, and the 1996-1997 license will be mailed well in advance of the date the current license lapses - September 15, 1996.

CORRECTIONS

November 1995 State Board News:

Page 5, first column, third paragraph, should read as follows: Ephedrine was placed in Schedule V of Ohio's Controlled Substance Act on July 21, 1994. Accordingly, any products that were not excepted from Schedule V by the legislation or by the Board (Division (K) of Ohio Revised Code Section 3719.44) are Schedule V controlled substances in Ohio and may ~~not~~ ONLY be sold by pharmacists in accordance with Ohio Administrative Code Rule 4729-11-09. [Replace "not" with "only"]

February 1996 State Board News:

Page 5, bottom of second column, World Wide Web addresses for the Ohio Government Front Page and Board of Pharmacy Home Page should have had a final slash (/) after each address given.

Note:

The Internet addressing scheme for state government has been standardized. So, **beginning June 1, 1996**, the following addresses will be effective:

Ohio Government Front Page Address: *http://www.state.oh.us/ohio/*
Board of Pharmacy Home Page Address: *http://www.state.oh.us/ohio/pharmacy/*
Board of Pharmacy E-mail Address: *bop_butler@state.oh.us*

METHADONE AND THE COMMUNITY PHARMACY

In December of 1972, the Commissioner of Food and Drugs prohibited the shipment to, or receipt or dispensing of, methadone by community pharmacies for analgesic purposes (37FR26790). The regulations adopted by the Federal Food and Drug Administration (FDA) established the conditions for use of the drug only by methadone treatment programs to detoxify and for maintaining narcotic addicts; and for analgesic purposes on a temporary basis in hospitals. Both the drug treatment programs and the hospital pharmacies had to be approved by FDA to purchase, receive, and use methadone.

These restrictions were lifted by the FDA on July 9, 1976 (41FR28261). Accordingly, all licensed pharmacies could purchase, receive, and dispense methadone for analgesic purposes after this date. It is apparent however, due to questions received by the Board office, that many practicing pharmacists are not aware of the fact that methadone has been available for dispensing for analgesic purposes by community pharmacists since 1976.

Federal regulations do not permit the prescribing of methadone for purposes of detoxifying or maintaining a narcotic addict. Prescriptions issued for this purpose are not legal and do not authorize the pharmacist to dispense methadone for these purposes. The federal regulations require that methadone may only be administered for these purposes by drug treatment programs approved by the FDA (21CFR1306.07).

21CFR 1306.04 (Purpose of issue of prescription) provides that "a prescription may not be issued for the dispensing of narcotic drugs listed in any schedule for 'detoxification treatment' or 'maintenance treatment'". These terms are defined as follows in Section 102 of the Federal Controlled Substance Act (21 U.S.C. 802):

21 USCA 802 Definitions.

As used in this subchapter:

* * *

(29) The term "**maintenance treatment**" means the dispensing, for a period in excess of twenty-one days, of a narcotic drug in the treatment of an individual for dependence upon heroin or other morphine-like drugs.

(30) The term "**detoxification treatment**" means the dispensing, for a period not in excess of one hundred and eighty days, of a narcotic drug in decreasing doses to an individual in order to alleviate adverse physiological or psychological effects incident to withdrawal from the continuous or sustained use of a narcotic drug and as a method of bringing the individual to a narcotic drug-free state within such period.

* * *

Pharmacists practicing in community pharmacies have received prescriptions where it was obvious that the prescriber was attempting to provide "detoxification treatment" for a patient who has become dependent upon morphine-like drugs. These prescriptions are not valid and narcotics should not be dispensed under these circumstances. The pharmacist needs to contact the physician to inquire about their intent and to inform them about the federal regulations governing the use of narcotics to detoxify the patient.

DRUG SAMPLES

Ohio's laws do not authorize anyone to possess and distribute drug samples except for the pharmaceutical representative; the physician who requested the samples in writing; and the patient to whom the physician has personally supplied the samples for use as medication. Ohio Revised Code Section 3719.81 reads as follows:

- (A) *A person may furnish another a sample of any drug of abuse, or of any drug or pharmaceutical preparation which would be hazardous to health or safety if used without the supervision of a practitioner, if all of the following apply:*
- (1) *The sample is furnished by a manufacturer, manufacturer's representative, or wholesale dealer in pharmaceuticals to a practitioner, or is furnished by a practitioner to a patient for use as medication;*
 - (2) *The drug is in the original container in which it was placed by the manufacturer, and such container is plainly marked as a sample;*
 - (3) *Prior to its being furnished, the drug sample has been stored under the proper conditions to prevent its deterioration or contamination;*
 - (4) *If the drug is of a type which deteriorates with time, the sample container is plainly marked with the date beyond which the drug sample is unsafe to use, and such date has not expired on the sample furnished. Compliance with the labeling requirements of the Federal Food, Drug, and Cosmetics Act shall be deemed compliance with this section;*
 - (5) *The drug is distributed, stored, or discarded in such a way that the drug sample may not be acquired or used by any unauthorized person, or by any person, including a child, for whom it presents a health or safety hazard.*

Ohio Administrative Code Rule 4729-9-13 reads as follows:

No manufacturer, manufacturer's representative or wholesale dealer in pharmaceuticals may furnish a sample of a drug of abuse to a practitioner unless requested by the practitioner and unless the company is registered as a wholesale distributor of dangerous drugs and maintains a record of such distribution which will be available to the state board of pharmacy.

Ohio's Criminal Laws prohibit the distribution or furnishing of drug samples except pursuant to the provisions of the Controlled Substance Act, Dangerous Drug Distribution Act, and those chapters regulating the prescribing of drugs by health professionals authorized to prescribe in Ohio. Dispensing or furnishing a sample except in accordance with the provisions of these laws is a felony of the fourth degree if the drug is a Schedule II controlled substance. The penalty is a Misdemeanor of the second degree if the drug is a Schedule III, IV, or V controlled substance or is only a federal legend drug (non-controlled dangerous drug).

DISCIPLINARY ACTIONS

The disciplinary actions listed below include only those where the individual's license to practice has been suspended, revoked, or restricted, and does not include those actions where the individual's license to practice has been placed on probation or has been reinstated without restrictions, or a monetary penalty imposed by the board.

Anyone having a question regarding the license status of a particular practitioner, nurse, pharmacist, pharmacy intern, or dangerous drug distributor in Ohio should contact the licensing board which regulates that profession or activity, as follows:

State Dental Board (614/466-2580);
State Medical Board (614/466-3934);
State Nursing Board (614/466-3947);
State Optometry Board (614/466-5115);
State Pharmacy Board (614/466-4143);
State Veterinary Medical Board (614/644-5281);
Drug Enforcement Administration (216/522-3705).

STATE PHARMACY BOARD:

Order Effective 06/30/95:

Joseph William Cahall, R.Ph.; Cincinnati - License revoked.

Orders Effective 08/04/95:

Baxter Healthcare Corporation, Wholesale Distributor; Cincinnati - May not be a pharmacy intern training site for five years.

Baxter Healthcare Corporation, Wholesale Distributor; Obetz - May not be a pharmacy intern training site for five years.

Baxter Healthcare Corporation, Wholesale Distributor; Solon - May not be a pharmacy intern training site for five years.

Orders Effective 10/30/95:

Melanie A. Beckemeyer, R.Ph.; West Chester - License suspended indefinitely, minimum to 04/27/96, and may not be employed by or work in a facility licensed by the Board while suspended.

Robert A. Esarey, R.Ph.; Seven Hills - License revoked.

Christopher W. Good, R.Ph.; Cincinnati - May not train pharmacy interns or be a preceptor; may not serve as a responsible pharmacist; and may not destroy, or may not assist in or witness the destruction of, controlled substances for five years.

Gregory Thomas Jacobs, R.Ph.; Covington, KY - License suspended indefinitely, minimum 12 months, and may not be employed by or work in a facility licensed by the Board while suspended.

Alfred J. Schwartz, R.Ph.; North Bend - License suspended indefinitely, minimum six months, and may not be employed by or work in a facility licensed by the Board while suspended.

James W. Smetana, R.Ph.; Vandalia - License suspended indefinitely, minimum to June 1998, and may not be employed by or work in a facility licensed by the Board while suspended.

Orders Effective 12/08/95:

Thomas G. Aufmuth, R.Ph.; Fairview Park - License revoked.

Jacob M. Blazkovec, R.Ph.; Algoma, Wisconsin - License revoked.

Mark Ernest Boye, R.Ph.; Warren - License suspended indefinitely, minimum two years,

and may not be employed by or work in a facility licensed by the Board while suspended.

Jeffrey Scott Dannemiller, R.Ph.; Columbus - License suspended indefinitely, minimum to January 1, 1997, and may not be employed by or work in a facility licensed by the Board while suspended.

Emil Dontenville, R.Ph.; Strongsville - License suspended indefinitely, minimum to December 1, 1996, and may not be employed by or work in a facility licensed by the Board while suspended.

Mark Steven Lang, R.Ph.; Lake City, Florida - License revoked.

David E. Marko, R.Ph.; Twin Lake, Michigan - License suspended indefinitely, must submit 4.5 CEUs before reinstatement.

Kent Douglas Potts, R.Ph.; Clinton - May not train pharmacy interns or be a preceptor; may not serve as a responsible pharmacist; and may not destroy, or may not assist in or witness the destruction of, controlled substances for five years.

Orders Effective 01/26/96:

Richard Gary Stauffer, R.Ph.; Westerville - License revoked.

Richard David Sweet, R.Ph.; Parma - May not train pharmacy interns or be a preceptor; may not serve as a responsible pharmacist; and may not destroy, or may not assist in or witness the destruction of, controlled substances for five years.

Orders Effective 01/30/96:

Michael James Fogel, R.Ph.; Marietta, Georgia - License revoked.

Dorothy Aileen Sanford, R.Ph.; Cincinnati - May not train pharmacy interns or be a preceptor; and may not serve as a responsible pharmacist for one year.

Kenneth C. Smith, R.Ph.; Hubbard - License suspended indefinitely, minimum five years, and may not be employed by or work in a facility licensed by the Board while suspended.

Settlement Agreement Effective 03/07/96:

Nancy A. Womeldorph, R.Ph.; Chillicothe - May not train pharmacy interns or be a preceptor for one year effective May 1, 1996.

Orders Effective 03/15/96:

James L. Gwinnup, R.Ph.; Burton - License suspended indefinitely.

Jacops' Catering, T.D.; Kent - License revoked.

Richard L. Jarvis, R.Ph.; Centerville - License revoked.

John H. Keyser, R.Ph.; Cincinnati - License suspended indefinitely, minimum of one year, and may not be employed by or work in a facility licensed by the Board while suspended.

Kevin M. Riley, R.Ph.; Fairfield - License suspended indefinitely.

Summary Suspension of Licenses:

David J. Bralich, R.Ph.; Struthers - Effective 11/03/95.

Joseph Todd Fraker, R.Ph.; Lancaster - Effective 11/03/95.

Gary A. Polcar, R.Ph.; South Russell - Effective 12/01/95.

Patrick Joseph Shea, R.Ph.; Ashland - Effective 01/26/96.

Arch Weber, R.Ph.; Pickerington - Effective 01/23/96.

Daniel T. Zachman, R.Ph.; Shelby - Effective 03/06/96.

Mark S. Zielinski, R.Ph.; Ellwood City, PA - Effective 03/08/96.

STATE MEDICAL BOARD:

Patricia Joan Bonitatibus, M.D.; Wheeling, WV - Must have all orders and/or prescriptions for controlled substances countersigned within 72 hours by a physician who is fully authorized to prescribe, dispense and administer controlled substances and also is employed and/or has privileges in the hospital or institution in which Doctor Bonitatibus is employed and/or has privileges; If any medications or controlled substances are administered, the disposal of any waste medications or controlled substances must be witnessed and logged - 09/06/95.

David H. Brown, D.O.; North Lima - License summarily suspended - 02/15/96.

John Nicholas Figel, M.D.; Steubenville - License summarily suspended - 12/07/95.

Robert Alan Graor, M.D.; Cleveland - License suspended indefinitely, minimum of five years - 12/28/95.

Sum K. Han, M.D.; Pittsburgh, PA - License revoked - 12/06/95.

Maged Fouad Hanna, M.D.; Hilliard - License revoked - 12/11/95.

Alexander Daniel Hassard, M.D.; Lexington, KY - License revoked - 02/20/96.

Thomas Leo Higgins, M.D.; Cleveland - License suspended indefinitely - 02/14/96.

Richard Miltz Hunter, D.O.; Toledo - License retired permanently - 09/27/95.

James L. Kegler, M.D.; Cincinnati - License summarily suspended - 10/12/95. License suspended indefinitely, minimum of one year - 03/04/96.

John R. Levitas, M.D.; Cincinnati - License retired permanently - 02/22/96.

Ernest Anthony Lewandowski, D.O.; Garfield Heights - License revoked - 10/26/95.

William Patrick Maher, D.O.; Westerville - License summarily suspended - 09/07/95. License suspended indefinitely - 12/07/95.

Rosemary W. McLaughlin, M.D.; Columbus - May prescribe (must keep a log), but is prohibited from possessing, dispensing or administering controlled substances indefinitely - 09/06/95.

Ronald Lee Miller, M.D.; Columbus - License summarily suspended - 02/15/96.

Mukunda Dev Mukherjee, M.D.; Saginaw, MI - License suspended indefinitely, minimum three months - 09/19/95.

Anthony Joseph Nakhle, M.D.; Cleveland - License reinstated; but ineligible to hold, and shall not apply for, registration with the D.E.A. to prescribe, dispense or administer controlled substances without prior Board approval; shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess any controlled substance; shall not order, write orders for, give verbal orders for, dispense or administer controlled substances under the D.E.A. registration of the hospital or institution in which he is employed and/or has privileges - 11/08/95.

Venus F. Navarro-Julian, M.D.; Granada Hills - License suspended indefinitely, minimum of one year - 02/20/96.

Nicholas Basil Pavlatos, M.D.; Springfield - License surrendered permanently - 01/16/96.

Irving Rothchild, M.D.; Cleveland Heights - License retired permanently - 09/20/95.

David Leo Simon, M.D.; Cincinnati - License surrendered permanently - 09/16/95.

George Allen Streeter, M.D.; Cleveland Heights - License revoked - 10/19/95.

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