ORDER OF THE STATE BOARD OF PHARMACY
(Case Number 2001-1556)

In The Matter Of:

Kevin Chakos, R.Ph.
18 Hedgegrows
New Middletown, Ohio 44442
(License No. 03-1-24288)

INTRODUCTION

The Matter of Kevin Chakos came for hearing on February 6, 2018, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, Presiding; Joshua M. Cox, RPh; Richard J. Newlon, Public Member; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh; and Kilee S. Yarosh, RPh.

Michael A. Moné, RPh; Absent.

Kevin Chakos was represented by John Irwin. The State of Ohio was represented by Yvonne Tertel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State’s Witnesses:
None

Respondent’s Witnesses:
1. Rhys Cartwright—Sponsor
2. Jasmine Roque—Partner
3. Paul Cravella—PRO Advocate
4. Jarrod Grossman—Executive Director, PRO, Inc.
5. Kevin Chakos—Respondent

State’s Exhibits:
1. Request for Reinstatement 08-30-2017
2. Scheduling Letter 08-30-2017
3. Credential View Screen No Date
4. State of Ohio Board of Pharmacy Board Order 12-10-2001
5. PRO Contract 06-20-2016
6. MPJE Verification 01-06-2018
After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the Board finds that Kevin Chakos has complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case No. 2001-1556, dated December 10, 2001.

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-124288, held by Kevin Chakos to practice pharmacy in Ohio, effective immediately, and is subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

1. Kevin Chakos must enter into and adhere to the terms of a new contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Failure to adhere to the terms of the treatment contract will be considered a violation of the Board’s Order and subject Kevin Chakos to potential sanctions up to and including revocation of license. The contract must provide that:

   a. Random, observed urine drug screens shall be conducted at least once each month.

   b. 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.

   c. Alcohol and Ethyl Glucuronide (ETG) must be added to the standard urine drug screen.
d. 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.

e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Kevin Chakos in a timeframe consistent with the drug lab’s recommended policy, but in any event no later than 12 days after the negative diluted screen.

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.

   a. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

   b. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

3. Kevin Chakos shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the Board’s Order and request Kevin Chakos reappear before the Board for possible additional sanctions, including and up to revocation of license.

4. Kevin Chakos shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of probation. The Board shall treat any such refusal as a violation of the Board’s Order and request Kevin Chakos reappear before the Board for possible additional sanctions, including and up to revocation of license.

5. Kevin Chakos 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:

   a. The written report and documentation provided by the treatment program pursuant to the contract, and

   b. A written description of Kevin Chakos’ progress towards recovery and what Kevin Chakos has been doing during the previous three months.

6. Other terms of probation are as follows:

   a. Kevin Chakos must meet at least annually with the Board’s Probation Committee, the first three years of probation. A notice letter will be provided at a future date.
b. The State of Ohio Board of Pharmacy hereby declares that Kevin Chakos' pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.

c. Kevin Chakos may not serve as a responsible pharmacist.

d. Kevin Chakos may not destroy, assist in, or witness the destruction of controlled substances.

e. Kevin Chakos may not work in a pharmacy more than 40 hours per week or 80 hours over a two-week period.

f. Kevin Chakos must, during the first six months of practice, work only with a pharmacist whose license is in good standing.

g. Kevin Chakos must not violate the drug laws of Ohio, any other state, or the federal government.

h. Kevin Chakos must abide by the rules of the State of Ohio Board of Pharmacy.

i. Kevin Chakos must comply with the terms of this Order.

j. Kevin Chakos' license is deemed not in good standing until successful completion of the probationary period.

7. Due to Kevin Chakos’ guilty plea to a felony drug offense, in order to be employed by an Ohio-licensed terminal or wholesale distributor of dangerous drugs that is a United States Drug Enforcement Administration (DEA) registrant, Kevin Chakos must inform the Ohio-licensee/registrant of the requirement to obtain a DEA waiver pursuant to 21 C.F.R. Section 1307.03, C.F.R. Section 1307.76 and Ohio Administrative Code Rule 4729-9-27 (as effective January 15, 2016).

8. Kevin Chakos must immediately report any violation of the terms of this probation to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board’s Order and will subject Kevin Chakos to possible additional sanctions, including and up to revocation of license.

9. Any violation of probation or this Board’s Order may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code, including and up to revocation of Kevin Chakos’ license.

At the conclusion of the probationary period, the Board will issue a notice of opportunity for hearing to Kevin Chakos regarding the status of Kevin Chakos’ probation and whether Kevin Chakos has successfully met all terms of probation and may be considered in good standing.

Further, the Board hereby grants the State’s Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State’s exhibits: 5 and Respondent’s exhibits: A, F, G, H, and J.
Mr. Passafume moved for Action of the Board; Ms. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0).

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.

**TIME AND METHOD TO PERFECT AN APPEAL**

Any party desiring to appeal shall file a Notice of Appeal with the Pharmacy Board, setting forth the order appealed from and stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal shall also be filed by the appellant with the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If any party appealing from the order is not a resident of and has no place of business in this state, the party may appeal to the court of common pleas of Franklin county. Such notices of appeal shall be filed within fifteen (15) days after the mailing of the notice of this Order as provided in Section 119.12 of the Ohio Revised Code.

**BY ORDER OF THE STATE BOARD OF PHARMACY**

**ORDER MAILED & EFFECTIVE: FEBRUARY 12, 2018**

By: [Signature]

Steven W. Schierholt, Esq., Executive Director

SWS/ sva/ rlc
CMRRR: 7016 3010 0000 8417 4305
ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-010515-066)

In The Matter Of:

KEVIN CHAKOS, R.Ph.
101 Lloyd Avenue, Apt. #5
Pittsburgh, Pennsylvania 15218
(R.Ph. No. 03-1-24288)

INTRODUCTION


KEVIN CHAKOS WAS REPRESENTED BY JOHN R. IRWIN AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) James Reye, Ohio State Board of Pharmacy
(2) Joann Predina, R.Ph., Ohio State Board of Pharmacy
(3) Kevin Chakos, R.Ph., Respondent

Respondent's Witnesses:

(1) Rachel Sutherland

(B) Exhibits

State's Exhibits:

(4) Exhibit 1C--Copy of Ohio Pharmacist Computer Record of Kevin Chakos.
(9) Exhibit 1H--Copy of letter from Sally Ann Steuk dated September 18, 2001.
(13) Exhibit 4--Copy of Prescription No. 2053199 dated April 5, 2001.
(15) Exhibit 6--Copy of Prescription No. 6053194, not dated.
(16) Exhibit 7--Copy of prescription vial with handwritten label showing "01-1556 4/27/01".
(17) Exhibit 8--Copy of prescription vial labeled Prescription No. 4051509.
(22) Exhibit 12--Copy of MetroHealth Medical Center Department of Pharmacy Services Controlled Substances I.V. Admixtures Form of Lutichia Boykins dated July 20, 2000; Copy of four MetroHealth Systems Pharmacy Inpatient Pharmacy Stock CII Controlled Substance Logs dated July 20, 2000 through July 23, 2000.
(23) Exhibit 13--Copy of Accountability Statement for Hydrocodone/Apap 10/500 at Tops Pharmacy dated May 1, 2001
Respondent's Exhibits:

(2) Exhibit B--St. Francis Medical Center Certificate of Completion of Kevin Chakos dated August 6, 2001.
(4) Exhibit D--Copy of three-page PRO Inc. Pharmacist's Recovery Contract of Kevin Chakos, dated November 2, 2001 but not signed by the president.
(5) Exhibit D--Four pages of support group attendance records dated from June 24, 2001 to October 25, 2001.

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 State Board of Pharmacy indicate that Kevin Chakos was originally licensed by the State of Ohio on September 1, 2000, pursuant to examination, and that his license to practice pharmacy in the state of Ohio was summarily suspended effective May 15, 2001.

(2) Kevin Chakos is addicted to the use of controlled substances, to wit: Kevin Chakos admitted to Board agents that he was addicted to the use of controlled substances; Kevin Chakos admitted stealing drugs while practicing pharmacy; and, Kevin Chakos admitted to forging prescriptions to obtain controlled substances. Such conduct indicates that Kevin Chakos is addicted to controlled substances within the meaning of Section 3719.121 of the Ohio Revised Code and/or abusing dangerous drugs to such an extent as to render him unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

(3) Kevin Chakos did, on or about July 23, 2000, while employed as a pharmacy resident at the MetroHealth System, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of MetroHealth System, beyond the express or implied consent of the owner, to wit: Kevin Chakos has admittedly stolen from 1cc to 5cc of morphine from the pharmacy's IV room. Such conduct violates Section 2913.02 of the Ohio Revised Code.

(4) Kevin Chakos did, between June 26, 2000, and February 2, 2001, by theft, acquire three uncompleted, preprinted prescription blanks used for writing prescriptions, to wit: as a pharmacy resident at MetroHealth System, Kevin Chakos stole three blank prescriptions for the purpose of creating false prescriptions to obtain drugs. Such conduct violates Section 2925.2(C) of the Ohio Revised Code.

(5) Kevin Chakos did, from March 12, 2001, through April 27, 2001, while employed as a pharmacist at Tops Pharmacy, knowingly obtain or exert control over dangerous drugs, the property of Tops Pharmacy, beyond the express or implied consent of the owner, to wit: Kevin Chakos has admittedly stolen 47 tablets of hydrocodone 10mg/APAP 500mg. Such conduct violates Section 2913.02 of the Ohio Revised Code.
(6) Kevin Chakos did, from April 23, 2001, through April 27, 2001, while employed as a pharmacist at Tops Pharmacy, knowingly obtain or exert control over dangerous drugs, the property of Tops Pharmacy, beyond the express or implied consent of the owner, to wit: Kevin Chakos has admittedly stolen the following:

(a) 30 tablets of hydrocodone 5mg/APAP 500mg
(b) 12 tablets of hydrocodone 7.5mg/APAP 750mg
(c) 13 tablets of Vicodin
(d) 4 tablets of Vicodin ES

Such conduct violates Section 2913.02 of the Ohio Revised Code.

(7) Kevin Chakos did, on or about April 27, 2001, while employed as a pharmacist at Tops Pharmacy, knowingly obtain or exert control over dangerous drugs, the property of Tops Pharmacy, beyond the express or implied consent of the owner, to wit: Kevin Chakos has admittedly stolen 10 tablets of clonidine hydrochloride 0.2mg and 10 tablets of furosemide 40mg. Such conduct violates Section 2913.02 of the Ohio Revised Code.

(8) Kevin Chakos did, on or about March 31, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: Kevin Chakos forged prescription number 2053013, using his own name as the patient, on a stolen prescription blank, to obtain 10 tablets of OxyContin 40mg, a Schedule II controlled substance. Such conduct violates Section 2925.23(B) of the Ohio Revised Code.

(9) Kevin Chakos did, on or about April 2, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: Kevin Chakos forged telephone prescription number 3053046, using his girlfriend's name as the patient, to obtain 50 tablets of hydrocodone 10mg/APAP 650mg. Such conduct violates Section 2925.23(B) of the Ohio Revised Code.

(10) Kevin Chakos did, on or about April 4, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: Kevin Chakos forged telephone prescription number 6053194, using his own name as the patient, to obtain 25 tablets of atenolol 25mg. Such conduct violates Section 2925.23(B) of the Ohio Revised Code.

(11) Kevin Chakos did, on or about April 5, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: Kevin Chakos forged prescription number 2053199, using a fictitious name as the patient, on a stolen prescription blank, to obtain 10 tablets of OxyContin 40mg, a Schedule II controlled substance. Such conduct violates Section 2925.23(B) of the Ohio Revised Code.
(12) Kevin Chakos did, on or about April 17, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: Kevin Chakos forged prescription number 2127039, using his own name as the patient, on a stolen prescription blank, to obtain 28 tablets of OxyContin 20mg, a Schedule II controlled substance. Such conduct violates Section 2925.23(B) of the Ohio Revised Code.

(13) Kevin Chakos did, on or about April 25, 2001, knowingly possess or use a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: during a traffic stop by the Ravenna Police Department, Kevin Chakos was found in possession of, and attempting to hide, 2.12 grams of marijuana, a Schedule I controlled substance. Such conduct violates Section 2925.11 of the Ohio Revised Code.

(14) Kevin Chakos did, on various occasions during 2001, fail to provide effective and approved controls and procedures to detect theft and diversion of dangerous drugs, to wit: while being the sole pharmacist on duty at Tops Pharmacy, Kevin Chakos left the pharmacy premises unattended and unsecured. Kevin Chakos was warned about such conduct by the store’s Responsible Pharmacist; however, Kevin Chakos ignored such warnings. Such conduct violates Rule 4729-9-05 of the Ohio Administrative Code as amplified by Rule 4729-9-11 of the Ohio Administrative Code.

CONCLUSIONS OF LAW

(1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (14) 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) through (14) 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) Upon consideration of the record as a whole, 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) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (4), (8), (9), (10), (11), (12), and (13) 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.
Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Kevin Chakos on May 15, 2001.

Pursuant to Section 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-1-24288, held by Kevin Chakos and such suspension is effective as of the date of the mailing of this Order.

(A) Kevin Chakos, 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) Kevin Chakos, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return the 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 Kevin Chakos 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) Kevin Chakos must obtain, within sixty days after the effective date of this Order, a full psychiatric or psychological evaluation by a licensed psychiatrist or psychologist and must abide by the treatment plan as designed by that psychiatrist or psychologist. The psychiatrist or psychologist must provide an initial status report, which includes the recommended treatment plan, to the Board within ten days after completing the assessment.

(B) Kevin Chakos must enter into a 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. 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) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(C) Kevin Chakos 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.

(D) Kevin Chakos must provide, at the reinstatement petition hearing, documentation of the following:

(1) Compliance with the licensed psychiatrist's or psychologist's recommended treatment plan;

(2) A report by the licensed psychiatrist or psychologist regarding Kevin Chakos fitness for readmission into the practice of pharmacy;

(3) Compliance with the contract required above (e.g.-proof of giving the urine sample within twelve hours of notification and copies of all drug urine screen reports, meeting attendance records, treatment program reports, etc.);

(4) Kevin Chakos must take and pass, within the six-month period prior to his reinstatement petition hearing, the Multistate Pharmacy Jurisprudence Examination or an equivalent examination approved by the Board. If Mr. Chakos does not pass the examination during this period, his license will remain suspended until this condition has been achieved;

(5) 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;

(6) Compliance with the terms of this Order.

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

VIA CERTIFIED MAIL
#7099 3400 0013 9263 9915
Return Receipt Requested

ORDER MAILED
AND EFFECTIVE: DECEMBER 10, 2001

By: /s/ WTS
William T. Winsley, M.S., R.Ph., Executive Director

cc: Sally Ann Steuk, Assistant Attorney General
    John R. Irwin, M.D., Attorney for Respondent; 3690 Orange Place, Suite 510;
    Cleveland, Ohio 44122
SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

May 15, 2001

Kevin Chakos, R.Ph.
1316 West 108th Street
Cleveland, Ohio 44102

Re: Ohio Registered Pharmacist
Number 03-1-24288

Dear Mr. Chakos:

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 September 1, 2000, pursuant to examination, and are currently licensed to practice pharmacy in the state of Ohio.

2) You are addicted to the use of controlled substances, to wit: you have admitted to Board agents that you are addicted to the use of controlled substances; you have admitted stealing drugs while practicing pharmacy; and, you have admitted to forging prescriptions to obtain controlled substances. Such conduct indicates that you are addicted to controlled substances within the meaning of Section 3719.121 of the Ohio Revised Code and/or abusing dangerous drugs to such an extent as to render you unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

3) You did, on or about July 23, 2000, while employed as a pharmacy resident at the Metro Health System, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Metro Health System, beyond the express or implied consent of the owner, to wit: you have admittedly stolen from 1 to 5 cc of morphine from the pharmacy's IV room. Such conduct violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality
and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

4) You did, between June 26, 2000, and February 2, 2001, by theft, acquire three uncompleted, preprinted prescription blanks used for writing prescriptions, to wit: as a pharmacy resident at Metro Health System, you stole three blank prescriptions for the purpose of creating false prescriptions to obtain drugs. Such conduct violates Section 2925.2(C) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

5) You did, from March 12, 2001, through April 27, 2001, while employed as a pharmacist at Tops Pharmacy, knowingly obtain or exert control over dangerous drugs, the property of Tops Pharmacy, beyond the express or implied consent of the owner, to wit: you have admittedly stolen 47 tablets of hydrocodone 10mg / APAP 500mg. Such conduct violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

6) You did, from April 23, 2001, through April 27, 2001, while employed as a pharmacist at Tops Pharmacy, knowingly obtain or exert control over dangerous drugs, the property of Tops Pharmacy, beyond the express or implied consent of the owner, to wit: you have admittedly stolen the following:

   a) 30 tablets of hydrocodone 5mg / APAP 500mg
   b) 12 tablets of hydrocodone 7.5mg / APAP 750mg
   c) 13 tablets of Vicodin
   d) 4 tablets of Vicodin ES

   Such conduct violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

7) You did, on or about April 27, 2001, while employed as a pharmacist at Tops Pharmacy, knowingly obtain or exert control over dangerous drugs, the property of Tops Pharmacy, beyond the express or implied consent of the owner, to wit: you have admittedly stolen 10 tablets of clonidine hydrochloride 0.2mg and 10 tablets of furosemide 40mg. Such conduct violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

8) You did, on or about March 31, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: you forged prescription number 2053013, using your own name as the patient, on a stolen prescription blank, to obtain 10 tablets of
OxyContin 40mg, a Schedule II controlled substance. Such conduct violates Section 2925.23(B) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

9) You did, on or about April 2, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: you forged telephone prescription number 3053046, using your girlfriend's name as the patient, to obtain 50 tablets of hydrocodone 10mg /APAP 650mg. Such conduct violates Section 2925.23(B) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

10) You did, on or about April 4, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: you forged telephone prescription number 6053194, using your own name as the patient, to obtain 25 tablets of atenolol 25mg. Such conduct violates Section 2925.23(B) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

11) You did, on or about April 5, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: you forged prescription number 2053199, using a fictitious name as the patient, on a stolen prescription blank, to obtain 10 tablets of OxyContin 40mg, a Schedule II controlled substance. Such conduct violates Section 2925.23(B) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

12) You did, on or about April 17, 2001, intentionally make and/or knowingly possess a false or forged prescription, to wit: you forged prescription number 2127039, using your own name as the patient, on a stolen prescription blank, to obtain 28 tablets of OxyContin 20mg, a Schedule II controlled substance. Such conduct violates Section 2925.23(B) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

13) You did, on or about April 25, 2001, knowingly possess or use a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: during a traffic stop by the Ravenna Police Department, you were found in possession of, attempting to hide, 2.12 grams of marijuana, a Schedule I controlled
Summary Suspension

substance. Such conduct violates Section 2925.11 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or willfully violating the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

14) You did, on various occasions during 2001, fail to provide effective and approved controls and procedures to detect theft and diversion of dangerous drugs, to wit: while being the sole pharmacist on duty at Tops Pharmacy, you left the pharmacy premises unattended and unsecured. You were warned about such conduct by the store's Responsible Pharmacist; however, you ignored such warnings. Such conduct violates Rule 4729-9-05 of the Ohio Administrative Code as amplified by Rule 4729-9-11 of the Ohio Administrative Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 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 ARE 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, 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.

IF YOU REQUEST A HEARING within 30 days of the time of the mailing of this notice, such will be afforded. Such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. 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 you do not request such a hearing within thirty (30) days of the mailing of this notice, the 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

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

CERTIFIED MAIL
7000 0520 0015 5537 6358
Return Receipt

DLR: If (D-010515-066)

cc: Sally Ann Steuk, Assistant Attorney General