

**SUMMARY SUSPENSION/NOTICE OF OPPORTUNITY FOR HEARING**

**IN THE MATTER OF:**

**CASE NO. A-2023-0226**

**Jeffrey L. Wagner, RPh**  
1213 Glenwood Trail  
Batavia, Ohio 45103

**SUSPENDED License No. 03-129728**

May 17, 2023

Dear Mr. Wagner:

**You are hereby notified, in accordance with Section 119.07 of the Revised Code, the State of Ohio Board of Pharmacy (Board) hereby SUMMARILY SUSPENDS your Ohio license as a pharmacist, License No. 03-129728, under authority of Sections 3719.121 and 4729.16 of the Revised Code.**

**PURSUANT TO RULE 4729:1-1-01(T) 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. THIS SUSPENSION SHALL REMAIN IN EFFECT UNTIL A FINAL ADJUDICATION ORDER BECOMES EFFECTIVE, DURING WHICH TIME YOU MAY NOT ENGAGE IN THE PRACTICE OF PHARMACY.**

**JURISDICTION**

1. Records of the Board indicate you are currently licensed to practice pharmacy in the State of Ohio under license number 03-129728.
2. The Board has the authority to pursue a summary suspension of a pharmacist's license pursuant to Section 3719.121 and discipline of a pharmacist license pursuant to Section 4729.16 of the Ohio Revised Code (ORC).
3. The Board is required suspend a license of a pharmacist who is or becomes addicted to the use of controlled substances until the person offers satisfactory proof to the board that the person no longer is addicted to the use of controlled substances. ORC Section 3719.121(A).
4. The Board may suspend the license of a pharmacist if there is clear and convincing evidence that continuation of the person's professional practice or method of administering, prescribing, preparing, distributing, dispensing, or personally furnishing controlled substances or other dangerous drugs presents a danger of immediate and serious harm to others. ORC Section 3719.121(B).

77 South High Street, 17th Floor, Columbus, Ohio 43215



## ALLEGATIONS

1. On or about February 21, 2023, the Board was notified that you were illegally selling ketamine, a Schedule III controlled substance. It was reported that the ketamine you were selling was diverted from Mercy Hospital Anderson Pharmacy, located at 7500 State Road, Cincinnati, Ohio, where you were employed as a pharmacist.
2. On or about May 12, 2023, agents of the Board and local law enforcement executed a search warrant at your house. The following items were recovered:
  - a. 14 bottles of ketamine.
  - b. Crystal-like substance which was believed to be methamphetamine, a Schedule II controlled substance.
  - c. Several firearms.
3. On or about May 12, 2023, you were interviewed. You stated:
  - a. You've been a drug user for two to three years. You used a little bit of methamphetamine every day; the most recent time was yesterday (May 11, 2023).
  - b. You purchased the methamphetamine from a dealer in Dayton, Ohio. You notified your dealer you had access to ketamine.
  - c. Taking ketamine from your employer was "fun".
  - d. Over a six-month period of time, you stole "maybe 10" vials of ketamine.
  - e. You sold two bottles of ketamine.
  - f. You received \$100 per bottle of ketamine.
  - g. You sold ketamine because you had "zero dollars".
  - h. You had about five grams of methamphetamine in your house.
  - i. You provided ketamine to your drug dealer. You provided her with a syringe containing ketamine and she injected herself.
  - j. When you were supposed to destroy drugs at the hospital, you would show a witness the drug vial, they would sign the required form, and leave without witnessing you destroy the drugs.
  - k. You stole doxycycline and sildenafil, both dangerous drugs, from the pharmacy.
  - l. You provided the doxycycline to your drug dealer because she had an infection. You stated "which is illegal as fuck".

m. You are addicted to methamphetamine. You denied being addicted to any other drug.

#### **POTENTIAL VIOLATIONS OF LAW**

1. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of Section 2913.02 of the ORC, theft of a dangerous drug (Schedule III controlled substance), each a felony of the fourth degree, punishable by a maximum fine of \$5,000.
2. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of Section 2925.03(A) of the ORC, trafficking in drugs, each a felony of the fifth degree, punishable by a maximum fine of \$2,500.
3. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of Section 2925.11(A) of the ORC, aggravated possession of a Schedule II controlled substance, each a felony of the fifth degree, punishable by a maximum fine of \$2,500.
4. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of Section 2925.11(A) of the ORC, possession of a Schedule III controlled substance, each a misdemeanor of the first degree, punishable by a maximum fine of \$1,000.
5. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of Section 4729.51(E)(1)(a) of the ORC, distributing dangerous drugs, a misdemeanor of the first degree, each punishable by a maximum fine of \$1,000.
6. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of October 9, 2021, each violation constituting a minor misdemeanor, each punishable by a maximum penalty of \$150:
  - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and/or
  - b. Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, ORC Section 4729.16(A)(2)(c); and/or
  - c. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and/or
  - d. Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
7. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective April 25, 2022, each violation punishable by a maximum penalty of \$500:
  - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and/or

- b. Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, OAC Rule 4729:1-4-01(B)(2)(c); and/or
- c. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(d); and/or
- d. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration, OAC Rule 4729:1-4-01(B)(2)(k).

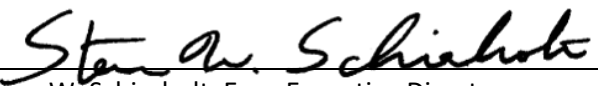
YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the State of Ohio Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.

**IF YOU DESIRE A HEARING**, such request shall either be mailed to the State of Ohio Board of Pharmacy, Attn: Legal, 77 South High Street, 17<sup>th</sup> Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov) (please note faxes will not be accepted). **YOUR REQUEST MUST BE RECEIVED ON OR PRIOR TO THE 30<sup>TH</sup> DAY FOLLOWING THE MAILING DATE OF THIS NOTICE.** Please note that if you submit a request via email, your request will be acknowledged within one business day of receipt. If you do not receive an acknowledgment, please contact the Board offices at 614-466-4143 and request the legal department. 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 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, and may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division RC 4729.16(A).

If you have questions regarding the Chapter 119. Administrative Hearing process, please e-mail your questions to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov) or call the Board office at 614-466-4143 and ask for the legal department.

BY ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

  
Steven W. Schierholt, Esq., Executive Director

SWS/alg/kll

CMRRR: 9414 7118 9956 2285 0055 36

cc: Mercy Anderson Pharmacy, 7500 State Road, Cincinnati, Ohio 45255