



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-030307-061)

In The Matter Of:

RICHARD DAVID SWEET, R.Ph.

5704 Onaway Oval

Parma, Ohio 44130

(R.Ph. No. 03-2-07715)

This Settlement Agreement is entered into by and between Richard David Sweet and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Richard David Sweet voluntarily enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Richard David Sweet acknowledges that by entering into this agreement he has waived his rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Richard David Sweet is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about March 7, 2003, pursuant to Chapter 119. of the Ohio Revised Code, Richard David Sweet was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Richard David Sweet requested a hearing; it was scheduled and continued. The March 7, 2003, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the Board of Pharmacy indicate that Richard David Sweet was originally licensed in the State of Ohio on August 20, 1962, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect that Richard David Sweet was previously disciplined by the Board on January 31, 1995.
- (2) Richard David Sweet did, on or about November 7, 2002, knowingly cause another to believe that he would cause him serious physical harm, to wit: while practicing pharmacy at Rite Aid in Cleveland, Richard David Sweet told a customer: "I'll

punch you in the [expletive] nose" and "you'll need more than Valium." The customer feared for his safety. Such conduct is in violation of Section 2903.21 of the Ohio Revised Code.

- (3) Richard David Sweet is impaired physically or mentally to such a degree as to render him unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code, to wit: Richard David Sweet has admitted to a Board agent that he has threatened a customer of the pharmacy; Richard David Sweet has been observed to be rude and threatening to this and other customers as well as to an employee of the pharmacy; and Richard David Sweet has been observed to be "acting weird" while practicing pharmacy to such an extent that a pharmacy employee begged management not to force him/her to work with him.

Richard David Sweet denies the allegations in paragraph 3; the Board having received evidence from Richard David Sweet to the contrary of paragraph 3, dismisses paragraph 3 with prejudice.

Richard David Sweet, for the purposes of this Settlement Agreement, neither admits nor denies the factual allegations stated in paragraph 2, but admits that on or about November 7, 2002 he had a verbal confrontation with a customer of the Rite Aid Pharmacy, where he was then working.

Whereas, the Board has evidence sufficient to sustain the allegations of paragraph 1, and has sufficient evidence that the verbal confrontation that Richard David Sweet had with a customer of the Rite Aid Pharmacy, where he was then working, which forms the factual basis of paragraph 2, constituted a violation of Section 4729.16(A)(2) of the Ohio Revised Code, and hereby adjudicates the same.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Richard David Sweet knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Richard David Sweet agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

If, in the judgment of the Board, Richard David Sweet appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, revoke probation, modify the conditions of probation, and reduce or extend the period of probation, and/or the Board may institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Richard David Sweet acknowledges that he has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner. Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

Richard David Sweet waives any and all claims or causes of action he may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Richard David Sweet waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of the Board President's signature below.

<u>/s/ Richard David Sweet</u> Richard David Sweet, R.Ph., Respondent	<u>/d/ 11/30/04</u> Date of Signature
<u>/s/ Jules N. Koach</u> Jules N. Koach, Attorney for Respondent	<u>/d/ 11/30/04</u> Date of Signature
<u>/s/ Lawrence J. Kost</u> Lawrence J. Kost, President, Ohio State Board of Pharmacy	<u>/d/ 12/6/04</u> Date of Signature
<u>/s/ Sally Ann Steuk</u> Sally Ann Steuk, Ohio Assistant Attorney General	<u>/d/ 12/6/04</u> Date of Signature



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-951120-028)

In The Matter Of:

RICHARD DAVID SWEET, R.Ph.

5704 Onaway Oval

Parma, Ohio 44130

(R.Ph. No. 03-2-07715)

INTRODUCTION

THE MATTER OF RICHARD DAVID SWEET CAME TO HEARING ON JANUARY 24, 1996, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: PAUL F. LAMPING, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; WAYNE C. MILLER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

RICHARD DAVID SWEET WAS REPRESENTED BY JULES N. KOACH AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) None

Respondent's Witnesses:

(1) Harold Schwartz, Pharmacists Rehabilitation Organization, Inc.

(2) Richard David Sweet, Respondent

(B) Exhibits

State' Exhibits:

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(1) Exhibit 1--Order of the State Board of Pharmacy, Docket No. D-940511-084, in the matter of Richard David Sweet dated January 31, 1995.

(2) Exhibit 1A--Hearing Request letter from Jules Koach dated November 17, 1994, (sic) with attachments as follows: Two-page Petition for Hearing Upon Question of Reinstatement

of License to Practice Pharmacy dated November 17, 1995; two-page Brief; copy of two-page letter from Diana Green dated November 11, 1995; and copy of Kaiser Permanente Alcohol/Chemical Dependency Program Treatment Contract of Richard Sweet dated October 16, 1995.

- (3) Exhibit 1B--Hearing Schedule letter dated November 20, 1995.
- (4) Exhibit 1C--Letter from Jules Koach dated November 29, 1995, with attachments as follows: Request to Advance Hearing Date Upon Petition For Reinstatement dated November 29, 1995; and three-page Brief.
- (5) Exhibit 1D--Letter from David L. Rowland dated December 4, 1995.
- (6) Exhibit 1E--Hearing Schedule letter dated December 22, 1995.

Respondent's Exhibits:

- (1) Five-page Hearing Brief of Richard D. Sweet dated January 9, 1996.
- (2) Two-page Request for Immediate Decision dated January 9, 1996.
- (3) Exhibit A--Five-page Affidavit of Diana Green signed and notarized on January 8, 1996, with attachments as follows: A.1-Copy of certificate from the State of Ohio, Counselor and Social Worker Board of Diana Yvonne Green, Licensed Social Worker, dated June 11, 1988, including pocket identification card of Diana Y. Green, expiration date June 11, 1996. A.2-Copy of certificate from the Ohio Credentialing Board for Chemical Dependency Professionals of Diana Y. Green, Chemical Dependency Counselor, III dated July 24, 1987. A.3-Copy of certificate from the Internationally Certified Alcohol and Drug Counselor of Diana Y. Green dated September 7, 1995. A.4-Two-page letter from Diana Green dated November 11, 1995, and copy of Kaiser Permanente Alcohol/Chemical Dependency Program Treatment Contract of Richard Sweet dated October 16, 1995. A.5-Copy of Kaiser Permanente Alcohol/Chemical Dependency Program Treatment Contract of Richard Sweet dated January 16, 1996.
- (4) Exhibit B--Two-page Affidavit of Antone F. Feo, Ph.D. with attachments as follows: B.1-Nine-page report of psychological evaluation of Richard Sweet dated September 28, 1995. B.2-Four-page Curriculum Vitae of Antone F. Feo, Ph.D.
- (5) Exhibit C--Three-page copy of Saint Vincent Charity Hospital and Health Center, Summary of Richard Sweet's Treatment at Rosary Center from May 18, 1994, to October 19, 1994.
- (6) Exhibit D--Certified Journal Entry in the Cuyahoga County Court of Common Pleas, Case No. CR-316422, of Richard Sweet dated June 5, 1995.
- (7) Exhibit E--Letter from Dan Finan dated October 24, 1995.
- (8) Exhibit F--Two-page handwritten letter from David P. Dyllyn dated January, 1996.
- (9) Exhibit G--Certificate of continuing pharmaceutical education experience for Program No. 679-105-94-01 of Richard David Sweet dated September 7, 1994.
- (10) Exhibit H--Certificate of continuing pharmaceutical education experience for Program No. 680-071-90-005, of Richard Sweet dated September 14, 1994.
- (11) Exhibit I--Certificate of continuing pharmaceutical education experience for Program No. 679-105-94-02, of Richard David Sweet dated September 1, 1994.
- (12) Exhibit J--Copy of certificate of continuing pharmaceutical education experience for Program No. 688-421-93-001, of Richard Sweet dated September 30, 1994.
- (13) Exhibit K--Copy of certificate of continuing pharmaceutical education experience for Program No. 680-032-92-012, of Richard Sweet dated September 15, 1994.
- (14) Exhibit L--Copy of certificates of continuing pharmaceutical education experience for programs numbered and dated as follows: 680-073-95-23 dated December 7, 1995; 680-073-95-10 dated December 7, 1995; 680-073-95-08 dated December 7, 1995; and 680-073-95-04 dated December 7, 1995.
- (15) Exhibit M--Copy of certificates of continuing pharmaceutical education experience for programs numbered and dated as follows: 680-073-95-08 dated December 7, 1995;

680-073-95-04 dated December 7, 1995; 680-073-95-03 dated December 7, 1995; and 680-073-95-01 dated December 7, 1995.

- (16) Exhibit N--Copy of certificates of continuing pharmaceutical education experience for programs numbered and dated as follows: 680-073-95-038 dated November 21, 1995; 680-073-95-09 dated December 6, 1995; and 688-421-93-203 dated December 3, 1995.
- (17) Exhibit O--Two-page copy of Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Richard Sweet dated February 6, 1995.
- (18) Exhibit P--Twelve-page copy of AA/NA/CA meeting attendance verification of Richard Sweet dated from February 1, 1995, through December 28, 1995.
- (19) Exhibit Q--Copies of twenty-five urine drug screen reports of Richard Sweet dated as follows: December 10, 1994; December 29, 1994; January 12, 1995; February 2, 1995; February 21, 1995; March 21, 1995; March 25, 1995; April 8, 1995; April 18, 1995; May 5, 1995; May 19, 1995; June 2, 1995; June 24, 1995; July 19, 1995; July 27, 1995; August 14, 1995; two-page original report, collection date of August 18, 1995; two-page original report, collection date of September 8, 1995; nine-page copy of report dated November 22, 1995, showing collection dates of September 8, 1995; September 26, 1995; October 17, 1995; October 27, 1995; and November 15, 1995; and five-page copy of report dated January 2, 1996, showing collection dates of November 15, 1995; November 24, 1995; December 8, 1995; and December 27, 1995.

FINDING OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board indicate that Richard David Sweet's license to practice pharmacy in Ohio was suspended pursuant to the Order of the Board, Docket No. D-940511-084, dated January 31, 1995; and Richard David Sweet has complied with the terms and stipulations of that Order.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby approves the reinstatement of Richard David Sweet's pharmacist identification card, No. 03-2-07715, to practice pharmacy in the state of Ohio and places him on probation for five years, effective as of the date of the mailing of this Order, with the following conditions:

- (A) Richard David Sweet must enter into a new contract, from the effective date of this Order, with a limited 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. The contract must provide that:
 - (1) random, **observed** urine screens shall be conducted at least twice a month for the first contract year and at least once a month for the remaining four contract years. The urine drug screens must report testing for alcohol and must also report testing for creatinine or specific gravity of the sample as the dilutional standard;
 - (2) regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required during outpatient treatment and/or during aftercare;

- (3) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and
 - (4) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Richard David Sweet must continue and abide by the treatment plan as prescribed by Dr. Kahl.
- (C) Richard David Sweet 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,
 - (2) documentation regarding any change in mental health care providers, medication, and/or progression of rehabilitation.
 - (3) a written description of his progress towards recovery and what he has been doing during the previous three months.
- (D) Other terms of probation are as follows:
- (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Richard David Sweet's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
 - (2) The Board further stipulates that Richard David Sweet may not serve as a responsible pharmacist.
 - (3) Richard David Sweet may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) Richard David Sweet must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (5) Richard David Sweet must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (6) Richard David Sweet must abide by the rules of the Ohio State Board of Pharmacy.
 - (7) Richard David Sweet must comply with the terms of this Order.

Richard David Sweet 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.

MOTION CARRIED.

SO ORDERED.



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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-940511-084)

In The Matter Of:

RICHARD DAVID SWEET, R.Ph.

5704 Onaway Oval

Parma, Ohio 44130

(R.Ph. No. 03-2-07715)

INTRODUCTION

THE MATTER OF RICHARD DAVID SWEET CAME TO HEARING ON OCTOBER 27, 1994, AND RECONVENED ON DECEMBER 5, 1994, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: RUTH A. PLANT, R.Ph. (presiding); PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

RICHARD DAVID SWEET WAS REPRESENTED BY JULES N. KOACH, AND THE STATE OF OHIO WAS REPRESENTED BY MICHELLE HALL, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) James Reye, Ohio State Board of Pharmacy
- (2) Delores Collins
- (3) Richard D. Sweet, Respondent

Respondent's Witnesses:

- (1) Thomas Lett
- (2) Richard D. Sweet, Respondent
- (3) Harold Schwartz

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Summary Suspension Order/Notice of Opportunity letter dated May 11, 1994.

- (2) Exhibit 1A - Amendment Notice dated May 26, 1994.
- (3) Exhibit 1B - Letter from Jules N. Koach, Request for Order, and Request for Hearing in the matter of Richard David Sweet dated June 20, 1994.
- (4) Exhibit 1C - Hearing Schedule letter dated June 27, 1994.
- (5) Exhibit 1D - Hearing Schedule letter dated November 1, 1994.
- (6) Exhibit 2 - Pharmacist File Front Sheet of Richard D. Sweet showing original date of registration as August 20, 1962; and Renewal Application for Pharmacist License, No. 03-2-07715, for a license to practice pharmacy in Ohio from September 15, 1993, to September 15, 1994, of Richard David Sweet dated July 17, 1993.
- (7) Exhibit 2A - Notification of Change of Responsible Person form of Rini Rego Pharmacy, Terminal Distributor License No. 02-443600, effective May 13, 1992; and Renewal Application for DDD License, No. 02-443600, for a Terminal Distributor of Dangerous Drugs License from January 1, 1994, through December 31, 1994, of Rini-Rego Pharmacy dated September 27, 1993.
- (8) Exhibit 4 - Three-page handwritten statement of Dr. Claro Caluya signed and notarized on May 3, 1994.
- (9) Exhibit 5A - Micro-cassette tape of interview of Dr. Paul Correll with James Reye and Frank Bodi of the Ohio State Board of Pharmacy on May 3, 1994.
- (10) Exhibit 6 - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Rini-Rego Pharmacy, 02-443600, for the drug Methylphenidate 10mg dated April 27, 1994, and two attached lists of: Methylphenidate dispensed from May 1, 1993, through April 26, 1994, and Methylphenidate purchases from May 1, 1993, through April 26, 1994.
- (11) Exhibit 7 - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Rini-Rego Pharmacy, 02-443600, for the drug Klonopin .5mg dated April 27, 1994, and attached list of Klonopin .5mg purchased from May 1, 1993, through April 27, 1994.
- (12) Exhibit 8 - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Rini-Rego Pharmacy, 02-443600, for the drug Klonopin 1mg dated April 27, 1994, and attached list of Klonopin 1mg purchased from May 1, 1993, through April 27, 1994.
- (13) Exhibit 9 - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Rini-Rego Pharmacy, 02-443600, for the drug Darvocet N-100 dated April 27, 1994, and attached list of Darvocet N-100 purchased from May 1, 1993, through April 27, 1994.
- (14) Exhibit 9A - Ohio State Board of Pharmacy Drug Audit Accountability Sheet of Rini-Rego Pharmacy, 02-443600, for the drug Propoxy-N/APAP 100/650 dated April 27, 1994, and attached list of Propoxy-N/APAP 100/650 dispensed from May 1, 1993, through April 27, 1994.
- (15) Exhibit 10 - Handwritten statement of Delores Collins signed and notarized on May 5, 1994.
- (16) Exhibit 12 - Three-page Tax Insurance Summary of Rini-Rego Pharmacy for patient Richard Sweet dated April 26, 1994.
- (17) Exhibit 13 - Prescription number 2000406.
- (18) Exhibit 15 - Three-page handwritten statement of Dr. Paul H. Correll signed and notarized on May 3, 1994.
- (19) Exhibit 17 - The State Medical Board of Ohio certificate of licensure status of Paul Harvey Correll, M.D. dated October 26, 1994.

Respondent's Exhibits:

- (1) Exhibit A - Two-page Curriculum Vitae of Thomas A. Fett.
- (2) Exhibit B - Copy of Ohio Credentialing Board For Chemical Dependency Professionals, Chemical Dependency Counselor III Certificate of Thomas A. Fett dated April 28, 1989.
- (3) Exhibit C - Copy of Ohio Credentialing Board, Internationally Certified Alcohol and Drug Counselor Certificate of Thomas A. Fett dated November 6, 1991, and valid through April 28, 1995.

- (4) Exhibit D - Three-page Saint Vincent Charity Hospital & Health Center Summary of Richard Sweet's treatment at Rosary Center from May 18, 1994, to October 19, 1994, signed and dated by Thomas A. Fett on October 24, 1994.
- (5) Exhibit E - Copy of urine drug screen report of Richard D. Sweet dated August 24, 1994.
- (6) Exhibit F - Copy of urine drug screen report of Richard D. Sweet dated September 26, 1994.
- (7) Exhibit G - Copy of urine drug screen report of Richard D. Sweet dated October 21, 1994.
- (8) Exhibit H - Copy of urine drug screen report of Richard D. Sweet dated October 11, 1994.
- (9) Exhibit I - Copy of urine drug screen report of Richard D. Sweet dated October 21, 1994.
- (10) Exhibit J - Two-page copy of Pharmacists Rehabilitation Organization, Inc., Recovering Pharmacist's Contract of Richard Sweet dated August 20, 1994.
- (11) Exhibit K - Copy of Bank One, Cleveland, NA MasterCard Account Summary, No. 5411-3000-0200-5334, dated July 9, 1993.
- (12) Exhibit L - Two-page copy of Bank One, Cleveland, NA MasterCard Account Summary, No. 5411-3000-0200-5334, dated October 12, 1993.
- (13) Exhibit M - Copy of Bank One, Cleveland, NA MasterCard Account Summary, No. 5411-3000-0200-5334, dated December 9, 1993.
- (14) Exhibit N - Copy of Bank One, Cleveland, NA MasterCard Account Statement/Account Summary, No. 5411-3000-0200-5334, of Richard D. Sweet and Donna Sweet dated October 12, 1993.
- (15) Exhibit O - Copy of Bank One, Cleveland, NA MasterCard Account Summary, No. 5411-3000-0200-5334, dated March 9, 1994.
- (16) Exhibit P - Two-page copy of Bank One, Cleveland, NA MasterCard Account Summary, No. 5411-3000-0200-5334, dated April 11, 1994.
- (17) Exhibit Q - Copy of Bank One, Cleveland, NA MasterCard Account Statement/Account Summary, No. 5411-3000-0200-5334, of Richard D. Sweet and Donna Sweet dated May 10, 1994.
- (18) Exhibit R - Eight-page list of AA/NA/CA Meeting Verification of Richard Sweet dated from May, 1994, through October, 1994.
- (19) Exhibit S - Copy of urine drug screen report of Richard D. Sweet dated July 26, 1994.
- (20) Exhibit T - Six-page Hearing Brief of Richard D. Sweet dated October 27, 1994; and copy of three-page Saint Vincent Charity Hospital & Health Center, Summary of Richard Sweet's treatment at Rosary Center from May 18, 1994, to October 19, 1994, signed and dated by Thomas A. Fett on October 24, 1994.
- (21) Exhibit U - Urine drug screen report of Richard D. Sweet dated November 14, 1994.
- (22) Exhibit V - Urine drug screen report of Richard D. Sweet dated November 23, 1994.
- (23) Exhibit W - Two-page copy of AA/NA/CA Attendance Record of Richard Sweet dated from October 14, 1994, through November 26, 1994.
- (24) Exhibit X - Copy of two-page Pharmacists Rehabilitation Organization, Inc. Recovering Pharmacist's Contract of Richard Sweet dated November 12, 1994.
- (25) Exhibit Y - Urine drug screen of Richard D. Sweet dated November 2, 1994.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board of Pharmacy indicate that Richard David Sweet was originally licensed in the state of Ohio on August 20, 1962, pursuant to examination, and on May 11, 1994, his license was summarily suspended pursuant to Section 3719.121(B) of the

Ohio Revised Code. Records further reflect that during the relevant time periods alleged herein, Richard David Sweet was the Responsible Pharmacist at Rini-Rego Pharmacy, 13820 Lorain Avenue, Cleveland, Ohio 44111, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.

- (2) Richard David Sweet is addicted to or abusing controlled substances to such a degree as to render him unfit to practice pharmacy, to wit: Richard David Sweet has admitted to stealing, abusing drugs, and being addicted to drugs.
- (3) Richard David Sweet did, from May 1, 1993, through April 26, 1994, with the purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of another, beyond the express or implied consent of the owner, Rini-Rego Pharmacy, to wit: Richard David Sweet stole the following drugs from Rini-Rego Pharmacy:

<u>Drug</u>	<u>Quantity</u>
Methylphenidate 10 mg	1620 doses
Klonopin 0.5 mg	960 doses
Klonopin 1.0 mg	86 doses
Propoxyphene Napsylate 100mg w/Acetaminophen	615 doses

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

- (4) Richard David Sweet did, on or about December 9, 1992, intentionally create and/or knowingly possess a false or forged prescription, to wit: Richard David Sweet solicited a physician to create a prescription for 200 Ritalin 10mg tablets, prescription number 2000406, not for a legitimate medical purpose but to cover for a shortage of Methylphenidate which Mr. Sweet had stolen from the pharmacy where he was employed. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) and (4) 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.
- (2) 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 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.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3) and (4) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Section 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION 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 May 11, 1994.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Richard David Sweet:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Richard David Sweet indefinitely and such suspension is effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Richard David Sweet may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) In December, 1995, or thereafter, the Board will consider any petition filed by Richard David Sweet for a hearing, pursuant to Revised Code Chapter 119., upon the question of the reinstatement of his license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met:
 - (1) Richard David Sweet must obtain a full psychiatric or psychological evaluation, by a licensed psychiatrist or psychologist, that includes a recommended treatment plan, and Mr. Sweet must comply with the plan as designed by the professional.
 - (2) Richard David Sweet must enter into a new contract, from the effective date of this Order, with the Pharmacists Rehabilitation Organization, Inc. (PRO Inc.) or another certified Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment program 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. The contract must provide that:
 - (a) random, **observed** urine screens shall be conducted at least twice a month. The urinalysis drug screens must include reporting of specific gravity;
 - (b) regular attendance, at least three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meetings, and at meetings of a professional support group, is required during outpatient treatment and/or during aftercare;
 - (c) the intervener shall provide copies of all urine screens to the Board of Pharmacy in a timely fashion; and
 - (d) the program shall immediately report to the Board of Pharmacy any violations of the contract.
 - (3) Richard David Sweet must provide, at the time of petitioning the Board for reinstatement, written documentation from his treatment provider (PRO Inc. or other ODADAS provider) regarding compliance with the program pursuant to the contract; and evidence of a full psychiatric or psychological evaluation and compliance with the treatment plan as designed by that professional.

Division (B) of Section 4729.16 of the Revised Code provides 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 the notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.