



**STATE OF
OHIO**
BOARD OF PHARMACY

IN THE MATTER OF:

CASE NO. 2011-1524

Richard Brunst
5694 Bridgetown Road, Unit 14
Cincinnati, Ohio 45248

License No. 03-3-18429

temporary address while recovering

**SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY
TOLLING PROBATION TERMS**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Richard Brunst, for the purpose of addressing the tolling of Richard Brunst's probationary period. Together, OSBP and Richard Brunst are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to a Reinstatement Order dated January 9, 2015, Richard Brunst is serving a five-year probationary period of his pharmacist license number 03-3-18429.

FACTS

1. On or about March 21, 2017, Richard Brunst notified Executive Director of PRO, Inc., Jarrod Grossman, of an urgent medical situation involving an accident, severe injury requiring surgery, and lengthy recovery period. Mr. Grossman notified the Board due to Richard Brunst's medical situation, he would not be able to comply with all terms of the Board's January 9, 2015 Reinstatement Order, including:
 - a. Random, observed urine drug screens at least once each month for the first year and at least once every three months for the remaining four years;
 - b. A minimum of three separate days per calendar week attendance at a support group meeting such as Alcoholics Anonymous or Narcotics Anonymous.

The parties desire to resolve the issues relating to the above-referenced medical situation and probationary non-compliance without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Richard Brunst agrees and acknowledges that the five-year probationary term will be tolled for the duration of his noncompliance due to his medical situation. The tolling of the probationary condition will run from March 21, 2017 through the end of Richard Brunst's recovery period, at which time all terms of

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



run from March 21, 2017 through the end of Richard Brunst's recovery period, at which time all terms of the Reinstatement Order shall be complied with, including but not limited to, random drug screens and attendance at support group meetings.

3. Richard Brunst agrees to keep the OSBP notified of his recovery progress by providing a status update no later than July 21, 2017 and September 21, 2017.
4. Richard Brunst agrees to notify the Board of any changes in address.
5. Upon resuming his probationary terms, the tolling period will cease and the Board will issue a letter of confirmation of the new end-date of Richard Brunst's probationary status.
6. Richard Brunst understands that he has the right to be represented by counsel for review and execution of this agreement.
7. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
8. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
9. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

10. This Agreement shall become effective upon the date of the Board President's signature below.

Note: My next orthopedic physicians appt's are 5/2/17 & 5/4/17 - I will update shortly thereafter.

IN WITNESS WHEREOF, the parties to this Agreement have executed it and/or cause it to be executed by their duly authorized representatives.

Approved by:

Richard D. Brunst
Richard Brunst, Respondent

4/16/17
Date of Signature

Attorney for Respondent (if applicable)

Date of Signature

Michael A. Mone
Michael A. Mone, RPh., President,
State of Ohio Board of Pharmacy

5/2/2017
Date of Signature

Steven Kochheiser
Steven Kochheiser, Ohio Assistant Attorney General

5/2/2017
Date of Signature



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-110829-211)

In The Matter Of:

Richard Duane Brunst, R.Ph.

6001 Pineview Lane
Cincinnati, Ohio 45247
(R.Ph. Number 03-3-18429)

INTRODUCTION

The Matter of Richard Duane Brunst came for hearing on December 3, 2014, before the following members of the Board: Michael A. Moné, R.Ph.; (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph.; Fred M. Weaver, R.Ph. and Kilee S. Yarosh, R.Ph.

Richard Duane Brunst was represented by Harry B. Plotnick. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

None

Respondent's Witnesses:

1. Richard Duane Brunst, R.Ph., Respondent
2. James Liebetrau, R.Ph.

State's Exhibits:

- | | | |
|--------|--|----------|
| 1. | Request for Reinstatement Letter | 02-12-02 |
| 1A-1F. | Procedurals | |
| 2. | Ohio State Board of Pharmacy Order in RE: Richard Brunst | 04-03-12 |

Respondent's Exhibits:

- | | | |
|-----|--|---------------------------|
| A. | Contract with PRO, Inc. | 04-15-12 |
| B. | Urine Testing Results | 01-19-12 through 11-19-14 |
| C1. | AA & NA Attendance Sheets, Part 1 | 12-30-11 through 05-03-14 |
| C2. | AA & NA Attendance Sheets, Part 2 | 05-04-14 through 11-04-14 |
| D. | Prescription Records of Respondent | No Date |
| E. | Records of Substance Abuse Treatment/Evaluations | 11-22-11 through 01-09-13 |
| F. | Records of Continued Education | 03-26-14 through 04-10-14 |

G. Letter of Support from James Liebetrau, R.Ph.

10-23-14

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Richard Duane Brunst has substantially complied with the terms set forth in the Board Order of the State Board of Pharmacy, Docket No. D-110829-211 effective April 3, 2012.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the immediate reinstatement of the pharmacist identification card, Number 03-3-18429, held by Richard Duane Brunst to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

(A) Richard Duane Brunst must enter into 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) approved treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office before his pharmacist identification card is issued. The contract must provide that:

(1) Random, observed urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.

(a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

(b) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification

(c) Results of all drug screens must be negative. Refusal of a urine screen or a diluted urine screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

(2) The intervener/sponsor shall submit 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.

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

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

(B) Richard Duane Brunst must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:

(1) The written report and documentation provided by the treatment program pursuant to the contract, and

(2) A written description of Richard Duane Brunst's progress towards recovery and what he has been doing during the previous three months.

(C) Other terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that Richard Duane Brunst's 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.

(2) Richard Duane Brunst may not serve as a responsible pharmacist.

(3) Richard Duane Brunst may not destroy, assist in, or witness the destruction of controlled substances.

(4) Richard Duane Brunst must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.

(5) Richard Duane Brunst must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Richard Duane Brunst must abide by the rules of the State Board of Pharmacy.

(7) Richard Duane Brunst must comply with the terms of this Order.

(8) Richard Duane Brunst's license is deemed not in good standing until successful completion of the probationary period.

(D) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Richard Duane Brunst 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. ^

any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

Ms. Huwer moved for Findings of Fact; Mr. Kolezynski seconded the motion. Motion passed (Aye-7/Nay-0).

Ms. Marchal moved for Decision of the Board; Mr. Weaver 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.


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 the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: January 9, 2015

By:



Steven W. Schierholt, Esq., Executive Director

SWS/rlc

Certified Mail / Return Receipt

7011 1150 0001 6782 5399

c: Charissa D. Payer, Assistant Attorney General



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-110829-211)

In The Matter Of:

RICHARD DUANE BRUNST, R.Ph.

6001 Pineview Lane

Cincinnati, Ohio 45247

(R.Ph. Number 03-3-18429)

INTRODUCTION

The Matter of Richard Duane Brunst came for hearing on March 7, 2012, before the following members of the Board: Donald M. Casar, R.Ph. (presiding); Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Kevin J. Mitchell, R.Ph.; and Michael A. Moné, R.Ph.

Brian M. Joyce, R.Ph., Absent.

Richard Duane Brunst was represented by Harry B. Plotnick. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. Richard Duane Brunst, R.Ph., Respondent

Respondent's Witness:

1. Richard Duane Brunst, R.Ph., Respondent

State's Exhibits:

1. Copy of Summary Suspension Order/Notice of Opportunity for Hearing letter [08-29-11]
1A-1B. Procedurals
2. Addendum Notice/Summary Suspension Order [10-29-11]
2A-2E. Procedurals
3. Notarized Statement of Richard D. Brunst, R.Ph. [08-17-11]
4. Drug Accountability Statement at Rohe Pharmacy for alprazolam 1 mg; alprazolam 2 mg; diazepam 10 mg; hydrocodone/APAP 10/325; hydrocodone/APAP 5/500 [09-07-11]
5. Dangerous Drug Distributor Inspection Report for Rohe Pharmacy [08-15-11]
6. Minimum Starting Inventory Spreadsheet for alprazolam 1 mg [08-24-10 to 08-15-11]
7. Minimum Starting Inventory Spreadsheet for alprazolam 2 mg [09-22-10 to 08-15-11]
8. Minimum Starting Inventory Spreadsheet for diazepam 10 mg [08-24-10 to 08-15-11]
9. Minimum Starting Inventory Spreadsheet for hydrocodone/APAP 5/500 [08-24-10 to 08-15-11]
10. Minimum Starting Inventory Spreadsheet for hydrocodone/APAP 3/325 [08-27-10 to

08-15-11]

11. Entry Withdrawing Plea of Not Guilty and Entering Plea of No Contest, The State of Ohio vs Richard Brunst, Court of Common Pleas Hamilton County, Ohio Criminal Division [02-27-12]
12. Entry Vacating Plea Entered on January 9, 2012, State of Ohio vs Richard Brunst, Court of Common Pleas Hamilton County Ohio [02-27-12]
13. Entry Finding Defendant Eligible for Treatment In Lieu of Conviction, Staying Proceedings, and Ordering Period of Rehabilitation, State of Ohio vs Richard Brunst, Court of Common Pleas Hamilton County, Ohio [02-27-12]
14. Entry Granting Intervention in Lieu of Conviction, State of Ohio vs Richard Brunst, Hamilton County Common Pleas Court Hamilton County, Ohio [02-27-11]

Respondent's Exhibits:

- A1. PRO Pharmacist's Recovery Contract for Richard D. Brunst [11-27-11]
- A2. Treatment documentation from Bethesda Trihealth and Shepherd Hill [08-17-11 to 11-11-11]
- A3. LabCorp urine testing data [09-02-11 to 11-12-11]; OHPRO Test History Report [01-01-12 to 02-22-12]
- A4. Support group attendance records [11-28-11 to 03-06-12]
- A5. Individualized Service Plan - Alcoholism Council of the Cincinnati Area for Richard D. Brunst [01-18-12]
- A6. Copies of current prescription for Protonix 40 mg and trazodone HCL 100 mg for Richard D. Brunst [12-19-11]
- A7. Letter of support from James F. Liebetrau, R.Ph., Vice President, PRO [03-03-12]

FINDINGS OF FACT

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

- (1) Records of the Board of Pharmacy indicate that Richard Duane Brunst was originally licensed in the State of Ohio on July 30, 1990, pursuant to examination, and his license to practice pharmacy in the State of Ohio was summarily suspended effective August 29, 2011.
- (2) Richard Duane Brunst is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Richard Duane Brunst has admitted to a Board agent that he is addicted to controlled substances and alcohol. Richard Duane Brunst has admitted to stealing drugs from the pharmacy in which he worked so as to help him sleep, but due to recent events Richard Duane Brunst's drug use has escalated. Richard Duane Brunst has admitted that he recently experienced delirium tremens (DTs). Such conduct indicates that Richard Duane Brunst is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) Richard Duane Brunst did, from August 24, 2010, through August 15, 2011, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rohe Pharmacy, beyond the scope of consent of the owner, to wit:

Richard Duane Brunst stole 6671 tablets of hydrocodone 10 mg with APAP 325 mg and 585 tablets of hydrocodone 5 mg with APAP 500 mg from his pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (4) Richard Duane Brunst did, from August 24, 2010, through August 15, 2011, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rohe Pharmacy, beyond the scope of consent of the owner, to wit: Richard Duane Brunst stole 6238 tablets of diazepam 10 mg, 1744 tablets of alprazolam 1 mg, and 625 tablets of alprazolam 2 mg from his pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) Richard Duane Brunst as the Responsible Pharmacist at Rohe Pharmacy did, from August 24, 2010, through August 15, 2011, fail to take and maintain a biennial inventory of all controlled substances received on behalf of the pharmacy. On January 6, 2004, Richard Duane Brunst was admonished in writing by a Board agent for failing to maintain these inventories. Such conduct is in violation of Rule 4729-9-14(B)(4) of the Ohio Administrative Code and Section 1304.11(c) of the Code of Federal Regulations.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (3) through (5) 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) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitute 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.

(3) The State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes 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.

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Richard Duane Brunst on August 29, 2011.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, Number 03-3-18429, held by Richard Duane Brunst and such suspension is effective as of the date of the mailing of this Order.

(A) Richard Duane Brunst, 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) Richard Duane Brunst, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his 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 two years from the effective date of this Order, the Board will consider any petition filed by Richard Duane Brunst 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) Richard Duane Brunst must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit 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) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.

(c) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

(2) The intervener/sponsor shall submit to the Board reports, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

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

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

(B) Richard Duane Brunst must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

(C) Richard Duane Brunst must provide, at the reinstatement petition hearing, documentation of the following:

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

(2) 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;

(3) Compliance with the terms of this Order.

(D) If reinstatement is not accomplished within three years of the effective date of this Order, Richard Duane Brunst must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board.

(E) Upon such time as the Board may consider reinstatement, Richard Duane Brunst will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

Deborah Lange moved for Findings of Fact; Troy Gahm seconded the motion. Motion passed (Aye-6/Nay-0).

Troy Gahm moved for Conclusions of Law; Michael Moné seconded the motion. Motion passed (Aye-6/Nay-0).

Deborah Lange moved for Action of the Board; Troy Gahm seconded the motion. Motion passed (Aye-5/Nay-1).

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.

Richard Duane Brunst, R.Ph.

Page 6

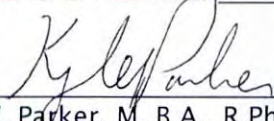
Order of the Board

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: APRIL 3, 2012

By: _____


Kyle W. Parker, M. B.A., R.Ph., Executive Director

KWP/lp

Certified Mail / Return Receipt

c: Tracy M. Nave, Legal Affairs Administrator
Henry Appel, Assistant Attorney General
Harry B. Plotnick, Attorney for Respondent; 810 Sycamore Street; Fourth Floor; Cincinnati, Ohio
45202



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

August 29, 2011

Richard Duane Brunst, R.Ph.

6001 Pineview Lane
Cincinnati, Ohio 45247

Re: Ohio Registered Pharmacist
License No. 03-3-18429

Dear Mr. Brunst:

In accordance with Section 3719.121(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on July 30, 1990, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You are addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have admitted to a Board agent that you are addicted to controlled substances and alcohol. You have admitted to stealing drugs from the pharmacy in which you worked so as to help you sleep, but due to recent events your drug use has escalated. You have admitted that you recently experienced delirium tremens (DTs). Such conduct indicates that you are within the ambit of Sections 3719.121 and/or 4729.16(A)(3) 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..."

WHEREFORE, PURSUANT TO SECTION 3719.121(A) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until an adjudicatory hearing has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;
- (10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

Richard Duane Brunst, R.Ph.

Summary Suspension

Page 3 of 3

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30TH) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the thirtieth (30th) day following the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

BY ORDER OF THE STATE BOARD OF PHARMACY

AUGUST 29, 2011

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