

STATE OF OHIO
THE STATE MEDICAL BOARD
77 SOUTH HIGH STREET
17TH FLOOR
COLUMBUS OH 43215

May 10, 1989

John A. Renner, Jr., M.D.
44 Bigelow Street
Cambridge, MA 02139

Dear Doctor Renner:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation for one or more of the following reasons:

1. On or about September 19, 1980, you were convicted in the Superior Court Department of the Trial Court, County of Suffolk, Commonwealth of Massachusetts, of violating Chapter 94C, Section 24(a) of the General Laws of Massachusetts, a copy of which is attached hereto and fully incorporated herein.

The acts and/or omissions as alleged in the above paragraph (1), individually and/or collectively, constitute "conviction of a felony or misdemeanor committed in the course of his practice", as that clause is used in Section 4731.22(B)(11), Ohio Revised Code (as in effect prior to 27, 1982).

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, that request must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or 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 that at the hearing you may present evidence and examine witnesses appearing for or against you.

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In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Henry G. Cramblett, M.D.
Secretary

HGC:jmb
Encls.

CERTIFIED MAIL #P 569 363 421
RETURN RECEIPT REQUESTED

controlled substance, directions for use and cautionary statements, 7
contained in such prescription or required by law, and if the con- 8
stance is dispensed as tablets or capsules the number of same 9
container. 10

**Practitioner Prescribing or Dispensing Controlled Substance;
Required.**

22. (a) A practitioner who dispenses a controlled substance 1
by a written prescription shall state on the prescription the name, 2
and registration number of the practitioner, the date of delivery 3
description, the name, dosage and strength per dosage unit of 4
controlled substance, the name and address of the patient unless it 5
is a veterinary prescription, the directions for use and any cautionary 6
statements required, and a statement indicating the number of times 7
the substance is to be used. 8
A practitioner who dispenses by delivering to an ultimate user 9
a controlled substance which is not for immediate administration shall 10
affix to the container containing the controlled substance in a container, affixing to the container 11
the practitioner's name and address, the date of dispensing, 12
the name of the patient unless it is a veterinary prescription, the 13
dosage and strength per dosage unit, of the controlled substance, 14
and any necessary cautionary statements. 15

Further Regulation of Prescriptions.

23. (a) A written prescription for a controlled substance in 1
Schedule I shall become invalid five days after the date of issuance. 2
A written prescription for a controlled substance in Schedule II 3
shall be refilled and shall be kept in a separate file. 4
When a pharmacist filling a written prescription for a controlled sub- 5
stance in Schedule II shall endorse his own signature on the face thereof. 6
With regard to a controlled substance in Schedule II or III, no pre- 7
scription shall be filled for more than a thirty-day supply of such sub- 8
stance on any single filling; provided, however, that with regard to 9
amphetamine sulphate and methyl phenidate hydrochloride, a 10
prescription may be filled for up to a sixty-day supply of such substance 11
on any single filling if said substance is being used for the treatment 12
of brain dysfunction or narcolepsy. 13
Prescriptions for controlled substances shall be kept for two 14
years at the pharmacy and shall be subject to inspection pursuant to 15
the provisions of this chapter. 16
A prescription for a controlled substance shall be refilled unless 17
the prescription provides for such refilling and unless the number 18
of refills has been specified in said prescription. 19

[Text effective until January 12, 1987. For text effective January 12,
1987, see below.]

Section 24. (a) A practitioner who dispenses a controlled substance 1
in Schedule I, II, or III in the course of research conducted pursuant 2
to the provisions of section eight or for the purpose of treating for his 3
drug dependency a drug dependent person as defined in section thirty- 4
eight of chapter one hundred and twenty-three shall report to the com- 5
missioner of mental health or his designee identifying information and 6
the address of each research subject or patient to whom such controlled 7
substance is dispensed, and the name, dosage and strength per dosage 8
unit of the substance so dispensed. Said commissioner shall maintain 9
records of each such report. 10

(b) Such records maintained by the commissioner of mental health 11
shall be closed to the public and shall not be available to any law enforce- 12
ment officer for any purpose, nor shall they be used in the criminal prose- 13
cution of such research subject or patient pursuant to any provision of 14
this chapter, nor shall they be admissible in evidence against such 15
research subject or patient in any criminal proceeding. 16

(c) If the commissioner of mental health determines that the research 17
subject or patient is receiving any controlled substance from more than 18
one source and in quantities which he determines to be harmful to the 19
health of the research subject or patient, said commissioner shall so 20
notify the practitioners who have dispensed the controlled substance. 21

(d) The commissioner of mental health shall report to the commis- 22
sioner any failure of a practitioner to report the information required 23
by the provisions of this section. The failure of a practitioner to report 24
as aforesaid shall constitute sufficient grounds for the termination of the 25
research project or study pursuant to the provisions of subsection (c) 26
of section eight, or the revocation, suspension or modification of the prac- 27
titioner's registration, or both. 28

(e) In order to prevent the dispensing of controlled substances to the 29
same individual from multiple sources or the unlawful diversion of con- 30
trolled substances, the commissioner of mental health shall pursuant to 31
the provisions of chapter thirty A, after consultation with the commis- 32
sioner of public health, adopt rules and regulations for carrying out the 33
provisions of this section. 34

(f) Every physician attending or treating a case of acute poisoning 35
caused by any controlled substance shall report the circumstances of such 36
poisoning to the commissioner, provided, however, that such physician 37
shall not report the identity of any person who has been so poisoned 38

to the commissioner or to any law enforcement officer or agency for any purpose without the written consent of such person, nor shall the identity of such person be admissible in evidence against said person in any criminal proceeding. The commissioner may then require or conduct further investigation into the circumstances of such poisoning. 39
 (g) This section shall not apply to a practitioner who has been authorized by the Attorney General of the United States to withhold the names and other identifying characteristics of certain persons pursuant to 21 USC 872(c). 40
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94C:24. Certain Controlled Substances Dispensed for Research, Reports and Records, etc.; Failure to Report; Penalties; Rules and Regulations.

[Text as amended by 1986, 434, Sec. 1 effective January 12, 1987. For text effective until January 12, 1987, see above.]

Section 24. (a) A practitioner who dispenses a controlled substance in Schedule I, II or III in the course of research conducted pursuant to the provisions of section eight or for the purpose of treating for his drug dependency a drug dependent person as defined in section thirty-eight of chapter one hundred and twenty-three shall report to the commissioner or his designee identifying information and the address of each research subject or patient to whom such controlled substance is dispensed, and the name, dosage and strength per dosage unit of the substance so dispensed. Said commissioner shall maintain records of each such report. 48
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(b) Such records maintained by the commissioner shall be closed to the public and shall not be available to any law enforcement officer for any purpose, nor shall they be used in the criminal prosecution of such research subject or patient pursuant to any provision of this chapter, nor shall they be admissible as evidence against such research subject or patient in any criminal proceeding. 58
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(c) If the commissioner determines that the research subject or patient is receiving any controlled substance from more than one source and in quantities which he determines to be harmful to the health of the research subject or patient, said commissioner shall so notify the practitioners who have dispensed the controlled substance. 64
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(d) The failure of a practitioner to report as aforesaid shall constitute sufficient grounds for the termination of the research project or study pursuant to the provisions of subsection (c) of section eight, or the revocation, suspension or modification of the practitioner's registration, or both. 69
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(e) In order to prevent the dispensing of controlled substances to the same individual from multiple sources or the unlawful diversion of controlled substances, the commissioner shall pursuant to the provisions of chapter thirty A adopt rules and regulations for carrying out the provisions of this section. 74
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(f) Every physician attending or treating a case of acute poisoning caused by any controlled substance shall report the circumstances of such 79
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poisoning to the commissioner; provided, however, that such physician shall not report the identity of any person who has been so poisoned to the commissioner or to any law enforcement officer or agency for any purpose without the written consent of such person, nor shall the identity of such person be admissible as evidence against such person in any criminal proceeding. The commissioner may then require or conduct further investigation into the circumstances of such poisoning. 81
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(g) This section shall not apply to a practitioner who has been authorized by the Attorney General of the United States to withhold the names and other identifying characteristics of certain persons pursuant to 21 USC 872(c). 88
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94C:25. Prohibited Acts.

Section 25. No person—

(1) who is subject to the requirements of sections six and seven and twelve to seventeen, inclusive, shall dispense a controlled substance in violation of said section seventeen; 1
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(2) shall distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person or manufacturer a controlled substance not authorized by his registration; 5
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(3) who is a registrant shall distribute a controlled substance in violation of section sixteen; 8
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(4) shall remove, alter, or obliterate a symbol or label required by federal law and the laws of the commonwealth; 10
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(5) shall refuse or fail to make, keep, or furnish any record, report, notification, declaration, order or order form, statement, invoice, or information required under this chapter; 12
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(6) shall refuse any entry into any premises or inspection authorized by this chapter; 15
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(7) shall remove, break, injure, or deface a seal placed upon controlled substances pursuant to this chapter, or remove or dispose of substances so placed under seal; 17
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(8) shall use, to his own advantage, or reveal, other than to duly authorized officers or employees of the United States or of the commonwealth or to the courts when relevant in any judicial proceeding under this chapter, any information acquired in the course of an inspection authorized by this chapter concerning any method or process which is a trade secret. 20
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No person who is a registrant shall manufacture a controlled substance in Schedule I or II which is not expressly authorized by his registration. 26
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94C:26. Other Prohibited Acts.

Section 26. No person who is a registrant shall knowingly or intentionally; 1
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provisions of this section shall not be considered to have been arrested 14
or to have a criminal record for any purpose; however, only a departmen- 15
tal record of custody shall be made by the officer indicating the circum- 16
stances of custody. The procedures and processes provided by this section 17
for the care, protection, and custody of children are not exclusive but 18
are in addition to all others provided by law. 19

94C:37. Stealing Controlled Substance; Penalties.

Section 37. Whoever steals a controlled substance from a registered 1
manufacturer, wholesale druggist, pharmacy or other person authorized 2
to dispense or possess any controlled substance shall be punished by 3
imprisonment in the state prison for not more than ten years or in a 4
jail or house of correction for not more than two and one-half years 5
or by a fine of not more than five hundred dollars. 6

94C:38. Violation of Subsection (a) of Sec. 24, or Secs. 25, 26, 27; Penalties.

Section 38. Any person who knowingly violates any provision of sub- 1
section (a) of section twenty-four, or of section twenty-five, twenty-six 2
or twenty-seven shall be punished by imprisonment for not more than 3
one year or by a fine of not more than one thousand dollars, or both. 4
Whoever violates any of the provisions of any of said sections after one 5
or more prior convictions of a violation of any provision of this chapter 6
or of a provision of prior law relating to the sale or manufacture of nar- 7
cotic drugs or harmful drugs as defined in said prior law shall be pun- 8
ished by imprisonment for not more than two years or by a fine of not 9
more than two thousand dollars, or both. 10

94C:39. Violation of Secs. 21, 22; Penalties.

Section 39. Any person who knowingly violates any provision of sec- 1
tions twenty-one or twenty-two shall be punished by imprisonment for 2
not more than six months or by a fine of not more than fifteen hundred 3
dollars, or by both. Whoever violates any of the provisions of said sections 4
after one or more prior convictions of a violation of any provision of 5
this chapter, or of a provision of prior law relating to narcotic drugs 6
or harmful drugs as defined in said prior law shall be punished by impris- 7
onment for not more than two years or by a fine of not more than two 8
thousand dollars, or both. 9

94C:40. Conspiracy to Violate Chapter; Penalties.

Section 40. Whoever conspires with another person to violate any pro- 1
vision of this chapter shall be punished by imprisonment or fine, or both, 2
which punishment shall not exceed the maximum punishment prescribed 3
for the offense, the commission of which was the object of the conspiracy. 4

94C:41. Arrest without Warrant.

Section 41. A police officer shall have the authority to arrest without 1
a warrant: 2
(a) any person committing in his presence any offense set forth in 3
this chapter; 4
(b) any person who he has probable cause to believe has committed 5
or is committing a felony set forth under the provisions of this chapter; 6
or 7
(c) any person who he has probable cause to believe has committed 8
or is committing a violation of the provisions of sections twenty-seven, 9
thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty- 10
two E, thirty-two F, thirty-three, thirty-four, thirty-five, thirty-seven and 11
forty. 12

94C:42. Cooperative Arrangements.

Section 42. The commissioner and the attorney general shall cooper- 1
ate with federal and other state agencies in discharging their responsibil- 2
ities concerning traffic in controlled substances and in suppressing the 3
abuse of controlled substances. To this end they may: 4
(1) Arrange for the exchange of information among governmental 5
officials concerning the use and abuse of controlled substances; 6
(2) Coordinate and cooperate in training programs concerning the 7
enforcement of laws governing controlled substances at local and state 8
levels; 9
(3) Cooperate with the bureau by establishing a centralized unit to 10
accept, catalog, file and collect statistics including statistics regarding 11
drug dependent persons and controlled substance law offenders within 12
the commonwealth and make the information available for federal, state 13
and local law enforcement purposes, provided that they shall not furnish 14
the name or identity of a patient or research subject; and 15
(4) Conduct programs of eradication aimed at destroying wild or 16
illicit growth of plant species from which controlled substances may be 17
extracted. 18

94C:43. Conformity with Federal Law.

Section 43. Notwithstanding any other provisions of this chapter, no 1
practitioner shall dispense, distribute, administer, or possess any con- 2
trolled substance except in conformity with the provisions of the Federal 3
"Comprehensive Drug Abuse Prevention and Control Act of 1970" or any 4
amendment thereof and the Federal Food, Drug and Cosmetic Act. 5

94C:44. Sealing of Record upon Dismissal, Finding of Not Guilty, etc.; Effect of Sealing.

Section 44. If any person is found not guilty of the violation of any 1
provision of section thirty-four or if a complaint against him is dismissed 2

or an indictment . . . pressed for a violation of said section, the court shall order all official records relating to his arrest, indictment, conviction, continuance or discharge to be sealed; provided, however, that departmental records maintained by police and other law enforcement agencies which are not public records shall not be sealed.

No person as to whom such sealing has been ordered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise making a false statement by reason of his failure to recite or acknowledge such arrest, indictment, disposition, sealing or any other related court proceeding, in response to any inquiry made of him for any purpose.

4C:45. Effect of Felony Charge.

Section 45. Any person arrested for or charged with the criminal violation of any provision of this chapter which constitutes a felony may at the time of arrest or as soon thereafter as is practicable be photographed and fingerprinted according to the system of the state bureau of identification, and upon conviction any such fingerprints and photographs shall be made a part of permanent records of the police department of the municipality where the arrest took place, and without delay two copies of the fingerprints and photographs shall be forwarded, with such other description as may be required and a written history of the offense, to the state bureau of identification.

C:46. Repealed, 1978, 508, Sec. 1.

C:47. Forfeitures.

Section 47. (a) The following property shall be subject to forfeiture to the commonwealth and all property rights therein shall be in the commonwealth:

- (1) All controlled substances which have been manufactured, delivered, distributed, dispensed or acquired in violation of this chapter.
- (2) All materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, dispensing, distributing, importing, or exporting any controlled substance in violation of this chapter.
- (3) All conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, conceal, or otherwise to facilitate the manufacture, dispensing, or distribution of, or possession with intent to manufacture, dispense, or distribute, a controlled substance in violation of the provisions of sections thirty-two, thirty-two A, thirty-two B, thirty-two C, thirty-two D, thirty-two E, thirty-two F, thirty-two G or any part thereof.
- (4) All books, records, and research, including formulas, microfilm, tapes and data which are used, or intended for use, in violation of this chapter.

(5) All moneys used, or intended for use, in the procurement, manufacture, compounding, processing, delivery, or distribution of any controlled substance in violation of this chapter; all moneys which are the proceeds of any sale of any controlled substance in violation of this chapter.

(6) All drug paraphernalia.

(6A) Real estate which has been proven to have been in the possession or ownership of the person and used in the furtherance of illegal drug activity by such person; provided, however, that such real estate is not the principal domicile inhabited by the immediate family of any person convicted under this chapter.

(7) No forfeiture under this section shall extinguish a security interest held by a creditor in a conveyance.

(b) Property subject to forfeiture under subparagraphs (1), (2), (4), (5) and (6) of subsection (a) shall be declared forfeit by any court having jurisdiction over said property or having final jurisdiction over any related criminal proceeding brought under any provision of this chapter. Property subject to forfeiture under subparagraph (1) of subsection (a) of this section shall be destroyed, regardless of the final disposition of such related criminal proceeding, if any, unless the court for good cause shown orders otherwise.

(c) The court shall order forfeiture of all conveyances subject to the provisions of subparagraph (3) of subsection (a) of this section, except as follows:

(1) No conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited unless it shall appear that the owner or other person in charge of such conveyance was a consenting party of privy to a violation of this chapter.

(2) No conveyance shall be forfeited by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of the commonwealth, or of any state.

(3) No conveyance shall be subject to forfeiture unless the owner thereof knew or should have known that such conveyance was used in and for the business of unlawfully manufacturing, dispensing, or distributing controlled substances. Proof that the conveyance was used to facilitate the unlawful dispensing, manufacturing, or distribution of, or possession with intent unlawfully to manufacture, dispense or distribute, controlled substances on three or more different dates shall be prima facie evidence that the conveyance was used in and for the business of unlawfully manufacturing, dispensing, or distributing controlled substances.

(4) No conveyance used to facilitate the unlawful manufacturing, dispensing, or distribution of, or the possession with intent unlawfully to

of process, except, however, that the petitioner shall not be so excused if the laws of the initiating state do not provide substantially similar process available to a petitioner of this commonwealth; provided, there is received from said petitioner an affidavit which states (a) that the application is made in good faith and (b) that he is unable to pay said sum and that this inability is due to the fact that his assets do not exceed the value of one hundred dollars apart from clothes, household goods and tools of trade.

273A:16. Unconstitutionality, etc., Effect.

Section 16. If any part, section or subdivision of this chapter or the application thereof to any particular person, persons or conditions is held invalid, unconstitutional or inoperative, the remainder hereof, or the application of any such part, section or subdivision to other persons and conditions, shall not be affected thereby.

273A:17. Chapter, How Cited; Construction.

Section 17. This chapter may be cited as the Uniform Reciprocal Enforcement of Support Act, and shall be so construed and interpreted as to accomplish its general purpose to make substantially uniform the laws of states enacting like law.

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CHAPTER 274.
FELONIES, ACCESSORIES AND ATTEMPTS
TO COMMIT CRIMES.

Section	Section
1. Felony and Misdemeanor.	5. Accessory after the Fact; How, When and Where Tried.
2. Accessory before the Fact.	6. Attempt to Commit Crime.
3. Accessory before the Fact; When and How Tried.	7. Punishment for Commission of Crime of Conspiracy.
4. Accessory after the Fact.	

274:1. Felony and Misdemeanor.

Section 1. A crime punishable by death or imprisonment in the state prison is a felony. All other crimes are misdemeanors. 1
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274:2. Accessory before the Fact.

Section 2. Whoever aids in the commission of a felony, or is accessory thereto before the fact by counselling, hiring or otherwise procuring such felony to be committed, shall be punished in the manner provided for the punishment of the principal felon. 1
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274:3. Accessory before the Fact; When and How Tried.

Section 3. Whoever counsels, hires or otherwise procures a felony to be committed may be indicted and convicted as an accessory before the fact, either with the principal felon or after his conviction; or may be indicted and convicted of the substantive felony, whether the principal felon has or has not been convicted, or is or is not amenable to justice; and in the last mentioned case may be punished in the same manner as if convicted of being an accessory before the fact. An accessory to a felony before the fact may be indicted, tried and punished in the same county where the principal felon might be indicted and tried, although the counselling, hiring or procuring the commission of such felony was committed within or without the commonwealth or on the high seas. 1
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274:4. Accessory after the Fact.

Section 4. Whoever, after the commission of a felony, harbors, conceals, maintains or assists the principal felon or accessory before the fact, or gives such offender any other aid, knowing that he has committed a felony or has been accessory thereto before the fact, with intent that he shall avoid or escape detention, arrest, trial or punishment, shall be an accessory after the fact, and, except as otherwise provided, be punished by imprisonment in the state prison for not more than seven years or in jail for not more than two and one half years or by a fine of not more than one thousand dollars. The fact that the defendant is the husband or wife, or by consanguinity, affinity or adoption, the parent or 1
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