CONSENT AGREEMENT
BETWEEN
GENEVIEVE M. MESSICK, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

This CONSENT AGREEMENT is entered into by and between GENEVIEVE M. MESSICK, M.D., and the STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing R.C. Chapter 4731.

GENEVIEVE M. MESSICK, M.D., enters into this Agreement being fully informed of her rights under R.C. Chapter 119, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

A. The STATE MEDICAL BOARD OF OHIO is empowered by R.C. 4731.22(B)(26) to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."

B. The STATE MEDICAL BOARD OF OHIO is further empowered by R.C. 4731.22(B)(10) to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "commission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed."

C. The STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of further formal proceedings based upon the violations of R.C. 4731.22(B)(26) and (B)(10) as set forth in the Notice of Immediate Suspension and Opportunity for Hearing issued by the BOARD on August 10, 1994, attached hereto and incorporated herein by this reference. The BOARD expressly reserves the right to institute formal proceedings based upon any other violations of R.C. Chapter 4731, whether occurring before or after the effective date of this Agreement.

D. GENEVIEVE M. MESSICK, M.D., is licensed to practice medicine and surgery in the State of Ohio.

E. Further, GENEVIEVE M. MESSICK, M.D., ADMITS that the STATE MEDICAL BOARD OF OHIO immediately SUSPENDED her license to practice medicine and surgery on or about August 10, 1994, pursuant to R.C. 3719.121(C).

F. Further, GENEVIEVE M. MESSICK, M.D., ADMITS that the acts, conduct, and/or omissions underlying her plea of guilty to one count of Illegal Processing of Drug Documents in violation of R.C. 2925.23, and the judicial findings of Eligibility for Treatment in Lieu of Conviction, as referenced in the Notice of Immediate Suspension and Opportunity for Hearing issued by the BOARD on August 11, 1994, constitute the "[c]ommission of an act that constitutes a felony in this state" as that clause is used in R.C. 4731.22(B)(10), and "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice" as that clause is used in R.C. 4731.22(B)(26).

G. Further, GENEVIEVE M. MESSICK, M.D., ADMITS that she excessively used and/or abused opiates, benzodiazepines, amphetamines and alcohol. Further, GENEVIEVE M. MESSICK, M.D., ADMITS that she underwent treatment at Riverside Methodist Hospital in Columbus, Ohio, a BOARD approved treatment facility, for her drug and alcohol dependency. DOCTOR MESSICK states that she has been fully compliant with her aftercare support program at Riverside Methodist Hospital.

H. Further, GENEVIEVE M. MESSICK, M.D., ADMITS that she currently is a party to an aftercare agreement with the Ohio Physicians Effectiveness Program, and she states she has been and continues to be in full compliance.

I. Further, GENEVIEVE M. MESSICK, M.D. ADMITS that she has voluntarily surrendered her United States Drug Enforcement Administration certificate.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, GENEVIEVE M. MESSICK, M.D., knowingly and voluntarily agrees with the STATE MEDICAL BOARD OF OHIO (hereinafter BOARD) to the following terms, conditions and limitations:

1. The certificate of GENEVIEVE M. MESSICK, M.D. to practice medicine and surgery in the State of Ohio shall be SUSPENDED for an indefinite period of time.

2. The STATE MEDICAL BOARD shall not consider reinstatement of DOCTOR MESSICK's certificate unless and until all of the following minimum requirements are met:

   a. DOCTOR MESSICK shall submit an application for reinstatement, accompanied by all appropriate fees.

   b. DOCTOR MESSICK shall provide the BOARD with certification from her approved treatment provider, Riverside Methodist Hospital in Columbus, Ohio, that she has successfully completed any required in-patient treatment and is in continuing full compliance with regard to her out-patient treatment and aftercare contract.

   c. DOCTOR MESSICK shall provide the BOARD with written reports from two (2) physicians approved in advance by the BOARD indicating that DOCTOR MESSICK's ability to practice has been assessed and that DOCTOR MESSICK has been found capable of practicing in accordance with acceptable and prevailing standards of care. Each report shall describe with particularity the bases for this determination and shall set forth any recommended limitations upon DOCTOR MESSICK's practice.

   d. In the event that DOCTOR MESSICK has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the BOARD may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of

DOCTOR MESSICK's fitness to resume practice.

3. Upon reinstatement, DOCTOR MESSICK's certificate shall be subject to the following PROBATIONARY terms, conditions and limitations for a period of at least five (5) years:

   a. DOCTOR MESSICK shall obey all federal, state and local laws, and all rules governing the practice of medicine in Ohio;

   b. DOCTOR MESSICK shall submit quarterly declarations under penalty of BOARD disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this CONSENT AGREEMENT;

   c. DOCTOR MESSICK shall appear in person for quarterly interviews before the BOARD or its designated representative, or as otherwise directed by the BOARD;

   d. In the event that DOCTOR MESSICK should leave Ohio for three (3) continuous months, or reside or practice outside the State, DOCTOR MESSICK must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the CONSENT AGREEMENT, unless otherwise determined by motion of the BOARD in instances where the BOARD can be assured that probationary monitoring is otherwise being performed;

   e. DOCTOR MESSICK shall be ineligible to hold, and shall not apply for, registration with the D.E.A. to prescribe, dispense, or administer controlled substances without prior BOARD approval;

f. Upon reinstatement of DOCTOR MESSICK's controlled substance privileges pursuant to BOARD approval, DOCTOR MESSICK shall keep a log of all controlled substances prescribed, dispensed or administered. Such log shall be submitted in the format approved by the BOARD thirty (30) days prior to DOCTOR MESSICK's quarterly personal appearances before the BOARD or its designated representative, or as otherwise directed by the BOARD;

g. DOCTOR MESSICK shall obtain the approval of the BOARD for any medical practice or employment related to the health care fields. The BOARD shall consider, among other factors, the adequacy and continuity of supervision and the feasibility of restricted access to controlled substances, which will ensure the protection of the public, prior to approval or disapproval of the proposed employment;

h. DOCTOR MESSICK shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to her by another so authorized by law who has full knowledge of DOCTOR MESSICK's history of chemical dependency, except DOCTOR MESSICK shall be prohibited from being prescribed, dispensed or administered by her husband, George Messick, M.D.

i. DOCTOR MESSICK shall abstain completely from the use of alcohol;

j. DOCTOR MESSICK shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the BOARD. DOCTOR MESSICK shall ensure that all screening reports are forwarded directly to the BOARD on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board;

Within thirty (30) days of reinstatement under this Agreement, DOCTOR MESSICK shall submit to the BOARD for its prior approval the name of a supervising physician to whom DOCTOR MESSICK shall submit the required urine specimens. The supervising physician shall ensure that the urine specimens are obtained on a random basis, that the giving of the specimen is witnessed by a reliable person, and that appropriate control over the specimen is maintained. In addition, the supervising physician shall immediately inform the BOARD of any positive screening results;

DOCTOR MESSICK shall ensure that the supervising physician provides quarterly reports to the BOARD, on forms approved or provided by the BOARD, verifying whether all urine screens have been conducted in compliance with this CONSENT AGREEMENT, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his responsibilities;

In the event that the designated supervising physician becomes unable or unwilling to so serve, DOCTOR MESSICK must immediately notify the BOARD in writing, and make arrangements acceptable to the BOARD for another supervising physician as soon as practicable. DOCTOR MESSICK shall further ensure that the previously designated supervising physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefor;

k. The BOARD retains the right to require, and DOCTOR MESSICK agrees to submit, blood or urine specimens for analysis upon request and without prior notice;

l. Within thirty (30) days of reinstatement under this CONSENT AGREEMENT, DOCTOR MESSICK shall submit for the BOARD's prior approval the name of a monitoring physician, who shall monitor DOCTOR MESSICK and provide the BOARD with quarterly reports on the doctor's progress and status. DOCTOR MESSICK shall ensure that such reports are forwarded to the BOARD on a quarterly basis. In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, DOCTOR MESSICK must immediately so notify the BOARD in writing, and make arrangements acceptable to the BOARD for another monitoring physician as soon as practicable. DOCTOR MESSICK shall further ensure that the previously designated monitoring physician also notifies the BOARD directly of the inability to continue to serve and the reasons therefor;

m. Within thirty (30) days of reinstatement under this CONSENT AGREEMENT, DOCTOR MESSICK shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A. or Caduceus, approved in advance by the BOARD specifically for DOCTOR MESSICK, no less than three (3) times per week. Substitution of any specific program must receive prior BOARD approval. At her appearances before the BOARD or its designated representative, DOCTOR MESSICK shall submit acceptable documentary evidence of continuing compliance with this program;

n. DOCTOR MESSICK shall maintain continued compliance with the terms of the aftercare contract entered into with her treatment provider for a period of not less than two (2) years, provided, that where terms of the aftercare contract conflict with terms of this Agreement, the terms of this Agreement shall control;

o. DOCTOR MESSICK shall provide continuing authorization, through appropriate written consent forms, for disclosure by her treatment provider to the BOARD, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for them to fulfill their respective duties and obligations; and

p. Within thirty (30) days of the effective date of this Agreement, DOCTOR MESSICK shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which she contracts to provide physician services or receive training; and the Chief of Staff at each hospital where she has, applies for, or obtains privileges or appointments.

However, this Agreement shall remain in force for a minimum of five (5) years after reinstatement prior to any request for termination of said Agreement. Otherwise, the above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

If, in the discretion of the Secretary and Supervising Member of the STATE MEDICAL BOARD OF OHIO, DOCTOR MESSICK appears to have violated or breached any terms or conditions of this Agreement, the STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

DOCTOR MESSICK acknowledges that she 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 violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, R.C. Chapter 119.

DOCTOR MESSICK hereby releases the STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in R.C. 149.43. It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

Further, this information may be reported to appropriate organizations, data banks and governmental bodies.

GENEVIEVE M. MESSICK, M.D.

1/20/95
DATE

THOMAS E. GRETTER, M.D.
Secretary

2/8/95
DATE

DOUGLAS E. GRAFF
Attorney for Dr. Messick

1/20/95
DATE

RAYMOND A. ALBERT
Supervising Member

2/8/95
DATE

LILI C. KACZMAREK
Assistant Attorney General

2-8-95
DATE

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STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

August 10, 1994

NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

Genevieve M. Messick, M.D.
2492 West Lane Avenue
Upper Arlington, OH 43221

Dear Doctor Messick:

In accordance with Sections 2929.17 and/or 3719.12(B), Ohio Revised Code, the Office of the Prosecuting Attorney of Franklin County, Ohio reported that on or about June 17, 1994, the Franklin County Court of Common Pleas found you Eligible for Treatment in Lieu of Conviction for a violation of Section 2925.23, Ohio Revised Code, Illegal Processing of a Drug Document, pursuant to Section 2951.041 of the Ohio Revised Code.

Therefore, pursuant to Section 3719.121(C), Ohio Revised Code, you are hereby notified that your license to practice medicine and surgery in the State of Ohio is immediately suspended. Continued practice after this suspension shall be considered practicing medicine without a certificate in violation of Section 4731.41, Ohio Revised Code.

Furthermore, 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 June 17, 1994, in the Franklin County Court of Common Pleas, you pleaded guilty to one felony count of Illegal Processing of Drug Documents in violation of Section 2925.23, Ohio Revised Code, and were granted Treatment in Lieu of Conviction pursuant to Section 2951.041, Ohio Revised Code.

(2) Moreover, in order to grant your request for Treatment in Lieu of Conviction, the Court was required by statute to find that your "drug dependence was a factor leading to the criminal activity with which (you were) charged, and rehabilitation through treatment would substantially reduce the likelihood of additional criminal activity."

Mailed 8/11/94

The acts, conduct, and/or omissions underlying this judicial finding of Eligibility for Treatment in Lieu of Conviction for a violation of Section 2925.23, Ohio Revised Code, Illegal Processing of Drug Documents, as alleged in paragraph (1) above, individually and/or collectively, constitute "commission of an act that constitutes a felony in this state regardless of the jurisdiction in which the act was committed," as that clause is used in Section 4731.22(B)(10), Ohio Revised Code, to wit: Section 2925.23, Ohio Revised Code, Illegal Processing of Drug Documents.

The acts, conduct, and/or omissions underlying this judicial finding of Eligibility for Treatment in Lieu of Conviction for violations of Section 2925.23, Ohio Revised Code, Illegal Processing of Drug Documents, as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

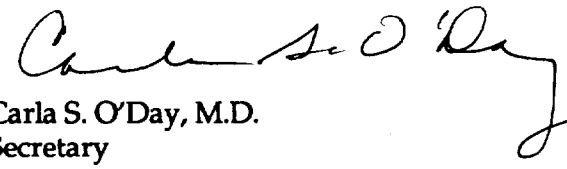
Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing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

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,



Carla S. O'Day, M.D.
Secretary

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 348 885 064
RETURN RECEIPT REQUESTED

cc: William R. Cromley, Esq.

§ 3719.12 Report of conviction to licensing board.

(A) As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(B) Unless a report has been made pursuant to section 2929.17 of the Revised Code, on the conviction of a manufacturer, wholesaler, practitioner, pharmacist, or nurse of the violation of this chapter or Chapter 2925. of the Revised Code, the prosecutor in the case, on forms provided by the board, shall promptly report the conviction to the board by which the manufacturer, wholesaler, practitioner, pharmacist, or nurse has been licensed or registered to practice his profession or to carry on his business. Within thirty days of the receipt of this information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend or revoke the license or registration.

HISTORY: GC § 12672-14; 116 v 491, § 14; Bureau of Code Revision, 10-1-53; 126 v 178 (Eff 9-16-55); 134 v H 924 (Eff 10-26-71); 136 v H 300 (Eff 7-1-76); 143 v H 615. Eff 3-27-91.

See provisions, § 3 of HB 300 (136 v —) following RC § 3719.01.1.

Cross-References to Related Sections

Prosecutor to report certain proceedings to appropriate licensing board, RC § 2929.17.

Suspension of licensee addicted to or improperly distributing controlled substances, RC § 3719.12.1.

Research Aids

Penalties and forfeitures:
O-Jur3d: Food, Drugs § 65
Am-Jur2d: Drugs §§ 27, 27.24, 48.7
C.J.S.: Drugs & N §§ 40–42, 84–87, 91, 95–97, 109

West Key No. Reference
Drugs & N 15, 30, 49

ALR

Applicability of statute of limitations or doctrine of laches to proceeding to revoke or suspend license to practice medicine. 51 ALR4th 1147.

Revocation or suspension of license or permit to practice pharmacy or operate drugstore because of improper sale or distribution of narcotic or stimulant drugs. 17 ALR3d 1408.

[§ 3719.12.1] § 3719.121 Suspension of licensee addicted to or improperly distributing controlled substances.

(A) Except as otherwise provided in section 4723.28 or 4731.22 of the Revised Code, any practitioner, nurse, pharmacist, manufacturer, or wholesaler, who is or becomes addicted to the use of controlled substances, shall have his license or registration suspended by the board under which he has been licensed or registered until the practitioner, nurse, pharmacist, manufacturer, or wholesaler offers satisfactory proof to the board that he is no longer addicted to the use of controlled substances.

(B) The license or registration of a practitioner, nurse, pharmacist, manufacturer, or wholesaler may be suspended without a prior hearing by the board under which he has been licensed or registered if the board determines that there is clear and convincing evidence that continuation of his professional practice or his method of distributing controlled substances presents a danger of immediate and serious harm to others. Except as otherwise provided in sections 4715.30, 4723.281 [4723.28.1], and 4731.22 of the Revised Code, the board shall follow the procedure for suspending a license without a prior hearing in section 119.07 of the Revised Code. The suspension shall remain in effect, unless removed by the board, until the board's final adjudication order becomes effective, except that if the board does not issue its final adjudication order within ninety days after the hearing, the suspension shall be void on the ninety-first day after the hearing.

(C) On receiving notification pursuant to section 2929.17 or 3719.12 of the Revised Code, the board under which a practitioner, nurse, pharmacist, manufacturer, or wholesaler has been licensed or registered shall immediately suspend the license or registration of that person on his plea of guilty to, or a judicial finding of his guilt of, a felony drug abuse offense as defined in section 2925.01 of the Revised Code, a judicial finding of his eligibility for treatment in lieu of conviction, a plea of guilty to, or a judicial finding of his guilt of, an offense in another jurisdiction that is essentially the same as a felony drug abuse offense, or a judicial finding of his eligibility for treatment in lieu of conviction in another jurisdiction. The board shall notify the holder of the license or registration of the suspension, which shall remain in effect until an adjudicatory hearing is held by the board under Chapter 119. of the Revised Code.

HISTORY: 126 v 178 (Eff 9-16-55); 129 v 582(816) (Eff 1-10-61); 136 v H 300 (Eff 7-1-76); 143 v H 615. Eff 3-27-91.

See provisions, § 3 of HB 300 (136 v —) following RC § 3719.01.1.

Cross-References to Related Sections

Disciplinary actions against licensees, RC § 4723.28.

Disciplinary actions by state dental board, RC § 4715.30.

Grounds for discipline by state medical board, RC § 4731.22.

Research Aids

Enforcement:
[illegible] Food, Drugs § 65

Suspension:
Am-Jur2d: Drugs §§ 27, 27.9
C.J.S.: Drugs & N § 40

West Key No. Reference
Drugs & N 15

ALR

Alcoholism, narcotics addiction, or misconduct with respect to alcoholic beverages or narcotics, as ground for revocation or suspension of license to practice medicine. 93 ALR2d 1398.

Revocation or suspension of license or permit to practice pharmacy or operate drugstore because of improper sale or distribution of narcotic or stimulant drugs. 17 ALR3d 1408.

§ 3719.13 Inspection of prescriptions, orders, records, and stock.

Prescriptions, orders, and records, required by

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iction under federal law
MVI offense in another
RC § 4507.16.9.

ND OAG

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shall procure the ad-
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paid by the clerk of
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of the Revised Code,
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Code. Any additional

fine imposed pursuant to division (C)(2) of this section shall be disbursed by the clerk of the court as otherwise provided by law.

(4) If a person is charged with any violation of this section and posts bail pursuant to sections 2937.22 to 2937.46 of the Revised Code or Criminal Rule 46, and if the person forfeits the bail, the forfeited bail shall be paid by the clerk of the court in accordance with and subject to the requirements of, and shall be used as specified in, division (C)(3) of this section.

(5) No court shall impose a mandatory fine pursuant to division (C)(1) of this section upon an offender who alleges, in an affidavit filed with the court prior to his sentencing, that he is indigent and is unable to pay any mandatory fine imposed pursuant to that division, if the court determines the offender is an indigent person and is unable to pay the fine.

(D) In addition to any other penalty imposed for a violation of this section, the court shall suspend for not less than six months nor more than five years the driver's or commercial driver's license of any person who is convicted of or has pleaded guilty to a violation of this section. If the offender is a professionally licensed person or a person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, in addition to any other penalty imposed for a violation of this section, the court forthwith shall comply with section 2925.38 of the Revised Code.

***HISTORY: 145 v H 377. Eff 9-30-93.**

Cross-References to Related Sections

Suspension upon drug offense conviction under federal law or in another state or for OMVI offense in another state; application to minors, RC § 4507.16.9.

CASE NOTES AND OAG

1. (1993) Where an appellant wrote false information on a "patient information sheet," but there was no demonstration that such a document is a "prescription, order, report or record" required by Chapter 3719. of the Revised Code: State v. Schultz, No.92-L-063 (11th Dist.).

§ 2925.23 Illegal processing of drug documents.

(A) No person shall knowingly make a false statement in any prescription, order, report, or record required by Chapter 3719. of the Revised Code.

(B) No person shall intentionally make, utter, or sell, or knowingly possess a false or forged:

(1) Prescription;

(2) Uncompleted preprinted prescription blank used for writing a prescription;

(3) Official written order;

(4) License for a terminal distributor of dangerous drugs as required in section 4729.60 of the Revised Code;

(5) Registration certificate for a wholesale distributor of dangerous drugs as required in section 4729.60 of the Revised Code.

(C) No person, by theft as defined in section 2913.02 of the Revised Code, shall acquire any of the following:

(1) A prescription;

(2) An uncompleted preprinted prescription blank used for writing a prescription;

(3) An official written order;

(4) A blank official written order;

(5) A license or blank license for a terminal distributor of dangerous drugs as required in section 4729.60 of the Revised Code;

(6) A registration certificate or blank registration certificate for a wholesale distributor of dangerous drugs as required in section 4729.60 of the Revised Code.

(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.

(E) Divisions (A) and (D) of this section do not apply to practitioners, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4725., 4729., 4731., and 4741. of the Revised Code.

(F) Whoever violates this section is guilty of illegal processing of drug documents, a felony of the fourth degree. If the offender previously has been convicted of a felony drug abuse offense, illegal processing of drug documents is a felony of the third degree. If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II with the exception of marihuana, illegal processing of drug documents is a felony of the third degree. If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II with the exception of marihuana, and the offender previously has been convicted of a felony drug abuse offense, illegal processing of drug documents is a felony of the second degree.

(G)(1) Notwithstanding the fines otherwise required to be imposed pursuant to section 2929.11 or 2929.31 of the Revised Code for violations of this section and notwithstanding section 2929.14 of the Revised Code, the court shall impose a mandatory fine of three thousand five hundred dollars if the violation of this section was a felony of the second degree, a mandatory fine of two thousand five hundred dollars if the violation of this section was a felony of the third degree, and a mandatory fine of one thousand five hundred dollars if the violation of this section was a felony of the fourth degree.

(2) The court may impose a fine in addition to a mandatory fine imposed pursuant to division (G)(1) of this section if the total of the additional and mandatory fines does not exceed the maximum fine that could be imposed pursuant to section 2929.11 or 2929.31 of the Revised Code.

(3) Notwithstanding any contrary provision of