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Board will not probe drug-prescribing at home for retarded

'We don't have time,' pharmacy chief claims

"There are thousands of violations every year," said Al Duncan, executive secretary of the state Board of Pharmacy. "We don't have time to follow through on every one of them."

For that reason, Duncan said, the board will take no action on allegations of improper drug-prescribing at the Hobby Horse Ranch School, a home for the mentally retarded near Tucson.

Last November, Duncan was told by state health inspectors that bulk prescriptions for tranquilizers and other drugs had been made out by Dr. Bernard Dwyer of Tucson to "H.H. Ranch," rather than to the home's individual patients, as required by law.

The prescriptions, which were filed by Misener Pharmacy, 6020 N. Oracle Road, Tucson, contained no dosage instructions except "take as directed," according to a report by the

state Department of Health Services.

The drugs were being dispensed to residents by the home's owner, Matthew Lightowler, whose formal training in medicine consists of three years in the Army Medical Corps during World War II.

An investigation late last year by the pharmacy board's Tucson inspector, John J. Hart, confirmed the allegations, Duncan said.

"So we told the pharmacist to shape up," Duncan said. "We didn't do it formally. We didn't have to. The inspector just talked to them."

In an inspector tells them to stop, a pharmacist is going to stop. He knows we might go back in six months and check him again."

The case also was referred by DHS to the state Board of Medical Examiners, which licenses physicians. That board is looking into the allegations, said its executive director, Paul Boykin.

Boykin said one member of the medical-

examiners board will meet with Dwyer this month to discuss the Hobby Horse prescriptions. The board member then will make a recommendation to the full board, composed of nine physicians, two laymen and one executive member, the head of the Board of Nursing.

Lightowler said last week he used to order the drugs in bulk because "it's a heck of a lot cheaper than if you get it in individual prescriptions."

He said he and his employees always dispensed the drugs according to written instructions from Dwyer.

"We've been doing it that way for years," Lightowler said. However, he said, since Hart's investigation, all prescriptions have been written for individual patients in specific dosages.

Dwyer last week failed to return repeated telephone calls from The Arizona Republic. A receptionist in his office said Dwyer had received the messages.

Duncan, 63, a pharmacist, said the decision on whether a complaint goes to the pharmacy board for a hearing "is mostly left up to me." The board, composed of five pharmacists and two laymen, can revoke or suspend a pharmacist's license.

Last fiscal year, Duncan said, the board's four inspectors (three based in Phoenix and one in Tucson) investigated 97 "serious" complaints statewide.

The board took disciplinary action in four cases, he said, revoking one license and suspending three others for one to six months. A fifth pharmacist surrendered his license rather than face a hearing.

Duncan said he decided not to recommend a hearing for Misener Pharmacy in the Hobby Horse case because "I'm sure it was just an oversight on their part. There are lots and lots of laws for pharmacists to follow. I'm sure they were just not aware of all the regulations."

Don Misener, owner of the pharmacy, con-

firmed speaking with Hart about the Hobby Horse prescriptions.

"It was no big deal," he said. "We just told us to label the drugs with the patient's name and the proper directions. We were glad to cooperate."

Misener said he had been filling Dwyer's Hobby Horse prescriptions "for years, and they had always been made out the same way. We just labeled them the way the doctor called them in."

Duncan said complaints about prescription writing and filling methods are common in Arizona. But in some cases, he said, he does not think there is any real wrongdoing.

"These guys are not crooks," Duncan said. "Ninety-nine percent of them are good businessmen trying to do the right thing. The laws they have to follow are so very complicated."

"I don't see where it would do us one bit of good for the board to be going out after a bunch of them."

Retarded

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"It's eerie," one social worker who has toured the ranch said. "Everyone there refers to these people as the kids, the boys and girls. And some of them are old enough to be your parents."

"Hobby Horse has existed for 25 years in a vacuum. Their idea of care is to give their clients toys and games to play with."

"Our philosophy has always been that of a family," said Lightowler, an affable, outgoing man who allowed an Arizona Republic reporter to tour the home last week. "Some of the residents have been with us here and in New York for 20 years or more."

"MOSTLY, WE TRY to keep them happy. That's what this is — a happy, homelike environment. That's what their parents want. That's what's best for them."

However, state authorities say the Lightowlers should be providing more constructive activities to help the residents achieve their full potential.

"These people could benefit greatly from professional training, something they've never had," said Ron Barber, Tucson program manager for the Department of Economic Security's division of developmental disabilities.

ANITA GREENWOOD, a nurse with the Department of Health Services, agreed. She visited Hobby Horse unannounced Nov. 7 and 8 and said in a report that the Lightowlers "have no perception of currently accepted standards" for care of the mentally retarded.

Her report, which led to a DHS order to close the home, said the residents spend most of their time watching TV, listening to the radio, or playing with toys.

The report concluded the Lightowlers — "Matt and Missie" to those at the ranch — are operating an anti-health-care facility in violation of DHS regulations.

THE REPORT ALSO questioned sanitary conditions and drug-prescribing practices at the home.

Ms. Greenwood said she saw some residents seated on "potty chairs," wooden commodes with unupadded seats and removable wooden tables that attach across the front.

"There were strong body and

mouth odors prevalent among the residents," her report said. "In areas near the commodes, human-waste odors were detected."

BARBER, who visited the ranch twice, said he saw people sitting on the commodes while eating food at the wooden tables.

Ms. Greenwood also observed that Lightowler was dispensing tranquilizers and other drugs to residents from "stock bottles," with labels made out to "H.H. Ranch" instead of to individual patients, as required by law.

The prescriptions all were written by the same doctor, Bernard Dwyer, and filed by Misener Pharmacy, 6020 N. Oracle Road.

DHS REACHED the prescription practices to the state Board of Pharmacy and the state Board of Medical Examiners, which licenses physicians.

During the Republic's announced visit to the home last week, Lightowler said he has stopped buying drugs in bulk, which he said he once did to save money.

The sanitary violations cited by Ms. Greenwood were not apparent during the visit. All rooms were clean, the potty chairs were scrubbed and not in use.

Ms. Greenwood's report led to a Dec. 7 cease-and-desist order asking that the home be closed and the residents relocated.

THE LIGHTOWLERS, through their lawyer, Alfred J. Rogers of Phoenix, are challenging the order. Negotiations are under way in an effort to settle the dispute, state officials said.

DHS, which licenses health-care institutions, inspected Hobby Horse after complaints from the Arizona Center for Law in the Public Interest, a non-profit organization headed by Phoenix lawyer Bruce Myerson.

The center was designated under a 1977 federal law as the agency in Arizona responsible for "protecting and advocating the rights of developmentally disadvantaged persons, including the retarded."

Members of the center visited the Hobby Horse Ranch School in October.

THEY WERE GIVEN permission to make subsequent visits only after Myerson filed suit in U.S. District Court on Oct. 29.

The suit, which was settled six weeks later by the signing of a consent decree, said typical daily activities for Hobby Horse residents "are



Vonda Boston is a counselor at the Hobby Horse Ranch School, a home for the mentally retarded near Tucson. State health officials are seeking to close Hobby Horse because they believe it does not provide residents with programs that will enable them to achieve their full potential.

coloring and playing with toys. One resident ... apparently spends her days pecking off bathroom tiles with her fingernails."

Until last July, the Hobby Horse Ranch School was licensed by DHS as a group-care home for children. The license was first granted in 1955.

Most of the residents, then, including some who still live at the home, were minors.

By all early accounts, the ranch was a model of loving care.

"THESE TWO people made an excellent impression," one inspector said of the Lightowlers in 1955.

"This is one of the best, if not the best institution in the state for the care of the mentally retarded child," another said in 1965.

In later years, though, the Lightowlers fell victim to changing times. In 1977, DHS promulgated a host of new, stricter regulations governing the care of retarded children.

Suddenly, toys and affection were not enough.

Under new rules, staff members

had to be formally trained. Records had to be kept on each child's educational potential, goals and progress.

AN OUTRAGE BOARD of doctors, lawyers and other professionals had to be formed to advise the Lightowlers on running the ranch.

Rather than conform to the myriad of rules, which applied only to the care of children, Lightowler let his DHS license lapse last summer.

"By that time, all of the residents except two had reached their 18th birthday," Lightowler said. "We re-

ated the last child we had, and turned our license without a license shutdown order."

All parties involved agree that if the home is closed, it may be traumatic for the residents.

"IT'S GOING TO be very, very upsetting to them," Lightowler said. "They'll have to be split up, sent to institutions all over the country. They'll miss each other."

Mob

Continued from A1

The text of the proposal for a supplemental appropriation to the attorney general's office declares: "Organized crime and racketeering is a problem of significant proportions in Arizona."

"In order to stem this growing tide of crime which threatens our citizens, our free-market economy and our confidence in the integrity of government, the state needs to provide adequate funding for cooperative efforts among state regulatory and law-enforcement agencies to effectively investigate and prosecute organized crime and racketeering."

The Arizona Liquor Control Board, which has the services of two Department of Public Safety investigators, is unable to keep tabs on the heavy infiltration of mobsters in the liquor industry, Corbin said.

"One of the DPS agents spends all of his time on the telephone," Corbin said. "The other one is in the field."

With the additional money, Corbin said, he hopes to assign nine more attorneys, 26 investigators and 10 accountants to his special prosecutions division, which probes and prosecutes organized-crime cases.

The division has only 10 investigators assigned to organized crime, Corbin said. The Arizona Livestock Sanitary Board employs 60 inspectors, all with law-enforcement credentials, to prevent rusting.

"In the future, we're going to place our emphasis on protecting people rather than livestock," West said. "The goal is to adopt the police-team concept to the attorney general's office."

"What we need is to assign a team consisting of an attorney, an accountant and investigators working on the same sophisticated crime — getting into the books, computers and high-technology areas involving organized crime."

If the supplemental finances are approved, Corbin said, he intends to assign five investigators and five accountants to uncover sales-tax and income-tax crimes.

An additional four attorneys, 10 investigators and two auditors will go to his office's financial-fraud division if the appropriation passes, Corbin said.

The division, which deals with consumer problems, receives an average of 350 telephone inquiries daily, Corbin said. At least 50 of those calls require follow-up action, he said.



Karen Banks finds shelter beneath a table while examining books at the Nursing Service Auxiliary's 24th annual book sale, Valley residents donated 300,000 books for a sale, which is being held at the Arizona State Fairgrounds.

Value hunters jam annual book sale

Book-buying bargain hunters jammed the exhibit hall at the Arizona State Fairgrounds Saturday for the Visiting Nursing Service Auxiliary's 24th Annual Book Sale.

Searching for their favorite authors and subjects, they brought cardboard boxes, shopping bags, backpacks and old duffel bags.

Shakespeare was perched unceremoniously atop several of his contemporaries in the seat of a baby stroller. The ribs of a supermarket shopping cart formed an unlikely cell for Eric Stanley Gardner.

The young, the elderly, professionals and people from all walks of life were in search of romance, suspense, poetry, drama, travel, the American novel and the British mystery. There was something for everyone among the 300,000 books donated by Valley residents.

Jammam Pat, a housewife and mother of three, pushed her heavily-laden cart by the counter marked "Suspense" and began looking through detective stories.

"I've missed only one sale in the last 20 years," she said. "Suspense is my favorite and I buy the Gothic novels for my mother and my daughter."

Mrs. Pat has a master's degree in English, is a bookkeeper and market researcher. She is searching for more Unicorn Mystery Stories to add to the 40 volumes she has already collected.

At the counter marked "Romance" Carol Davis, a nurse, was looking over paperbacks written by Jennifer Wilde and Rosemary Rogers.

"This is where I start," said Ms. Davis. "Those in the nursing profession refer to these as smut books." Ms. Davis said she had no idea the exhibit hall would be so crowded so early.

Meawhile Kathi Popper and a companion stood patiently in a checkout line reviewing their selection, sliding two boxes along the floor with their feet as the line moved and trying not to notice that about 175 persons were ahead of them.

"I'd definitely say this is worth it," she said. "You can get some really good books here cheap. It is this really a checkout line?"

Peggy Suskalt, chairman of the sale, said the event is the work of 130 volunteer housewives with the help of Teamsters Local 104. She said that last year the sale of books netted \$25,000. Proceeds are used to pay the visiting nurse fees of patients who otherwise would not be able to afford the service.

The sale will last until 4 p.m. today.