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Minutes of the October 10-11, 2006 **Meeting of the Ohio State Board of Pharmacy**

TUESDAY, OCTOBER 10, 2006

8:00 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

James E. Turner, R.Ph., *President*; Suzanne R. Eastman, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Heather L. Pasquale, R.Ph.; and Dorothy S. Teater, Public Member.

Also present were William T. Winsley, *Executive Director*; Timothy Benedict, *Assistant Executive Director*; William McMillen, *Licensing Administrator*; Mark Keeley, *Legislative Affairs Administrator*; David Rowland, *Legal Affairs Administrator*; and Sally Ann Steuk, *Assistant Attorney General*.

R-2007-058 Mr. Winsley announced that the following Settlement Agreement with **Steven Thomas Meyer**, Toledo, Ohio, has been signed by all parties and is now effective.

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-060516-076

in the matter of:

STEPHEN THOMAS MEYER

3128 Cheltenham Road
Toledo, Ohio 43606

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

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

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

Whereas, Rule 4729-3-03(C) of the Ohio Administrative Code provides that the board may, pursuant to Rule 4729-5-04 of the Ohio Administrative Code, deny

the issuance of a certificate of registration or an identification card to practice pharmacy as an intern.

Whereas, Stephen Thomas Meyer submitted an Application for Registration as an Intern in the State of Ohio.

Whereas, on or about May 16, 2006, pursuant to Chapter 119. of the Ohio Revised Code, Stephen Thomas Meyer was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Stephen Thomas Meyer requested a hearing; it was scheduled. The May 16, 2006, Proposal to Deny/Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the Board of Pharmacy indicate that Stephen Thomas Meyer applied to the Board for registration as an intern in the State of Ohio on November 28, 2005.
- (2) Stephen Thomas Meyer was, on or about October 20, 2003, convicted in the Oregon Municipal Court of Driving under the Influence of Alcohol and/or Drugs (DUI) in violation of Section 4511.19 of the Ohio Revised Code. State of Ohio vs. Stephen T. Meyer, Case No. 03TRC02622, Lucas County Municipal Court of Oregon, Ohio. Stephen Thomas Meyer had been arrested for DUI, several traffic offenses, and Drug Abuse for possessing a quantity of marijuana, a Schedule I controlled substance. Such conduct indicates that Stephen Thomas Meyer is not of good moral character and habits and/or abusing liquor or drugs within the meaning of Rule 4729-5-04 of the Ohio Administrative Code; further, such conduct constitutes being guilty of gross immorality and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.
- (3) Stephen Thomas Meyer did, following an incident that occurred on October 14, 2004, plead guilty, and completed a diversion program resulting in expungement, to a charge of Furnishing Alcohol to Minors in violation of Section 4301.69 of the Ohio Revised Code.

Stephen Thomas Meyer neither admits nor denies the allegations stated in the Proposal to Deny/Notice of Opportunity for Hearing letter dated May 16, 2006; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

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

Stephen Thomas Meyer will be placed on probation for the duration of his Internship. The terms of probation are as follows:

- (A) Stephen Thomas Meyer must not violate the drug laws of the State of Ohio, any other state, or the federal government.
- (B) Stephen Thomas Meyer must abide by the rules of the State Board of Pharmacy.
- (C) Stephen Thomas Meyer must comply with the terms of this Order.
- (D) Stephen Thomas Meyer's license is deemed not in good standing until successful completion of the probationary period.

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

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

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

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

<u>/s/</u> Stephen Thomas Meyer, Respondent	<u>/d/</u> 10/02/06 Date Signed
<u>/s/</u> Kevin P. Byers, Attorney for Respondent	<u>/d/</u> 10/02/06 Date Signed
<u>/s/</u> James E. Turner, President, Ohio State Board of Pharmacy	<u>/d/</u> 10/10/06 Date Signed
<u>/s/</u> Sally Ann Steuk, Ohio Assistant Attorney General	<u>/d/</u> 10/10/06 Date Signed

After a discussion concerning DEA's proposed new rule on multiple CII prescriptions, the consensus of the Board members present was that a letter indicating the Board's positive response should be sent to the DEA.

Mr. Keeley reported that the proposed new and changed rules approved by the Board at the September, 2006 meeting were filed October 3, 2006.

- 8:25 a.m. The Board recessed briefly.
- 8:34 a.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Corey Thompson**, R.Ph., Ashland, Ohio.
- 8:42 a.m. The hearing ended and the record was closed.
- 8:43 a.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Mitchell and a roll-call vote was conducted by President Turner as follows: Eastman – yes; Giacalone – yes; Gregg – yes; Lipsyc – yes; Mitchell – yes; Pasquale – yes; and Teater – yes.

8:57 a.m. The Executive Session ended and the meeting was opened to the public.

R-2007-059 Ms. Eastman moved that the Board adopt the following order in the matter of **Corey Thompson**, R.Ph., Ashland, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-060511-074

in the matter of:

COREY YVETTE THOMPSON, R.PH.

P.O. Box 659
Ashland, Ohio 44805

R.Ph. Number 03-3-23719

INTRODUCTION

The matter of Corey Yvette Thompson came for hearing on October 10, 2006, before the following members of the Board: James E. Turner, R.Ph. (*presiding*); Suzanne R. Eastman, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Heather L. Pasquale, R.Ph.; and Dorothy S. Teater, Public Member.

Corey Yvette Thompson was not present nor was she represented by counsel. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness: Timothy J. Benedict, R.Ph.
Ohio State Board of Pharmacy

Respondent's Witnesses: None

State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [05-11-06]
- 1A-1D. Procedurals
2. Notarized Statement of Corey Y. Thompson [05-03-06]
3. Ashland Police Department Incident Report, No. 06-3395 [03-28-06]
4. Photocopy of Ashland Police Department Chain of Custody envelope containing marijuana in a black box [03-28-06]
5. Five Photographs of respondent's residence [not dated]
6. State Board of Pharmacy Order in re Corey Yvette Thompson, R.Ph. [08-10-06]
7. Letter from Lindsay Satterfield, MS, Temp PC [08-28-06]

Respondent's Exhibits: None

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 that Corey Yvette Thompson has not complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-060511-074, effective August 10, 2006, nor has she demonstrated satisfactory proof to the

Board that she is not addicted to the use of controlled substances. The treatment evaluation submitted by Comprehensive Counseling Service did not meet the requirements as set forth in the Order of the State Board of Pharmacy, Docket No. D-060511-074, effective August 10, 2006.

DECISION OF THE BOARD

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 continues the Summary Suspension of the pharmacist identification card, No. 03-3-23719, held by Corey Yvette Thompson.

- (A) Corey Yvette Thompson, 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) Corey Yvette Thompson, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her 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.
- (C) Further, the Board will consider reinstatement provided that Corey Yvette Thompson personally appears before the State Board of Pharmacy and presents adequate documentation that she is not addicted to the use of Controlled Substances.
- (D) Upon such time as the Board may consider reinstatement, Corey Yvette Thompson 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.

Mrs. Gregg seconded the motion and it was approved by the Board: *Aye – 7.*

R-2007-060 Mr. McMillen presented a Continuing Education provider request from the University of Findlay School of Pharmacy. After discussion, Ms. Eastman moved that the application be approved. Mr. Lipsyc seconded the motion and it was approved by the Board: *Aye – 7.*

R-2007-061 Mr. Winsley presented a request for an exemption to OAC Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

Teregen Laboratories (02-1235150)
Various Physician Offices listed on letter of request

After discussion, Mrs. Gregg moved that the Board approve the request as long as the parties to the request comply with the requirements in the rule for such an exemption. The motion was seconded by Mrs. Teater and approved by the Board: *Aye – 7.*

R-2007-062 Mr. Winsley presented a request for an exemption to OAC Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

Southwest General Health Center Pharmacy (02-0038550)
Central Admixture Pharmacy Services (02-1312700)

After discussion, Mrs. Gregg moved that the Board approve the request as long as the parties to the request comply with the requirements in the rule for such an exemption. The motion was seconded by Mr. Lipsyc and approved by the Board: *Aye – 7.*

R-2007-063 Mr. Keeley presented a request from **Greenway Medical**, Carrollton, Georgia, for Board approval of its electronic prescribing system. After discussion, Mrs. Gregg moved that the Board find the system approvable pending final inspection. The motion was seconded by Mr. Giacalone and approved by the Board: *Aye – 7*.

Mr. Winsley presented a central processing request from Wal-Mart. After discussion, the Board agreed that Wal-Mart should return to the Board at a later date with its plans, process, and protocol for consideration.

Mrs. Droz updated the Board on the progress of the Prescription Drug Monitoring Program.

Mr. Mitchell presented the Medical Board's Physician Assistant Policy Committee Report.

Mr. Benedict said there was no Medical Board Prescribing Committee Report this month.

Mr. Keeley and Mr. Winsley presented the Legislative Report.

10:10 a.m. The Board recessed briefly.

10:23 a.m. John Foglia, Director of Pharmacy for **Acuity Specialty Hospital**, Steubenville, Ohio (TDDD 02-1542200) met with the Board to discuss a request for remote-access order processing during the hours the pharmacy is closed.

10:59 a.m. The meeting with Mr. Foglia ended. President Turner indicated that the Board would discuss the request further and let Mr. Foglia know the results of the discussion.

11:00 a.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Lipsyc and a roll-call vote was conducted by President Turner as follows: Eastman – yes; Giacalone – yes; Gregg – yes; Lipsyc – yes; Mitchell – yes; Pasquale – yes; and Teater – yes.

11:25 a.m. The Executive Session ended and the meeting was opened to the public.

Mrs. Teater moved that the settlement offer received from **Rudolph Alan Kozan**, R.Ph., Mentor, Ohio be rejected. Mr. Giacalone seconded the motion and it was approved by the Board: *Aye – 5/Nay – 1/Abstain – 1* (Lipsyc).

11:30 a.m. The Board recessed for lunch.

1:30 p.m. The Board reconvened in Room South A, 31st Floor of the Riffe Center for Government and the Arts with the following members present:

James E. Turner, R.Ph., *President*; Gregory Braylock, R.Ph.; Suzanne R. Eastman, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Nathan S. Lipsyc, R.Ph.; Heather L. Pasquale, R.Ph.; and Dorothy Teater, Public Member.

Mr. Mitchell left the Board meeting to participate in the Medical Board's Physician Assistant Policy Committee.

R-2007-064 The following candidates for licensure by reciprocity met in Room South A and C, 31st floor, of the Riffe Center. They introduced themselves and participated in a discussion of pharmacy laws and rules with Mr. McMillen. They were then presented their pharmacist identification cards.

Sahana Badhey	03-1-27653	Arizona
Margaret Ann Baum	03-1-27523	Arizona
Thomas Lee Breon	03-1-27652	New York
Donald Ray Elkins	03-1-27614	Kentucky
Raef M. Hamaed	03-1-27256	Michigan

Linda Hollis	03-1-27620	Indiana
Ambar Khan	03-1-27603	New Jersey
Jyuthika R. Patel	03-1-27665	Indiana
Veena B. Patel	03-1-27639	Michigan
Bradley Wilson Shinn	03-1-27650	Michigan
Joy Kiran Sodagudi	03-1-27651	Tennessee
Kristyn Michelle Stuart	03-1-27640	Kansas
Robert Gerard Swendrzynski	03-1-16982	Wisconsin

1:55 p.m. The Board meeting then resumed in Room East B, 31st Floor of the Riffe Center with the following members present:

James E. Turner, R.Ph., *President*; Gregory Braylock, R.Ph., *Vice-President*; Suzanne R. Eastman, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Nathan S. Lipsyc, R.Ph.; Heather L. Pasquale, R.Ph.; and Dorothy S. Teater, Public Member.

2:01 p.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **John Paul Tekulve**, R.Ph., Cincinnati, Ohio.

3:50 p.m. The hearing concluded and the record was closed.

3:51 p.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Ms. Pasquale and a roll-call vote was conducted by President Turner as follows: Braylock – yes; Eastman – yes; Giacalone – yes; Gregg – yes; Lipsyc – yes; Pasquale – yes; and Teater – yes.

4:06 p.m. The Executive Session ended and the meeting was opened to the public.

R-2007-065 Mr. Braylock moved that the Board adopt the following order in the matter of **John Paul Tekulve**, R.Ph., Cincinnati, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-050928-033

in the matter of:

JOHN PAUL TEKULVE, R.PH.
3205 Queen City Avenue, Apt 4
Cincinnati, Ohio 45238

R.Ph. Number 03-3-21594

INTRODUCTION

The matter of John Paul Tekulve came for hearing on October 10, 2006, before the following members of the Board: James E. Turner, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Suzanne R. Eastman, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Nathan S. Lipsyc, R.Ph.; Heather L. Pasquale, R.Ph.; and Dorothy S. Teater, Public Member.

John Paul Tekulve was not represented by counsel. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses: Timothy J. Benedict, R.Ph.,
Ohio State Board of Pharmacy
Richard Haun, Ohio State Board of Pharmacy

Respondent's Witnesses: John Paul Tekulve, R.Ph., Respondent
Corissa Tekulve

State's Exhibits

1. Notice of Opportunity For Hearing letter [09-28-05]
- 1A-1F. Procedurals
2. State Board of Pharmacy Order in re John Paul Tekulve, R.Ph. [05-14-98]
3. State Board of Pharmacy Order in re John Paul Tekulve, R.Ph. [09-13-01]
4. State Board of Pharmacy Order in re John Paul Tekulve, R.Ph. [11-10-04]
5. Ohio Pharmacists Rehabilitation Organization Inc. Licensee Summary Report [08-05-04 to 08-01-05]
6. Copy of PRO Pharmacist's Client Reporting Sheet for July to September Quarterly Report [10-19-05]; Letter from John Tekulve, R.Ph to Mr. Benedict [10-21-05]
- 6A. Copy of PRO Pharmacist's Client Reporting Sheet for October to December Quarterly Report [01-19-06]; Letter from John Tekulve, R.Ph to Mr. Benedict [01-23-06]
- 6B. Copy of PRO Pharmacist's Client Reporting Sheet for January to March Quarterly Report [04-28-06]; Client Monitoring Sheet [01-07-06 to 04-01-06]
- 6C. Copy of PRO Pharmacist's Client Reporting Sheet for April to June Quarterly Report [08- 08-06]
7. LabOne Drug Screen Report [08-10-06]
- 7A. Notarized Statement of John P. Tekulve, R.Ph. [08-16-06]
- 7B. Notarized Statement of James F. Liebetrau [08-15-06]
- 7C. Copy of computer e-mail letters between Rick Haun and Steve Sidell [08-16-06]

Respondent's Exhibits:

- A. Two Letters of Support [10-09-06 and 10-10-06]

FINDINGS 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 the following to be fact:

- (1) Records of the Board of Pharmacy reflect that John Paul Tekulve was previously disciplined by the Board: his license was suspended on January 27, 1998; his license was reinstated on September 21, 2001, with a period of probation imposed through September 21, 2006; John Paul Tekulve was again disciplined by the Board on November 10, 2004, with a period of probation imposed through May 10, 2010.
- (2) John Paul Tekulve did, on or about the following dates, violate his Board-imposed probation, to wit: John Paul Tekulve missed drug tests on July 5, 2005; July 6, 2005; and again on August 26, 2005. Such conduct indicates that John Paul Tekulve violated his probation and/or is guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of dishonesty and unprofessional conduct in the practice of pharmacy, and indicates a violation of John Paul Tekulve's probation in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of John Paul Tekulve as follows:

On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-3-21594, held by John Paul Tekulve effective as of the date of the mailing of this Order.

Pursuant to Section 4729.16(B) of the Ohio Revised Code, John Paul Tekulve 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.

Mrs. Teater seconded the motion and it was approved by the Board: Aye – 7.

4:08 p.m. The Board discussed a request to have a Board member participate on a panel discussing pharmacists continuing competency at the District IV meeting in November. President Turner appointed Mr. Giacalone to represent the Board on the panel.

After discussion, Mr. Giacalone will request that the recent activities of the federal Office of the Inspector General (OIG) be added to the discussion topics during the meeting of the District IV Boards at the District IV meeting in November.

Mr. Giacalone left the meeting.

4:35 p.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Christopher T. Ball**, intern, Cincinnati, Ohio.

4:48 p.m. Mr. Mitchell joined the meeting in progress and, with the agreement of all parties, participated in the hearing.

5:53 p.m. The hearing ended and the record was closed.

6:00 p.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mrs. Teater and a roll-call vote was conducted by President Turner as follows: Braylock – yes; Eastman – yes; Gregg – yes; Lipsyc – yes; Mitchell – yes; Pasquale – yes; and Teater – yes.

6:17 p.m. The Executive Session ended and the meeting was opened to the public.

6:19 p.m.

R-2007-066 Mr. Braylock moved that the Board adopt the following order in the matter of **Christopher T. Ball**, intern, Cincinnati, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-060511-071

in the matter of:

CHRISTOPHER T. BALL, R.PH.
3605 Westwood Northern Boulevard
Cincinnati, Ohio 45211

R.Ph. Number 06-0-03830

INTRODUCTION

The matter of Christopher T. Ball came for hearing on October 10, 2006, before the following members of the Board: James E. Turner, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Suzanne R. Eastman, R.Ph.; Elizabeth I. Gregg, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Heather L. Pasquale, R.Ph.; and Dorothy S. Teater, Public Member.

Christopher T. Ball was represented by John J. Helbling. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness: Richard Haun, Ohio State Board of Pharmacy

Respondent's Witnesses: Christopher T. Ball, Respondent
Denise Ball

State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [05-11-06]
- 1A-1E. Procedurals
2. Notarized Statement of Chris Ball [04-27-06]
3. Drug Accountability Statement at Kroger #14948 for hydrocodone/APAP 5/325 mg; hydrocodone/APAP 5/500 mg; hydrocodone/APAP 7.5/325 mg; hydrocodone/APAP 7.5/500 mg; hydrocodone/APAP 7.5/750 mg; hydrocodone/APAP 10/650 mg; hydrocodone/APAP 10/325 mg; hydrocodone/APAP 10/500 mg; hydrocodone/APAP 10/660 mg; hydrocodone/APAP 7.5/650 mg [05-11-06]
4. Drug Accountability Statement at Kroger #14948 for Provigil 100 mg; Provigil 200 mg [05-11-06]
5. Notarized Statement of Delbert Robinson, R.Ph. [06-12-06]
6. Notarized Statement of Joseph Hoetker, R.Ph. [06-13-06]
7. Notarized Statement of Dr. Raymond Metzger [06-12-06]
8. Rx #1629578-04245 [05-18-06]
9. Rx #1629579-04245 [05-18-06]
10. Rx #1632015-04245 [05-25-06]
11. Rx #1633218-04245 [05-30-06]
12. Walgreen's Prescription Profile for Christopher Ball [02-27-05 to 06-12-06]

Respondent's Exhibits:

- A. Entry Setting Bond, State of Ohio vs Christopher T. Ball, Case No. B0604060, Hamilton County Common Pleas Court [08-10-06]
- B. Waiver of Indictment [not dated]
- C. Entry Entering Plea of Guilty Under Information [09-01-06]
- D. Information on Charges [not dated]
- E. Motion For Treatment In Lieu [09-01-06]

- F. Facsimile Transmission from John J. Helbling, Esq. to S. David Hickenlooper [07-14-06]; Addendum Notice [07-12-06]
- G. Record Sealed
- H. Record Sealed
- I. Nine-page Hamilton County Presentence Investigation Report, No. AP-98347 [10-06-06]
- J. Record Sealed
- K. PRO Pharmacist's Recovery Contract for Chris T. Ball [10-05-06]
- L. Entry Finding Defendant Eligible For Intervention in Lieu of Conviction Staying Proceedings, and Ordering Period of Rehabilitation [not dated]

FINDINGS 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 the following to be fact:

- (1) Records of the Board of Pharmacy indicate that Christopher T. Ball was originally licensed as an intern by the State of Ohio on June 5, 2002.
- (2) Christopher T. Ball 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: Christopher T. Ball has admitted to being addicted to hydrocodone; Christopher T. Ball has been observed stealing controlled substances to support his addiction; Christopher T. Ball has indicated that he began stealing small amounts of hydrocodone but his use escalated to the point that "without the hydrocodone, it's hard for me to function nowadays, my body aches and the withdrawal is awful." Christopher T. Ball has admitted to stealing Provigil to help him stay awake during the day. Such conduct indicates that Christopher T. Ball is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) Christopher T. Ball did, on or about April 24, 2006, with purpose to deprive, knowingly obtain or exert control over 400 doses of hydrocodone, a Schedule III controlled substance, beyond the scope of consent of the owner, Kroger Pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Christopher T. Ball did, on or about April 24, 2006, with purpose to deprive, knowingly obtain or exert control over 29 doses of Provigil, a Schedule IV controlled substance, beyond the scope of consent of the owner, Kroger Pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) Christopher T. Ball did, on or about May 18, 2006, by deception, procure the dispensing of a dangerous drug, to wit: by posing as a doctor, Christopher T. Ball telephoned Rx #1629578 into a pharmacy for 40 unit doses of tramadol 50 mg, a dangerous drug. Christopher T. Ball subsequently purchased the drugs for his personal abuse. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (6) Christopher T. Ball did, on or about May 18, 2006, by deception, procure the dispensing of a dangerous drug, to wit: by posing as a doctor, Christopher T. Ball telephoned Rx #1629579 into a pharmacy for 60 unit doses of naproxen 500 mg, a dangerous drug. Christopher T. Ball subsequently purchased the drugs for his personal abuse. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (7) Christopher T. Ball did, on or about May 25, 2006, by deception, procure the dispensing of a dangerous drug, to wit: by posing as a doctor,

Christopher T. Ball telephoned Rx #1632015 into a pharmacy for 50 unit doses of tramadol 50 mg, a dangerous drug. Christopher T. Ball subsequently purchased the drugs for his personal abuse. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.

- (8) Christopher T. Ball did, on or about May 30, 2006, by deception, procure the dispensing of a dangerous drug, to wit: by posing as a doctor, Christopher T. Ball telephoned Rx #1633218 into a pharmacy for 60 unit doses of hydrocodone/APAP 5/500 mg, a Schedule III controlled substance. Christopher T. Ball subsequently purchased the drugs for his personal abuse. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (9) Christopher T. Ball did, on or about June 3, 2006, by deception, procure the dispensing of a dangerous drug, to wit: after having posed as a doctor and telephoned to a pharmacy Rx #1633218, Christopher T. Ball went back to the pharmacy and purchased a refill of 60 unit doses of hydrocodone/APAP 5/500 mg, a Schedule III controlled substance. Christopher T. Ball purchased the drugs for his personal abuse. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (10) On August 1, 2006, Christopher T. Ball pled guilty to (3) three counts of Theft of Drugs, felonies of the fourth degree, under Section 2913.02 (A)(1) of the Ohio Revised Code. State of Ohio vs. Christopher T. Ball, Case No. B0604060, Hamilton County Common Pleas Court.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) through (10) of the Findings of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (3) through (9) 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.
- (3) The State Board of Pharmacy concludes that paragraphs (2) and (10) 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 Christopher T. Ball unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) The State Board of Pharmacy concludes that paragraphs (5) through (9) 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 Christopher T. Ball on May 11, 2006.

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 intern identification card, No. 06-0-03830, held by Christopher T. Ball and such suspension is effective as of the date of the mailing of this Order.

- (A) Christopher T. Ball, 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) Christopher T. Ball, 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 July 1, 2007, the Board will consider any petition filed by Christopher T. Ball for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the intern license if the following conditions have been met:

- (A) Christopher T. Ball 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, mail 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) 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 week 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) Christopher T. Ball must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
- (C) Christopher T. Ball 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 screen reports, meeting attendance records, treatment program reports, etc.);
 - (2) Complete Continuing Care Program with Christ Hospital;
 - (3) Compliance with terms of the Hamilton County Common Pleas Court Treatment Plan;
 - (4) Compliance with the terms of this Order.
- (D) Upon such time as the Board may consider reinstatement, Christopher T. Ball 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

The motion was seconded by Mrs. Gregg and approved by the Board: *Aye – 7.*

6:20 p.m. The Board recessed for the day and will reconvene Wednesday, October 11, 2006.

WEDNESDAY, OCTOBER 11, 2006

9:07 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Gregory Braylock, R.Ph., *Vice-President*; Suzanne R. Eastman, R.Ph.; Elizabeth I. Gregg, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Heather L. Pasquale, R.Ph.; and Dorothy S. Teater, Public Member.

In President Turner's absence, Vice-President Braylock assumed the chair.

9:08 a.m. Ms. Eastman left the meeting for personal business.

Mr. Braylock said there was no Nursing Board Committee on Prescriptive Governance Report this month.

Mr. Braylock reported on the University of Cincinnati White Coat Ceremony that he attended on behalf of the Board.

9:11 a.m.

R-2007-067 After discussion, Mrs. Gregg moved that the Conference Call minutes of September 26, 2006, be approved as written. Mr. Lipsyc seconded the motion and it was approved by the Board: *Aye – 6.*

R-2007-068 After discussion, Mrs. Gregg moved that the Board minutes of September 11-13, 2006, be approved as amended. Mrs. Teater seconded the motion and it was approved by the Board: *Aye – 6.*

9:27 a.m. After discussion, Mrs. Gregg moved that the Board find the **Acuity Specialty Hospital**, request for approval of a remote-access order processing system approvable as a pilot project pending final inspection. The approval will be subject to the following stipulations:

1. A hospital representative shall return in nine months to report to the Board on the progress of the project. The Board will then make a decision on continuance of the system.
2. The remote-access may only be used when the pharmacy is closed.
3. There must be daily quality assurance reports generated by the system that are to be reviewed by the Director.

4. There must be a report from Board staff after the initial inspection of the program.
The motion was seconded by Mr. Lipsyc and approved by the Board: Aye – 6.

10:02 a.m. Ms. Eastman returned and joined the meeting in progress.

10:09 a.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Megan Elizabeth Rees**, R.Ph., Dublin, Ohio.

Mr. Mitchell recused himself from the **Megan Rees** hearing.

The hearing ended and the record was closed.

11:30 a.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Ms. Pasquale and a roll-call vote was conducted by Vice-President Braylock as follows: Eastman – yes; Gregg – yes; Lipsyc – yes; Pasquale – yes; and Teater – yes.

11:40 a.m. The Executive session ended. Mr. Mitchell joined the meeting in public session.

R-2007-069 Ms. Eastman moved that the following order in the matter of **Megan Elizabeth Rees**, R.Ph., Dublin, Ohio, be approved.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-051118-047

in the matter of:

MEGAN ELIZABETH REES, R.PH.

56 D South Westmoor Avenue
Newark, Ohio 43055

R.Ph. Number 03-2-26547

INTRODUCTION

The matter of Megan Elizabeth Rees came for hearing on October 11, 2006, before the following members of the Board: Gregory Braylock, R.Ph. (*presiding*); Suzanne R. Eastman, R.Ph.; Elizabeth I. Gregg, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin Mitchell, R.Ph. (recused); Heather L. Pasquale, R.Ph.; and Dorothy S. Teater, Public Member.

Megan Elizabeth Rees was represented by R. William Meeks. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses: Jesse Wimberly, Ohio State Board of Pharmacy
William L. Padgett, Ohio State Board of Pharmacy

Respondent's Witness: Megan Elizabeth Rees, R.Ph., Respondent

State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [11-18-05]
1A-1E. Procedurals
1F. Amendment Notice [06-28-06]

1G-1H. Procedurals

2. Application For Pharmacy Intern Registration, with attachment, for Megan Elizabeth Rees [04-17-00]
3. Notarized Statement of Megan Rees [11-09-05]
4. Rite Aid Intranet e-mail letter to Mike D. Bahmer from Megan E. Rees [08-17-05]
5. Five Accountability Statements completed at Rite Aid Pharmacy #2304 for the following drugs: hydrocodone 7.5/200 mg, hydrocodone/APAP 10/325 mg, hydrocodone/APAP 10/500 mg, hydrocodone/APAP 7.5/500 and alprazolam 2 mg [01-17-06]
6. DEA Report of Theft or Loss of Controlled Substances of Rite Aid Corporation #2304 [09-01-05]
7. Two Accountability Statements completed at CVS #6188 for the following drugs: hydrocodone/IBU 7.5/200 mg and hydrocodone/APAP 10/325 mg [12-20-05]
8. DEA Report of Theft or Loss of Controlled Substances of Hook-Super X dba CVS/Pharmacy #6188 [11-10-05]

Respondent's Exhibits:

- A. Record Sealed
- B. LabCorp Drug Screen Reports [12-19-05 to 04-24-06]
- C. Record Sealed
- D. Record Sealed
- E. Record Sealed
- F. Record Sealed
- G. Record Sealed
- H. Record Sealed
- I. Record Sealed
- J. PRO Pharmacist's Recovery Contract for Megan Rees [06-15-06]
- K. LabOne Drug Screen Reports [07-10-06 to 09-01-06]
- L. Support Group Attendance Records [04-30-06 to 10-01-06]
- M. Letter from Monte R. Black to Mr. R. William Meeks [09-06-06]
- N. Bill of Information, State of Ohio vs. Megan E. Rees, Case No. 2006 CR 00324, Fairfield County Common Pleas Court [08-23-06]
- O. Record Sealed

FINDINGS 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 the following to be fact:

- (1) Records of the Board of Pharmacy indicate that Megan Elizabeth Rees was originally licensed by the State of Ohio as a pharmacist on October 28, 2004, pursuant to examination, and that Megan Elizabeth Rees' license to practice pharmacy in Ohio was summarily suspended effective November 18, 2005.
- (2) Megan Elizabeth Rees is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Megan Elizabeth Rees admitted to stealing controlled substances and used them because she liked the way they made her feel; Megan Elizabeth Rees admitted to consuming at least 1 to 2 hydrocodone tablets daily and as many as 12 per day on occasion; and, Megan Elizabeth Rees admitted that she is addicted to controlled substances. Such conduct indicates that Megan Elizabeth Rees is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.

- (3) Megan Elizabeth Rees did, on or about November 2004 to August 2005, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rite Aid #2304, beyond the scope of the express or implied consent of the owner, to wit: Megan Elizabeth Rees has admitted to stealing the following:

<u>Drug</u>	<u>Strength</u>	<u>Quantity</u>	<u>Schedule</u>	<u>Pharmacy</u>
hydrocodone/IBU	7.5/200 mg	3,219 tablets	CIII	Rite Aid #2304
hydrocodone/APAP	10/325 mg	959 tablets	CIII	Rite Aid #2304
hydrocodone/APAP	10/500 mg	278 tablets	CIII	Rite Aid #2304
hydrocodone/APAP	7.5/500 mg	75 tablets	CIII	Rite Aid #2304
alprazolam	2 mg	55 tablets	CIV	Rite Aid #2304

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

- (4) Megan Elizabeth Rees did, on or about September 1, 2005 to November 9, 2005, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS #6188, beyond the scope of the express or implied consent of the owner, to wit: Megan Elizabeth Rees has admitted to stealing the following:

<u>Drug</u>	<u>Strength</u>	<u>Quantity</u>	<u>Schedule</u>	<u>Pharmacy</u>
hydrocodone/IBU	7.5/200 mg	200 tablets	CIII	CVS Pharmacy #6188
hydrocodone/APAP	10/325 mg	200 tablets	CIII	CVS Pharmacy #6188

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

- (5) Megan Elizabeth Rees did, on or about unknown dates between October, 2004, through November, 2005, knowingly sell a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without prescriptions and without a legitimate medical purpose, Megan Elizabeth Rees admittedly gave hydrocodone tablets to a friend on three different occasions. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) through (5) of the Findings of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) 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.
- (3) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) 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 Megan Elizabeth Rees on November 18, 2005.

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, No. 03-2-26547, held by Megan Elizabeth Rees and such suspension is effective as of the date of the mailing of this Order.

- (A) Megan Elizabeth Rees, 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) Megan Elizabeth Rees, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her 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 Megan Elizabeth Rees 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) Megan Elizabeth Rees 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, mail 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) 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 week 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) Megan Elizabeth Rees must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
- (C) Megan Elizabeth Rees 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 screen reports, meeting attendance records, treatment program reports, etc.);
 - (2) Compliance with the payment of any outstanding restitution as ordered by Fairfield County Common Pleas Court.
 - (3) 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;
 - (4) Compliance with the terms of this Order.
- (D) Upon such time as the Board may consider reinstatement, Megan Elizabeth Rees 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.

Mrs. Teater seconded the motion and it was approved by the Board: *Aye – 6/Recused 1(Mitchell).*

11:43 a.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code and to confer with an attorney for the Board regarding pending or imminent court action pursuant to Section 121.22(G)(3) of the Ohio Revised Code. The motion was seconded by Ms. Pasquale and a roll-call vote was conducted by Vice-President Braylock as follows: Eastman – yes; Gregg – yes; Lipsyc – yes; Mitchell – yes; Pasquale – yes; and Teater – yes.

12:30 p.m. The Executive Session ended and the meeting was opened to the public.

12:31 p.m. Mrs. Gregg moved that the Board receive Per Diem as follows:

<u>PER DIEM</u>	<u>10/10</u>	<u>10/11</u>	<u>Total</u>
G. Braylock	1	1	2
S. Eastman	1	1	2
R. Giacalone	1	-	1
E. Gregg	1	1	2
N. Lipsyc	1	1	2
K. Mitchell	1	1	2
H. Pasquale	1	1	2
D. Teater	1	1	2
J. Turner	1	-	1

Mr. Lipsyc seconded the motion and it was approved by the Board: *Aye – 7.*

Mrs. Gregg moved that the meeting be adjourned. The motion was seconded by Mr. Lipsyc and approved by the Board: *Aye – 7.*

The Ohio State Board of Pharmacy
approved these Minutes November 7, 2006