



MINUTES OF THE SEPTEMBER 9-11, 2019
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, September 9, 2019

10:03 a.m. The State of Ohio Board of Pharmacy convened in the Hearing Room, 17th Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; and Kilee S. Yarosh, RPh.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Joe Koltak, *Senior Legal Counsel*; Ashley Gilbert, *Senior Legal Counsel*; and Kathryn Lewis, *Administrative Assistant*.

10:04 a.m. Mr. Schierholt provided the Executive Director Report and OARRS Report.

10:06 a.m. Ms. Southard provided the Licensing Report.

10:10 a.m. The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Recovery of Hope, Strongsville, Ohio.**

R-2020-0109 Ms. Rudell moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Marchal and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.

11:08 a.m. The recess ended and the hearing was opened to the public.

R-2020-0110 After votes were taken in public session, the Board adopted the following order in the matter of **Recovery of Hope, Strongsville, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

In The Matter Of:
(Case Number 2017-2136)

Recovery of Hope
Dr. Raman Baishnab
10900 Pearl Road, Suite C1
Strongsville, OH 44136
(License no. 02-2790400)

INTRODUCTION

The Matter of Recovery of Hope came for hearing on September 9, 2019, before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh and Kilee S. Yarosh, RPh.

Recovery of Hope was represented by Walter McNamara. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE**State's Witnesses:**

1. Dr. Raman Baishnab—Responsible Person for Recovery of Hope

Respondent's Witnesses:

1. None

State's Exhibits:

1. Notice Letter
11.28.2018
2. Application
07.23.2017
3. Inspection Report
09.14.2017
4. License Look Up
09.18.2017

Respondent's Exhibits:

- A. Background Check on Recovery of Hope Employees
Dates

Varies

FINDINGS OF FACT

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

1. Recovery of Hope is in an office suite located at 10900 Pearl Road, Suite C1, Strongsville, OH. Wellness Center, a different TDDD-OBOT facility pending licensure was also operating at the 10900 Pearl Road, Strongsville address, which was not disclosed in Recovery of Hope's application.
2. During an inspection on September 14, 2017, Agents of the Board were unable to verify issues pertaining to accountability, security, prescribing methods and all other regulatory areas because the Responsible Person and owner, Dr. Raman Baishnab, was not at the location and could not be reached for contact.
3. Agents of the Board were unable to locate any FBI/BCI background checks for Recovery of Hope employees.
4. Dr. Radha Baishnab, the father of Raman Baishnab, submitted an application for a TDDD-OBOT license on June 1, 2017 for Wellness Center. The application listed the address of the Wellness Center as 14861 Cherokee Trail, Middleburg Heights, Ohio 44130. Dr. Radha Baishnab, Wellness Center's Responsible Person, was present at the location of 10900 Pearl Road, Strongsville, during the agent's visit. Dr. Radha Baishnab provided his personal FBI/BCI background check; however, since Radha Baishnab is not listed as a prescriber or employee of Recovery Center, it was inapplicable to the inspection of Recovery of Hope.
5. Wellness Center patients were observed by Board agents at the 10900 Pearl Road, Strongsville location registering, signing in, talking with and submitting to saliva drug tests in the only waiting area in the office with office staff. Dr. Radha Baishnab stated that the Recovery of Hope staff was not employed by him, but "help him."

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of each of the following divisions of Section 4729.57 of the ORC:
 - a. Violating any rule of the board, ORC Section 4729.57(A)(2); and
 - b. Violating any provision of this chapter, ORC Section 4729.57(A)(3)
2. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of each of the Section 4729.553 of the ORC:
 - a. The holder of a Category III terminal distributor license with an office-based opioid treatment classification shall do all of the following:

- i. Comply with the requirements for conducting office-based opioid treatment, as established by the state medical board in rules adopted under section 4731.056 of the Revised Code, ORC.553(D)(2); and
 - i. Require all employees of the facility to submit to a criminal records check in accordance with section 4776.02 of the Revised Code and ensure that no person is employed who has previously been convicted of, or pleaded guilty to, either of the following:
 - a) A theft offense, described in division (K)(3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States, ORC 4729.553(D)(4)(a); and
 - b) A felony drug offense, as defined in section 2925.01 of the Revised Code, ORC 4729.553(D)(4)(b).
 3. Such conduct as set forth the Findings of Fact Section, constitutes a violation of each of the following divisions of Section 4729-18-03 of the OAC, OBOT Facilities, Criminal records checks for office-based opioid treatment facilities: Physician owner(s), physician officers or owners pursuant to paragraph (C) of this rule are required to have all employees submit to a BCI & I and FBI criminal records check to ensure that no person has been previously convicted of, or pleaded guilty to a theft offense that would constitute a felony as described in division (K)(3) of section 2913.01 of the Revised Code or a felony drug abuse offense as defined in 2925.01 of the Revised Code, OAC 4729-18-03(E).

DECISION OF THE BOARD

Pursuant to Section 4729.57 of the Ohio Revised Code, Rule 4729-9-19 of the Ohio Administrative Code, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby grants the Application for Registration as a Terminal Distributor of Dangerous Drugs submitted by Dr. Raman Baishnab on or about July 23, 2017, upon submission of a business services plan that details compliance with the Responsible Person Rule in Ohio Administrative Code 4729-18-02 and passing an inspection subsequent to the issuance of this Order. unless the Board receives within 180 days of the date of this Order a passing inspection report conducted by the State of Ohio Board of Pharmacy as well as a business plan that shows the Responsible Person who will be present at Recovery of Hope.

Further, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information and/or background checks materials contained in the record, specifically respondent's exhibit: R-1.

Megan E. Marchal moved for Findings of Fact; Kilee S. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0).

Megan E. Marchal moved for Conclusions of Law; Joshua M. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

Richard J. Newlon moved for Action of the Board; Jennifer M. Rudell seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

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- 11:13 a.m.** The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Daniel Brainard, Cross Lanes, WV.**
- R-2020-0111** Ms. Rudell moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.
- 12:45 p.m.** The recess ended and the hearing was opened to the public.
- R-2020-0112** After votes were taken in public session, the Board adopted the following order in the matter of **Daniel Brainard, Cross Lanes, WV.**
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ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2017-2304)

In The Matter Of:
Daniel Brainard
5208 Stephen Way
Cross Lanes, WV 25313
(License no. 03-1-36268)

INTRODUCTION

The Matter of Daniel Brainard came for hearing on September 9, 2019, before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh; Absent.

Daniel Brainard was represented by Walter J. McNamara. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCEState's Witnesses:

1. Daniel Brainard—Respondent
2. Ryan Bolus—Board Agent

Respondent's Witnesses:

1. None

State's Exhibits:

- | | |
|---------------------------------------|------------|
| 1. Notice Letter | 11.07.2018 |
| 2. Request for Hearing | 11.29.2018 |
| 3. Initial Scheduling Order | 11.30.2018 |
| 4. Current Scheduling Order | 03.21.2019 |
| 5. Application for Reciprocity | 06.24.2016 |
| 6. Renewal Application | 09.14.2017 |
| 7. Consent Agreement in West Virginia | 11.01.2017 |
| 8. Complaint in West Virginia | No Date |
| 9. E-Mail from Respondent | 12.18.2017 |

Respondent's Exhibits:

- | | |
|---|------------|
| R-1. Copy of Daniel Brainard's Pharmacist License | Various |
| R-2. Email from Carol Geisler | 05.30.2019 |

FINDINGS OF FACT

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

1. On Daniel Brainard's renewal application submitted on or about September 14, 2017, he answered "Yes" to the question inquiring in the last 18 months whether he had been the subject of disciplinary action by any state or federal agency; even if subsequently dismissed or resolved without formal discipline?
 - a. At the time of renewal, Daniel Brainard submitted a copy of the consent agreement he entered into with the West Virginia Board of Pharmacy on September 2, 2016. This consent agreement constituted a formal reprimand, a one-year suspension with all but 90 days of the suspension stayed, probation for a period of three years and a requirement to obtain an additional six hours of approved continuing education on the topic of patient

safety. This consent agreement was based upon disciplinary action as the result of an error in dispensing which caused the death of a patient in 2014.

2. On the initial reciprocity application filed with the State of Ohio on June 28, 2016, Daniel Brainard answered “No” to the question inquiring whether he was presently under investigation or had pending discipline by any licensing jurisdiction, the federal Food and Drug Administration, the federal Drug Enforcement Administration, or any state drug enforcement authority for violation of any state or federal pharmacy, liquor or drug laws?
 - a. On or about March 28, 2016, Daniel Brainard made statements to the West Virginia Board of Pharmacy investigator regarding the investigation that led to the consent agreement.
 - b. On or about December 8, 2017, Daniel Brainard told the investigator for the State of Ohio Board of Pharmacy that he obtained reciprocity in Ohio in order to avoid being unemployed during the potential discipline by the West Virginia Board. Further, Daniel Brainard stated he misunderstood the question on the reciprocity application.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact Section constitutes a violation of each of the following divisions of Rule 4729-5-04 of the OAC as effective April 28, 2016:
 - a. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, OAC Rule 4729-5-04(A); and
 - b. Violated...any of the provisions of Chapters 4729...of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729-5-04(B); and
 - c. Has been disciplined by any professional licensing board, OAC Rule 4729-5-04(F).

DECISION OF THE BOARD

After consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby disciplines Daniel Brainard with a written reprimand for his actions in this matter.

Further, the Board hereby grants the State’s Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State’s exhibit: 8.

Fred M. Weaver moved for Findings of Fact; Kilee S. Yarosh seconded the motion. Motion passed (Aye-6/Nay-0).

Kilee S. Yarosh moved for Conclusions of Law; Donald R. Miller seconded the motion. Motion passed (Aye-6/Nay-0).

Kilee S. Yarosh moved for Action of the Board; Donald R. Miller seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

- R-2020-0113** Ms. Rudell moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Mr. Cox and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.
- 3:18 p.m.** The Board resumed public business for which Joshua M. Cox and Executive Director Schierholt were absent and Megan E. Marchal was present.
- 3:20 p.m.** Mr. McNamee presented the following resolutions to the Board for approval: *Pharmacist and Pharmacy Intern Scope of Practice, Defining Chronic Diseases for the Purpose of Combining Prescriptions Refills, and Protocols and Pre-Printed Orders for Extravasation.*
- R-2020-0114** Mr. Weaver moved that the Board approve the preceding resolution. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-6, Nay-0. The following resolutions were adopted by the Board:
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Pharmacist and Pharmacy Intern Scope of Practice

The Board hereby finds that appropriately trained pharmacists and pharmacy interns may take patient vitals (body temperature, heart rate, respiration rate, blood pressure) for the purpose of counseling individuals with regard to drug therapy as authorized by division (B)(4) of section 4729.01 of the Revised Code.

- R-2020-0115** Mr. Weaver moved that the Board approve the preceding resolution. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-6, Nay-0. The following resolutions were adopted by the Board:
-

Defining Chronic Disease for the Purpose of Combining Prescription Refills

Pursuant to division (A)(2)(a) of section 4729.40 of the Ohio Revised Code, the Board hereby finds that a chronic condition is a health condition or disease that is persistent or otherwise

long-lasting in its effects or a disease that comes with time. Examples of such conditions include, but are not limited to, the following:

- Alzheimer disease and dementia
- Arthritis
- Asthma
- Cancer
- COPD
- Crohn disease
- Cystic fibrosis
- Diabetes
- Epilepsy
- Heart disease
- HIV/AIDS
- Mental health conditions
- Multiple sclerosis
- Parkinson disease

Per section (A)(6) of section 4729.40 of the Ohio Revised Code, a pharmacist is expected to use professional judgement after consulting with the patient to determine whether combining prescription refills is appropriate for the patient.

R-2020-0116 Mr. Weaver moved that the Board approve the preceding resolution. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-6, Nay-0. The following resolutions were adopted by the Board:

Protocols and Pre-Printed Orders for Extravasation

Pursuant to paragraph (L) of rule 4729:5-01 and 4729:5-3-12 of the Ohio Administrative Code, the Board hereby finds extravasation to be an emergency situation for which a licensed terminal distributor of dangerous drugs may utilize a protocol or pre-printed order.

3:29 p.m. Mr. McNamee led a discussion on revisions to rules 4729:11-2-01, 4729:11-3-01, 4729:11-3-02, 4729:11-1-01, 4729:11-2-02, 4729:11-2-04, 4729:11-2-05, 4729:11-3-01, 4729:11-3-02, 4729:11-3-03, 4729:11-3-04, 4729:11-3-05, and 4729:11-4-01—Home Medical Equipment.

R-2020-0117 Mr. Miller moved that the Board approve revisions to 4729:11-2-01, 4729:11-3-01, 4729:11-3-02, 4729:11-1-01, 4729:11-2-02, 4729:11-2-04, 4729:11-2-05, 4729:11-3-01, 4729:11-3-02, 4729:11-

3-03, 4729:11-3-04, 4729:11-3-05, and 4729:11-4-01—Home Medical Equipment for filing with JCARR. The motion was seconded by Ms. Rudell and approved by the Board: Aye-6, Nay-0.

3:38 p.m.

Mr. McNamee led a discussion on revisions to rules 4729:7-3-01 and 4729:7-2-01—Drug Compounding; 4729:5-23-02—Limited Facilities; 4729:5-16-01 and 4729:5-16-03—Laboratories; 4729:5-10-01—Drug Repositories; and General Rescission for rules 4729-5-17 and 4729-9-01.

R-2020-0118

Ms. Yarosh moved that the Board approve revisions to 4729:7-3-01 and 4729:7-2-01—Drug Compounding; 4729:5-23-02—Limited Facilities; 4729:5-16-01 and 4729:5-16-03—Laboratories; 4729:5-10-01—Drug Repositories for filing with JCARR, as well as General Rescission for rules 4729-5-17 and 4729-9-01. The motion was seconded by Ms. Marchal and approved by the Board: Aye-6, Nay-0.

3:46 p.m.

Mr. McNamee led a discussion on revisions to rules 4729:5-5-03, 4729:5-5-04, 4729:5-5-07, 4729:5-5-24, 4729:5-5-23, and 4729:5-5-11—Outpatient Pharmacies.

R-2020-0119

Ms. Rudell moved that the Board approve revisions to 4729:5-5-03, 4729:5-5-04, 4729:5-5-07, 4729:5-5-24, 4729:5-5-23, and 4729:5-5-11—Outpatient Pharmacies for filing with JCARR. The motion was seconded by Mr. Miller and approved by the Board: Aye-6, Nay-0.

4:09 p.m.

Mr. McNamee led a discussion on revisions to rules 4729:5-3-15—Use of Hospital and Other Institution D.E.A. Registrations, 4729:5-3-16—Returned Drugs, 4729:6-3-08—Distributor of Dangerous Drugs Samples and Complementary Supplies, 4729:6-5-02—Wholesale Distributors-Recordkeeping, 4729:6-6-01 Virtual Wholesales-General Operations, 4729:6-7-01—Brokers-General Operations, 4729:6-8-02—Manufacturers-Recordkeeping, 4729:6-9-02—Repackagers-Recordkeeping, 4729:6-10-02—Outsourcing Facilities-Recordkeeping, and 4729:6-11-02—Third Party Logistics Providers-Recordkeeping.

R-2020-0120

Mr. Newlon moved that the Board approve revisions to 4729:5-3-15—Use of Hospital and Other Institution D.E.A. Registrations, 4729:5-3-16—Returned Drugs, 4729:6-3-08—Distributor of Dangerous Drugs Samples and Complementary Supplies, 4729:6-5-02—Wholesale Distributors-Recordkeeping, 4729:6-6-01 Virtual Wholesales-General Operations, 4729:6-7-01—Brokers-General Operations, 4729:6-8-02—Manufacturers-Recordkeeping, 4729:6-9-02—Repackagers-Recordkeeping, 4729:6-10-02—Outsourcing Facilities-Recordkeeping, and 4729:6-11-02—Third Party Logistics Providers-Recordkeeping for filing with CSI and JCARR. The motion was seconded by Ms. Marchal and approved by the Board: Aye-6, Nay-0.

4:17 p.m.

Mr. McNamee proposed Rescission to the following rules: 4729-11-01—Definitions, 4729-11-02—Schedule I Controlled Substances, 4729-11-03—Schedules II, III IV, and V, and 4729-11-09—Sale of Schedule V Controlled Substances Products Without a Prescription **to be replaced with** the following rules 4729:9-1-01—Schedule I Controlled Substances, 4729:9-1-02—Schedule II Controlled Substances, 4729:9-1-03—Schedule III Controlled Substances, 4729:9-1-04—Schedule IV Controlled Substances, and 4929:9-5-05—Schedule V Controlled Substances.

R-2020-0121

Mr. Weaver moved that the Board approve Rescission to the following rules 4729-11-01—Definitions, 4729-11-02—Schedule I Controlled Substances, 4729-11-03—Schedules II, III IV, and V, and 4729-11-09—Sale of Schedule V Controlled Substances Products Without a Prescription **be**

replaced with the following rules 4729:9-1-01—Schedule I Controlled Substances, 4729:9-1-02—Schedule II Controlled Substances, 4729:9-1-03—Schedule III Controlled Substances, 4729:9-1-04—Schedule IV Controlled Substances, and 4929:9-5-05—Schedule V Controlled Substances.. The motion was seconded by Ms. Marchal and approved by the Board: Aye-6, Nay-0.

- 4:22 p.m.** Mr. McNamee led a discussion on revisions to rules 4729:5-15-11—Animal Shelters-Definitions, 4729:5-15-02—Security and Control of Dangerous Drugs, and 4729:5-15-03—Record Keeping.
- R-2020-0122** Mr. Newlon moved that the Board approve revisions to rules 4729:5-15-11—Animal Shelters-Definitions, 4729:5-15-02—Security and Control of Dangerous Drugs, and 4729:5-15-03—Record Keeping Pharmacies for filing with CSI and/or JCARR. The motion was seconded by Mr. Weaver and approved by the Board: Aye-6, Nay-0.
- 4:38 p.m.** Mr. McNamee presented an update on the public hearing pertaining to the proposed rules involving Kratom.
- R-2020-0123** Mr. Weaver moved that the Board remove these rules from JCARR and table discussion on these rules until the November 2019 Board Meeting. The motion was seconded by Ms. Rudell and approved by the Board: Aye-6, Nay-0.
- 4:42 p.m.** Ms. Southard presented Trisha Roddy’s, (Intern license No. 06-011914), request to the Board for consideration. Ms. Roddy filed a request that she be granted an extension of time to take the North American Pharmacist Licensure Examination (NAPLEX).
- R-2020-0124** Mr. Newlon moved that the Board grant Trisha Roddy a six-month extension from September 15, 2019 to take the NAPLEX. The motion was seconded by Ms. Marchal and approved by the Board: Aye-6, Nay-0.
- 4:46 p.m.** Ms. Southard presented Charles Nkerbu’s, (Intern license No. 06-012389), request to the Board for consideration. Mr. Nkerbu filed a request that he be granted an extension of time to take the North American Pharmacist Licensure Examination (NAPLEX).
- R-2020-0125** Mr. Newlon moved that the Board grant Charles Nkerbu a one-year extension beginning on September 15, 2019 to take the NAPLEX. The motion was seconded by Ms. Marchal and approved by the Board: Aye-6, Nay-0.
- 4:49 p.m.** Ms. Ghitman presented the pharmacy technician training program application of Fairfield Career Center, Program Director—Tiffany Rhoades, Technician License No. 09-312605, to the Board for approval.
- R-2020-0126** Ms. Marchal moved that the Board approve Fairfield Career Center’s Pharmacy Technician Training Program. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-6, Nay-0.
- 4:50 p.m.** Ms. Ghitman presented the pharmacy technician training program application of South-Western Career Academy, Program Director—Kevin Kestner, Ohio Registration No. 09-312308, to the Board for approval.

- R-2020-0127** Mr. Weaver moved that the Board deny South-Western Career Academy's Technician Training Program. The motion was seconded by Mr. Newlon and denied by the Board: Aye-6, Nay-0.
- 4:54 p.m.** Ms. Dehner led a discussion on revisions to 4729:4-1-01—Definitions-Impaired Licensees, Registrants and Probation, 4729:4-1-02—Applicability, 4729:4-1-03—Requirements for Approved Treatment Providers, 4729:4-1-04—Monitoring Contracts, 4729:4-1-05—Probation, 4729:4-1-10—Terms While Under Suspension, 4729:4-1-06—Requirements for Approved Monitoring Programs, 4729:4-1-07—Summary Suspension of Licensee or Registrant, and 4729:4-1-08—Probation Committee.
- R-2020-0128** Ms. Marchal moved that the Board open the following rules for review 4729:4-1-01—Definitions-Impaired Licensees, Registrants and Probation, 4729:4-1-02—Applicability, 4729:4-1-03—Requirements for Approved Treatment Providers, 4729:4-1-04—Monitoring Contracts, 4729:4-1-05—Probation, 4729:4-1-10—Terms While Under Suspension, 4729:4-1-06—Requirements for Approved Monitoring Programs, 4729:4-1-07—Summary Suspension of Licensee or Registrant, and 4729:4-1-08—Probation Committee. The motion was seconded by Ms. Rudell and approved by the Board: Aye-6, Nay-0.
- 5:16 p.m.** The Board recessed for the day.
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Tuesday, September 10, 2019

- 9:01 a.m.** The State of Ohio Board of Pharmacy convened in the Hearing Room, 17th Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:
- Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh, Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; and Kilee S. Yarosh, RPh.
- Also present were Nicole Dehner, *Chief Legal Counsel*; Joe Koltak, *Senior Legal Counsel*; Ashley Gilbert, *Senior Legal Counsel*; and Kathryn Lewis, *Administrative Assistant*.
- 9:02 a.m.** The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of Daniel J. Reinhart, Westerville, Ohio.
- R-2020-0129** Ms. Rudell moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.

9:37 a.m. The recess ended and the hearing was opened to the public.

R-2020-0130 After votes were taken in public session, the Board adopted the following order in the matter of Daniel J. Reinhart, Westerville, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY
(Case Number I-2017-1457 & A-2018-0116)

In The Matter Of:

Daniel J. Reinhart, R.Ph.
592 Craigsides Lane Unit 206
Westerville, Ohio 43082
(License No. 03-328671)

INTRODUCTION

The Matter of Daniel Reinhart came for hearing on September 10, 2019, before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; ; Joshua M. Cox, RPh; Megan E. Marchal, RPh; D. Rich Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; and Kilee S. Yarosh, RPh.

Daniel Reinhart was not present and was not represented by counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Homer Chapa, Agent of the Board

Respondent's Witnesses:

1. None

State's Exhibits:

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|--|------------------------|
| 1. Confidential Patient Identifier Key | 05.31.2019 |
| 2. Notice of Opportunity of Hearing Letter | 05.31.2019 |
| 3. Demographics | 09.07.2019 |
| 4. Incident Reports | 03.27.2017 |
| 5. Statements | March 2017- April 2017 |
| 6. Certified Court Records | Various |
| 7. Prescriptions | Various |

Respondent's Exhibits:

A. None

FINDINGS OF FACT

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

1. On or about March 23, 2017, Daniel Reinhart was involved in the illegal sale of drugs at CVS #10247, located at 7510 West Sylvania Avenue, Sylvania, Ohio, where Daniel Reinhart was employed. Store security video from on or about March 23, 2017 shows that at approximately 10:41 a.m., a patient identified as T.S. was at the drive-thru window. Daniel Reinhart retrieved a blue bottle and handed it to a technician to count. Daniel Reinhart then opened the safe, counted out pills, and put them in a bottle. Daniel Reinhart handed both bottles to T.S. at the drive-thru window. No transaction was processed. On or about March 30, 2017, the Perpetual Inventory Log shows the drug count short by seven Oxycodone 20mg tablets as of March 24, 2017.
2. Daniel Reinhart distributed controlled substances to individuals without a valid prescription. Specifically, Daniel Reinhart distributed the following:
 - a. From on or about November 1, 2016 through April 1, 2017, Daniel Reinhart supplied Oxycodone 20mg tablets, a schedule II controlled substance, to T.S.
 - b. From on or about December 1, 2016 through April 1, 2017, Daniel Reinhart supplied Diazepam 10mg tablets, a schedule IV controlled substance, to T.S.
 - c. From on or about January 1, 2017 through April 1, 2017, Daniel Reinhart supplied Suboxone 8mg-2mg tablets, a schedule III controlled substance, to T.Y.
3. From on or about January 1, 2017 through April 1, 2017, Daniel Reinhart distributed Lunesta, a dangerous drug, to T.Y. without a valid prescription.
4. From on or about March 1, 2016 through April 1, 2017, Daniel Reinhart would save original manufacture stock bottles from medications that had been dispensed, but not picked up by the patient. Daniel Reinhart would repackage the dispensed medications in the stock bottle. Daniel Reinhart would then seal the stock bottle with double-sided tape and foil so it would appear that the bottle had never been opened.
5. On or about March 30, 2017 Daniel Reinhart were interviewed by agents from the Board. Daniel Reinhart stated the following:
 - a. Daniel Reinhart supplied T.S. with Oxycodone 20mg tablets and Diazepam 10mg tablets without a valid prescription on the following occasions:
 - i. November 2016 (two-day supply);

- ii. December 2016 (two-day supply);
 - iii. January 2017 (two-day supply); and
 - iv. March 2017 (three-day supply).
- b. Daniel Reinhart filled a month's supply of T.S.'s Oxycodone prescription and kept it in a locked drawer at the pharmacy. Daniel Reinhart would give T.S. one week's dosage at a time.
- c. Daniel Reinhart supplied T.Y. with Suboxone without a valid prescription on the following occasions:
- i. January 2017 (two 8mg-2mg tablets); and
 - ii. March 30, 2017 (three 8mg-2mg tablets).
- d. Daniel Reinhart supplied T.Y. with Lunesta without a valid prescription.
- e. Daniel Reinhart would save the original manufacture stock bottles from medications that had been dispensed but never picked up by the patient. Daniel Reinhart would then repackage the dispensed medications back into the stock bottle and seal them with double sided tape and foil so they would look like they had never been opened. Daniel Reinhart stated that some of the resealed containers may have been sent back to CVS vendors. Daniel Reinhart admitted that this conduct was in violation of CVS "Return to Stock" procedures.
6. On February 1, 2018 Daniel Reinhart was indicted by the Lucas County Common Pleas Court for Tampering with Drugs, pursuant to section 2925.24(B) and (E) of the Ohio Revised Code, a felony of the third degree; two counts of Trafficking in Drugs, pursuant to section 2925.03(A)(2) and (C)(2)(a) of the Ohio Revised Code, felonies of the fifth degree; and Aggravated Trafficking in Drugs, pursuant to section 2925.03(A)(2) and (C)(1)(a) of the Ohio Revised Code, a felony of the fourth degree. *State v. Reinhart*, CR18-1215, Lucas County, Ohio. On or about August 24, 2018, all criminal proceedings were stayed and Daniel Reinhart was accepted into the Lucas County Pre-trial Diversion Program under the supervision of the Pretrial-Presentence Department for a period of one year.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraphs 4 and 5(e) of the Allegations Section constitutes a violation of Section 2925.24(B) of the ORC, tampering with drugs.
2. Such conduct as set forth in paragraphs 1, 2(a), 5(a)(i), 5(a)(ii), 5(a)(iii), and 5(a)(iv) of the Allegations Section each constitutes a violation of Section 2925.03(C)(1)(a) of the ORC, aggravated trafficking of a schedule II controlled substance.

3. Such conduct as set forth in paragraphs 2(c) and 5(c)(i), and 5(c)(ii) of the Allegations Section each constitutes a violation of Section 2925.03(C)(2)(a) of the ORC, trafficking of a schedule III controlled substance.
4. Such conduct as set forth in paragraphs 2(b), 5(a)(ii), 5(a)(iii), and 5(a)(iv) of the Allegations Section each constitutes a violation of Section 2925.03(C)(2)(a) of the ORC, trafficking of a schedule IV controlled substance.
5. Such conduct as set forth in paragraph 5(b) of the Allegations Section constitutes a violation of Section 2925.11(C)(1)(a) of the ORC, aggravated possession of a schedule II controlled substance.
6. Such conduct as set forth in paragraphs 3 and 5(d) of the Allegations Section constitutes a violation of Section 4729.51(E)(1)(a) of the ORC, distributing dangerous drugs.
7. Such conduct as set forth in paragraphs 4 and 5(e) of the Allegations section constitutes a violation of Rule 4729-5-14(B)(3) of the OAC, a pharmacy may return dangerous drugs to stock shelves that have been dispensed, but not picked up by or delivered to patients and have never left the prescription department of the pharmacy or the control of the pharmacy delivery agent, if the dangerous drug products returned to stock shelves are maintained in the container in which they were filled and maintain their original prescription label containing the original expiration date assigned. The label on the container shall not be removed, altered, or replaced with another label or have any other label added.
8. Such conduct as set forth in paragraphs 1 through 6 of the Allegations Section constitutes a violation of Section 4729.08(B) of the ORC, not of good moral character and habits.
9. Such conduct as set forth in paragraphs 1 through 6 of the Allegations Section constitutes a violation of the following divisions of (A)(2) of section 4729.16 of the ORC, as effective July 15, 2015:
 - a. Guilty of a felony or gross immorality, ORC Section 4729.16(A)(1); and
 - b. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2); and
 - c. Guilty of willfully violating...any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC Section 4729.16(A)(5).
10. Such conduct as set forth in paragraphs 1 through 6 of the Allegations Section constitutes a violation of each of the following divisions of Rule 4729-5-04 of the OAC as effective April 28, 2016, each violation punishable by a maximum penalty of \$500:
 - a. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, OAC Rule 4729-5-04(A); and

- b. Violated...any of the provisions of Chapters 4729...of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729-5-04(B); and
- c. Committed acts that constitute immorality, OAC Rule 4729-5-04(C).

DECISION OF THE BOARD

In the Matter of Daniel Reinhart, the Board finds the trafficking of controlled substances coupled with repackaging dispensed medications back into stock bottles using double sided tape and foil to look as if they had never been opened to be of such an egregious nature as to prevent any future employment in a Board-licensed facility.

Accordingly, 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 adjudicates the matter of Daniel Reinhart as follows:

1. **On the basis of the Findings of Fact and section (1) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, license 03-328671, held by Daniel Reinhart. The revocation is effective as of the date of the mailing of this Order.**
2. **On the basis of the Findings of Fact and section (2) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, license 03-328671, held by Daniel Reinhart. The revocation is effective as of the date of the mailing of this Order.**
3. **On the basis of the Findings of Fact and section (3) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, license 03-328671, held by Daniel Reinhart. The revocation is effective as of the date of the mailing of this Order.**
4. **On the basis of the Findings of Fact and section (4) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, license 03-328671, held by Daniel Reinhart. The revocation is effective as of the date of the mailing of this Order.**
5. **On the basis of the Findings of Fact and section (5) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, license 03-328671, held by Daniel Reinhart. The revocation is effective as of the date of the mailing of this Order.**
6. **On the basis of the Findings of Fact and section (6) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, license 03-328671, held by Daniel Reinhart. The revocation is effective as of the date of the mailing of this Order.**

7. **On the basis of the Findings of Fact and section (7) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, license 03-328671, held by Daniel Reinhart. The revocation is effective as of the date of the mailing of this Order.**
8. **On the basis of the Findings of Fact and section (8) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, license 03-328671, held by Daniel Reinhart. The revocation is effective as of the date of the mailing of this Order.**
9. **On the basis of the Findings of Fact and section (9) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, license 03-328671, held by Daniel Reinhart. The revocation is effective as of the date of the mailing of this Order.**
10. **On the basis of the Findings of Fact and section (10) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, license 03-328671, held by Daniel Reinhart. The revocation is effective as of the date of the mailing of this Order.**

Daniel Reinhart 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.

Daniel Reinhart 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, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State's Exhibit 1, 4, 5 and 7.

Kilee S. Yarosh moved for Findings of Fact; Jennifer M. Rudell seconded the motion. Motion passed (Aye-7/Nay-0).

Donald R. Miller moved for Conclusions of Law; Megan E. Marchal seconded the motion. Motion passed (Aye-7/Nay-0).

Richard J. Newlon moved for Action of the Board; Kilee S. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

- 9:49 a.m.** The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of Amy Wildermuth, Oregonia, Ohio.
- R-2020-0131** Ms. Rudell moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.
- 10:41 a.m.** The recess ended and the hearing was opened to the public.
- R-2020-0132** After votes were taken in public session, the Board adopted the following order in the matter of Amy Wildermuth, Oregonia, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2017-2593)

In The Matter Of:

Amy Wildermuth, R.Ph.
6213 Oregonia Road
Oregonia, OH 45054
(License No. 03-1-22458)

INTRODUCTION

The Matter of Amy Wildermuth came for hearing on September 10, 2019, before the following members of the State of Ohio Board of Pharmacy (Board): Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh and Kilee S. Yarosh, RPh.

Amy Wildermuth was represented by Zachary Swisher. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCEState's Witnesses:

1. None

Respondent's Witnesses:

1. Kelle Miller—Amy Wildermuth's Sponsor
2. Mike Wildermuth—Amy Wildermuth's Spouse
3. Amy Wildermuth

State's Exhibits:

1. Notice Letter
11.01.2017
2. Board Order
10.28.2018

Respondent's Exhibits:

- A. Original PRO Contract
12.22.2017
- B. Current PRO Contract
11.14.2018
- C. Termination Entry, Greene County Common Pleas
06.17.2019
- D. Meeting Attendance Records Various
- E. Drug Screen Results Various
- F. Certificate of Completion Adult Non-Medical Community Residential Treatment
12.14.2017
- G. Certificate of Completion Aftercare Program
12.13.2018
- H. Certificate of Completion Theft Clinic
09.4.2018
- I. Letter of Support from Lora Hammons
05.20.2019
- J. Letter of Support from Christopher Harrison
06.10.2019
- K. Letter of Support from Donald "Jamey" Mills
05.13.2019
- L. CPE Monitoring Activity Transcript Various

- M. Letter of Support from Jared Grossman, PRO Advocate
07.17.2019
- N. Letter of Support from Kelle Miller, Sponsor
07.02.2019
- O. Letter of Support from Lisa Bradley, RPh
07.08.2019
- P. Letter of Support from Timothy J. Gatzulis
07.23.2019
- Q. Signed Letter of Support from Jarrod Grossman, PRO Executive Director
08.17.2019
- R. Updated Meeting Attendance Log July 2019 Various
- S. PRO Test History Report Various
- T. Letter of Support from Kate Schaefer
09.08.2019

FINDINGS OF FACT and DECISION OF THE BOARD

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the Board finds that Amy Wildermuth has substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case No. 2017-2593 dated October 28, 2019.

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby approves the immediate reinstatement of the pharmacist identification card, No. 03-1-22458, held by Amy Wildermuth to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

1. Amy Wildermuth must enter into and adhere to the terms of a **new** contract, signed within thirty days after the effective date of this Order, with an approved treatment provider or an approved monitoring program for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Failure to adhere to the terms of the treatment contract will be considered a violation of the Board's Order and subject Amy Wildermuth to potential sanctions up to and including revocation of license. The contract must provide that:
 - a. **Random, observed** urine drug screens shall be conducted at least once each month.
 - b. 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.

- c. Alcohol and Ethyl Glucuronide (ETG) must be added to the standard urine drug screen.
 - d. 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.
 - e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of Amy Wildermuth in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.
2. The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
 - a. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - b. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
3. Amy Wildermuth shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the Board's Order and request Amy Wildermuth reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. Amy Wildermuth shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of probation. The Board shall treat any such refusal as a violation of the Board's Order and request Amy Wildermuth reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. Amy Wildermuth must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:
 - a. The written report and documentation provided by the treatment program pursuant to the contract, and
 - b. A written description of Amy Wildermuth's progress towards recovery and what she has been doing during the previous three months.

6. Other terms of probation are as follows:
 - a. Amy Wildermuth must meet at least annually with the Board's Probation Committee, the first meeting to be held September 1, 2020 at 9:00 a.m.
 - b. Amy Wildermuth must request and receive advance approval from the Board or its Probation Committee for any out-of-state travel in excess of three days. Absent exigent circumstances, the request must be made a minimum of fourteen days prior to the out-of-state travel.
 - c. The State of Ohio Board of Pharmacy hereby declares that Amy Wildermuth's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - d. Amy Wildermuth may not serve as a responsible pharmacist.
 - e. Amy Wildermuth may not destroy, assist in, or witness the destruction of controlled substances.
 - f. Amy Wildermuth may not work in a pharmacy more than 40 hours per week or 80 hours over a two-week period.
 - g. Amy Wildermuth must not violate the drug laws of Ohio, any other state, or the federal government.
 - h. Amy Wildermuth must abide by the rules of the State of Ohio Board of Pharmacy.
 - i. Amy Wildermuth must comply with the terms of this Order.
 - j. Amy Wildermuth 's license is deemed not in good standing until successful completion of the probationary period.
7. Amy Wildermuth must abide by all other terms of probation as set forth in Ohio Administrative Code Chapter 4729:4
8. Amy Wildermuth must immediately report any violation of the terms of this probation to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Amy Wildermuth to possible additional sanctions, including and up to revocation of license.

9. Any violation of probation or this Board's Order may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code, including and up to revocation of Amy Wildermuth's license.

At the conclusion of the probationary period, the Board will issue a notice of opportunity for hearing to Amy Wildermuth regarding the status of her probation and whether she has successfully met all terms of probation and may be considered in good standing.

Kilee S. Yarosh moved for Findings of Fact and Decision of the Board; Fred M. Weaver seconded the motion. Motion passed (Aye-7/Nay-0).

Kilee S. Yarosh moved for the Decision of the Board; Fred M. Weaver seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

10:44 a.m. Ms. Dehner led a discussion on Summary Suspension Call timing.

10:52 a.m. Ms. Dehner, Ms. Wei, and Mr. Pyles led a discussion on Licensee Positive Drug Test Results and the role of the Board in these situations. The Board confirmed the current case opening process should continue. When an employee who is a licensee of the Board is referred for a random drug test, and the drug test comes back positive for only marijuana, this matter will be left to the discretion of the employer. When a random drug test comes back positive for a substance for which a licensee does not have a legal prescription, a case may be opened as a summary suspension. When an employee who is a licensee of the Board is referred for a drug test due to suspicion of impairment, a case will be opened as a summary suspension unless circumstances warrant otherwise. If an employer drug screen result comes back positive for a substance for which they do not have a legal prescription, theft is suspected, but the employee has been terminated, a case may be opened but not necessarily as a summary suspension unless circumstances warrant otherwise.

11:04 a.m. Ms. Reed provided the Medical Marijuana Program Update.

11:17 a.m. Ms. Reed presented the following updates to the Release of De-Identified Data and Statistics policy for Board approval.

I. PURPOSE OF POLICY

The purpose of this policy is to provide guidance on how the Board of Pharmacy releases de-identified data for research and educational purposes from the Medical Marijuana Patient and Caregiver Registry and Ohio Automated Rx Reporting System (OARRS).

II. RELATED LAWS

ORC 3796.08(B): The board shall not make public any information reported to or collected by the board under this section that identifies or would tend to identify any specific patient.

Information collected by the board pursuant to this section is confidential and not a public record. The board may share identifying information with a licensed retail dispensary for the purpose of confirming that a person has a valid registration. Information that does not identify a person may be released in summary, statistical, or aggregate form.

ORC 4729.80(C): Information contained in the database and any information obtained from it is confidential and is not a public record. Information that does not identify a person may be released in summary, statistical, or aggregate form.

OAC 3796:7-2-10: Any document that is a patient record or that contains information that is required to be kept confidential according to any state or federal law, for purposes of the administrative hearing only, may be provided to a representative of record or to a witness in the proceeding, but shall not be disseminated to any other person unless the confidential information is redacted.

OAC 4729-37-10: The Board of Pharmacy may provide or present database statistics and law enforcement outcomes based on a request for information pursuant to section 4729.80 of the Revised Code. The information shall not identify a person and will be provided as determined by the Board of Pharmacy in summary, statistical, or aggregate form.

III. DEFINITIONS

- A. De-Identified Data: Prescription or recommendation level data with identifiers blinded for patients, prescribers, recommenders, dispensaries, and pharmacies.
- B. Statistics & Aggregate Data: Data which is compiled at an aggregated level such that individual prescription or recommendation records are not identifiable (e.g., number of prescriptions by county).

IV. DE-IDENTIFIED DATA

- A. De-identified OARRS data is intended to be used for (bona fide) research projects.
- B. De-identified OARRS data is not public record.
- C. Researchers not associated with a state agency must submit a research protocol and an Institutional Review Board (IRB) approval.
- D. Researchers associated with a state agency must submit a request in writing signed by their agency director.
- E. All researchers must sign a Memorandum of Understanding (MOU).

- F. Protocols/Requests/MOUs must include:
1. The reason for the study and anticipated outcome (e.g., publication or presentation at scientific meetings, etc.).
 2. Agreement that the use of data is limited to the research project terms. If data is to be re-used, another approval is requested.
 3. Agreement that the data cannot be transferred/shared with anyone outside of the specific research project for which it is approved.
 4. Agreement that research results will be reported to the Board of Pharmacy and that the Board of Pharmacy may use the results for Board related purposes (e.g., reports to legislature).
 5. Research results may be published with prior approval of the Director of OARRS; however, de-identified data as received from the State Board of Pharmacy may not be released as part of the publication.
- G. De-identified data will be released in standard, quarterly data files. Custom de-identified files will not be generated.

V. STATISTICS AND AGGREGATE DATA

- A. Director of OARRS will develop a process for validating statistics and aggregate data.
- B. All statistics and aggregate data will be validated using the validating process.
- C. Requests for Medical Marijuana dispensation data will not include dispensation information regarding traditional pharmaceuticals.
- D. Preliminary statistics and aggregate data may be released to Board of Pharmacy employees or other state agencies with a notice that emphasizes the data has not been validated and should not be used in any publication, speech, presentation, or otherwise publicly released. An estimated timeframe for validation of the data shall be included.
1. Any electronically transmitted or printed materials containing preliminary statistics or aggregate data must be accompanied by the following verbiage, printed in red, bold typeface in a conspicuous manner: **This document contains preliminary OARRS statistics or aggregate data. This data has not been verified for accuracy and is subject to revision. The data has not received final approval by the Director of OARRS and is provided on the condition that it is used for discussion purposes only and shall not be otherwise publicly released.**
- E. Director of OARRS will develop a process for organizing and storing statistics and aggregate data. This process shall include an index, description of the data, validation status of the data, requests

for the data, or description of where the data has been published (e.g., OARRS/Board of Pharmacy webpage), and methods for reproducing the data (e.g., queries and Tableau workbooks). Requests will be handled in the following manner:

1. Requests for OARRS Statistics or aggregate data will be made using a Board of Pharmacy Request Form.
2. Requests may be made by Board of Pharmacy staff, other state agencies, or the public.
3. Requests from the public are limited to existing validated data. Requests for new statistics or aggregate data may not be accepted from the public.
4. Prior to releasing statistics or aggregate data, staff shall validate that no unit of data provided represents fewer than five patients, prescribers, or pharmacies. In the event that a unit of data does represent fewer than five patients, prescribers, or pharmacies, values may be redacted, or the data may be represented in larger groupings.
5. Timeframes for data will be no less than one month. Data shall be grouped in standard years, months, or quarters.
6. Drugs will be identified by generic name only. Specific brands will not be identified.
7. Requests for new statistics must be requested a minimum of ten business days in advance. Staff will notify requestor as soon as it is determined whether additional time is needed to fulfill the request.
8. Upon receiving a request, staff will research existing verified data to determine if any can be used as-is or whether modifications are required to fulfill the request.

R-2020-0133 Ms. Marchal moved that the Board approve the updated policy Release of De-Identified Data and Statistics. The motion was seconded by Ms. Rudell and approved by the Board (Aye-7/Nay-0).

11:25 a.m. Ms. Reed led a discussion on some of the recent recommendations the Health Claims Review Committee made for Medical Marijuana advertisements. The Board reviewed and requested its recommendations be returned to the Committee for the Committee's review.

R-2020-0134 Ms. Rudell moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Mr. Cox and a roll-call vote was conducted by President Wilt as follows: Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Rudell-yes; Weaver-yes; Yarosh-yes.

2:54 p.m. Executive Session concluded.

Wednesday, September 11, 2019

9:07 a.m. The State of Ohio Board of Pharmacy convened in the Hearing Room, 17th Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Shawn C. Wilt, RPh, *Presiding*; Joshua M. Cox, RPh, Megan E. Marchal, RPh; Richard J. Newlon, *Public Member*; Fred M. Weaver, RPh; and Kilee S. Yarosh, RPh.

Also present were Nicole Dehner, *Chief Legal Counsel*; Joe Koltak, *Senior Legal Counsel*; Ashley Gilbert, *Senior Legal Counsel*; and Kathryn Lewis, *Administrative Assistant*.

R-2020-0135 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
Case No. A-2019-0166**

**Patricia Wohar
License No. 09-307141
7897 Chesterfield Ave.
Parma, OH 44129**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Patricia Wohar, for the purpose of resolving all issues between the parties relating to the theft of controlled substances and dangerous drugs. Together, the Board and Patricia Wohar are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.90 of the Ohio Revised Code to perform the duties of a certified pharmacy technician in the state of Ohio.
2. Patricia Wohar is an Ohio-registered certified pharmacy technician under suspended registration number 09-307141.

FACTS

1. On or about March 12, 2019, the Board initiated an investigation of Patricia Wohar, certified pharmacy technician registration number 09-307141, related to Patricia Wohar's theft of controlled substances and other dangerous drugs.
2. On or about March 21, 2019, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Patricia Wohar, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. On or about April 19, 2019, the Board timely received a request for a hearing in this matter.
4. A hearing was subsequently scheduled for Monday, August 12, 2019.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Patricia Wohar neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 21, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. **PATRICIA WOHar PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER REGISTRATION AS A CERTIFIED PHARMACY TECHNICIAN, REGISTRATION NO. 09-307141, WITH DISCIPLINE PENDING.**
4. **Patricia Wohar may never reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code.**
5. Patricia Wohar agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Patricia Wohar understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Patricia Wohar agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.

8. Patricia Wohar waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws her request for a hearing in this matter and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0136 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2018-0074**

Carl W. Morris, RPh
License No. 03-108030
7012 Maple Avenue
Cincinnati, OH 45243

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Carl W. Morris, for the purpose of resolving all issues between the parties relating to the Board investigation of Carl Morris illegally creating and dispensing a prescription without authorization from the patient's physician. Together, the Board and Carl W. Morris, RPh are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Carl W. Morris, RPh is an Ohio-licensed pharmacist under license number 03-108030.

FACTS

1. On or about May 15, 2018, the Board initiated an investigation of Carl W. Morris, pharmacist license number 03-108030, related to Carl W. Morris illegally creating and dispensing a prescription without authorization from the patient's physician.
2. On or about May 10, 2019 the Board sent a Notice of Opportunity for Hearing to Carl W. Morris, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about May 31, 2019, Carl W. Morris timely requested a hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Carl W. Morris neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated May 10, 2019, however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Carl W. Morris agrees to pay to the Board a monetary penalty in the amount of \$1,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Settlement Agreement. To pay this fine you must login to www.license.ohio.gov and process the items in your cart.
4. Carl W. Morris must obtain, within 90 days from the effective date of this Agreement, ten hours of approved continuing pharmacy education (1.0 CEUs) which may not also be used for license renewal. The seven hours of approved continuing pharmacy education (0.7 CEUs) Mr. Morris has completed in the past three months (Law and Ethics, Patient Safety and Medication Errors, and Pharmacists Foundation, Inc.) shall count toward completion of the required ten hours. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Carl W. Morris agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Carl W. Morris understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Carl W. Morris agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a

professional license, including to the Board on renewal applications or applications for a new license.

8. Carl W. Morris waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0137 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2018-0146**

**Saturday Spine Clinic dba ISPROC
License No. 02-2138650
c/o Michael Stretanski
50 Old Village Road, Suite 104
Columbus, OH 43228**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Saturday Spine Clinic dba ISPROC (Saturday Spine), for the purpose of resolving all issues between the parties relating to the Board investigation of issues involving the failure to submit renewal information for a Terminal Distributor of Dangerous Drugs (TDDD) license. Together, the Board and Saturday Spine are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.

2. Saturday Spine is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2138650.

FACTS

1. On or about April 21, 2017, the Board initiated an investigation of Saturday Spine's, Terminal Distributor of Dangerous Drugs license number 02-2138650, related to Saturday Spine's failure to submit renewal information for a Terminal Distributor of Dangerous Drugs (TDDD) license in both 2016 and 2017.
2. On or about November 28, 2018 the Board sent a Notice of Opportunity for Hearing to Saturday Spine, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about December 20, 2018, Saturday Spine timely requested an administrative hearing, which was subsequently scheduled for May 6, 2019. The matter was continued and scheduled for October 8, 2019.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Saturday Spine neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated November 28, 2018; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Saturday Spine agrees to pay to the Board a monetary penalty the amount of \$3,750. The monetary penalty is \$1,000 for the failure to renew Saturday Spine's TDDD license in 2016 and \$2,750 for the failure to renew Saturday Spine's TDDD license in 2017. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Saturday Spine agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.

5. Saturday Spine agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Saturday Spine of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Saturday Spine by the Board and will NOT discharge Saturday Spine from any obligation under the terms of this Agreement.
6. Saturday Spine agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Saturday Spine understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Saturday Spine will operate.
9. Saturday Spine waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0138 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2018-0147**

**Interventional Spine and Pain Rehabilitation Center
License No. 02-2146850**

c/o Michael Stretanski
165 North Trimble Road
Mansfield, OH 44906

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Interventional Spine and Pain Rehabilitation Center (Interventional Spine), for the purpose of resolving all issues between the parties relating to the Board investigation of issues involving the failure to submit renewal information for a Terminal Distributor of Dangerous Drugs (TDDD) license. Together, the Board and Interventional Spine are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Interventional Spine is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2146850.

FACTS

1. On or about April 21, 2017, the Board initiated an investigation of Interventional Spine’s, Terminal Distributor of Dangerous Drugs license number 02-2146850, related to Interventional Spine’s failure to submit renewal information for a Terminal Distributor of Dangerous Drugs (TDDD) license in both 2016 and 2017.
2. On or about November 28, 2018 the Board sent a Notice of Opportunity for Hearing to Interventional Spine, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about December 20, 2018, Interventional Spine timely requested an administrative hearing, which was subsequently scheduled for May 6, 2019. The matter was continued and scheduled for October 8, 2019.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.

2. Interventional Spine neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated November 28, 2018; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Interventional Spine agrees to pay to the Board a monetary penalty the amount of \$3,750. The monetary penalty is \$1,000 for the failure to renew Interventional Spine's TDDD license in 2016 and \$2,750 for the failure to renew Interventional Spine's TDDD license in 2017. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Interventional Spine agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Interventional Spine agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Interventional Spine of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Interventional Spine by the Board and will NOT discharge Interventional Spine from any obligation under the terms of this Agreement.
6. Interventional Spine agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Interventional Spine understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Interventional Spine will operate.
9. Interventional Spine waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0139 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
Case No. A-2018-0052**

**Northeast Ohio Veterinary
License No. 02-2709450
DBA Companion Animal Hospital
c/o Dr. Philip A. Williams
6165 SOM Center Road
Solon, OH 44139**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Companion Animal Hospital, for the purpose of resolving all issues between the parties relating to the Board investigation of Responsible Person Dr. Philip Williams' creation of false prescriptions for hydrocodone syrup. Together, the Board and Companion Animal Hospital are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Companion Animal Hospital is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2709450, which lists Dr. Philip Williams as the Responsible Person.

FACTS

1. The Board initiated an investigation of Companion Animal Hospital, Terminal Distributor of Dangerous Drugs license number 02-2709450, related to Responsible Person Dr. Philip Williams' creation of false prescriptions for hydrocodone syrup.

2. On or about June 13, 2019, the Board sent a Notice of Opportunity for Hearing to Companion Animal Hospital, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about June 20, 2019, Companion Animal Hospital timely requested an administrative hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Companion Animal Hospital neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated June 13, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Companion Animal Hospital agrees to pay to the Board a monetary penalty in the amount of \$5,600.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Companion Animal Hospital's Responsible Person, Dr. Philip Williams, agrees to cease all prescription of schedule II-controlled substances.
5. The Board agrees to allow Companion Animal Hospital to maintain a Limited Terminal Distributor of Dangerous Drugs License. Companion Animal Hospital agrees to restrict its category III Terminal Distributor of Dangerous Drugs License to possession and/or use of the following drugs: Euthasol (pentobarbital sodium and phenytoin sodium), ketamine, and diazepam. Any additions to this list must first be approved by the Board.
6. Companion Animal Hospital and Dr. Philip Williams agree to restrict the practice such that Jessica Jerome may not have access to the business or any drug stock.
7. Companion Animal Hospital agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.

8. Companion Animal Hospital agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
9. Companion Animal Hospital understands that it has the right to be represented by counsel for review and execution of this agreement.
10. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Companion Animal Hospital will operate.
11. Companion Animal Hospital waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.
12. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
13. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
14. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
15. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0140 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. A-2019-0126**

**Joie De Vivre Medical Spa
License No. 02-2881800
c/o James Franz, DO
2712 Fulton Dr NW
Canton, OH 44718**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Joie De Vivre Medical Spa, for the purpose of resolving all issues between the parties relating to the Board investigation of the illegal purchase of dangerous drugs. Together, the Board and Joie De Vivre Medical Spa are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Joie De Vivre Medical Spa is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2881800.

FACTS

1. On or about December 11, 2018, the Board initiated an investigation of Joie De Vivre Medical Spa, Terminal Distributor of Dangerous Drugs license number 02-2881800, related to Joie De Vivre Medical Spa’s purchase of compounded dangerous drugs from an unlicensed drug distributor, Complete Pharmaceuticals.
2. On or about August 14, 2019 the Board sent a Notice of Opportunity for Hearing to Joie De Vivre Medical Spa, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Joie De Vivre Medical Spa neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 14, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio’s pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Joie De Vivre Medical Spa agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Settlement Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.

4. Joie De Vivre Medical Spa agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Joie De Vivre Medical Spa agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Joie De Vivre Medical Spa of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Joie De Vivre Medical Spa by the Board and will NOT discharge Joie De Vivre Medical Spa from any obligation under the terms of this Agreement.
6. Joie De Vivre Medical Spa agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Joie De Vivre Medical Spa understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Joie De Vivre Medical Spa will operate.
9. Joie De Vivre Medical Spa waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0141

Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2019-0098**

Obimba Isaac-Ebiringa
License No. 03-224989
8807 Union Springs Court
Centerville, OH 45458

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Obimba Isaac-Ebiringa, for the purpose of resolving all issues between the parties relating to the Board investigation of failure to conduct Drug Utilization Review. Together, the Board and Obimba Isaac-Ebiringa are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Obimba Isaac-Ebiringa is an Ohio-licensed pharmacist under license number 03-224989.

FACTS

1. The Board initiated an investigation of Obimba Isaac-Ebiringa, pharmacist license number 03-224989, related to Obimba Isaac-Ebiringa’s failure to conduct Drug Utilization Review.
2. On or about August 15, 2019 the Board sent a Notice of Opportunity for Hearing to Obimba Isaac-Ebiringa, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.

2. Obimba Isaac-Ebiringa neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 15, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Obimba Isaac-Ebiringa agrees to pay to the Board a monetary penalty in the amount of \$500.00, The fine shall be paid no later than thirty (30) days from the effective date of this Settlement Agreement. You must login to www.elicense.ohio.gov and process the items in your cart to pay this fine.
4. Obimba Isaac-Ebiringa agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Obimba Isaac-Ebiringa understands that he has the right to be represented by counsel for review and execution of this agreement.
6. Obimba Isaac-Ebiringa agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
7. Obimba Isaac-Ebiringa waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
11. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0142 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2019-0358**

Mr. Scott Gier

License No. 03-318266
123 Reservoir Rd
Upper Sandusky, OH 43351

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Scott Gier, for the purpose of resolving all issues between the parties relating to the Board investigation of Wyandot Memorial Hospital's compounding practices in violation of USP 797, Chapter 4729 of the Ohio Revised Code (ORC), and Chapter 4729-16 of the Ohio Administrative Code (OAC). Together, the Board and Scott Gier are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to division (A)(1) of Section 4729.16 of the Ohio Revised Code (ORC), the Board may impose any one or more of the following sanctions on a pharmacist or pharmacy intern if the board finds the individual engaged in any of the conduct set forth in division (A)(2) of ORC 4729.16:
 - a. Revoke, suspend, restrict, limit, or refuse to grant or renew a license, ORC 4729.16(A)(1)(a); and/or
 - b. Reprimand or place the license holder on probation, ORC 4729.16(A)(1)(b); and/or
 - c. Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or in the case of a violation of a section of the Revised Code that does not bear a penalty, impose a monetary penalty or forfeiture of not more than \$500, ORC 4729.16(A)(1)(c).
2. Rule 4729-05-04 of the Ohio Administrative Code (OAC) (effective until May 1, 2018) provides that the Board may discipline or deny the issuance of a license to practice pharmacy as a pharmacist in Ohio.
3. Scott Gier is a licensed pharmacist in the state of Ohio under license number 03-318266.
4. Wyandot Memorial Hospital is a Licensed TDDD under License No. 02-0034750, which lists the Responsible Person as Scott Gier.

FACTS

1. On or about April 24, 2018, the Board initiated an investigation of Wyandot Memorial Hospital, Terminal Distributor of Dangerous Drugs (TDDD) license number 02-0034750, related to Wyandot Memorial Hospital's compounding practices in violation of USP 797, ORC 4729, and OAC 4729-16.

2. On or about August 14, 2019, the Board sent a Notice of Opportunity for Hearing to Wyandot Memorial Hospital's Responsible Person, Scott Gier, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Scott Gier neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 14, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Scott Gier agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Settlement Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Scott Gier must obtain, within 90 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs) on the topic of sterile compounding, which may not be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Scott Gier agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Scott Gier understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Scott Gier agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Scott Gier waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

R-2020-0143 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. A-2019-0076**

Wyandot Memorial Hospital
License No. 02-0034750
c/o Scott Gier
885 N. Sandusky Ave
Upper Sandusky, OH 43351

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Wyandot Memorial Hospital, for the purpose of resolving all issues between the parties relating to the Board investigation of Wyandot Memorial Hospital's compounding practices in violation of USP 797, Chapter 4729 of the Ohio Revised Code (ORC), and Chapter 4729-16 of the Ohio Administrative Code (OAC). Together, the Board and Wyandot Memorial Hospital are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to ORC 4729.57 and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, refuse to grant or renew, reprimand, place on probation any license issued pursuant to ORC 4729.54.
2. Pursuant to ORC 4729.57 and the rules adopted thereunder, the Board has the authority to impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or one thousand dollars if the acts committed have not been classified as an offense by the Revised Code on any license issued pursuant to ORC 4729.54.

3. Wyandot Memorial Hospital is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0034750.

FACTS

1. On or about April 24, 2018, the Board initiated an investigation of Wyandot Memorial Hospital, Terminal Distributor of Dangerous Drugs (TDDD) license number 02-0034750, related to Wyandot Memorial Hospital's compounding practices in violation of USP 797, ORC 4729, and OAC 4729-16.
2. On or about August 14, 2019, the Board sent a Notice of Opportunity for Hearing to Wyandot Memorial Hospital, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Wyandot Memorial Hospital neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 14, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Wyandot Memorial Hospital agrees to pay to the Board a monetary penalty in the amount of \$5,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Settlement Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Wyandot Memorial Hospital TDDD License No. 02-0034750 will be placed on probation for two-years from the effective date of this Agreement. As a condition of its probation, Wyandot Memorial Hospital must submit the results of testing required by USP 797 to the Board for review every six months. The test results shall include, at a minimum:
 - a. Records of certification or recertification of all classified areas including the primary engineering control(s)(PECs) and secondary engineering controls (SECs).
 - b. Total airborne particle counts in each classified area including the primary engineering control(s)(PECs).
 - c. Viable air sampling to evaluate airborne microorganisms for all classified areas.
 - d. Surface sampling for viable particles of all classified areas including the primary engineering control(s)(PECs).

- e. Applicable data collected and corrective actions for any out-of-level occurrences, including media-fill test, endotoxin, sterility, etc.
 5. Wyandot Memorial Hospital agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
 6. Wyandot Memorial Hospital agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, ORC Chapter 4729. and the rules adopted thereunder, ORC Chapter 3719. and the rules adopted thereunder, ORC Chapter 3715. and the rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Wyandot Memorial Hospital of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Wyandot Memorial Hospital by the Board and will NOT discharge Wyandot Memorial Hospital from any obligation under the terms of this Agreement.
 7. Wyandot Memorial Hospital agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 8. Wyandot Memorial Hospital understands that it has the right to be represented by counsel for review and execution of this agreement.
 9. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Wyandot Memorial Hospital will operate.
 10. Wyandot Memorial Hospital waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.
 11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 12. All parties to this Agreement understand that this document is a public record pursuant to ORC 149.43.
 13. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 14. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2020-0144 Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2019-0352**

Dawn Haack
License No. 03-120398
8845 Wildlane Dr
South Charleston, OH 45368

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Dawn Haack, for the purpose of resolving all issues between the parties relating to the Board investigation of Urbana Mercy Health – Urbana Hospital’s (Urbana Hospital) compounding practices in violation of USP 797, Chapter 4729 of the Ohio Revised Code (ORC), and Chapter 4729-16 of the Ohio Administrative Code (OAC). Together, the Board and Dawn Haack are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to division (A)(1) of Section 4729.16 of the Ohio Revised Code (ORC), the Board may impose any one or more of the following sanctions on a pharmacist or pharmacy intern if the board finds the individual engaged in any of the conduct set forth in division (A)(2) of ORC 4729.16:
 - a. Revoke, suspend, restrict, limit, or refuse to grant or renew a license, ORC 4729.16(A)(1)(a); and/or
 - b. Reprimand or place the license holder on probation, ORC 4729.16(A)(1)(b); and/or
 - c. Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or in the case of a violation of a section of the Revised Code that does not bear a penalty, impose a monetary penalty or forfeiture of not more than \$500, ORC 4729.16(A)(1)(c).
2. Pursuant to paragraph (B)(1) of Rule 4729:1-4-01 of the Ohio Administrative Code (OAC) (effective May 1, 2018) the Board may impose any one or more of the following sanctions on a pharmacist or applicant for a pharmacist license if the board finds the individual engaged in any of the conduct set forth in paragraph (B)(2) of OAC 4729:1-4-01:
 - a. Revoke, suspend, restrict, limit, or refuse to grant or renew a license, OAC 4729:1-4-01(B)(1)(a); and/or

- b. Reprimand or place the license holder on probation, OAC 4729:1-4-01(B)(1)(b); and/or
 - c. Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or in the case of a violation of a section of the Revised Code that does not bear a penalty, impose a monetary penalty or forfeiture of not more than \$500, ORC 4729:1-4-01(B)(1)(c).
3. Dawn Haack is a licensed pharmacist in the state of Ohio under license number 03-120398.
 4. Mercy Health - Urbana Hospital is a Licensed TDDD under License No. 02-0930650, which lists the Responsible Person as Dawn Haack.

FACTS

1. On or about May 15, 2018, the Board initiated an investigation of Urbana Hospital, Terminal Distributor of Dangerous Drugs (TDDD) license number 02-0930650, related to Urbana Hospital's compounding practices in violation of USP 797, ORC 4729, and OAC 4729-16.
2. On or about August 14, 2019, the Board sent a Notice of Opportunity for Hearing to Urbana Hospital's Responsible Person, Dawn Haack, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

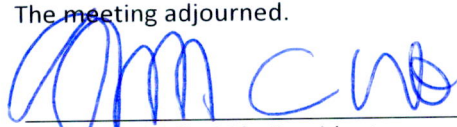
NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Dawn Haack neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 14, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Dawn Haack agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Settlement Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Dawn Haack must obtain, within 90 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs) on the topic of sterile compounding,

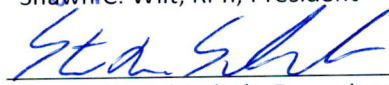
- which may not be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Dawn Haack agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 6. Dawn Haack understands that she has the right to be represented by counsel for review and execution of this agreement.
 7. Dawn Haack agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
 8. Dawn Haack waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 12. This Agreement shall become effective upon the date of the Board President's signature below.
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- R-2020-0145** Ms. Marchal moved that the Probation Committee Minutes of August 5, 2019 of be approved as written. The motion was seconded by Mr. Cox and approved by the Board: Aye-5, Nay-0.
- R-2020-0146** Ms. Marchal moved that the Board Meeting Minutes of August 5-6, 2019 of be approved as written. The motion was seconded by Mr. Cox and approved by the Board: Aye-5, Nay-0.
- R-2020-0147** Ms. Marchal moved that the Conference Call Minutes of August 7, 2019 of be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-5, Nay-0.
- R-2020-0148** Mr. Cox moved that the Conference Call Minutes of August 20, 2019 of be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-5, Nay-0.
- R-2020-0149** Mr. Newlon moved that the Conference Call Minutes of August 23, 2019 of be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-5, Nay-0.

- R-2020-0150** Ms. Yarosh moved that the approval or denial of Medical Marijuana matters, with the exception of routine variances but including settlements, be delegated to Mr. Wilt until the Board reconvenes. The motion was seconded by Mr. Newlon and approved by the Board: Aye-5, Nay-0.
- 9:13 a.m.** Mr. McNamee led a discussion on revisions to rule 4729:5-15-02—Animal Shelters.
- R-2020-0151** Ms. Marchal moved that the Board approve revisions to 4729:5-15-02—Animal Shelters for filing with JCARR. The motion was seconded by Mr. Newlon and approved by the Board: Aye-5, Nay-0.
- 9:15 a.m.** Mr. McNamee led a discussion on revisions to rule 4729:5-5-11—Prescription Copy.
- R-2020-0152** Ms. Marchal moved that the Board approve revisions to 4729:5-5-11—Prescription Copy for filing with JCARR. The motion was seconded by Mr. Newlon and approved by the Board: Aye-5, Nay-0.
- 9:17 a.m.** Mr. McNamee proposed that the Board approve modifications to rules 4729:5-5-11 and 4729:3-3-04—Positive ID Transfer.
- R-2020-0153** Ms. Marchal moved that the Board approve modifications to rules 4729:5-5-11 and 4729:3-3-04—Positive ID Transfer. The motion was seconded by Mr. Newlon and approved by the Board: Aye-5, Nay-0.
- 9:19 a.m.** The Board was joined by Agent Teresa Meyer who presented the facts of Carolyn Jones' case.
- R-2020-0154** After hearing Ms. Meyer discuss the significant facts regarding the activities of Carolyn Jones, Pharmacist. Mr. Newlon moved that the Board summarily suspend the pharmacist license belonging to Carolyn Jones (03-325496), Cincinnati, Ohio pursuant to 3719.121 (A & B). The motion was seconded by Ms. Yarosh and approved by the Board: Aye – 5, Nay – 0.
- R-2020-0155** Mr. Newlon moved that the Board adjourn. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-5, Nay-0.
- 9:27 a.m.** The meeting adjourned.


Shawn C. Wilt, RPh, President

Date: 11-8-19


Steven W. Schierholt, Executive Director

Date: 11/19/19