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Ohio State Board of Pharmacy 77 South High Street, Room 1702 Columbus, Ohio 43215-6126  
telephone: 614-466-4143 fax: 614-752-4836 email: exec@bop.state.oh.us

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## **Minutes of the June 5 & 6, 2006** **Meeting of the Ohio State Board of Pharmacy**

### **MONDAY, JUNE 5, 2006**

10:00 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31<sup>st</sup> Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

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

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

10:10 a.m.

**R-2006-205** Mr. Rowland announced that the following Settlement Agreement with **Philip Brian Smith**, R.Ph., Canal Winchester, Ohio, had been signed by all parties and was effective.

### **SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-051021-042

*in the matter of:*

**PHILIP BRIAN SMITH, R.PH.**  
1486 Slate Ridge  
Canal Winchester, Ohio 43110

R.Ph. Number 03-2-19630

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

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

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification

card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Philip Brian Smith is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about October 21, 2005, pursuant to Chapter 119. of the Ohio Revised Code, Philip Brian Smith was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Philip Brian Smith requested a hearing; it was scheduled. The October 21, 2005, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Philip Brian Smith was originally licensed by the State of Ohio as a pharmacist on October 27, 1992, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) Philip Brian Smith did, on or about February 15, 2005, dispense a drug pursuant to a prescription without having the correct directions for use indicated on the label affixed to the container, to wit: when dispensing Rx #6769843, Philip Brian Smith did not indicate the directions for use of the drug as was prescribed by the physician. The physician prescribed ciprofloxacin 500 mg to be taken one tablet daily; however, the label affixed to the vial indicated that the patient should ingest three tablets every twelve hours. The patient was subsequently harmed. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code and Rule 4729-5-16 of the Ohio Administrative Code.

A third paragraph alleging misconduct is dismissed as unfounded.

Philip Brian Smith neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated October 21, 2005; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

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

- (A) Philip Brian Smith agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed forms to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.
- (B) Philip Brian Smith must obtain, within one year from the effective date of this Order, two hours of continuing pharmacy education (0.2 CEUs) on Patient Counseling or Medication Errors, which may not also be used for license renewal.

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

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

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

<u>/s/</u> Philip Brian Smith, R.Ph., Respondent	<u>/d/</u> 05/23/06 Date Signed
<u>/s/</u> Mary Barley McBride, Attorney for Respondent	<u>/d/</u> 05/24/06 Date Signed
<u>/s/</u> Suzanne R. Eastman, President, Ohio State Board of Pharmacy	<u>/d/</u> 06/05/06 Date Signed
<u>/s/</u> Sally Ann Steuk, Ohio Assistant Attorney General	<u>/d/</u> 06/05/06 Date Signed

- 10:12 a.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code and to confer with an attorney for the Board regarding pending or imminent court action pursuant to Section 121.22(G)(3) of the Ohio Revised Code. The motion was seconded by Mrs. Teater and a roll-call vote was conducted by President Eastman as follows: Giacalone – yes; Gregg – yes; Kost – yes; Lipsyc – yes; Mitchell – yes; Teater – yes; and Turner – yes.
- 10:37 a.m. Board member Gregory Braylock, R.Ph., arrived and joined the meeting in progress.
- 11:23 a.m. The Executive Session ended and the Board recessed briefly.
- 11:28 a.m. The Board reconvened and the meeting was opened to the public.

Mr. Turner moved that the request by **Gary Sass**, R.Ph., Sharpsville, Pennsylvania, for suspension of time already served be denied. The motion was seconded by Mrs. Teater and approved by the Board: *Aye – 7/Abstain – 1* (Braylock).

After discussion, Mr. Turner moved that the settlement offer received in the matter of **Abdullah Abukhalil**, R.Ph., Strongsville, Ohio, be accepted as amended by the Board. The Board's acceptance of a settlement would be contingent on the respondent agreeing to the changes made by the Board. The motion was seconded by Mr. Braylock and approved by the Board: *Aye – 5/Nay – 3*.

The Legislative Report was presented by Mr. Keeley.

Mike Everhard of the Ohio Optometry Board and Rick Cornett, representing the Ohio Optometric Association, spoke to the Board concerning potential changes in the Optometry Board laws.

- 12:07 p.m. The Board recessed for lunch.
- 1:03 p.m. The Board reconvened with all members present.

- 1:11 p.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Sharon Garber**, R.Ph., Port Clinton, Ohio.
- 4:05 p.m. The hearing ended and the record was closed.
- 4:14 p.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Richard Magliano**, R.Ph., Loveland, Ohio.
- 5:22 p.m. The hearing ended and the record was closed.
- 5:24 p.m. The Board meeting was recessed until Tuesday, June 6, 2006.

**TUESDAY, JUNE 6, 2006**

- 8:35 a.m. The Board convened in Room East B, 31<sup>st</sup> Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:  
  
Suzanne R. Eastman, R.Ph.; Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Dorothy S. Teater, Public Member; and James E. Turner, R.Ph.
- 8:39 a.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Mitchell and a roll-call vote was conducted by President Eastman as follows: Braylock – yes; Giacalone – yes; Gregg – yes; Kost – yes; Lipsyc – yes; Mitchell – yes; Teater – yes; and Turner – yes.
- 9:13 a.m. The Executive Session ended and the meeting was opened to the public.

**R-2006-206** Mr. Braylock moved that the Board adopt the following order in the matter of **Sharon Garber**, R.Ph., Port Clinton, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**  
Docket Number D-060112-057

*in the matter of:*

**SHARON KAY GARBER, R.PH.**  
1147 Lee Avenue  
Port Clinton, Ohio 43452

R.Ph. Number 03-1-15014

**INTRODUCTION**

The matter of Sharon Kay Garber came for hearing on June 5, 2006, before the following members of the Board: Suzanne R. Eastman, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Dorothy S. Teater, Public Member; and James E. Turner, R.Ph.

Sharon Kay Garber was represented by Louis P. Wargo, III. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

## SUMMARY OF EVIDENCE

State's Witness: Paul Kover, R.Ph., Ohio State Board of Pharmacy

Respondent's Witness: Sharon Kay Garber, R.Ph., Respondent

### State's Exhibits:

1. Notice of Opportunity For Hearing letter [01-12-06]  
1A-1H. Procedurals
2. Drug Audit of Sinemet CR 50/200 mg [2000 to 2005]
3. Letter from Amy B. Goetz to Mike Shumate [12-07-05]
4. Purchase Report for Imitrex from Amerisource [07-01-01 to 12-31-02]
5. Summary of Imitrex Injections Administered to Sharon Garber [12-29-05]
6. Notarized Statement of Sharon Garber, R.Ph. [12-13-05]
7. Notarized Statement of Mike Shumate [12-01-05]
8. Notarized Statement of Luann Crosby [12-01-05]
9. Notarized statement of Jennifer Capizzi [11-28-05]
10. Notarized Statement of Amber A. Chaput [11-30-05]
11. Notarized Statement of Judith N. Holzaepfel [11-30-05]
12. Letter from David R. Norwine to Port Clinton Police Department with attachment [11-09-05]
13. Rx #B22193 [04-24-01]
14. Rx #B22581 [03-27-02]
15. Rx #B22582 [03-27-02]
16. Letter from David R. Norwine to Sharon Garber [05-24-06]

### Respondent's Exhibits:

- A. Resume of Sharon K. Garber [not dated]
- B. Letter from Jennifer J. Capizzi to Sharon Garber [01-31-06]
- C. Letter from Louis P. Wargo, III to Jennifer J. Capizzi [05-03-06]
- D. Letter from Louis P. Wargo, III to David R. Norwine [06-01-06];  
Documentation of Restitution [05-31-06 to 06-01-06]
- E-G. Three Letters of Support [05-08-06 to 05-20-06]
- H. Treatment Letter from Catherine Holladay, D.O. [04-05-06]
- I-N. Six Letters of Support [05-09-06 to 05-22-06]
- O. Letter from Jennifer J. Capizzi to Sharon Garber [12-20-05]
- P. Six Letters of Support [05-31-06 to 06-05-06]

## FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that Sharon Kay Garber was originally licensed by the State of Ohio as a pharmacist on March 2, 1983, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Sharon Kay Garber did, from March 10, 2000, through October 31, 2005, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Magruder Hospital, beyond the express or implied consent of the owner, to wit: Sharon Kay Garber has admittedly stolen 2,859 tablets of Sinemet CR. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (3) Sharon Kay Garber did, from January 15, 2002, through August 8, 2002, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Magruder Hospital, beyond the express or implied consent of the owner, to wit: Sharon Kay Garber has admittedly stolen 24 lmitrex pre-filled syringes. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Sharon Kay Garber did, on or about April 24, 2001, intentionally create and/or knowingly possess a false or forged prescription, to wit: Sharon Kay Garber created, and possessed on file at the pharmacy, Rx #B22493, not written for a legitimate medical purpose and though her own name was indicated, Sharon Kay Garber was not the patient. The prescription was written for 5 tablets of Vicodin 5 mg. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (5) Sharon Kay Garber did, on or about March 28, 2002, intentionally create and/or knowingly possess a false or forged prescription, to wit: Sharon Kay Garber created, and possessed on file at the pharmacy, Rx #B22581, not written for a legitimate medical purpose and though her own name was indicated, Sharon Kay Garber was not the patient. The prescription was written for 4 tablets of Ambien 5 mg. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (6) Sharon Kay Garber did, on or about March 28, 2002, intentionally create and/or knowingly possess a false or forged prescription, to wit: Sharon Kay Garber created, and possessed on file at the pharmacy, Rx #B22582, not written for a legitimate medical purpose and though her own name was indicated, Sharon Kay Garber was not the patient. The prescription was written for 30 tablets of Vicodin 5 mg. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (7) Sharon Kay Garber did, on or about April 24, 2001, knowingly sell a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Sharon Kay Garber gave 5 tablets of Vicodin 5 mg to another without a legitimate prescription. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
- (8) Sharon Kay Garber did, on or about March 28, 2002, knowingly sell a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Sharon Kay Garber gave 4 tablets of Ambien 5 mg to another without a legitimate prescription. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
- (9) Sharon Kay Garber did, on or about March 28, 2002, knowingly sell a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Sharon Kay Garber gave 30 tablets of Vicodin 5 mg to another without a legitimate prescription. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

#### **CONCLUSIONS OF LAW**

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (9) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

- (2) The State Board of Pharmacy concludes that paragraphs (2) through (9) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraphs (4) through (9) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

#### **DECISION OF THE BOARD**

Pursuant to Section 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 Sharon Kay Garber as follows:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends for one year the pharmacist identification card, No. 03-1-15014, held by Sharon Kay Garber effective as of the date of the mailing of this Order. Further, the Board suspends six months of the suspension.
  - (1) Sharon Kay Garber, 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.
  - (2) Sharon Kay Garber pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.
- (B) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes on Sharon Kay Garber a monetary penalty of two hundred fifty dollars (\$250.00) due and owing by the end of her suspension. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (C) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby places Sharon Kay Garber on probation for five years effective upon reinstatement of her identification card. The terms of probation are as follows:
  - (1) Sharon Kay Garber may not dispense prescriptions for herself or for any member of her family.
  - (2) Sharon Kay Garber must obtain five hours (0.5 CEUs) of Board approved continuing pharmacy education in jurisprudence, which may not also be used for license renewal. Documentation of successful completion must be submitted to the Board office by the end of her six month actual suspension period or the suspension will be continued until such documentation is received.

- (3) The State Board of Pharmacy hereby declares that Sharon Kay Garber'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.
- (4) Sharon Kay Garber may not serve as a responsible pharmacist.
- (5) Sharon Kay Garber must not violate the drug laws of Ohio, any other state, or the federal government.
- (6) Sharon Kay Garber must abide by the rules of the State Board of Pharmacy.
- (7) Sharon Kay Garber must comply with the terms of this Order.
- (8) Sharon Kay Garber's license is deemed not in good standing until successful completion of the probationary period.
- (9) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Sharon Kay Garber is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

Mr. Kost seconded the motion and it was approved by the Board: Aye – 8.

**R-2006-207** Mr. Kost moved that the Board adopt the following order in the matter of **Richard Magliano**, R.Ph., Loveland, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-051118-048

*in the matter of:*

**RICHARD M. MAGLIANO, R.PH.**  
2687 Columbia Trail  
Loveland, Ohio 45140

R.Ph. Number 03-2-17865

**INTRODUCTION**

The matter of Richard M. Magliano came for hearing on June 5, 2006, before the following members of the Board: Suzanne R. Eastman, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Dorothy S. Teater, Public Member; and James E. Turner, R.Ph.

Richard M. Magliano was represented by Harry B. Plotnick. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

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



Respondent's Witnesses: Richard M. Magliano, R.Ph., Respondent  
Chad Royer, R.Ph.  
James F. Liebetrau, R.Ph.

State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [11-18-05]  
1A-1B. Procedurals  
1C. Addendum Notice [05-04-06]  
1D. Procedural
2. Notarized Statement of Richard Martin Magliano [11-15-05]
3. Information, State of Ohio vs. Richard M. Magliano, Case No. 06CR23078, Warren County Common Pleas Court [03-13-06]; Plea Entry [04-10-06]; Entry Granting Intervention In Lieu of Conviction [04-10-06]

Respondent's Exhibits:

- A. Summary Suspension Order/Notice of Opportunity For Hearing letter [11-18-05]; Addendum Notice [05-04-06]; Hearing Request letter from Harry B. Plotnick [11-29-05]
- B. Guesthouse Treatment Report [02-07-06]; Continuing Care Plan [02-03-06]
- C. Information, State of Ohio vs. Richard M. Magliano, Case 06CR-23078, Warren County Common Pleas Court [03-13-06]
- D. Letter from Edw. D. Lampton, M.Ed., MBA, LICDC [05-09-06]
- E. Plea Entry, State of Ohio vs. Richard M. Magliano, Case 06CR-23078, Warren County Common Pleas Court [04-10-06]; Entry Granting Intervention In Lieu of Conviction [04-10-06]; Letter from Edw. D. Lampton, M.Ed., MBA, LICDC [03-17-06]
- F. PRO Pharmacist's Recovery Contract for Rick Magliano [12-22-05]
- G. Support Group Attendance Records [11-16-05 to 05-19-06]; Client Monitoring Sheet [01-01-06 to 04-01-06]
- H. Drug Screen Reports [02-08-06 to 05-19-06]
- I. Seven-page Treatment Report [05-11-06]; Three Letters of Support [05-08-06 to 05-15-06]
- J. Restitution Documentation [12-19-05 to 01-23-06]; Copy of Check No. 102098250 made payable to Discount Drug Mart [01-09-06]
- K. Continuing Pharmaceutical Education Credits and Certificates [12-22-05 to 04-30-06]

**FINDINGS OF FACT**

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

- (1) Records of the Board of Pharmacy indicate that Richard M. Magliano was originally licensed by the State of Ohio as a pharmacist on July 27, 1989, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended effective November 18, 2005.
- (2) Richard M. Magliano is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Richard M. Magliano has admitted to stealing and being addicted to controlled substances. Richard M. Magliano has admitted that he has been drug dependent for about 10 years, and that he had previously admitted himself into drug rehabilitation. Richard M. Magliano has admitted that he stole and consumed approximately fifteen Vicodin per day, and that

he stole and consumed Xanax and Soma to help him sleep. Additionally, Richard M. Magliano has admitted to stealing controlled substances from several different employers. Such conduct indicates that Richard M. Magliano is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.

- (3) Richard M. Magliano did, on or about November 8, 2005, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Discount Drug Mart, beyond the scope of the express or implied consent of the owner, to wit: Richard M. Magliano admitted to stealing Vicodin HP from his employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Richard M. Magliano did, on or about November 10, 2005, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Discount Drug Mart, beyond the scope of the express or implied consent of the owner, to wit: Richard M. Magliano admitted to stealing Vicodin HP from his employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) Richard M. Magliano did, on or about November 12, 2005, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Discount Drug Mart, beyond the scope of the express or implied consent of the owner, to wit: Richard M. Magliano admitted to stealing Vicodin HP from his employer on three different occasions. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) Richard M. Magliano did, on or about November 13, 2005, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Discount Drug Mart, beyond the scope of the express or implied consent of the owner, to wit: Richard M. Magliano admitted to stealing Vicodin and a generic hydrocodone from his employer on two different occasions. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) On or about April 10, 2006, Richard M. Magliano pled guilty to (3) three counts of Theft of Drugs, felonies of the fourth degree, under Section 2913.02 (A)(2) of the Ohio Revised Code. On April 10, 2006, Richard M. Magliano was granted Intervention in Lieu of Conviction. State of Ohio vs. Richard M. Magliano, Case No. 06CR23078, Warren County Common Pleas Court. Such conduct indicates that Richard M. Magliano is guilty of a felony or gross immorality and/or addicted to or abusing drugs to such a degree as to render him unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

#### **CONCLUSIONS OF LAW**

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (7) of the Findings of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (2) through (7) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice

pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.

#### DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Richard M. Magliano on November 18, 2005.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-2-17865, held by Richard M. Magliano and such suspension is effective as of the date of the mailing of this Order.

- (A) Richard M. Magliano, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Richard M. Magliano, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after one year from the effective date of this Order, the Board will consider any petition filed by Richard M. Magliano for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (A) Richard M. Magliano must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, mail a copy of the contract to the Board office. The contract must provide that:
  - (1) **Random, observed** urine drug screens shall be conducted at least once each month.
    - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
    - (b) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
  - (2) The intervener/sponsor shall submit to the Board reports, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

- (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
  - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Richard M. Magliano must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
- (C) Richard M. Magliano must provide, at the reinstatement petition hearing, documentation of the following:
- (1) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);
  - (2) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
  - (3) Compliance with the terms of this Order.
- (D) If reinstatement is not accomplished within three years of the effective date of this Order, Richard M. Magliano must also show successful completion of the NAPLEX and MPJE examinations or equivalent examinations approved by the Board.
- (E) Upon such time as the Board may consider reinstatement, Richard M. Magliano will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

Mrs. Gregg seconded the motion and it was approved by the Board: Aye – 8.

9:25 a.m. Mr. Keeley updated the Board on the “work-at-home” program of **Medco Health Solutions, Inc.** Action on the issue was tabled until the July, 2006, meeting of the Board.

**R-2006-208** The Board considered a request for an exemption to OAC Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

**Absolute Pharmacy** (02-0889750)  
**Stein Hospice** (02-1538400)

After discussion, Mr. Giacalone moved that the Board approve the request as long as the parties to the request comply with the requirements in the rule for such an exemption. The motion was seconded by Mr. Braylock and approved by the Board: Aye – 8.

Mr. Keeley presented the Budget Report.

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

Mr. Braylock presented the Nursing Board’s Committee on Prescriptive Governance Report.

10:17 a.m.

**R-2006-209** Mrs. Gregg moved that the meeting minutes of the May 17, 2006, Conference Call be approved as amended. The motion was seconded by Mrs. Teater and approved by the Board: Aye – 8.

**R-2006-210** Mrs. Teater moved that the meeting minutes of the May 8, 9 & 10, 2006, Board meeting be approved as amended. The motion was seconded by Mrs. Gregg and approved by the Board: Aye – 8.

10:37 a.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Thomas L. Jirles**, R.Ph., Columbus, Ohio.

11:59 a.m. The hearing ended and the record was closed.

12:00 p.m. The Board recessed for lunch.

1:30 p.m. The Board reconvened in Room South A, 31<sup>st</sup> Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio with all members present.

**R-2006-211** The following candidates for licensure by reciprocity introduced themselves and participated in a discussion of pharmacy laws and rules with Mr. McMillen. They were then presented their pharmacist identification cards.

Annette Marie Bird	03-3-27251	New York
Aaron Samuel Gerber	03-3-27126	Illinois
Amy Jean Hanford	03-3-27298	Washington
Shannon Rae LaPuma	03-3-27291	New York
Nicholas Alan Link	03-3-26830	Tennessee
Michelle Lynn Lufkins	03-3-27195	Pennsylvania
Lawrence Adkunle Olubunmi	03-3-27264	Michigan
Thomas Jude Rafferty	03-3-27238	Pennsylvania
Donald Paul Schaeffer	03-3-27241	Illinois
Jerry Lee Schoenefeld	03-3-27214	Indiana
Hanan Hanoudi Shamoun	03-3-27232	Michigan
Svetlana Starikova	03-3-27271	Massachusetts
Holly Beth Worst	03-3-27191	North Carolina

1:51 p.m. The Board reconvened in Room East B, 31<sup>st</sup> Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with all members present.

**R-2006-212** The Board considered a request for an exemption to OAC Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

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

After discussion, Mrs. Gregg moved that the Board approve the request as long as the parties to the request comply with the requirements in the rule for such an exemption. The motion was seconded by Mr. Giacalone and approved by the Board: Aye – 8.

**R-2006-213** The Board then considered a request for an exemption to OAC Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

**MetroHealth Medical Center Pharmacy** (02-0035550)  
**MetroHealth Outpatient Surgery Center** (02-1193450)  
**MetroHealth at Park East** (02-1588750)

After discussion, Mr. Braylock moved that the Board approve the request as long as the parties to the request comply with the requirements in the rule for such an exemption. The motion was seconded by Mr. Mitchell and approved by the Board: Aye – 8.

- 1:56 p.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Bradley Allen Schwartz**, R.Ph., Mansfield, Ohio.
- 2:29 p.m. The hearing ended and the record was closed.
- 2:40 p.m. Mr. Braylock left the meeting.
- 2:41 p.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Mitchell and a roll-call vote was conducted by President Eastman as follows: Giacalone – yes; Gregg – yes; Kost – yes; Lipsyc – yes; Mitchell – yes; Teater – yes; and Turner – yes.
- 2:45 p.m. Mr. Braylock returned and joined the Executive Session in progress.
- 3:37 p.m. The Executive Session ended and the meeting was opened to the public.

**R-2006-214** Mr. Turner moved that the Board summarily suspend the license to practice pharmacy belonging to **Daniel R. Behrens**, R.Ph. (03-2-19310) pursuant to Ohio Revised Code 3719.121(A) and 3719.121(B). The motion was seconded by Mrs. Gregg and approved by the Board: Aye – 8.

**R-2006-215** Mr. Kost moved that the Board adopt the following order in the matter of **Bradley Allen Schwartz**, R.Ph., Mansfield, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-051122-049

*in the matter of:*

**BRADLEY ALLEN SCHWARTZ, R.PH.**  
483 Clifton Boulevard  
Mansfield, Ohio 44907

R.Ph. Number 03-2-26247

**INTRODUCTION**

The matter of Bradley Allen Schwartz came for hearing on June 6, 2006, before the following members of the Board: Suzanne R. Eastman, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Dorothy S. Teater, Public Member; and James E. Turner, R.Ph.

Bradley Allen Schwartz was not represented by counsel. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

**State's Witnesses:** None

**Respondent's Witnesses:** Bradley Allen Schwartz, R.Ph., Respondent  
Debra Basinger, R.Ph.

**State's Exhibits:**

1. Reinstatement Hearing Request letter from Brad Schwartz [11-12-05]  
1A-1B. Procedurals
2. State Board of Pharmacy Order in re Bradley Allen Schwartz, R.Ph. [04-14-05]
3. Notarized Statement of Brad Schwartz [10-12-04]
4. Admission of Guilt/Judgment Entry, State of Ohio v. Bradley Allen Schwartz, Case No 04CR1009, Richland County Common Pleas Court [01-04-05]; Order [02-10-05]

Respondent's Exhibits:

- A. Two PRO Pharmacist's Recovery Contracts for Brad Schwartz [05-01-05 and 12-16-04]
- B. Support Group Attendance Records [10-23-04 to 06-06-06]; Calendar pages for October 2004 to June 2006
- C. FirstLab Test History Report with Drug Panel [09-28-05 to 05-15-06]; Compass Vision Licensee Summary Report with Drug Panel [01-31-05 to 08-22-05]; Richland County Adult Probation Department Drug Screen Report [02-01-05 to 02-24-05]; Drugs Screen Reports [01-31-05 to 05-15-06]
- D. List of Continuing Education Credits [not dated]; Continuing Pharmaceutical Education Credits and Certificates [05-11-04 to 04-30-06]
- E. Two Progress Reports from Dennis Dyer, CCDC III-E [03-01-05 and 10-18-05]; Fourteen Letters of Support [02-24-05 to 05-30-06]
- F. Restitution Documentation [06-16-05]
- G. Richland County Adult Probation Department Drug Test Reports [02-01-05 to 02-24-05]; Richland County Common Pleas Court Conditions of Release Supervision [01-27-05]; Substance Abuse Treatment Court Notice to Defendants [01-27-05]; Financial Responsibility Agreement [01-27-05]
- H. Two Department of Health & Human Services Exclusion letters [08-30-05 and 12-31-05]

**FINDING OF FACT**

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Bradley Allen Schwartz has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-041006-025, effective April 14, 2005.

**DECISION OF THE BOARD**

On the basis of the Finding of Fact set forth above, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-2-26247, held by Bradley Allen Schwartz with the stipulation that Bradley Allen Schwartz shall be on probation for five years beginning on the effective date of this Order, with the following conditions:

- (A) Bradley Allen Schwartz must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) approved treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office before his pharmacist identification card is issued. The contract must provide that:
  - (1) **Random, observed** urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years..

- (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
  - (b) Propoxyphene and alprazolam must be added to the standard urine drug screen.
  - (c) 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, indicate a violation of the contract.
- (2) The intervener/sponsor shall submit to the Board reports, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
- (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
- (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Bradley Allen Schwartz 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:
- (1) The written report and documentation provided by the treatment program pursuant to the contract, and
  - (2) A written description of Bradley Allen Schwartz's progress towards recovery and what Bradley Allen Schwartz has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Bradley Allen Schwartz'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.
  - (2) Bradley Allen Schwartz may not serve as a responsible pharmacist.
  - (3) Bradley Allen Schwartz may not destroy, assist in, or witness the destruction of controlled substances.
  - (4) Bradley Allen Schwartz must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
  - (5) Bradley Allen Schwartz must not violate the drug laws of the state of Ohio, any other state, or the federal government.



- (6) Bradley Allen Schwartz must abide by the rules of the State Board of Pharmacy.
- (7) Bradley Allen Schwartz must comply with the terms of this Order.
- (D) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Bradley Allen Schwartz is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

Mr. Mitchell seconded the motion and it was approved by the Board: Aye – 8.

**R-2006-216** Mr. Braylock moved that the Board adopt the following order in the matter of **Thomas L. Jirles**, R.Ph., Columbus, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-051021-041

*in the matter of:*

**THOMAS L. JIRLES, R.PH.**  
1911 Meander Drive  
Columbus, Ohio 43229

R.Ph. Number 03-1-08568

**INTRODUCTION**

The matter of Thomas L. Jirles came for hearing on June 6, 2006, before the following members of the Board: Suzanne R. Eastman, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Robert P. Giacalone, R.Ph.; Elizabeth I. Gregg, R.Ph.; Lawrence J. Kost, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Dorothy S. Teater, Public Member; and James E. Turner, R.Ph.

Thomas L. Jirles was represented by David W. Grauer. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

State's Witness: Robert Amiet, Jr., R.Ph.  
Ohio State Board of Pharmacy

Respondent's Witnesses: Thomas L. Jirles, R.Ph., Respondent  
Scott Tekancic, R.Ph.

State's Exhibits:

1. Notice of Opportunity For Hearing letter [10-21-05]  
1A-1D. Procedurals
2. State Board of Pharmacy Settlement Agreement In Re Thomas L. Jirles, R.Ph. [06-21-02]
3. Rx #453056 [10-05-04]
4. CVS/Revco #6153 Prescription Register [02-04-05]
5. Letter from Roger Christopher Presutti to Tim Benedict [02-08-05]

Respondent's Exhibits:

A-C.Three Letters of Support [04-13-06 to 04-30-06]

**FINDINGS OF FACT**

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

- (1) Records of the State Board of Pharmacy indicate that Thomas L. Jirles was originally licensed by the State of Ohio as a pharmacist on June 27, 1966, pursuant to examination, and is currently licensed to practice pharmacy in Ohio. Records further reflect that during the relevant time periods stated herein, Thomas L. Jirles was the Responsible Pharmacist at CVS/Pharmacy #6153. Also, records further reflect that on June 21, 2002 Thomas L. Jirles entered into a Settlement Agreement with the Board of Pharmacy.
- (2) Thomas L. Jirles did, on or about February 4, 2005, misbrand a drug, to wit: when Thomas L. Jirles received Rx #453056 for Femara, he dispensed Femhrt, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

**CONCLUSION OF LAW**

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

**DECISION OF THE BOARD**

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Thomas L. Jirles as follows:

On the basis of the Findings of Fact and Conclusion of Law set forth above, the State Board of Pharmacy hereby imposes on Thomas L. Jirles a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

The Board further admonishes Thomas L. Jirles for his lack of attentiveness in the practice of pharmacy.

Mr. Turner seconded the motion and it was approved by the Board: *Aye – 6/Nay - 2.*

**R-2006-217** Mr. Kost moved that the Board elect James E. Turner, R.Ph., as Board President for FY 2007. The motion was seconded by Mrs. Teater and approved by the Board: *Aye – 8.*

**R-2006-218** Mr. Giacalone moved that the Board elect Gregory Braylock, R.Ph., as Board Vice-President for FY 2007. The motion was seconded by Mr. Kost and approved by the Board: *Aye – 8.*

President Eastman administered the Oath of Office to the president-elect, James E. Turner.

**OATH OF PRESIDENT**

I, James E. Turner, as President of the Ohio Board of Pharmacy, do solemnly swear to uphold the Constitution of the United States and the state of Ohio; to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the State of Ohio; and carry out the responsibilities of the Board as mandated by the laws of the State of Ohio without bias or prejudice, so help me God.

President Eastman then administered the Oath of Office to Vice- President-elect, Gregory Braylock:

**OATH OF VICE-PRESIDENT**

I, Gregory Braylock, as Vice-President of the Ohio Board of Pharmacy, do solemnly swear to uphold the Constitution of the United States and the state of Ohio; to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the State of Ohio; and carry out the responsibilities of the Board as mandated by the laws of the State of Ohio without bias or prejudice, so help me God

Mrs. Gregg moved that the Board receive Per Diem as follows:

<u>PER DIEM</u>	<u>4/24</u>	<u>5/23</u>	<u>6/05</u>	<u>6/06</u>	<u>Total</u>
G. Braylock	1	1	1	1	4
S. Eastman	-	-	1	1	2
R. Giacalone	-	-	1	1	2
E. Gregg	-	-	1	1	2
L. Kost	-	-	1	1	2
N. Lipsyc	-	-	1	1	2
K. Mitchell	-	-	1	1	2
D. Teater	-	-	1	1	2
J. Turner	-	1	1	1	3

Mr. Kost seconded the motion and it was approved by the Board: Aye – 8.

3:49 p.m. Mr. Keeley and Mr. McMillen discussed the rules to be reviewed by the Ad Hoc Committee with the Board.

4:25 p.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Braylock and a roll-call vote was conducted by President Eastman as follows: Braylock – yes; Giacalone – yes; Gregg – yes; Kost – yes; Lipsyc – yes; Mitchell – yes; Teater – yes; and Turner – yes.

5:43 p.m. The Executive Session ended and the meeting was opened to the public.

5:44 p.m. Mr. Kost moved that the meeting be adjourned. The motion was seconded by Mr. Lipsyc and approved by the Board: Aye – 8.

**The Ohio State Board of Pharmacy  
approved these Minutes August 8, 2006**