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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 March 2-4, 2009** **Meeting of the Ohio State Board of Pharmacy**

### **Monday, March 2, 2009**

9:30 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:

Nathan S. Lipsyc, R.Ph., *President*; Donald M. Casar, R.Ph.; Barton G. Kaderly, Public Member; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

Also present were William T. Winsley, *Executive Director*; Timothy Benedict, *Assistant Executive Director*; William McMillen, *Licensing Administrator*; Mark Keeley, *Legislative Affairs Administrator*; Chris Reed, *Compliance Supervisor*; David Rowland, *Legal Affairs Administrator*; Danna Droz, *Prescription Drug Monitoring Program Director*; and Sally Ann Steuk, *Assistant Attorney General*.

Mr. Winsley announced that the following Settlement Agreements had been signed by all parties making them effective.

### **R-2009-180**

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

Docket Number D-090114-056

*in the matter of:*

**ARIANE KAY SCHIEBER, R.PH.**

5439 Sandy Drive  
Lewis Center, Ohio 43035

R.Ph. Number 03-2-23193

This Settlement Agreement is entered into by and between Ariane Kay Schieber 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.

Ariane Kay Schieber voluntarily enters into this Agreement being fully informed of her 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. Ariane Kay Schieber acknowledges that by entering into this agreement she has waived her 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, Ariane Kay Schieber is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about December 18, 2008, pursuant to Chapter 119. of the Ohio Revised Code, Ariane Kay Schieber was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Ariane Kay Schieber accepted this offer for settlement rather than a hearing. The December 18, 2008, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Ariane Kay Schieber was originally licensed in the State of Ohio on March 1, 1984, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Ariane Kay Schieber did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Ariane Kay Schieber submitted 0.3 Continuing Education Units (C.E.U.s) of Jurisprudence that were not Board approved. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

Ariane Kay Schieber admits the allegations stated in the Notice of Opportunity for Hearing letter dated December 18, 2008; further, 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, Ariane Kay Schieber knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Ariane Kay Schieber herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Ariane Kay Schieber will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Ariane Kay Schieber's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

Ariane Kay Schieber 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.

Ariane Kay Schieber waives any and all claims or causes of action Ariane Kay Schieber 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. Ariane Kay Schieber 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.

/s/ Ariane Kay Schieber, R.Ph. Date Signed: 02/09/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-181**

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

Docket Number D-090123-70

*in the matter of:*

**JENNIFER RENEE ARMONTROUT, R.Ph.**

6734 Creekside Way  
Hamilton, Ohio 45011

R.Ph. Number 03-2-25304

This Settlement Agreement is entered into by and between Jennifer Renee Armontrout 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.

Jennifer Renee Armontrout voluntarily enters into this Agreement being fully informed of her 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. Jennifer Renee Armontrout acknowledges that by entering into this agreement she has waived her 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, Jennifer Renee Armontrout is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 23, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Jennifer Renee Armontrout was notified of the allegations or

charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Jennifer Renee Armontrout accepted this offer for settlement rather than a hearing. The January 23, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Jennifer Renee Armontrout was originally licensed in the State of Ohio on July 5, 2002, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Jennifer Renee Armontrout did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Jennifer Renee Armontrout was short 0.1 Continuing Education Unit (C.E.U.) of Board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.
- (3) Jennifer Renee Armontrout did, on or about March 24, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Jennifer Renee Armontrout indicated on her pharmacist continuing education submission form that she had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved Jurisprudence, when in fact Jennifer Renee Armontrout only submitted 5.9 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Jennifer Renee Armontrout admits the allegations stated in the Notice of Opportunity for Hearing letter dated January 23, 2009; further, 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, Jennifer Renee Armontrout knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Jennifer Renee Armontrout herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Jennifer Renee Armontrout will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Jennifer Renee Armontrout's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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



Whereas, L'Tanya Arthur-Mensah is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 23, 2009, pursuant to Chapter 119. of the Ohio Revised Code, L'Tanya Arthur-Mensah was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. L'Tanya Arthur-Mensah accepted this offer for settlement rather than a hearing. The January 23, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that L'Tanya Arthur-Mensah was originally licensed in the State of Ohio on April 23, 1996, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) L'Tanya Arthur-Mensah did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that L'Tanya Arthur-Mensah was short 0.2 Continuing Education Units (C.E.U.s) of Board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.
- (3) L'Tanya Arthur-Mensah did, on or about May 12, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: L'Tanya Arthur-Mensah indicated on her pharmacist continuing education submission form that she had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved jurisprudence, when in fact L'Tanya Arthur-Mensah only submitted 5.8 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

L'Tanya Arthur-Mensah admits the allegations stated in the Notice of Opportunity for Hearing letter dated January 23, 2009; further, 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, L'Tanya Arthur-Mensah knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) L'Tanya Arthur-Mensah herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) L'Tanya Arthur-Mensah will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else L'Tanya Arthur-Mensah's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, L'Tanya Arthur-Mensah appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, revoke the Agreement and may

institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

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

L'Tanya Arthur-Mensah waives any and all claims or causes of action she 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. L'Tanya Arthur-Mensah 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.

/s/ L'Tanya Arthur-Mensah, R.Ph. Date Signed: 02/23/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-183**

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

Docket Number D-090114-057

*in the matter of:*

**DENISE BYRD, R.PH.**  
3383 Chelsea Drive  
Cleveland Heights, Ohio 44118

R.Ph. Number 03-2-12610

This Settlement Agreement is entered into by and between Denise Byrd 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.

Denise Byrd voluntarily enters into this Agreement being fully informed of her 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. Denise Byrd acknowledges that by entering into this agreement she has waived her 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, Denise Byrd is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about December 18, 2008, pursuant to Chapter 119. of the Ohio Revised Code, Denise Byrd was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Denise Byrd accepted this offer for settlement rather than a hearing. The December 18, 2008, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Denise Byrd was originally licensed in the State of Ohio on March 1, 1984, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Denise Byrd did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Denise Byrd submitted 0.3 Continuing Education Units (C.E.U.s) of Jurisprudence that were not Board approved. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

Denise Byrd admits the allegations stated in the Notice of Opportunity for Hearing letter dated December 18, 2008; further, 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, Denise Byrd knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Denise Byrd herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Denise Byrd will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Denise Byrd's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

Denise Byrd 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.

Denise Byrd waives any and all claims or causes of action she 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. Denise Byrd 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.

/s/ Denise Byrd R.Ph. Date Signed: 02/11/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-184**

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

Docket Number D-090114-045

*in the matter of:*

**MICHELLE LYNN CUDNIK, R.PH.**

2032 Hudson Drive  
Canal Fulton, Ohio 44614

R.Ph. Number 03-2-23089

This Settlement Agreement is entered into by and between Michelle Lynn Cudnik 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.

Michelle Lynn Cudnik voluntarily enters into this Agreement being fully informed of her 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. Michelle Lynn Cudnik acknowledges that by entering into this agreement she has waived her 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, Michelle Lynn Cudnik is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about December 18, 2008 pursuant to Chapter 119. of the Ohio Revised Code, Michelle Lynn Cudnik was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Michelle Lynn Cudnik accepted this offer for settlement rather than a hearing. The December 18, 2008, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Michelle Lynn Cudnik was originally licensed in the State of Ohio on July 30, 1998, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Michelle Lynn Cudnik did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Michelle Lynn Cudnik submitted 0.2 Continuing Education Units (C.E.U.s) of Jurisprudence that were not Board approved. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

Michelle Lynn Cudnik admits the allegations stated in the Notice of Opportunity for Hearing letter dated December 18, 2008; further, 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, Michelle Lynn Cudnik knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Michelle Lynn Cudnik herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Michelle Lynn Cudnik will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Michelle Lynn Cudnik's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

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

Michelle Lynn Cudnik waives any and all claims or causes of action she 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. Michelle Lynn Cudnik 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.

/s/ Michelle Lynn Cudnik, R.Ph. Date Signed: 02/10/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-185**

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

Docket Number D-090123-071

*in the matter of:*

**MICHAEL FRANCIS LEON, R.Ph.**  
3400 Barrington Drive  
Avon, Ohio 44011

R.Ph. Number 03-2-16477

This Settlement Agreement is entered into by and between Michael Francis Leon 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.

Michael Francis Leon 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. Michael Francis Leon 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, Michael Francis Leon is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 23, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Michael Francis Leon 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. Michael Francis Leon accepted this offer for settlement rather than a hearing. The January 23, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Michael Francis Leon was originally licensed in the State of Ohio on August 6, 1986, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Michael Francis Leon did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Michael Francis Leon was short

0.2 Continuing Education Units (C.E.U.s) of Board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

- (3) Michael Francis Leon did, on or about March 31, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Michael Francis Leon indicated on his pharmacist continuing education submission form that he had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved Jurisprudence, when in fact Michael Francis Leon only submitted 5.8 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Michael Francis Leon admits the allegations stated in the Notice of Opportunity for Hearing letter dated January 23, 2009; further, 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, Michael Francis Leon knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Michael Francis Leon herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Michael Francis Leon will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Michael Francis Leon's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

Michael Francis Leon 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.

Michael Francis Leon 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. Michael Francis Leon 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.

/s/ Michael Francis Leon, R.Ph. Date Signed: 02/12/09

*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09

*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09

*Ohio Assistant Attorney General*

**R-2009-186**

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

Docket Number D-090123-065

*in the matter of:*

**RANA A. MAHFOOD, R.Ph.**

2432 Stockbridge Road

Akron, Ohio 44313

R.Ph. Number 03-2-08164

This Settlement Agreement is entered into by and between Rana A. Mahfood 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.

Rana A. Mahfood voluntarily enters into this Agreement being fully informed of her 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. Rana A. Mahfood acknowledges that by entering into this agreement she has waived her 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, Rana A. Mahfood is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 23, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Rana A. Mahfood was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Rana A. Mahfood accepted this offer for settlement rather than a hearing. The January 23, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Rana A. Mahfood was originally licensed in the State of Ohio on March 23, 1964, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Rana A. Mahfood did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Rana A. Mahfood was short 0.2

Continuing Education Units (C.E.U.s) of Board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

- (3) Rana A. Mahfood did, on or about March 17, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Rana A. Mahfood indicated on her pharmacist continuing education submission form that she had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved Jurisprudence, when in fact Rana A. Mahfood only submitted 5.8 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Rana A. Mahfood admits the allegations stated in the Notice of Opportunity for Hearing letter dated January 23, 2009; further, 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, Rana A. Mahfood knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Rana A. Mahfood herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Rana A. Mahfood will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Rana A. Mahfood's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

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

Rana A. Mahfood waives any and all claims or causes of action she 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. Rana A. Mahfood 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.

/s/ Rana A. Mahfood, R.Ph. Date Signed: 02/09/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-187**

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

Docket Number D-090213-098

*in the matter of:*

**RICHARD D. MAINS, R.Ph.**  
162 Lake Terrace Drive  
Munroe Falls, Ohio 44262

R.Ph. Number 03-2-05652

This Settlement Agreement is entered into by and between Richard D. Mains 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.

Richard D. Mains 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. Richard D. Mains 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, Richard D. Mains is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 13, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Richard D. Mains 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. Richard D. Mains accepted this offer for settlement rather than a hearing. The February 13, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Richard D. Mains was originally licensed in the State of Ohio on January 26, 1954, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Richard D. Mains did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Richard D. Mains did not complete 5.5 hours of Board approved continuing education until after he

signed his Continuing Pharmacy Education Reporting Form on May 9, 2008. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

- (3) Richard D. Mains did, on or about May 9, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Richard D. Mains indicated on his pharmacist continuing education submission form that he had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved jurisprudence, when in fact Richard D. Mains only submitted .5 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Richard D. Mains admits the allegations stated in the Notice of Opportunity for Hearing letter dated February 13, 2009; further, 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, Richard D. Mains knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Richard D. Mains herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Richard D. Mains will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Richard D. Mains' license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

Richard D. Mains 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.

Richard D. Mains 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. Richard D. Mains 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.



/s/ Richard D. Mains, R.Ph. Date Signed: 02/19/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-188**

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

Docket Number D-090123-063

*in the matter of:*

**HOWARD GREGORY MCCAULEY, R.Ph.**

149 Fairlawn  
Wadsworth, Ohio 44281

R.Ph. Number 03-2-16501

This Settlement Agreement is entered into by and between Howard Gregory McCauley 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.

Howard Gregory McCauley 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. Howard Gregory McCauley 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, Howard Gregory McCauley is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 23, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Howard Gregory McCauley 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. Howard Gregory McCauley accepted this offer for settlement rather than a hearing. The January 23, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Howard Gregory McCauley was originally licensed in the State of Ohio on August 6, 1986, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) Howard Gregory McCauley did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Howard Gregory

McCauley was short 0.2 Continuing Education Units (C.E.U.s) of Board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

- (3) Howard Gregory McCauley did, on or about April 12, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Howard Gregory McCauley indicated on his pharmacist continuing education submission form that he had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved jurisprudence, when in fact Howard Gregory McCauley only submitted 5.8 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Howard Gregory McCauley admits the allegations stated in the Notice of Opportunity for Hearing letter dated January 23, 2009; further, 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, Howard Gregory McCauley knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Howard Gregory McCauley herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Howard Gregory McCauley will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Howard Gregory McCauley's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

Howard Gregory McCauley 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.

Howard Gregory McCauley 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. Howard Gregory McCauley 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.

/s/ Howard Gregory McCauley, R.Ph. Date Signed: 02/15/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-189**

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

Docket Number D-090123-067

*in the matter of:*

**ROBERT P. MCDONOUGH, R.Ph.**

8093 Thistlewood Drive  
West Chester, Ohio 45069

R.Ph. Number 03-2-17926

This Settlement Agreement is entered into by and between Robert P. McDonough 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.

Robert P. McDonough 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. Robert P. McDonough 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, Robert P. McDonough is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 23, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Robert P. McDonough 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. Robert P. McDonough accepted this offer for settlement rather than a hearing. The January 23, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Robert P. McDonough was originally licensed in the State of Ohio on July 27, 1989, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.

- (2) Robert P. McDonough did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Robert P. McDonough was short 0.1 Continuing Education Units (C.E.U.s) of Board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.
- (3) Robert P. McDonough did, on or about April 5, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Robert P. McDonough indicated on his pharmacist continuing education submission form that he had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved Jurisprudence, when in fact Robert P. McDonough only submitted 5.9 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Robert P. McDonough admits the allegations stated in the Notice of Opportunity for Hearing letter dated January 23, 2009; further, 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, Robert P. McDonough knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Name herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Robert P. McDonough will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Robert P. McDonough's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

Robert P. McDonough 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.

Robert P. McDonough 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. Robert P. McDonough 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.

/s/ Robert P. McDonough, R.Ph. Date Signed: 02/13/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-190**

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

Docket Number D-090114-049

*in the matter of:*

**KAREN LYNN NEWBERG, R.PH.**

230 N. Ridge Drive  
Perrysburg, Ohio, 43551

R.Ph. Number 03-2-17851

This Settlement Agreement is entered into by and between Karen Lynn Newberg 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.

Karen Lynn Newberg voluntarily enters into this Agreement being fully informed of her 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. Karen Lynn Newberg acknowledges that by entering into this agreement she has waived her 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, Karen Lynn Newberg is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about December 18, 2008, pursuant to Chapter 119. of the Ohio Revised Code, Karen Lynn Newberg was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Karen Lynn Newberg accepted this offer for settlement rather than a hearing. The December 18, 2008, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Karen Lynn Newberg was originally licensed in the State of Ohio on March 1, 1984, pursuant to

examination, and is currently licensed to practice pharmacy in the State of Ohio.

- (2) Karen Lynn Newberg did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Karen Lynn Newberg submitted 0.1 Continuing Education Unit (C.E.U.) of Jurisprudence that was not Board approved. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

Karen Lynn Newberg admits the allegations stated in the Notice of Opportunity for Hearing letter dated December 18, 2008; further, 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, Respondent knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Karen Lynn Newberg herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Karen Lynn Newberg will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Karen Lynn Newberg's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

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

Karen Lynn Newberg waives any and all claims or causes of action she 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. Karen Lynn Newberg 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.

/s/ Karen Lynn Newberg, R.Ph. Date Signed: 02/09/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-191**

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

Docket Number D-090123-074

*in the matter of:*

**OLANI SAMUEL, R.Ph.**  
2866 Cordella Street  
Blacklick, Ohio 43004

R.Ph. Number 03-2-26648

This Settlement Agreement is entered into by and between Olani Samuel 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.

Olani Samuel voluntarily enters into this Agreement being fully informed of her 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. Olani Samuel acknowledges that by entering into this agreement she has waived her 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, Olani Samuel is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 23, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Olani Samuel was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Olani Samuel accepted this offer for settlement rather than a hearing. The January 23, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Olani Samuel was originally licensed in the State of Ohio on April 28, 2005, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Olani Samuel did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Olani Samuel was short 0.1 Continuing Education Unit (C.E.U.) of Board approved Jurisprudence. Such conduct is in

violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

- (3) Olani Samuel did, on or about April 7, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Olani Samuel indicated on her pharmacist continuing education submission form that she had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved Jurisprudence, when in fact Olani Samuel only submitted 5.9 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Olani Samuel admits the allegations stated in the Notice of Opportunity for Hearing letter dated January 23, 2009; further, 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, Olani Samuel knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Olani Samuel herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Olani Samuel will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Olani Samuel's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

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

Olani Samuel waives any and all claims or causes of action she 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. Olani Samuel 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.



/s/ Olani Samuel, R.Ph. Date Signed: 02/05/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-192**

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

Docket Number D-090213-108

*in the matter of:*

**AMY C. ZALKA, R.Ph.**  
1364 Bobby Lane  
Westlake, Ohio 44145-1985

R.Ph. Number 03-2-21964

This Settlement Agreement is entered into by and between Amy C. Zalka 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.

Amy C. Zalka voluntarily enters into this Agreement being fully informed of her 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. Amy C. Zalka acknowledges that by entering into this agreement she has waived her 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, Amy C. Zalka is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 13, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Amy C. Zalka was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Amy C. Zalka accepted this offer for settlement rather than a hearing. The February 13, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Amy C. Zalka was originally licensed in the State of Ohio on June 25, 1996, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Amy C. Zalka did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Amy C. Zalka did not complete 0.3 Continuing Education Unit (C.E.U.) of Board approved Jurisprudence until

after she signed her Continuing Pharmacy Education Reporting Form on June 1, 2008. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

- (3) Amy C. Zalka did, on or about June 1, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Amy C. Zalka indicated on her pharmacist continuing education submission form that she had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved jurisprudence, when in fact Amy C. Zalka only submitted 5.7 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Amy C. Zalka admits the allegations stated in the Notice of Opportunity for Hearing letter dated February 13, 2009; further, 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, Amy C. Zalka knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Amy C. Zalka herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Amy C. Zalka will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Amy C. Zalka's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

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

Amy C. Zalka waives any and all claims or causes of action she 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. Amy C. Zalka 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.

/s/ Amy C. Zalka, R.Ph. Date Signed: 02/20/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-193**

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

Docket Number D-090123-062

*in the matter of:*

**STEVEN BRYAN SMITH, R.Ph.**

30 Jacamar Court  
Springboro, Ohio 45066

R.Ph. Number 03-2-13932

This Settlement Agreement is entered into by and between Steven Bryan 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.

Steven Bryan 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. Steven Bryan 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, Steven Bryan Smith is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 23, 2009 Steven Bryan Smith, pursuant to Chapter 119. of the Ohio Revised Code, 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. Steven Bryan Smith accepted this offer for settlement rather than a hearing. The January 23, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Steven Bryan Smith was originally licensed in the State of Ohio on August 1, 1980, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Steven Bryan Smith did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Steven Bryan Smith was short

0.05 Continuing Education Units (C.E.U.) of Board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

- (3) Steven Bryan Smith did, on or about March 20, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Steven Bryan Smith indicated on his pharmacist continuing education submission form that he had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved Jurisprudence, when in fact Steven Bryan Smith only submitted 5.95 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Steven Bryan Smith admits the allegations stated in the Notice of Opportunity for Hearing letter dated January 23, 2009; further, 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, Steven Bryan Smith knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Steven Bryan Smith herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Steven Bryan Smith will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Steven Bryan Smith's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

Steven Bryan 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.

Steven Bryan 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. Steven Bryan 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.

/s/ Steven Bryan Smith, R.Ph. Date Signed: 02/06/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-194**

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

Docket Number D-090219-091

*in the matter of:*

**CARY J. HOLLON, R.Ph.**  
7009 Spruce Hill Circle  
West Chester, Ohio 45069

R.Ph. Number 03-2-21338

This Settlement Agreement is entered into by and between Cary J. Hollon 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.

Cary J. Hollon 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. Cary J. Hollon 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, Cary J. Hollon is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 19, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Cary J. Hollon 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. Cary J. Hollon accepted this offer for settlement rather than a hearing. The February 19, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Cary J. Hollon was originally licensed in the State of Ohio on September 19, 1995, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Cary J. Hollon did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Cary J. Hollon submitted 0.2 Continuing Education Units (C.E.U.s) of Jurisprudence that were not Board approved. In

addition, Cary J. Hollon did not complete 2.2 C.E.U.s until after he signed his Continuing Pharmacy Education Reporting Form on March 18, 2008. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

- (3) Cary J. Hollon did, on or about March 18, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Cary J. Hollon indicated on his pharmacist continuing education submission form that he had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved jurisprudence, when in fact Cary J. Hollon only submitted 3.6 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Cary J. Hollon admits the allegations stated in the Notice of Opportunity for Hearing letter dated February 19, 2009; further, 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, Cary J. Hollon knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Cary J. Hollon herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Cary J. Hollon will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Cary J. Hollon's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

Cary J. Hollon 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.

Cary J. Hollon 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. Cary J. Hollon 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.

/s/ Cary J. Hollon, R.Ph. Date Signed: 02/05/09

*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09

*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09

*Ohio Assistant Attorney General*

**R-2009-195**

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

Docket Number D-090123-064

*in the matter of:*

**JAMES CHARLES LOCKSCHMIDT, R.Ph.**

4406 Middle Urbana Road  
Urbana, Ohio 43078

R.Ph. Number 03-2-26504

This Settlement Agreement is entered into by and between James Charles Lockchmidt 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.

James Charles Lockchmidt 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. James Charles Lockchmidt 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, James Charles Lockchmidt is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 23, 2009, pursuant to Chapter 119. of the Ohio Revised Code, James Charles Lockchmidt 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. James Charles Lockchmidt accepted this offer for settlement rather than a hearing. The January 23, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that James Charles Lockchmidt was originally licensed in the State of Ohio on August 3, 2004, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) James Charles Lockchmidt did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing

education, to wit: when audited, it was determined that James Charles Lockchmidt was short 0.1 Continuing Education Unit (C.E.U.) of Board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

- (3) James Charles Lockchmidt did, on or about May 13, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: James Charles Lockchmidt indicated on his pharmacist continuing education submission form that he had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved jurisprudence, when in fact James Charles Lockchmidt only submitted 5.9 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code

James Charles Lockchmidt admits the allegations stated in the Notice of Opportunity for Hearing letter dated January 23, 2009; further, 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, James Charles Lockchmidt knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) James Charles Lockchmidt herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) James Charles Lockchmidt will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else James Charles Lockchmidt's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

James Charles Lockchmidt 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.

James Charles Lockchmidt 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. James Charles Lockchmidt waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.





- (2) Debra Sue Dibert did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Debra Sue Dibert was short 0.1 Continuing Education Unit (C.E.U.) of Board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.
- (3) Debra Sue Dibert did, on or about April 11, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Debra Sue Dibert indicated on her pharmacist continuing education submission form that she had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved Jurisprudence, when in fact Debra Sue Dibert only submitted 5.9 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Debra Sue Dibert admits the allegations stated in the Notice of Opportunity for Hearing letter dated January 23, 2009; further, 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, Debra Sue Dibert knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Debra Sue Dibert herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Debra Sue Dibert will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Debra Sue Dibert's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

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

Debra Sue Dibert waives any and all claims or causes of action she 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. Debra Sue Dibert 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.

/s/ Debra Sue Dibert, R.Ph. Date Signed: 02/13/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-197**

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

Docket Number D-090114-041

*in the matter of:*

**JOHN THOMAS REMCHICK, R.PH.**

11960 Oakhurst Avenue  
Concord, Ohio 44077

R.Ph. Number 03-2-17955

This Settlement Agreement is entered into by and between John Thomas Remchick 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.

John Thomas Remchick 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. John Thomas Remchick 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, John Thomas Remchick is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 14, 2009, pursuant to Chapter 119. of the Ohio Revised Code, John Thomas Remchick was notified of the allegations or charges against him, right to a hearing, his rights in such hearing, and his right to submit contentions in writing. John Thomas Remchick accepted this offer for settlement rather than a hearing. The January 14, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that John Thomas Remchick was originally licensed in the State of Ohio on July 27, 1989, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.

- (2) John Thomas Remchick did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that John Thomas Remchick did not complete 0.1 Continuing Education Unit (C.E.U.) of Board approved Jurisprudence until eight days after he signed his Continuing Pharmacy Education Reporting Form. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.
- (3) John Thomas Remchick did, on or about May 15, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: John Thomas Remchick indicated on your pharmacist continuing education submission form that he had completed 6 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved jurisprudence, when in fact John Thomas Remchick only submitted 0.2 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

John Thomas Remchick admits the allegations stated in the Notice of Opportunity for Hearing letter dated January 14, 2009; further, 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, John Thomas Remchick knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) John Thomas Remchick herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) John Thomas Remchick will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else John Thomas Remchick's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

John Thomas Remchick 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.

John Thomas Remchick 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. John Thomas Remchick 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.

/s/ John Thomas Remchick, R.Ph. Date Signed: 02/23/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-198**

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**  
Docket Number D-090123-069

*in the matter of:*

**VINCENT RAYMOND DUNCAN, R.Ph.**  
2530 Kimberly Drive  
Toledo, Ohio 43615

R.Ph. Number 03-2-16755

This Settlement Agreement is entered into by and between Vincent Raymond Duncan 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.

Vincent Raymond Duncan 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. Vincent Raymond Duncan 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, Vincent Raymond Duncan is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 23, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Vincent Raymond Duncan 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. Vincent Raymond Duncan accepted this offer for settlement rather than a hearing. The January 23, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Vincent Raymond Duncan was originally licensed in the State of Ohio on March 6, 1987, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Vincent Raymond Duncan did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Vincent Raymond Duncan was short 0.3 Continuing Education Units (C.E.U.s) of Board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.
- (3) Vincent Raymond Duncan did, on or about March 27, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Vincent Raymond Duncan indicated on his pharmacist continuing education submission form that he had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved Jurisprudence, when in fact Vincent Raymond Duncan only submitted 5.7 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Vincent Raymond Duncan admits the allegations stated in the Notice of Opportunity for Hearing letter dated January 23, 2009; further, 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, Vincent Raymond Duncan knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Vincent Raymond Duncan herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Vincent Raymond Duncan will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Vincent Raymond Duncan's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

Vincent Raymond Duncan 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.

Vincent Raymond Duncan 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. Vincent Raymond Duncan 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.

/s/ Vincent Raymond Duncan, R.Ph. Date Signed: 02/16/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-199**

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

Docket Number D-090114-048

*in the matter of:*

**DAVID STEPHEN KEVORKIAN, R.PH.**

5640 Cresthaven Lane  
Toledo, Ohio 43614

R.Ph. Number 03-2-15393

This Settlement Agreement is entered into by and between David Stephen Kevorkian 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.

David Stephen Kevorkian 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. David Stephen Kevorkian 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, David Stephen Kevorkian is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about December 18, 2008, pursuant to Chapter 119. of the Ohio Revised Code, David Stephen Kevorkian 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. David Stephen Kevorkian accepted this

offer for settlement rather than a hearing. The December 18, 2008, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that David Stephen Kevorkian was originally licensed in the State of Ohio on March 1, 1984, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) David Stephen Kevorkian did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that David Stephen Kevorkian submitted 0.3 Continuing Education Units (C.E.U.s) of Jurisprudence that were not Board approved. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

Respondent admits the allegations stated in the Notice of Opportunity for Hearing letter dated December 18, 2008; further, 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, David Stephen Kevorkian knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Name herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) David Stephen Kevorkian will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else David Stephen Kevorkian's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

David Stephen Kevorkian 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.

David Stephen Kevorkian 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. David Stephen Kevorkian 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.

/s/ David Stephen Kevorkian, R.Ph. Date Signed: 02/10/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/02/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

9:36 a.m. Mr. Casar moved that the Board go into Executive Session for the purpose of discussing personnel matters pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Kolezynski and a roll-call vote was conducted by President Lipsyc as follows: Casar – *yes*; Kaderly – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenbahn – *yes*.

10:00 a.m. Mr. Braylock arrived and joined the meeting in progress.

10:16 a.m. The Executive Session ended and the meeting was opened to the public.

10:17 a.m. Mr. Casar moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code and to confer with an attorney for the Board regarding pending or imminent court action pursuant to Section 121.22(G)(3) of the Ohio Revised Code. The motion was seconded by Ms. Lange and a roll-call vote was conducted by President Lipsyc as follows: Braylock – *yes*; Casar – *yes*; Kaderly – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenbahn – *yes*.

11:18 a.m. The Executive Session ended and the meeting was opened to the public.

**R-2009-200** Mr. Casar moved that a citation issued to **Daniel Gideon Ringenberg**, R.Ph. (03-2-26136) Norwalk, Ohio, be withdrawn as it has been established that he has sufficient continuing education hours. Mr. Wiesenbahn seconded the motion and it was approved by the Board: *Aye* – 7.

**R-2009-201** Ms. Lange moved that the citation issued to **Elizabeth Ann Streicher**, R.Ph. (03-2-16557) Cincinnati, Ohio, be withdrawn as it has been established that she has sufficient jurisprudence continuing education hours. Mr. Braylock seconded the motion and it was approved by the Board: *Aye* – 7.

**R-2009-202** Mr. Braylock moved that the continuance request received from **Gary Alan Evankovich**, R.Ph. (03-2-13226) Youngstown, Ohio, be accepted. Ms. Pasquale seconded the motion and it was approved by the Board: *Aye* – 7.

**R-2009-203** Ms. Lange moved that the continuance request received from **Lucille Mary Leone-Walker**, R.Ph. (03-1-27612) Hudson, Ohio be granted. Mr. Kolezynski seconded the motion and it was approved by the Board: *Aye* – 5; *Nay* – 2.

**R-2009-204** Mr. Braylock moved that the Settlement Offers in the matter of **Martin J. Mullaney**, R.Ph. (03-1-07777) Cincinnati, Ohio, and **Mullaney's Pharmacy**, Terminal Distributor of Dangerous Drugs (02-0602900) Cincinnati, Ohio, be accepted as long as an inspection shows compliance. Ms. Pasquale seconded the motion and it was approved by the Board: *Aye* – 6; *Nay* – 1.

Mr. Keeley discussed proposed changes to four Ohio Administrative Code Rules.

**R-2009-205** Mr. Braylock moved that proposed Rule 4729-5-38 be accepted, then after consultation with the Medical Board, Board staff may proceed with filing the rule. Mr. Casar seconded the motion and it was approved by the Board: *Aye* – 7.

**R-2009-206** After discussion, Mr. Braylock moved that proposed changes to Rules 4729-5-36 and 4729-5-37 be accepted, and that Board staff may proceed with filing the rules. Mr. Casar seconded the motion and it was approved by the Board: *Aye* – 7.

**R-2009-207** After discussion, Ms. Lange moved that proposed changes to Rule 4729-37-07 be accepted, and that Board staff may proceed with filing the rule. Ms. Pasquale seconded the motion and it was approved by the Board: *Aye* – 7.

The Board added May 7, 2009 to the meeting schedule for a possible public hearing on proposed rules.

Mr. Keeley presented the Legislative Report.

Mr. Winsley reported on the progress of the FY 2010-11 budget.

Ms. Pasquale and Mr. Benedict discussed the Probation Report. No Board action was required.

Mr. Braylock reported that the Nursing Board Committee on Prescriptive Governance did not meet in February.

Ms. Lange presented a report on the Medical Board Physician Assistant Policy Committee meeting in February, 2009.

Mrs. Droz presented a report to the Board on the Ohio Automated Prescription Reporting System.

Mr. Winsley presented the Medical Board Prescribing Committee Report for February, 2009.

12:42 p.m. The Board recessed for lunch. Ms. Pasquale left the meeting for personal reasons.

2:11 p.m. The Board reconvened with the following members present:

Nathan S. Lipsyc, R.Ph., *President*; Gregory Braylock, R.Ph.; Donald M. Casar, R.Ph.; Barton G. Kaderly, Public Member; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

**R-2009-208** The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

<b>Marietta Medical Hospital Corp.</b> , Marietta, Ohio	(02-0037250)
<b>Selby General Hospital</b> , Marietta, Ohio	(02-0034950)

After discussion, Ms. Lange 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* – 6.

**R-2009-209** The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

<b>Firelands Regional Medical Center</b> , Sandusky, Ohio	(02-0034900)
<b>Central Admixture Pharmacy Services</b> , Valley View, Ohio	(02-1312700)

After discussion, Mr. Kolezynski 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* – 6.

The Board discussed the **EcoRex Pharmaceutical Waste Management System**, an automated system for handling pharmaceutical waste, from **Vestara**, Irvine, California. There was no Board action needed at this time.

The Board discussed the **Sharps RX TakeAway**, an automated system for handling pharmaceutical waste. There was no Board action needed at this time.

**R-2009-210** Mr. Benedict discussed the **TakeCare Health** electronic prescribing system. Ms. Lange moved that the system be found approvable pending final inspection. Mr. Kolezynski seconded the motion and it was approved by the Board: *Aye* – 4; *Nay* – 1; *Abstained*: Mr. Braylock.

**R-2009-211** The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

<b>Buderer Drug/Sandusky</b> , Sandusky & Perrysburg, Ohio	(02-1106900)
<b>Bryan Community Hospital and Wellness Centers</b> , Bryan, Ohio	(02-0039550)
<b>The Bellevue Hospital</b> , Bellevue Ohio	(02-0035600)

After discussion, Mr. Casar 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. Wiesenhahn and approved by the Board: *Aye* – 6.

2:41 p.m. The Board recessed briefly.

3:03 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 **Risa Jo Gethers**, R.Ph. (03-3-27085) West Chester, Ohio.

4:34 p.m. The hearing ended and the record was closed.

4:35 p.m. Mr. Casar 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. Wiesenhahn and a roll-call vote was conducted by President Lipsyc as follows: Braylock – *yes*; Casar – *yes*; Kaderly – *yes*; Kolezynski – *yes*; Lange – *yes*; and Wiesenhahn – *yes*.

4:47 p.m. The Executive Session ended and the meeting was opened to the public.

4:48 p.m.

**R-2009-212** After votes were taken in public session, the Board adopted the following order in the matter of **Risa Jo Gethers**, R.Ph. (03-3-27085) West Chester, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-081020-026

*in the matter of:*

**RISA JO GETHERS, R.Ph.**  
5287 Fieldstone Court  
West Chester, Ohio 45069

R.Ph. Number 03-3-27085

## INTRODUCTION

The matter of Risa Jo Gethers came for hearing on March 2, 2009, before the following members of the Board: Nathan S. Lipsyc, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Donald M. Casar, R.Ph.; Barton G. Kaderly, Public Member; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Risa Jo Gethers 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: Joseph Kinneer, Ohio State Board of Pharmacy

Respondent's Witness: Risa Jo Gethers, R.Ph., Respondent

### State's Exhibits:

1. Copy of Summary Suspension/Notice of Opportunity For Hearing letter [10-21-08]  
1A-1H. Procedurals
2. Witnessed Statement of Risa J. Gethers [10-06-08]
3. Sample of Dispensing Log [06-03-08 and 06-04-08]
4. Chart of Scrip-Pro Dispensing Logs [12-29-08]

### Respondent's Exhibits:

- A. PRO Pharmacist's Recovery Contract for Risa Gethers [02-26-09]
- B. The Christ Hospital Substance Abuse Assessment Report for Risa Gethers [12-15-08]
- C. Support Group Attendance Records [02-11-09 to 02-26-09]

## 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 Risa Jo Gethers was originally licensed in the State of Ohio on March 2, 2006, pursuant to examination, and that her license to practice pharmacy in Ohio was summarily suspended on October 21, 2008. Records further reflect during the relevant time periods stated herein, Risa Jo Gethers was the Responsible Pharmacist at West End Pharmacy, 1150 West Locust Street, Wilmington, Ohio, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) Risa Jo Gethers is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Risa Jo Gethers has admitted to being addicted to hydrocodone, a controlled substance, and tramadol, a dangerous drug. Risa Jo Gethers has admitted to stealing drugs from her employer and abusing drugs while practicing pharmacy. Risa Jo Gethers has admitted to giving drugs to pharmacy employees without prescriptions. Risa Jo Gethers has indicated to a Pharmacy Board agent that she consumed 5 to 6 tramadol tablets per day every day and 4 to 5 tablets of hydrocodone with APAP per day while at work (though not each day). Such conduct indicates that Risa Jo Gethers is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.

- (3) Risa Jo Gethers did, on or about June 4, 2008, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of West End Pharmacy, beyond the express or implied consent of the owner, to wit: Risa Jo Gethers admittedly stole a tablet of hydrocodone 7.5 mg with acetaminophen 750 mg for her own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Risa Jo Gethers did, on or about June 9, 2008, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of West End Pharmacy, beyond the express or implied consent of the owner, to wit: Risa Jo Gethers admittedly stole 4 tablets of hydrocodone 5 mg with acetaminophen 500 mg for her own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) Risa Jo Gethers did, on or about June 12, 2008, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of West End Pharmacy, beyond the express or implied consent of the owner, to wit: Risa Jo Gethers admittedly stole 2 tablets of hydrocodone 7.5 mg with acetaminophen 750 mg for her own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) Risa Jo Gethers did, on or about July 16, 2008, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of West End Pharmacy, beyond the express or implied consent of the owner, to wit: Risa Jo Gethers admittedly stole 10 tablets of hydrocodone 5 mg with acetaminophen 500 mg for her own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) Risa Jo Gethers did, on or about July 29, 2008, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of West End Pharmacy, beyond the express or implied consent of the owner, to wit: Risa Jo Gethers admittedly stole 20 tablets of hydrocodone 7.5 mg with acetaminophen 750 mg for her own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (8) Risa Jo Gethers did, on or about June 17, 2008, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of West End Pharmacy, beyond the express or implied consent of the owner, to wit: Risa Jo Gethers admittedly stole 2 tablets of diazepam 10 mg for her own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (9) Risa Jo Gethers did, on or about July 16, 2008, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of West End Pharmacy, beyond the express or implied consent of the owner, to wit: Risa Jo Gethers admittedly stole 2 tablets of diazepam 10 mg for her own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (10) Risa Jo Gethers did, on or about July 28, 2008, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of West End Pharmacy, beyond the express or implied consent of the owner, to wit: Risa Jo Gethers admittedly stole 5 tablets of diazepam 10 mg for her own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (11) Risa Jo Gethers did, on or about August 5, 2008, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of West End Pharmacy, beyond the express or implied consent of the owner,

to wit: Risa Jo Gethers admittedly stole 2 tablets of diazepam 10 mg for her own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (12) Risa Jo Gethers did, on or about August 6, 2008, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of West End Pharmacy, beyond the express or implied consent of the owner, to wit: Risa Jo Gethers admittedly stole 2 tablets of diazepam 10 mg for her own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (13) Risa Jo Gethers did, on or about August 7, 2008, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of West End Pharmacy, beyond the express or implied consent of the owner, to wit: Risa Jo Gethers admittedly stole 20 tablets of diazepam 10 mg for her own personal abuse. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

#### CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) through (13) 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 (3) through (13) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.

#### 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 Risa Jo Gethers on October 21, 2008.

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. 03-3-27085 held by Risa Jo Gethers and such suspension is effective as of the date of the mailing of this Order.

- (A) Risa Jo Gethers, 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) Risa Jo Gethers, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after one year from the effective date of this Order, the Board will consider any petition filed by Risa Jo Gethers 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) Risa Jo Gethers 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) Risa Jo Gethers must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
- (C) Risa Jo Gethers 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, Risa Jo Gethers 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, Risa Jo Gethers 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.

Donald Casar moved for Findings of Fact; Jerome Wiesenhahn seconded the motion. Motion passed (Aye-6/Nay-0).

Gregory Braylock moved for Conclusions of Law; Deborah Lange seconded the motion. Motion passed (Aye-6/Nay-0).

Gregory Braylock moved for Action of the Board; Donald Casar seconded the motion. Motion passed (Aye-6/Nay-0).

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4:53. p.m. The meeting was adjourned for the day.

## **Tuesday, March 3, 2009**

8:45 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:

Nathan S. Lipsyc, R.Ph., *President*; Elizabeth I. Gregg, R.Ph., *Vice-President*; Gregory Braylock, R.Ph.; Donald M. Casar, R.Ph.; Barton G. Kaderly, Public Member; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

9:00 a.m. Mr. Rowland announced that the following Settlement Agreements had been signed by all parties making them effective.

### **R-2009-213**

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

Docket Number D-090219-090

*in the matter of:*

**DANN E. HAAS, R.Ph.**  
462 Terra Lane  
Amherst, Ohio 44001

R.Ph. Number 03-2-25141

This Settlement Agreement is entered into by and between Dann E. Haas 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.

Dann E. Haas 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. Dann E. Haas 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, Dann E. Haas is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 19, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Dann E. Haas 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. Dann E. Haas accepted this offer for settlement rather than a hearing. The February 19, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Dann E. Haas was originally licensed in the State of Ohio on May 20, 2002, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Dann E. Haas did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Dann E. Haas submitted 0.1 Continuing Education Unit (C.E.U.) of Jurisprudence that was not Board approved. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.
- (3) Dann E. Haas did, on or about April 21, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Dann E. Haas indicated on his pharmacist continuing education submission form that you had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved jurisprudence, when in fact you only submitted 5.9 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Dann E. Haas admits the allegations stated in the Notice of Opportunity for Hearing letter dated February 19, 2009; further, 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, Dann E. Haas knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Dann E. Haas herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Dann E. Haas will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Dann E. Haas's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

Dann E. Haas 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.

Dann E. Haas 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. Dann E. Haas 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.

/s/ Dann E. Haas, R.Ph. Date Signed: 02/23/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/03/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/03/09  
*Ohio Assistant Attorney General*

**R-2009-214**

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

Docket Number D-090219-072

*in the matter of:*

**ROLA G. LABABIDI, R.Ph.**  
1356 Atterbury Drive  
Macadonia, Ohio 44056

R.Ph. Number 03-2-19257

This Settlement Agreement is entered into by and between Rola G. Lababidi 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.

Rola G. Lababidi voluntarily enters into this Agreement being fully informed of her 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. Rola G. Lababidi acknowledges that by entering into this agreement she has waived her 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, Rola G. Lababidi is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 19, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Rola G. Lababidi was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Rola G. Lababidi accepted this offer for settlement rather than a hearing. The February 19, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Rola G. Lababidi was originally licensed in the State of Ohio on March 3, 1993, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Rola G. Lababidi did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Rola G. Lababidi submitted 0.3 Continuing Education Units (C.E.U.s) of Jurisprudence that were not Board approved. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.
- (3) Rola G. Lababidi did, on or about May 4, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Rola G. Lababidi indicated on her pharmacist continuing education submission form that she had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved Jurisprudence, when in fact Rola G. Lababidi only submitted 5.7 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Rola G. Lababidi admits the allegations stated in the Notice of Opportunity for Hearing letter dated February 19, 2009; further, 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, Rola G. Lababidi knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Rola G. Lababidi herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Rola G. Lababidi will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Rola G. Lababidi's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

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

Rola G. Lababidi waives any and all claims or causes of action she 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. Rola G. Lababidi 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.

/s/ Rola G. Lababidi, R.Ph. Date Signed: 02/26/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/03/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-215**

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

Docket Number D-090213-100

*in the matter of:*

**MICHAEL T. MCQUADE, R.Ph.**  
3088 Magnolia Court  
Edgewood, Kentucky 41017

R.Ph. Number 03-2-21631

This Settlement Agreement is entered into by and between Michael T. McQuade 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.

Michael T. McQuade 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. Michael T. McQuade 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, Michael T. McQuade is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 13, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Michael T. McQuade 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. Michael T. McQuade accepted this offer for settlement rather than a hearing. The February 13, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Michael T. McQuade was originally licensed in the State of Ohio on April 23, 1996, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Michael T. McQuade did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Michael T. McQuade was short 0.2 Continuing Education Units (C.E.U.s) of Board approved continuing education. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.
- (3) Michael T. McQuade did, on or about April 22, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Michael T. McQuade indicated on his pharmacist continuing education submission form that he had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved jurisprudence, when in fact Michael T. McQuade only submitted 5.8 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Michael T. McQuade admits the allegations stated in the Notice of Opportunity for Hearing letter dated February 13, 2009; further, 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, Michael T. McQuade knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Michael T. McQuade herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Michael T. McQuade will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Michael T. McQuade's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

Michael T. McQuade 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.

Michael T. McQuade 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. Michael T. McQuade waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

/s/ Michael T. McQuade, R.Ph. Date Signed: 02/26/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/03/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/02/09  
*Ohio Assistant Attorney General*

**R-2009-216**

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

Docket Number D-090219-078

*in the matter of:*

**ANTHONY JOHN TORTI, R.Ph.**  
5151 Monroe Street; Suite 114  
Toledo, Ohio 43623

R.Ph. Number 03-2-16648

This Settlement Agreement is entered into by and between Anthony John Torti 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.

Anthony John Torti 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. Anthony John Torti 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, Anthony John Torti is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 19, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Anthony John Torti 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. Anthony John Torti accepted this offer for settlement rather than a hearing. The February 19, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that you were originally licensed in the State of Ohio on March 6, 1987, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that you did not complete 5.5 Continuing Education Units (C.E.U.s) of Board approved continuing education until after you signed your Continuing Pharmacy Education Reporting Form. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.
- (3) You did, on or about May 12, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: you indicated on your pharmacist continuing education submission form that you had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved jurisprudence, when in fact you only submitted 0.5 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Anthony John Torti admits the allegations stated in the Notice of Opportunity for Hearing letter dated February 19, 2009; further, 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, Anthony John Torti knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Anthony John Torti herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Anthony John Torti will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Anthony John Torti's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

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

Anthony John Torti 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.

Anthony John Torti 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. Anthony John Torti waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

/s/ Anthony John Torti, R.Ph. Date Signed: 02/23/09  
*Respondent*

/s/ Nathan S. Lipsyc Date Signed: 03/03/09  
*President, Ohio State Board of Pharmacy*

/s/ Sally Ann Steuk Date Signed: 03/03/09  
*Ohio Assistant Attorney General*

- 9:04 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 **Gregory Thomas Fisher**, R.Ph. (03-2-21259) Washington Township, Ohio.
- 9:28 a.m. The hearing ended and the record was closed.
- 9:28 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. Casar and a roll-call vote was conducted by President Lipsyc as follows: Braylock – *yes*; Casar – *yes*; Gregg – *yes*; Kaderly – *yes*; Kolezynski – *yes*; Lange – *yes*; and Wiesenhahn – *yes*.
- 9:36 a.m. The Executive Session ended and the meeting was opened to the public.

**R-2009-217** After votes were taken in public session, the Board adopted the following order in the matter of **Gregory Thomas Fisher**, R.Ph. (03-2-21259) Washington Township, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-080414-042

*in the matter of:*

**GREGORY THOMAS FISHER, R.Ph.**

204 Laura Avenue  
Washington Township, Ohio 45458

R.Ph. Number 03-2-21259

**INTRODUCTION**

The matter of Gregory Thomas Fisher came for hearing on March 3, 2009, before the following members of the Board: Nathan S. Lipsyc, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Donald M. Casar, R.Ph.; Elizabeth I. Gregg, R.Ph.; Barton G. Kaderly, Public Member; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Gregory Thomas Fisher was represented by Harry B. Plotnick. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.



## SUMMARY OF EVIDENCE

State's Witnesses: None

Respondent's Witness: Gregory Thomas Fisher, R.Ph., Respondent

### State's Exhibits:

1. Reinstatement Hearing Request Letter from Harry B. Plotnick [09-10-08]  
1A-1E. Procedurals
2. State Board of Pharmacy Order In Re Gregory Thomas Fisher, R.Ph. [09-14-07]

### Respondent's Exhibits:

- A. PRO Pharmacist's Recovery Contract for Gregory T. Fisher [10-03-07]
- B. Lab Test History Reports [08-28-07 to 08-06-08]
- C. First Lab Test History Reports [08-28-07 to 06-06-08]
- D. Support Group Attendance Records [08-11-07 to 07-30-08]
- E. Continuing Pharmaceutical Education Credits and Certificates [01-10-05 to 04-20-08]
- G. Restitution Documentation [not provided]
- H. Letter from Suzanne M. Schmidt to Harry Plotnick [02-19-08]; One Letter of Support [08-07-08]

## FINDING OF FACT

After having heard the testimony, observed the demeanor of the witness, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Gregory Thomas Fisher has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-070403-037, effective September 14, 2007.

## DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-2-21259, held by Gregory Thomas Fisher to practice pharmacy in Ohio and places Gregory Thomas Fisher on probation for five years beginning on the effective date of this Order, with the following conditions:

- (A) Gregory Thomas Fisher 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) Results of all drug screens must be negative. Refusal of a urine screen or a diluted urine 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 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.
  - (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) Gregory Thomas Fisher 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 Gregory Thomas Fisher's progress towards recovery and what Gregory Thomas Fisher has been doing during the previous three months.
- (C) Gregory Thomas Fisher must make an effort toward outstanding restitution.
- (D) Other terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Gregory Thomas Fisher'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) Gregory Thomas Fisher may not serve as a responsible pharmacist.
  - (3) Gregory Thomas Fisher may not destroy, assist in, or witness the destruction of controlled substances.
  - (4) Gregory Thomas Fisher must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
  - (5) Gregory Thomas Fisher must not violate the drug laws of Ohio, any other state, or the federal government.
  - (6) Gregory Thomas Fisher must abide by the rules of the State Board of Pharmacy.
  - (7) Gregory Thomas Fisher must comply with the terms of this Order.
  - (8) Gregory Thomas Fisher's license is deemed not in good standing until successful completion of the probationary period.
- (E) 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.

Gregory Thomas Fisher 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.

Elizabeth Gregg moved for the Findings of Fact and the Decision of the Board;  
Jerome Wiesenbahn seconded the motion. Motion passed (Aye-7/Nay-0).

**R-2009-218** After discussion, Mr. Braylock moved that the proposal from **Humana RightSourceRx** regarding returned prescription medications be denied. Ms. Lange seconded the motion and it was approved by the Board: *Aye – 7.*

9:53 a.m. The Board recessed briefly.

10:48 a.m.  
**R-2009-219** Mrs. Gregg moved that the minutes of February 2-4, 2009 be approved as amended. Mr. Kolezynski seconded the motion and it was approved by the Board: *Aye – 7.*

11:05 a.m. The Board recessed for lunch.

1:30 p.m.  
**R-2009-220** The following candidates for licensure by reciprocity met with eight Board members in attendance in Room South A, 31<sup>st</sup> Floor of the Vern Riffe Center. The candidates introduced themselves to the Board, and then participated in a discussion of pharmacy laws and rules with Mr. McMillen.

Jacqueline Burbank	<i>North Carolina</i>	Jamie Leigh Nauert	<i>Washington</i>
Renilde C. Chartier	<i>Florida</i>	Mayur Bhikhabhai Patel	<i>Michigan</i>
Ekta Arora Davis	<i>New Jersey</i>	David A. Russell	<i>Indiana</i>
George Patrick Dzurino	<i>Maryland</i>	Melanie Ann Sadler	<i>Idaho</i>
Clayton David Edwards	<i>Pennsylvania</i>	Arthur Howard Schneider	<i>Michigan</i>
Cedar R. Koetting	<i>Georgia</i>	Robert B. Stanton	<i>West Virginia</i>
Young Hee Lee	<i>Michigan</i>	Deanna Marie Starling	<i>Indiana</i>
Robert Joseph Matkan	<i>Virginia</i>	Boma Agboh-Stroude	<i>Georgia</i>
Richard Wayne McCormick	<i>West Virginia</i>	Omini Surapaneni	<i>Vermont</i>
Wayne McDermott	<i>Texas</i>	Andrea Jean Tuma	<i>Wisconsin</i>
Tara Marie Mendenhall	<i>Pennsylvania</i>	Stefanie Ann Ulrich	<i>Pennsylvania</i>
Yolanda L. Mickler	<i>Florida</i>	Scott Wilson	<i>Pennsylvania</i>

2:14 p.m. The Board reconvened in Room East B. 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 **Curtis James Rude**, R.Ph. (03-3-18738) Ravenna, Ohio.

The hearing was suspended while the Board went into Executive Session.

3:05 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 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 Mr. Braylock and a roll-call vote was conducted by President Lipsyc as follows: Braylock – *yes*; Casar – *yes*; Gregg – *yes*; Kaderly – *yes*; Kolezynski – *yes*; Lange – *yes*; and Wiesenbahn – *yes*.

- 3:24 p.m. The Executive Session ended and the meeting was opened to the public as the hearing in the matter of **Curtis James Rude** resumed.
- 6:20 p.m. The Board recessed for the day, to resume at 8:45 a.m. March 3, with the hearing in the matter of **Curtis James Rude** to resume at 10:30 a.m.

### Wednesday, March 4, 2009

- 9:00 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:
- Nathan S. Lipsyc, R.Ph., *President*; Elizabeth I. Gregg, R.Ph., *Vice-President*; Gregory Braylock, R.Ph.; Donald M. Casar, R.Ph.; Barton G. Kaderly, Public Member; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.
- 9:01 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 **Navneet Singh**, Intern Applicant, Columbus, Ohio.
- 9:18 a.m. The hearing ended and the record was closed.
- 9:19 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. Kolezynski and a roll-call vote was conducted by President Lipsyc as follows: Braylock – *yes*; Casar – *yes*; Gregg – *yes*; Kaderly – *yes*; Kolezynski – *yes*; Lange – *yes*; and Wiesenbahn – *yes*.
- 9:26 a.m. The Executive Session ended and the meeting was opened to the public.

**R-2009-221** After votes were taken in public session, the Board adopted the following order in the matter of **Navneet Singh**, Intern Applicant, Columbus, Ohio.

#### **ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-090204-084

*in the matter of:*

#### **NAVNEET SINGH**

100 Liberty Street, Apt. 12202  
Columbus, Ohio 43215

#### **INTRODUCTION**

The matter of Navneet Singh came for hearing on March 4, 2009, before the following members of the Board: Nathan S. Lipsyc, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Donald M. Casar, R.Ph.; Elizabeth I. Gregg, R.Ph.; Barton G. Kaderly, Public Member; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

Navneet Singh was not represented by counsel. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

## SUMMARY OF EVIDENCE

State's Witness: Navneet Singh, Respondent

Respondent's Witnesses: None

State's Exhibits:

1. Copy of Proposal to Deny/Notice of Opportunity For Hearing letter [02-04-09]  
1A-1B. Procedurals
2. Pharmacy Intern Registration Application for Navneet Singh [09-24-08]
3. Notarized Statement of Navneet Singh [12-30-08]

Respondent's Exhibits: 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 State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board of Pharmacy indicate that Navneet Singh applied to the Board for registration as an intern in the State of Ohio on October 2, 2008.
- (2) Navneet Singh did, on or about September 24, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Navneet Singh indicated on his pharmacy intern registration application that he had not been charged with a crime when in fact Navneet Singh had been charged and convicted of theft. Navneet Singh admitted to a Board agent that he was charged with misdemeanor theft for stealing by deception from his employer. As Navneet Singh admitted, the charges were subsequently reduced to misdemeanor theft and later expunged. Navneet Singh indicated that he purposely answered falsely because he assumed that the Board would not be able to discover the truth. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

## CONCLUSION OF LAW

- (1) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes not being of good moral character and habits as provided in Section 4729-5-04 (C) of the Ohio Administrative Code.

## DECISION OF THE BOARD

Pursuant to Section 4729.11 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the Application for Registration as a Pharmacy Intern submitted by Navneet Singh.

Elizabeth Gregg moved for Findings of Fact; Richard Kolezynski seconded the motion. Motion passed (Aye-6/Nay-1).

Donald Casar moved for Conclusion of Law; Jerome Wiesenhahn seconded the motion. Motion passed (Aye-7/Nay-0).

Gregory Braylock moved for Action of the Board; Elizabeth Gregg seconded the motion. Motion passed (Aye-7/Nay-0).

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- 9:30 a.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Michelle Lynn Lufkins**, R.Ph. (03-3-27195) Sisseton, South Dakota.
- 10:00 a.m. The hearing ended and the record was closed.
- 10:01 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. Casar and a roll-call vote was conducted by President Lipsyc as follows: Braylock – *yes*; Casar – *yes*; Gregg – *yes*; Kaderly – *yes*; Kolezynski – *yes*; Lange – *yes*; and Wiesenhahn – *yes*.
- 10:41 a.m. The Executive Session ended and the meeting was opened to the public.  
The Board recessed briefly.
- 10:48 a.m.  
**R-2009-222** After votes were taken in public session, the Board adopted the following order in the matter of **Michelle Lynn Lufkins**, R.Ph. (03-3-27195) Sisseton, South Dakota.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-081106-030

*in the matter of:*

**MICHELLE LYNN LUFKINS, R.Ph.**

P.O. Box 225  
Sisseton, SD 57262

R.Ph. Number 03-3-27195

**INTRODUCTION**

The matter of Michelle Lynn Lufkins came for consideration on March 4, 2009, before the following members of the Board: Nathan S. Lipsyc, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Donald M. Casar, R.Ph.; Elizabeth I. Gregg, R.Ph.; Barton G. Kaderly, Public Member; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Michelle Lynn Lufkins was not present nor was she represented by counsel. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

State's Witness: Jesse Wimberly, Ohio State Board of Pharmacy

Respondent's Witnesses: None

State's Exhibits:

1. Copy of Notice of Opportunity For Hearing letter [11-06-08]
  - 1A Procedural
2. Letter from CAPT Gary Reeves [11-30-07]
3. Investigation Narrative, Hopi Law Enforcement Services [02-20-08]
4. The Hopi Indian Police Department Evidence Control Report [11-29-07]
5. Letter from Michelle Lufkins with Attachments to Hopi Police Department [Received 01-15-07]
6. Notarized Statement of Michelle Lufkins [03-21-08]

Respondent's Exhibits: None

### FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that Michelle Lynn Lufkins was originally licensed in the State of Ohio on June 6, 2006, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Michelle Lynn Lufkins did, on or about November 29, 2007, knowingly possess a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Michelle Lynn Lufkins possessed unknown quantities of the following controlled substances outside the confines of a pharmacy and not pursuant to a valid prescription:

hydrocodone/APAP	lorazepam
Ambien	midazolam inj
Provigil	oxycodone 5 mg
diazepam	Lonox
Sonata	Lunesta
Methylin	butalbital / ASA / caffeine

Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

- (3) Michelle Lynn Lufkins did, on or about November 29, 2007, possess a dangerous drug when the conduct was not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: Michelle Lynn Lufkins possessed unknown quantities of the following dangerous drugs outside the confines of a pharmacy and not pursuant to a valid prescription: 80 various prescription drugs including injectibles, tablets, and topical creams, ointments, and solutions. Such conduct is in violation of Section 4729.51(C) of the Ohio Revised Code.

### CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) and (3) 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) and (3) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraphs (2) and (3) 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 suspends indefinitely the pharmacist identification card, No. 03-3-27195, held by Michelle Lynn Lufkins and such suspension is effective as of the date of the mailing of this Order.

- (A) The Board will not consider reinstatement until Michelle Lynn Lufkins personally appears before the State Board of Pharmacy whereupon the Board will make an appropriate decision.
- (B) If reinstatement is not accomplished within three years of the effective date of this Order, Michelle Lynn Lufkins must also show, at the time of her personal appearance before the Board, successful completion of the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board.
- (C) Michelle Lynn Lufkins, 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.
- (D) Michelle Lynn Lufkins, 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.

Elizabeth Gregg moved for Findings of Fact; Richard Kolezynski seconded the motion. Motion passed (Aye-7/Nay-0).

Elizabeth Gregg moved for Conclusions of Law; Donald Casar seconded the motion. Motion passed (Aye-7/Nay-0).

Donald Casar moved for Action of the Board; Jerome Wiesenbahn seconded the motion. Motion passed (Aye-4/Nay-3).

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- 10:50 a.m. The adjudication hearing in the matter of **Curtis James Rude**, R.Ph. (0-3-318738) Ravenna, Ohio, resumed.
- 12:11 p.m. The Board recessed for lunch.
- 1:00 p.m. The hearing in the matter of **Curtis James Rude** resumed.
- 3:22 p.m. The hearing ended and the record was closed.
- 3:23 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. Casar and a roll-call vote was conducted by President Lipsyc as follows: Braylock – *yes*; Casar – *yes*; Gregg – *yes*; Kaderly – *yes*; Kolezynski – *yes*; Lange – *yes*; and Wiesenbahn – *yes*.
- 4:06 p.m. The Executive Session ended and the meeting was opened to the public.



**R-2009-223** After votes were taken in public session, the Board adopted the following order in the matter of **Curtis James Rude**, R.Ph. (03-3-18738) Ravenna, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-090107-037

*in the matter of:*

**CURTIS JAMES RUDE, R.Ph.**

3235 Brandy Lake Road  
Ravenna, Ohio 44266

R.Ph. Number 03-3-18738

**INTRODUCTION**

The matter of Curtis James Rude came for hearing on March 3, 2009 and March 4, 2009, before the following members of the Board: Nathan S. Lipsyc, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Donald M. Casar, R.Ph.; Elizabeth I. Gregg, R.Ph.; Barton G. Kaderly, Public Member; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

Curtis James Rude was represented by Elizabeth Y. Collis. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

State's Witnesses: Robert Mandi, Ohio State Board of Pharmacy  
Kathleen Donley, R.Ph.

Respondent's Witnesses: Curtis James Rude, R.Ph., Respondent  
Joe Snoke, R.Ph.

State's Exhibits:

1. Copy of Notice of Opportunity For Hearing letter [01-08-09]  
1A-1C. Procedurals
2. Akron General Medical Center P & T Committee Statin Formulary Review
3. Akron General Medical Center Pharmacy & Therapeutics Committee Meeting [10-19-05]
4. Akron General Medical Center Copy of Computer Screen "Pop-up" window (dispensing message) for Atorvastatin Tab 10 mg
5. Notarized Statement of Michael Holley [11-05-08]
6. Notarized Statement of Ronda Armbroziak, R.Ph. [11-07-08]
7. Notarized Statement of Sharon S. Bon [11-20-08]
8. Computer Screen Printout for Patient #816153 [10-24-08]
9. Computer Screen Printout for Patient #1104390; Prescription for Patient #1104390 [10-22-08]; Computer Screen Printout Change Sort Order for RX #7485399 and RX #7481124 [10-23-08]; Physician's Orders [10-22-08]
10. Computer Screen Printout for Patient #526606; Prescription for Patient #0526606 [09-26-08]
11. Computer Screen Printout for Patient #484579; Patient Medication List [09-24-08]
12. Computer Screen Printout for Patient #98725; Patient Medication List [08-23-08]
13. Computer Screen Printout for Patient #340701 [08-20-08]
14. Computer Screen Printout for Patient #234288; Patient Medication List [08-06-08]

15. Two Page Computer Screen Printout for Patient #1096896 [08-13-08]; Patient Medication List [08-01-08]
16. Computer Screen Printout for Patient #342350 [08-01-08]
17. Notarized Statement of Curtis James Rude [12-04-08]
18. Letter from Curtis J. Rude [12-06-08]; Copy of E-Mail from Joe Snoke to Pharmacists; Pharmacotherapy Specialists [08-18-06]
19. Copy of Letter from Curtis J. Rude to Kathy (Kathleen Donley) with Attachment [11-14-08]

Respondent's Exhibits:

- A. Copy of Cover of Formulary of Drug Handbook 2008-2009, Akron General Hospital; Introduction of Therapeutic Interchange Policy from Handbook
- C. Copy of E-Mail from Joe Snoke to Pharmacists; Pharmacotherapy Specialists [08-18-06]
- G. Therapeutic Substitution List from Regency Hospital [not dated]
- H-I. Two Letters of Support [03-02-09]
- J. General Affidavit of William M. Emmett [03-02-09]

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 Curtis James Rude was originally licensed in the State of Ohio on February 15, 1991, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Curtis James Rude, on or about October 24, 2008, misbrand a drug, to wit: when Curtis James Rude received an order for lovastatin 40 mg for patient #816153, he substituted atorvastatin 10 mg, a drug not the brand or drug specifically prescribed or ordered nor a generic equivalent. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (3) Curtis James Rude did, on or about October 22, 2008, misbrand a drug, to wit: when Curtis James Rude received an order for rosuvastatin 20 mg for patient #1104390, he substituted atorvastatin 40 mg, a drug not the brand or drug specifically prescribed or ordered nor a generic equivalent. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (4) Curtis James Rude did, on or about September 26, 2008, misbrand a drug, to wit: when Curtis James Rude received an order for pravastatin 10 mg for patient #526606, he substituted atorvastatin 10 mg, a drug not the brand or drug specifically prescribed or ordered nor a generic equivalent. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (5) Curtis James Rude did, on or about September 24, 2008, misbrand a drug, to wit: when Curtis James Rude received an order for lovastatin 40 mg for patient #484579, he substituted atorvastatin 10 mg, a drug not the brand or drug specifically prescribed or ordered nor a generic equivalent. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (6) Curtis James Rude did, on or about August 23, 2008, misbrand a drug, to wit: when Curtis James Rude received an order for lovastatin 20 mg for patient #98725, he substituted atorvastatin 10 mg, a drug not the brand or

drug specifically prescribed or ordered nor a generic equivalent. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

- (7) Curtis James Rude did, on or about August 20, 2008, misbrand a drug, to wit: when Curtis James Rude received an order for rosuvastatin 10 mg for patient #340701, he substituted atorvastatin 20 mg, a drug not the brand or drug specifically prescribed or ordered nor a generic equivalent. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (8) Curtis James Rude did, on or about August 6, 2008, misbrand a drug, to wit: when Curtis James Rude received an order for lovastatin 40 mg for patient #234288, he substituted atorvastatin 10 mg, a drug not the brand or drug specifically prescribed or ordered nor a generic equivalent. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (9) Curtis James Rude did, on or about August 1, 2008, misbrand a drug, to wit: when Curtis James Rude received an order for pravastatin 40 mg for patient #1096896, he substituted atorvastatin 10 mg, a drug not the brand or drug specifically prescribed or ordered nor a generic equivalent. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (10) Curtis James Rude did, on or about August 1, 2008, misbrand a drug, to wit: when Curtis James Rude received an order for fluvastatin 80 mg for patient #342350, he substituted atorvastatin 20 mg, a drug not the brand or drug specifically prescribed or ordered nor a generic equivalent. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

#### CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (10) of the Findings of Fact constitute 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.
- (2) The State Board of Pharmacy concludes that paragraphs (2) through (10) 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 3715. 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 adjudicates the matter of Curtis James Rude as follows:

- (A) Based on the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy hereby reprimands Curtis James Rude for his conduct in this matter.
- (B) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes on Curtis James Rude 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.

Donald Casar moved for Findings of Fact; Jerome Wiesenhahn seconded the motion. Motion passed (Aye-4/Nay-3).

Elizabeth Gregg moved for Conclusions of Law; Jerome Wiesenhahn seconded the motion. Motion passed (Aye-4/Nay-3).

Donald Casar moved for Action of the Board; Barton Kaderly seconded the motion. Motion passed (Aye-5/Nay-2).

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**R-2009-224**

The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

<b>Med-Share Pharmacy</b> , Cincinnati, Ohio	(02-0257600)
<b>Walnut Hills/Evanston Health Center</b> , Cincinnati, Ohio	(02-1161850)
<b>East End Health Center</b> , Cincinnati, Ohio	(02-1163650)

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. Braylock and approved by the Board: *Aye – 7*.

4:11 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. Casar and a roll-call vote was conducted by President Lipsyc as follows: Braylock – *yes*; Casar – *yes*; Gregg – *yes*; Kaderly – *yes*; Kolezynski – *yes*; Lange – *yes*; and Wiesenhahn – *yes*.

5:19 p.m. The Executive Session ended and the meeting was opened to the public.

Mr. Wiesenhahn moved that the Board receive Per Diem as follows:

<u>PER DIEM</u>	<u>1/12</u>	<u>2/10</u>	<u>2/18</u>	<u>3/02</u>	<u>3/03</u>	<u>3/04</u>	<u>3/09</u>	<u>Total</u>
Braylock	1	-	1	1	1	1	1	6
Casar	-	-	1	1	1	1	1	5
Gregg	-	-	-	-	1	1	-	2
Kaderly	-	-	-	1	1	1	1	4
Kolezynski	-	-	-	1	1	1	-	3
Lange	-	1	-	1	1	1	-	4
Lipsyc	-	-	-	1	1	1	-	3
Pasquale	-	-	-	1	-	-	-	1
Wiesenhahn	-	-	-	1	1	1	-	3

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

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

<p style="text-align: center;"><b>The Ohio State Board of Pharmacy approved these Minutes April 7, 2009</b></p>
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