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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 October 5-7, 2009 Meeting of the Ohio State Board of Pharmacy

### Monday, October 5, 2009

9:00 a.m. The Ohio State Board of Pharmacy convened at Dublin Methodist Hospital Pharmacy, Dublin, Ohio, for a tour of the facility, with the following members present:

Elizabeth I. Gregg, R.Ph., *President*; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

10:30 a.m. The Board members left Dublin Methodist to return to the Riffe Center.

11:29 a.m. The Board reconvened in Room East B, 31<sup>st</sup> Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio.

Also present were William T. Winsley, *Executive Director*; Mark Keeley, *Legislative Affairs Administrator*; Kyle Parker, *Licensing Administrator*; Chris Reed, *Compliance Supervisor*; David Rowland, *Legal Affairs Administrator*; Danna Droz, *Prescription Drug Monitoring Program Director*; and Tracy Greuel, *Assistant Attorney General*.

11:29 a.m. Mr. Kolezynski 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 Gregg as follows: Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; and Wiesenbahn – *yes*.

12:09 p.m. The Executive Session ended and the meeting was opened to the public.

**R-2010-046** Mr. Kolezynski moved that the settlement offer in the matter of **Gary Alan Evankovich**, R.Ph. (03-2-13226) Youngstown, Ohio, be denied. The motion was seconded by Mr. Gahm and approved by the Board: *Aye* – 4/*Nay* – 0; *Abstained* – Casar, Joyce.

**R-2010-047** Mr. Casar moved that the Board allow the continuance request received in the matter of **Julie Michelle Helkowski**, R.Ph. (03-2-23120) Powell, Ohio. The motion was seconded by Mr. Gahm and approved by the Board: *Aye* – 6.

**R-2010-048** Mr. Joyce moved that the Board summarily suspend the license to practice pharmacy belonging to **Patrick Hiram Lucas**, R.Ph. (03-3-19848) Columbus, Ohio, pursuant to Ohio Revised Code 3719.121(B). Ms. Lange seconded the motion and it was approved by the Board: *Aye* – 6.

**R-2010-049** Mr. Joyce moved that the Board summarily suspend the license to practice pharmacy belonging to **Justin A. Bracken**, R.Ph. (03-2-26310) Canton, Ohio, pursuant to Ohio Revised Code 3719.121(B). Ms. Lange seconded the motion and it was approved by the Board: *Aye* – 5/*Nay* – 0; *Abstained* – Casar.

**R-2010-050**

Mr. Rowland announced that the following Settlement Agreement with **David Gary Young, R.Ph.** (03-1-09396) Bucyrus, Ohio, had been signed by all parties making it effective.

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

Docket Number D-090507-135

*in the matter of:*

**DAVID GARY YOUNG, R.Ph.**

1622 Parcher Road  
Bucyrus, Ohio 44820

R.Ph. Number 03-1-09396

This Settlement Agreement is entered into by and between David Gary Young 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 Gary Young 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 Gary Young 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 Gary Young is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about May 7, 2009, pursuant to Chapter 119. of the Ohio Revised Code, David Gary Young 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 Gary Young requested a hearing; it was scheduled and continued. The May 7, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that David Gary Young was originally licensed in the State of Ohio on February 11, 1970, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) David Gary Young did, on or about October 15, 2008, misbrand a drug, to wit: when he refilled a prescription for Strattera 60 mg, RX #03102 0836845, David Gary Young dispensed Cymbalta 60 mg, which had not been specifically prescribed by the physician. The patient, an eleven (11) year old child, subsequently experienced harm. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

David Gary Young neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated May 7, 2009; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

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

- (A) David Gary Young agrees to the imposition of a monetary penalty of one thousand two hundred fifty dollars (\$1,250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio, 43215-6126.
- (B) David Gary Young must obtain within ninety days from the effective date of this Agreement, eight hours of continuing pharmacy education (0.8 CEUs) on preventing medication errors in pediatric patients, which may not also be used for license renewal.

David Gary Young 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 Gary Young 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 Gary Young waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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

<u>/s/ David Gary Young, R.Ph.</u> <i>Respondent</i>	<u>Date Signed: 09/21/09</u>
<u>/s/ David W. Grauer</u> <i>Attorney for Respondent</i>	<u>Date Signed: 09/25/09</u>
<u>/s/ Elizabeth I. Gregg</u> <i>President; Ohio State Board of Pharmacy</i>	<u>Date Signed: 10/05/09</u>
<u>/s/ Tracy Marie Greuel</u> <i>Ohio Assistant Attorney General</i>	<u>Date Signed: 10/05/09</u>

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

1:04 p.m. The Board reconvened with the following members present:

Elizabeth I. Gregg, R.Ph., *President*; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph. The Board met with Susan DelMonico and Stacy Inman representing **CVS Caremark Customer Care Center** to discuss its request to implement a centralized pharmacy call center in Rhode Island that would service CVS pharmacies in Ohio.

1:26 p.m. The meeting with the CVS representatives ended and the Board recessed briefly.

- 1:41 p.m. The Board was joined by Assistant Attorney General Tracy Greuel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Jamie Raymond Kuhn**, R.Ph. (03-2-22939) Columbus, Ohio.
- 3:24 p.m. The hearing ended and the record was closed.
- 3:25 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. Gahm and a roll-call vote was conducted by President Gregg as follows: Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange - *yes*; and Wiesenhahn – *yes*.
- 3:34 p.m. The Executive Session ended and the meeting was opened to the public.
- R-2010-051** After votes were taken in public session, the Board adopted the following order in the matter of **Jamie Raymond Kuhn**, R.Ph. (03-2-22939) Columbus, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-090522-138  
*in the matter of:*

**JAMIE RAYMOND KUHN, R.Ph.**  
3127 Gideon Lane  
Columbus, Ohio 43219

R.Ph. Number 03-2-22939

**INTRODUCTION**

The matter of Jamie Raymond Kuhn came for hearing on October 5, 2009, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (*presiding*); Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Heather L. Pasquale, R.Ph., Board Member, absent.

Jamie Raymond Kuhn was represented by Tracy A. Younkin. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

**State's Witnesses:** Eric Griffin, Ohio State Board of Pharmacy  
Jamie Raymond Kuhn, R.Ph., Respondent

**Respondent's Witnesses:** None

**State's Exhibits:**

1. Copy of Summary Suspension Order/Notice of Opportunity for Hearing letter [05-22-09]  
1A-1D. Procedurals
2. Thirteen color photographs of respondent in CVS pharmacy [04-19-09 to 05-03-09]
3. Notarized statement of Jamie Kuhn with attachment [05-12-09]
4. Drug Accountability Statement at CVS Pharmacy #9898 for hydrocodone/APAP 10/325 mg [07-22-09]
5. Drug Accountability Statement at CVS Pharmacy #9898 for Provigil 100 mg [07-22-09]

Respondent's Exhibits:

- A. Support Group Attendance records [06-13-09 to 09-12-09]
- B. Letter to Tracy Younkins (*sic*) from Tessa Kingus [06-15-09]; Glenbeigh Hospital & Outpatient Centers Discharge Plan for Jamie Kuhn [07-06-09]
- C. Letter to Tracy Younkin from Tessa Kingus [07-10-09]; Glenbeigh Discharge Summary [06-12-09]
- D. Four Quest Diagnostics Forensic Drug Testing Custody and Control forms [08-18-09 to 09-18-09]

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 Jamie Raymond Kuhn was originally licensed in the State of Ohio on July 21, 1998, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended effective May 22, 2009.

(2) Jamie Raymond Kuhn is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Jamie Raymond Kuhn has admitted to Board agents that he is addicted to the use of hydrocodone; Jamie Raymond Kuhn has admitted to stealing approximately 1,800 unit doses of hydrocodone/APAP 10/325 mg and Provigil during the past six months. Additionally, Jamie Raymond Kuhn has admitted to consuming approximately eight to ten hydrocodone/APAP 10/325 mg tablets per day, and having stolen the drug product for the past six years. Jamie Raymond Kuhn has further admitted that he stole and used Provigil while practicing pharmacy "when the sedation from the hydrocodone was interfering with his job." Such conduct indicates that Jamie Raymond Kuhn is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.

(3) Jamie Raymond Kuhn did, [REDACTED]

(4) Jamie Raymond Kuhn did, [REDACTED]

(5) Jamie Raymond Kuhn did, [REDACTED]

(6) Jamie Raymond Kuhn did, [REDACTED]

(7) Jamie Raymond Kuhn did, [REDACTED]

(8) Jamie Raymond Kuhn did, [REDACTED]

**CONCLUSIONS OF LAW**

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (8) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (2) through (8) 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) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.

**DECISION OF THE BOARD**

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Jamie Raymond Kuhn on May 22, 2009.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-2-22939, held by Jamie Raymond Kuhn and such suspension is effective as of the date of the mailing of this Order.

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

On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes on Jamie Raymond Kuhn a monetary penalty of one thousand five hundred dollars (\$1,500.00) 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.

Jamie Raymond Kuhn must obtain, within six months from the effective date of this Order, three hours (0.3CEUs) of Board approved continuing education in Jurisprudence, which may not also be used for license renewal.

Further, after a minimum of two years from the effective date of this Order, the Board will consider any petition filed by Jamie Raymond Kuhn 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) Jamie Raymond Kuhn 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, 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) Attendance is required a minimum of three times per calendar week (Sunday through Saturday), at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
  - (3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Jamie Raymond Kuhn must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

(C) Jamie Raymond Kuhn 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, Jamie Raymond Kuhn must also show successful completion of the NAPLEX and MPJE examinations or equivalent examinations approved by the Board.

Upon such time as the Board may consider reinstatement, Jamie Raymond Kuhn 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.

Deborah Lange moved for Findings of Fact; Richard Kolezynski seconded the motion. Motion passed (Aye-6/Nay-0).

Troy Gahm moved for Conclusions of Law; Richard Kolezynski seconded the motion. Motion passed (Aye-6/Nay-0).

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

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3:38 p.m. The Board recessed briefly.

3:46 p.m. The Board was joined by Assistant Attorney General Tracy Greuel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **David R. Stepanik**, R.Ph. (03-2-14037) Brooklyn, Ohio.

6:05 p.m. The hearing ended and the record was closed.

6:05 p.m. Mr. Gahm 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. Joyce and a roll-call vote was conducted by President Gregg as follows: Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange - *yes*; and Wiesenhahn – *yes*.

6:15 p.m. The Executive Session ended and the meeting was opened to the public.

6:17 p.m.

R-2010-052

After votes were taken in public session, the Board adopted the following order in the matter of **David R. Stepanik**, R.Ph. (03-2-14037) Brooklyn, Ohio.



**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-090629-141

*in the matter of:*

**DAVID R. STEPANIK, R.Ph.**

4631 Winter Lane  
Brooklyn, Ohio 44144

R.Ph. Number 03-2-14037

**INTRODUCTION**

The matter of David R. Stepanik came for hearing on October 5, 2009, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (*presiding*); Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Heather L. Pasquale, R.Ph., Board Member, absent.

David R. Stepanik was represented by Jack W. Bradley. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

State's Witnesses: Lynn Edward Mudra, Ohio State Board of Pharmacy  
Robert Graf, Discount Drug Mart  
David R. Stepanik, R.Ph., Respondent

Respondent's Witnesses: David R. Stepanik, R. Ph., Respondent  
Kathleen Stepanik  
Ralph Homer, R.Ph., PRO

**State's Exhibits:**

1. Copy of Summary Suspension Order/Notice of Opportunity for Hearing letter [06-29-09]  
1A-1C. Procedurals
2. Twenty-four Drug Accountability Statements at Discount Drug Mart #17 for tramadol/APAP 37.5/325 mg; alprazolam 0.5 mg; alprazolam 1 mg; Xanax 0.5 mg; lorazepam 1 mg; lorazepam 0.5 mg; lorazepam 2 mg [09-24-09] hydrocodone 5/500 mg; hydrocodone 7.5/750 mg; carisoprodol 350 mg; Hydromet Syrup 5mg/5ml; Vicodin 5/500 mg; hydrocodone/APAP 10/660 mg; hydrocodone/ibuprofen 7.5/200 mg; tramadol HCL 50 mg; diazepam 10 mg; diazepam 5 mg; diazepam 2 mg; Valium 5 mg; alprazolam 0.25 mg; alprazolam 2 mg; alprazolam XR 0.5 mg; Xanax 1 mg; Focalin XR 10 mg [09-26-2009]

**Respondent's Exhibits:**

- A. PRO Pharmacist's Recovery Contract for David Stepanik [08-12-09]
- B. Letter from Pamela Zuban, LISW-S of Glenbeigh [09-25-09]; Glenbeigh Discharge Summary for David Stepanik [08-07-09]
- C. Support Group Attendance Calendars [June 2009 - October 2009]; Support Group Attendance Records [07-28-09 to 10-04-09]
- D. First Lab OHPRO Test History Reports [09-20-09 and 09-29-09]; Glenbeigh Drug Test Reports [06-30-09 to 07-26-09]
- E. Certified copy of Ohio State Board of Pharmacy Summary Suspension Order/Notice of Opportunity for Hearing letter [06-29-09]; Ohio State Board of Pharmacy hearing schedule letter [07-21-09]

- F. Twelve letters of support [02-26-06 to 09-28-09]
- G. Curriculum Vitae of David R. Stepanik, R.Ph. [not dated]; Discount Drug Mart 2001 Employee of the Year Certificate for David Stepanik [12-21-01]
- H. Continuing Pharmacy Education Credits and Certificates [08-13-08 to 09-30-09]

#### 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 David R. Stepanik was originally licensed in the State of Ohio on March 2, 1981, pursuant to examination, and his license to practice pharmacy in Ohio was summarily suspended effective June 29, 2009.
- (2) David R. Stepanik is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: David R. Stepanik has admitted to being addicted to the use of alprazolam, a controlled substance. Further, David R. Stepanik has admitted to stealing and consuming alprazolam during his practice of pharmacy. Such conduct indicates that David R. Stepanik is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) David R. Stepanik did, from April 18, 2009, through June 17, 2009, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Discount Drug Mart, beyond the express or implied consent of the owner, to wit: David R. Stepanik has been observed, and has admitted to, stealing alprazolam from his employer. 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 paragraph (3) of the Findings of Fact constitutes 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 paragraph (3) of the Findings of Fact constitutes being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.

#### DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension order issued to David R. Stepanik on June 29, 2009.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends

indefinitely the pharmacist identification card, No.03-2-14037, held by David R. Stepanik and such suspension is effective as of the date of the mailing of this Order.

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

Further, 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 imposes a monetary penalty of five hundred dollars (\$500.00) on David R. Stepanik and payment in full is due and owing within thirty days of the mailing of this Order. The remittance 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.

Further, after one year from the effective date of this Order, the Board will consider any petition filed by David R. Stepanik 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) David R. Stepanik 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, 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) Attendance is required a minimum of three times per calendar week (Sunday through Saturday), at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
  - (3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

- (B) David R. Stepanik must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
- (C) David R. Stepanik 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, David R. Stepanik must also show successful completion of the NAPLEX and MPJE examinations or equivalent examinations approved by the Board.

Upon such time as the Board may consider reinstatement, David R. Stepanik 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.

Deborah Lange moved for Findings of Fact; Troy Gahm seconded the motion. Motion passed (Aye-6/Nay-0).

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

Troy Gahm moved for Action of the Board; Richard Kolezynski seconded the motion. Motion passed (Aye-6/Nay-0).

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6:18 p.m. The Board recessed for the day.

### **Tuesday, October 6, 2009**

9:04 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:

Elizabeth I. Gregg, R.Ph., *President*; Heather L. Pasquale, R.Ph., *Vice-President*; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

**R-2010-053** Mr. Keeley presented information from **meridianEMR** about its electronic prescribing system. Ms. Lange moved that the system be found approvable pending final inspection. Mr. Gahm seconded the motion and it was approved by the Board: *Aye – 7.*

**R-2010-054** The Board considered a request for approval of a supplemental immunization training program for pharmacists including both the Zoster and the H1N1 vaccines, received from the College of

Pharmacy at the University of Findlay, Findlay, Ohio. After discussion, Mr. Kolezynski moved that approval be granted. Mr. Joyce seconded the motion and it was approved by the Board: *Aye – 7.*

**R-2010-055**

The Board also considered a request for approval of an updated immunization training program for pharmacists including both the Zoster and the H1N1 vaccines, received from the College of Pharmacy at the University of Findlay, Findlay, Ohio. After discussion, Mr. Gahm moved that the addendum be approved. The motion was seconded by Ms. Pasquale and approved by the Board: *Aye – 7.*

Mr. Keeley and Ms. Lange presented a report on the pharmacy technicians examinations.

Mr. Keeley presented the Legislative report.

Mr. Casar presented the report from the Nursing Board Committee on Prescriptive Governance that met in September.

Ms. Lange reported the Medical Board's Physician-Assistant Policy Committee did not meet in September.

10:25 a.m. The Board recessed briefly.

10:35 a.m. The Board meeting continued with Mrs. Droz presenting the Ohio Automated Prescription Reporting System report.

**R-2010-056**

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>Ritzman Natural Health Pharmacy, Akron, Ohio</b>	(02-1548700)
<b>Various Ritzman Pharmacies as per letter of request</b>	(various)

After discussion, Mr. Gahm 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 Ms. Lange and approved by the Board: *Aye – 7.*

**R-2010-057**

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>Ritzman Natural Health Pharmacy, Akron, Ohio</b>	(02-1548700)
<b>Akron Community Health Resources, Akron, Ohio</b>	(02-1899600)
<b>Portage Community Health Resources, Kent, Ohio</b>	(02-1918300)

After discussion, Mr. Wiesenhahn 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. Gahm and approved by the Board: *Aye – 7.*

**R-2010-058**

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>RightSourceRX Specialty Pharmacy, West Chester, Ohio</b>	(02-1826600)
<b>Various physician offices as per letter of request</b>	(variable)

After discussion, Mr. Gahm 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. Casar and approved by the Board: *Aye – 7.*

**R-2010-059** Mr. Winsley presented a request from **Akron General Medical Center** for a Remote Pharmacy Order Entry utilizing **Robert E. Marks**, R.Ph. (03-2-21580), for a six-month period. Mr. Gahm moved that the request be approved and Mr. Casar seconded the motion. It was approved by the Board: *Aye – 7.*

11:24 a.m. Individual Board members recessed to the Board office for training.

The Board recessed for lunch.

1:30 p.m.

**R-2010-060** The following candidates for licensure by reciprocity met with members of the Board 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. Parker.

Rahul Anand	<i>Pennsylvania</i>
Joshua M. Benamoz	<i>Florida</i>
Marie-Anne Benovil-Murphy	<i>Oklahoma</i>
Gregory Daniels	<i>Illinois</i>
Michael Jeffrey Dyer	<i>West Virginia</i>
Sandra Erhardt	<i>Nevada</i>
Natalie Michelle Fedeczko	<i>Illinois</i>
Ryan M. Kazmierczak	<i>Texas</i>
Hanan Li	<i>Florida</i>
Alan Russell McDilda	<i>West Virginia</i>
Gerard Edward O'Hare	<i>Pennsylvania</i>
Kavita Harjibhai Patel	<i>New Jersey</i>
Joseph Michael Remesz-Guerrette	<i>Michigan</i>
Francisca Addei Sarfo	<i>Maryland</i>
Ellen Vanstee	<i>Michigan</i>

1:53 p.m. The Board reconvened in Room East B, 31<sup>st</sup> Floor, of the Vern Riffe Center with all members present.

The Accreditation Council for Pharmacy Education is scheduled to meet at the Rudolph H. Raabe College of Pharmacy at Ohio Northern University, Ada, Ohio, October 13-15, 2009. Mr. Casar was appointed by President Gregg to represent the Board at the meeting.

Ms. Lange reported on the White Coat Ceremony held at the University of Cincinnati James L. Winkle College of Pharmacy, Tuesday, September 22, 2009.

**R-2010-061** Mr. Kolezynski moved that the Board minutes of September 14 -16, 2009, be approved as amended. The motion was seconded by Ms. Lange and approved by the Board: *Aye – 7.*

2:07 p.m. The Board was joined by Assistant Attorney General Tracy Greuel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Karen Paula Littman**, R.Ph. (03-3-14408) Cincinnati, Ohio.

4:25 p.m. The hearing ended and the record was closed.

4:26 p.m. Mr. Kolezynski 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 Gregg as follows: Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange - *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

4:35 p.m. The Executive Session ended and the meeting was opened to the public.

**R-2010-062** After votes were taken in public session, the Board adopted the following order in the matter of **Karen Paula Littman**, R.Ph. (03-3-14408) Cincinnati, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-090604-138

*in the matter of:*

**KAREN PAULA LITTMAN, R.Ph.**

6547 Cliff Ridge Road

Cincinnati, Ohio 45213

R.Ph. Number 03-3-14408

**INTRODUCTION**

The matter of Karen Paula Littman came for hearing on October 6, 2009, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (*presiding*); Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Karen Paula Littman was represented by Jack C. Rubenstein. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

State's Witnesses: Ann Abele, R.Ph., Ohio State Board of Pharmacy  
Karen Paula Littman, R.Ph., Respondent

Respondent's Witness: Karen Paula Littman, R.Ph., Respondent

State's Exhibits:

1. Copy of Summary Suspension Order/Notice of Opportunity for Hearing letter [06-05-09]  
1A-1D. Procedurals
2. Spreadsheet of Controlled Substance Prescriptions for Karen Littman [06-18-08 to 05-11-09]
3. Letter from Jason D. Niemann, R.Ph., Pharm.D., BCPS of the Drake Center [05-27-09]
4. Lindy Wyatt, LLC Pain Management agreement with Karen Littman [02-25-09]
5. Copy of prescription from Lindy Wyatt, M.D. for MS IR 15 mg #90 [05-26-09]
6. CVS RX #358606 - oxycodone 15 mg #90 from Colin Zadikoff, M.D. [05-05-09]
7. Notarized Statement of Lindy Wyatt, MD/PhD [05-27-09]
8. CVS RX #1811902 for MS IR 15 mg #90 from Lindy Wyatt, M.D. [04-23-09]
9. Notarized Statement of Colin Zadikoff [05-27-09]
10. Copy of Stadol nasal spray prescription from Colin Zadikoff, M.D. [05-05-09]
11. Roselawn Pharmacy, Inc. RX #803466 for Stadol nasal spray from Lindy Wyatt, M.D. [03-26-09]
12. CVS RX #355570 for oxycodone 15 mg #90 from Colin Zadikoff, M.D. [03-24-09]
13. Walgreen's RX #1802493 for MS IR 15 mg #90 from Lindy Wyatt, M.D. [04-08-09]
14. Costco Pharmacy #379 RX #218515 for Stadol nasal spray from Colin Zadikoff, M.D. [03-24-09]
15. nextRX RX #17748084 for Stadol nasal spray from Colin Zadikoff, M.D. [03-24-09]

16. Two copies of Stadol nasal spray prescriptions from Colin Zadikoff, M.D. [03-24-09]
17. Roselawn Pharmacy, Inc. RX #801891 for oxycodone 15 mg #90 from Lindy Wyatt, M.D. [02-25-09]
18. Complaint, State of Ohio vs. Karen Littman, Case No. 07/CRB/4251, Hamilton County Municipal Court [02-02-07]
19. Journal Entry - Mittimus, State of Ohio vs. Karen Littman, Case No. 07/CRB/4251, Hamilton County Municipal Court [03-07-07]
20. Ohio Board of Pharmacy Pharmacist Renewal Application for Karen Paula Littman [08-02-07]
21. Complaint, State of Ohio vs. Karen Littman, Case No. 07/CRA/45916, Hamilton County Municipal Court [12-05-07]
22. Journal Entry - Mittimus, State of Ohio vs. Karen Littman, Case No. 07/CRA/45916, Hamilton County Municipal Court [01-24-08]
23. Ohio Board of Pharmacy Online Renewal History for Karen Littman, R.Ph. [09-04-08]

Respondent's Exhibits:

- A. Letter from Elizabeth Kelly, Adjunct Therapist at The Watershed in re: Karen Littman [08-12-09]
- B. Letter from Elizabeth Harris, LICDC, BA at TriHealth to Attorney Jack Rubenstein in re: Karen Littman [08-28-09]
- C. Letter from Mark Heintzelman, Ph.D. in re: Karen Littman [09-17-09]
- D. Letter from Jason D. Niemann, R.Ph., Pharm.D., BCPS at Drake Center in re: Karen Littman [not dated]

FINDINGS OF FACT

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

- (1) Records of the Board of Pharmacy indicate that Karen Paula Littman was originally licensed in the State of Ohio on December 8, 1981, pursuant to reciprocity, and her license to practice pharmacy in Ohio was summarily suspended effective June 5, 2009.
- (2) Karen Paula Littman 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: Karen Paula Littman has admitted to a Board agent that she is addicted to the use of Stadol, a Schedule IV Controlled Substance. Such conduct indicates that Karen Paula Littman is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) Karen Paula Littman did, on or about May 26, 2009, by deception, procure a prescription for a dangerous drug, to wit: though Karen Paula Littman had signed a pain contract to solely receive pain medications from one physician, she violated her contract and obtained prescriptions from other physicians, subsequently Karen Paula Littman procured a prescription from her contracted physician by deception for morphine IR 15 mg #90. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (4) Karen Paula Littman did, on or about May 5, 2009, by deception, procure a prescription for a dangerous drug, to wit: though Karen Paula Littman had signed a pain contract to solely receive pain medications from one physician, and was in fact receiving prescriptions from said physician, Karen Paula Littman procured RX #358606 from another physician by deception for 90



doses of oxycodone 15 mg. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.

- (5) Karen Paula Littman did, on or about May 5, 2009, by deception, procure a prescription for a dangerous drug, to wit: though Karen Paula Littman had signed a pain contract to solely receive pain medications from one physician, and was in fact receiving prescriptions from said physician, Karen Paula Littman procured a prescription from another physician by deception for Stadol nasal spray. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (6) Karen Paula Littman did, on or about April 23, 2009, by deception, procure a prescription for a dangerous drug, to wit: though Karen Paula Littman had signed a pain contract to solely receive pain medications from one physician, she violated her contract and obtained prescriptions from other physicians, subsequently Karen Paula Littman procured RX #1811902 from her contracted physician by deception for morphine IR 15 mg #90. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (7) Karen Paula Littman did, on or about April 8, 2009, by deception, procure a prescription for a dangerous drug, to wit: though Karen Paula Littman had signed a pain contract to solely receive pain medications from one physician, she violated her contract and obtained prescriptions from other physicians, subsequently Karen Paula Littman procured RX #1802493 from her contracted physician by deception for morphine IR 15 mg #90. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (8) Karen Paula Littman did, on or about March 31, 2009, by deception, procure a prescription for a dangerous drug, to wit: though Karen Paula Littman had signed a pain contract to solely receive pain medications from one physician, she violated her contract and obtained prescriptions from other physicians, subsequently Karen Paula Littman procured RX #803466 from her contracted physician by deception for Stadol nasal spray. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (9) Karen Paula Littman did, on or about March 30, 2009, intentionally create and/or knowingly possess a false or forged prescription, and/or make a false statement in a prescription, to wit: Karen Paula Littman took RX #218515, written for Stadol nasal spray #3, a Schedule IV Controlled Substance, having no refills, and Karen Paula Littman altered it to reflect five refills. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (10) Karen Paula Littman did, on or about March 30, 2009, intentionally create and/or knowingly possess a false or forged prescription, and/or make a false statement in a prescription, to wit: Karen Paula Littman took RX #17748084, written for Stadol nasal spray #3, a Schedule IV Controlled Substance, having no refills, and Karen Paula Littman altered it to reflect five refills. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (11) Karen Paula Littman did, on or about March 24, 2009, by deception, procure a prescription for a dangerous drug, to wit: though Karen Paula Littman had signed a pain contract to solely receive pain medications from one physician, and was in fact receiving prescriptions from said physician, Karen Paula Littman procured RX #355570 from another physician by deception for 90 doses of oxycodone 15 mg. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.

- (12) Karen Paula Littman did, on or about March 24, 2009, by deception, procure a prescription for a dangerous drug, to wit: though Karen Paula Littman had signed a pain contract to solely receive pain medications from one physician, and was in fact receiving prescriptions from said physician, Karen Paula Littman procured 2 prescriptions, RX #218515 and RX #17748084 from another physician by deception for Stadol nasal spray. Such conduct is in violation of Section 2925.22 of the Ohio Revised Code.
- (13) Karen Paula Littman did, on or about August 2, 2007, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Karen Paula Littman indicated on her pharmacist license renewal application that she had not been charged with a crime when in fact she had been arrested on February 2, 2007, and subsequently convicted of theft on March 7, 2007. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.
- (14) Karen Paula Littman did, on or about September 4, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Karen Paula Littman indicated on her pharmacist license renewal application that she had not been charged with a crime when in fact she had been arrested on December 5, 2007, and subsequently convicted of theft on January 24, 2008. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

#### CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) through (14) 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 (14) 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) of the Findings of Fact constitute being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) The State Board of Pharmacy concludes that paragraphs (3) through (12) 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.
- (5) The State Board of Pharmacy concludes that paragraphs (13) and (14) of the Findings of Fact constitute having committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code within the meaning of Division (A)(10) 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 Karen Paula Littman on June 5, 2009.

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. 03-3-14408, held by Karen Paula Littman and such suspension is effective as of the date of the mailing of this Order.

- (A) Karen Paula Littman, 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) Karen Paula Littman, 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.

On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes on Karen Paula Littman a monetary penalty of three thousand two hundred and fifty dollars (\$3,250.00) 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.

Karen Paula Littman must submit to the Board within 90 days from the date of this Order a full psychiatric evaluation and treatment plan.

Karen Paula Littman must obtain, within six months from the effective date of this Order, three hours of approved continuing pharmacy education (0.3 CEUs) in Jurisprudence, which may not also be used for license renewal.

Further, after two years from the effective date of this Order, the Board will consider any petition filed by Karen Paula Littman 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) Karen Paula Littman 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, submit 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) Attendance is required a minimum of three times per calendar week (Sunday through Saturday), at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
- (3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Karen Paula Littman must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
- (C) Karen Paula Littman must provide, at the reinstatement petition hearing, documentation of the following:
  - (1) Compliance with the licensed psychiatrist's or psychologist's recommended treatment plan.
  - (2) A report by the licensed psychiatrist or psychologist regarding Karen Paula Littman's fitness for readmission into the practice of pharmacy.
  - (3) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug and alcohol screen reports, meeting attendance records, treatment program reports, etc.);
  - (4) 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;
  - (5) Compliance with the terms of this Order.

If reinstatement is not accomplished within three years of the effective date of this Order, Karen Paula Littman must also show successful completion of the NAPLEX and MPJE examinations or equivalent examinations approved by the Board.

Deborah Lange moved for Findings of Fact; Troy Gahm seconded the motion. Motion passed (Aye-7/Nay-0).

Troy Gahm moved for Conclusions of Law; Jerome Wiesenhahn seconded the motion. Motion passed (Aye-7/Nay-0).

Donald Casar moved for Action of the Board; Troy Gahm seconded the motion. Motion passed (Aye-7/Nay-0).

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4:38 p.m. The Board recessed briefly.

4:54 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 and to confer with an attorney for the Board regarding pending or imminent court action

pursuant to Section 121.22(G)(3) of the Ohio Revised Code. The motion was seconded by Ms. Pasquale and a roll-call vote was conducted by President Gregg as follows: Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

5:51 p.m. The Executive Session ended and the meeting was recessed for the day.

### Wednesday, October 7, 2009

8:29 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:

Elizabeth I. Gregg, R.Ph., *President*; Heather L. Pasquale, R.Ph., *Vice-President*; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Mr. Casar reported on the meeting of the National Association of Boards of Pharmacy Task Force on electronic prescribing.

**R-2010-063** After discussion, Mr. Casar moved that the **CVS Caremark Customer Care Center** be approved as long as all Ohio regulations are observed. The motion was seconded by Mr. Joyce and approved by the Board: *Aye* – 5/*Nay* – 0; *Abstained* – Kolezynski, Pasquale.

8:38 a.m. Mr. Joyce 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 Gregg as follows: Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

9:10 a.m. The Executive Session ended and the Board recessed briefly.

9:35 a.m. Ms. Pasquale moved that the citation issued to **Jeffrey Paul Yannello**, R.Ph., Kingsville, Maryland be withdrawn. The motion was seconded by Mr. Gahm and approved by the Board: *Aye* – 7.

10:31 a.m. The adjudication hearing in the matter of **Gary Alan Evankovich**, R.Ph. (03-2-13226) Youngstown, Ohio, resumed.

11:51 a.m. The Board recessed for lunch.

12:51 p.m. The Board reconvened with all Board members present with the exception of Mr. Joyce as he had recused himself from the following hearing.

The adjudication hearing in the matter of **Gary Alan Evankovich**, R.Ph. (03-2-13226) Youngstown, Ohio, resumed.

3:15 p.m. The **Gary Alan Evankovich** hearing was recessed, to resume on November 4, 2009 at 10:30 a.m.

3:18 p.m.

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

<b>PER DIEM</b>	<b>10/5</b>	<b>10/6</b>	<b>10/7</b>	<b>Total</b>
Casar	1	1	1	3
Gahm	1	1	1	3
Gregg	1	1	1	3
Joyce	1	1	1	3
Kolezynski	1	1	1	3
Lange	1	1	1	3
Pasquale	-	1	1	2
Wiesenhahn	1	1	1	3

Mr. Wiesenhahn seconded the motion and it was approved by the Board: *Aye* – 6.

Mr. Casar moved that the meeting be adjourned. The motion was seconded by Mr. Kolezynski and approved by the Board: *Aye* – 6.

<p>The Ohio State Board of Pharmacy approved these Minutes November 2, 2009</p>
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