



MINUTES OF THE AUGUST 31 – SEPTEMBER 1, 2020
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, August 31, 2020

9:01 a.m.

Acting under the authority Section 12 of amended substitute house bill number 197, effective March 27, 2020, the State of Ohio Board of Pharmacy convened for a public meeting via skype audio/visual conference call, with the following members present:

Jennifer M. Rudell, RPh, *Presiding*; Trina L. Buettner, RPh; Joshua M. Cox, RPh; Victor Goodman, *Public Member*; Megan E. Marchal, RPh; Donald R. Miller, RPh; and Shawn C. Wilt, RPh.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Johnathan Brown, *Software Development Specialist*; Blair Cathcart, *Director of Information Services*; Michael Clark, *IT Administrator*; Brenda Cooper, *Executive Assistant*; William Difrangia, *Agent*; Paula Economus, *Administrative Assistant*; Ashley Gilbert, *Senior Legal Counsel*; Eric Griffin, *Director of Compliance and Enforcement*; Joseph Koltak, *Senior Legal Counsel*; Kathryn Lewis, *Administrative Assistant*; Jacqueline Schuld, *Agent*; Justin Sheridan, *Senior Legal Counsel*; Michelle Siba, *Senior Legal Counsel*; Karrie Southard, *Director of Licensing*.

9:01 a.m.

Ms. Rudell administered the Oath of New Member to Mr. Goodman.

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

9:16 a.m.

Mr. McNamee presented a resolution titled *Licensed HME Services Provider Criminal Records Check Requirements* to the Board for approval.

R-2021-0098

Mr. Wilt moved that the Board approve the resolution. The motion was seconded Ms. Marchal and approved by the Board: Aye-6, Nay-0. The following resolution was adopted by the Board:

To address operational and statutory limitations, the employee criminal records check requirements pursuant to paragraph (F)(3)(c) of rule 4729:11-3-01 of the Administrative Code shall, until further notice, be limited to the results of a criminal records check conducted by the Ohio Bureau of Criminal Identification and Investigation.

9:19 a.m.

Mr. McNamee presented a resolution titled *Approval for UC Health Pharmacists to Participate in Vaccine Study* to the Board for approval.

R-2021-0099

Mr. Wilt moved that the Board approve the resolution. The motion was seconded Ms. Marchal and approved by the Board: Aye-6, Nay-0. The following resolution was adopted by the Board:

To support efforts to facilitate the development of a COVID-19 vaccine, the State of Ohio Board of Pharmacy hereby authorizes pharmacists employed or contracted by UC Health to participate in the following vaccine study: *"A Phase 3, Randomized, Stratified, Observer-Blind, Placebo-Controlled Study to Evaluate the Efficacy, Safety, and Immunogenicity of mRNA-1273 SARS-CoV-2 Vaccine in Adults Aged 18 Years and Older."*

This resolution permits immunization trained/certified pharmacists employed or contracted with UC Health to administer the study vaccine or placebo (both referred to as "study drug") in the above-mentioned study.

This authorization was initially issued in accordance with a Board resolution adopted on May 5, 2020 and shall remain in effect until the conclusion of the trial.

Please be advised that this approval applies only to the vaccine study provided by UC Health dated July 13, 2020 and that all other provisions of the Ohio Revised Code and Ohio Administrative Code relating to the administration of immunizations by pharmacists are still applicable.

9:22 a.m.

Mr. McNamee presented a resolution titled *Expedited Licensure of Drug Distributors* to the Board for approval.

R-2021-0100

Mr. Cox moved that the Board approve the resolution. The motion was seconded Mr. Wilt and approved by the Board: Aye-6, Nay-0. The following resolution was adopted by the Board:

In order to ensure the continuity of the drug supply chain during the COVID-19 outbreak, the State of Ohio Board of Pharmacy issued the following guidance for the expedited licensure of drug distributors, which includes any of the following license types as defined in paragraph (A) of rule [4729:6-1-01](#) of the Administrative Code:

- (1) Wholesale distributors of dangerous drugs, including:
 - (a) Brokers; and
 - (b) Virtual wholesalers.
- (2) Manufacturers of dangerous drugs.
- (3) Outsourcing facilities.
- (4) Third-party logistics providers.
- (5) Repackagers of dangerous drugs.

This guidance is being issued in accordance with a Board resolution adopted on March 2, 2020.

The Board is temporarily waiving the requirement for the submission of ownership/officer and responsible person criminal records checks prior to the initial issuance of a drug distributor license received on or after March 2, 2020. The drug distributor will then have 120 days from the date the application is submitted to submit fingerprints for criminal records checks to the Ohio Bureau of Criminal Investigation.

The Board reserves the right to review all applications consistent with the minimum requirements for licensure. An applicant that fails to meet the minimum standards - unrelated to its pending criminal records checks as required in ORC 4729.53(A)(7) - will be subject to the Board's regular administrative processes, including a Notice of Opportunity for Hearing Proposing to Deny the License, during which time the license will not be activated.

UPDATE: If a drug distributor licensed under this resolution cannot meet the 120 day requirement for fingerprint submission, the licensee may request an extension via email to licensing@pharmacy.ohio.gov. Extension requests will be reviewed and considered by the Executive Director's designee in consultation with the Executive Director and Board President. The licensee will be notified of the approval or denial of the request. If the request is denied, the licensee will have thirty (30) days to comply with the requirements of this resolution. Failure to comply will result in a case investigation and potential

disciplinary action up to and including revocation for failure to meet the minimum requirements of ORC 4729.53.

This guidance shall remain in effect until rescinded by the Board

REMINDER: Drug Distributor Application Requirements

Applicants must complete the eLicense Ohio application – available here (www.elicense.ohio.gov) and submit payment (Category 2 - \$1,900, Category 3 - \$2,000) plus a \$3.50 eLicense system transaction fee. The following information will be required on the application:

- Business contact and facility information
- Business ownership information
- Attestation for the submission of criminal records checks for owners/officers and responsible person (NOTE: Submission of criminal records checks must now occur within 120 days upon submission of an application)
- Answers to legal and disciplinary questions. Guidance can be found here – www.pharmacy.ohio.gov/legalbusiness
- Signed attestations by the applicant and responsible person
- Proof of home state licensure (out of state applicants only)
- Copy of DEA Registration (Category 3 only)

If you need additional information about this guidance or how to apply for a drug distributor license, the most expedient way to have your questions answered is to e-mail the Board at www.pharmacy.ohio.gov/contact.

9:27 a.m.

Mr. McNamee presented a resolution titled *Temporary Expansion of the Maximum Days' Supply for Multiple Drugs in Single-Dose Containers* to the Board for approval.

R-2021-0101

Ms. Marchal moved that the Board approve the resolution. The motion was seconded Mr. Miller and approved by the Board: Aye-6, Nay-0. The following resolution was adopted by the Board:

To address patient access to medication during the COVID-19 outbreak, the State of Ohio Board of Pharmacy has adopted the following guidance allowing for the temporary expansion of the authorized maximum days' supply permitted under rule [4729-9-23](http://www.legislation.state.oh.us/legislation/4729-9-23) of the Administrative Code from 31 days to 60 days.

This guidance shall remain in effect until rescinded by the Board.

9:30 a.m.

Mr. McNamee presented a resolution titled *Sale and Shipment of Non-Reportable Dangerous Drugs from Unlicensed Out-of-State Facilities* to the Board for approval.

R-2021-0102

Mr. Wilt moved that the Board approve the resolution. The motion was seconded Mr. Miller and approved by the Board: Aye-6, Nay-0. The following resolution was adopted by the Board:

In order to address any drug shortages during the COVID-19 outbreak, the State of Ohio Board of Pharmacy issued the following guidance on the sale and shipment of non-reportable dangerous drugs that are in shortage by unlicensed, out-of-state facilities.

As used in this guidance:

- “Non-reportable dangerous drug” means a dangerous drug, as defined in section [4729.01](#) of the Revised Code, that is not required to be reported to the Ohio Automated Rx Reporting System for the purposes of reporting wholesale transactions. Therefore, a non-reportable dangerous drug includes all dangerous drugs except for:
 - Controlled substances dangerous drugs; and
 - Dangerous drugs containing gabapentin.
- “Drug in shortage” or “drug shortage” means any of the following:
 - A drug on the United States Food and Drug Administration's [drug shortage list](#) that is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer or wholesaler.
 - A drug on the American Society of Health-System Pharmacists [drug shortage list](#) that is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer or wholesaler.

This guidance is being issued in accordance with a Board resolution adopted on March 2, 2020.

An Ohio terminal distributor of dangerous drugs may receive non-reportable dangerous drugs from an unlicensed pharmacy, wholesale distributor of dangerous drugs, third-party logistics provider, or manufacturer of dangerous

drugs located in another state in order to alleviate a drug shortage if all the following apply:

1. The unlicensed location is appropriately licensed in its home state and documentation of the license verification is maintained by the Ohio terminal distributor of dangerous drugs.
2. The terminal distributor maintains documentation of the shortage of any dangerous drug received from any pharmacy, wholesale distributor, third-party logistics provider, or manufacturer not licensed in Ohio.
3. The terminal distributor complies with all record keeping requirements for each dangerous drug received from any pharmacy, wholesale distributor, third-party logistics provider, or manufacturer not licensed in Ohio.
4. All documentation and records required above shall be maintained and readily retrievable for three years following the end of the declared public health emergency.
5. The dangerous drug was produced by an authorized FDA registered drug manufacturer.
6. The pharmacy, wholesale distributor, third-party logistics provider, or manufacturer submits an [Out-of-State Shipment Notification Form](#) to the Board of Pharmacy prior to shipping any drugs to an Ohio terminal distributor of dangerous drugs. Only one form per unlicensed location must be submitted during the effective period of this guidance.

This guidance shall remain in effect until rescinded by the Board.

9:34 a.m.

Mr. McNamee presented a resolution titled *Sale and Shipment of Non-Reportable Patient-Specific Medications by Non-Ohio Licensed Border State Facilities* to the Board for approval.

R-2021-0103

Mr. Wilt moved that the Board approve the resolution. The motion was seconded Mr. Cox and approved by the Board: Aye-6, Nay-0. The following resolution was adopted by the Board:

In order to promote social distancing during the COVID-19 outbreak, the State of Ohio Board of Pharmacy issued the following resolution on the sale and shipment of patient-specific, non-reportable dangerous drugs by non-Ohio licensed border state facilities to patients residing in the state.

As used in this guidance:

- “Non-reportable dangerous drug” means a dangerous drug, as defined in section [4729.01](#) of the Revised Code, that is not required to be reported to the Ohio Automated Rx Reporting System for the purposes of reporting wholesale transactions. Therefore, a non-reportable dangerous drug includes all dangerous drugs except for:
 - Controlled substances dangerous drugs; and
 - Dangerous drugs containing gabapentin.
- “Border state” means the state of Kentucky, West Virginia, Pennsylvania, Indiana or Michigan.

This guidance is being issued in accordance with a Board resolution initially adopted on March 2, 2020.

A border state facility that is not licensed in Ohio may sell patient-specific, non-reportable dangerous drugs to Ohio patients if all the following apply:

1. The non-Ohio licensed location is currently licensed in its home state and in good standing. “In good standing” means the facility does not have a license, registration or certificate limited, on probation, suspended, or revoked by any public agency or licensing agency. This applies to expired or lapsed licenses that the facility may have held in other states.
2. The facility must offer counseling with every medication dispensed, shipped or sold. The offer shall be made by telephone or in writing on a separate document and shall accompany the medication. A written offer to counsel shall include the hours a pharmacist (or prescriber, if applicable) is available and a telephone number where a pharmacist (or prescriber, if applicable) may be reached. The facility shall have sufficient telephone service to provide access to incoming callers.
3. The dangerous drug sold or shipped was produced by an authorized FDA registered drug manufacturer (i.e. no compounded medications).
4. The facility submits a [Border State Shipment Request Form](#) to the Board of Pharmacy prior to shipping any medications to an Ohio patient. Only one request form per unlicensed location must be submitted during the effective period of this guidance. Once the form is reviewed and approved, the facility shall receive temporary authorization from the Board to sell or ship non-reportable, patient-specific dangerous drugs into the state.

Failure to comply with this resolution will result in an unlicensed entity being found in violation of applicable sections of the Ohio Revised Code.

This guidance shall remain in effect until rescinded by the Board.

- 9:37 a.m.** The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Jennifer J. Colla, Youngstown, Ohio.**
- 10:20 a.m.** The Board took a break for its Information Technology team to address technological issues with the parties' access to the virtual hearing.
- 10:27 a.m.** The Board reconvened and discussed the Board Meeting Calendar for 2021. The Board selected final dates for 2021.
- 10:38 a.m.** The parties' access issues having been resolved, the Board resumed the hearing of Jennifer Colla.
- R-2021-0104** Mr. Cox moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of Angerman v. State Medical Bd. (1990) 70 Ohio App.3d 346 and TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al. (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Marchal and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Marchal-yes; Miller-yes; and Wilt-yes.
- 11:38 a.m.** The recess ended and the hearing was opened to the public.
- R-2021-0105** After votes were taken in public session, the Board adopted the following orders in the Matter of **Jennifer J. Colla, Youngstown, Ohio.**
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ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2019-0327)

In The Matter Of:

Jennifer J. Colla, RPh
1813 Lealand Avenue
Youngstown, OH 44514
(License No. 03-122370)

INTRODUCTION

The Matter of Jennifer J. Colla came for hearing on August 31, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer M. Rudell, RPh, *Presiding*; Trina L. Buettner, RPh; Joshua M. Cox, RPh; N. Victor Goodman, *Public Member*; Megan E. Marchal, RPh; Donald R. Miller, RPh and Shawn C. Wilt, RPh.

Jennifer J. Colla was represented by Levi J. Tkach. The State of Ohio was represented by Henry Appel, Assistant Attorney General.



SUMMARY OF EVIDENCEState's Witnesses:

The State called no witnesses.

Respondent's Witnesses:

1. Jennifer J. Colla, RPh—Respondent
2. Heather Bucy
3. Andy Pierron

State's Exhibits:

- | | |
|--|------------|
| 1. Notice Letter | 07.16.2019 |
| 2. Request for Hearing | 08.01.2019 |
| 3. Notice of Hearing | 08.06.2019 |
| 4. Notice of Hearing | 08.12.2020 |
| 5. Statement of Respondent | 07.11.2019 |
| 6. Statement of Courtney Caraway | 07.11.2019 |
| 7. Photographs | |
| 8. Photographs | |
| 9. Property Receipt | 07.11.2019 |
| 10. DEA 106 Theft or Loss Report | 07.17.2019 |
| 11. Board Accountability Statements | 10.28.2019 |
| 12. Drug Screen Submission and Results of Respondent | Various |
| 13. Statement of Keith Pauley, SR. (UNDER SEAL) | 07.23.2019 |

Respondent's Exhibits:

- | | |
|--|------------|
| A. Jennifer J. Colla's Resume | No Date |
| B. Respondent's Pharmacists Rehabilitation
Organization Inc. Contract | 11.14.2019 |

STIPULATIONS OF FACT

The Board adopts the Allegations as set forth in the July 16, 2019 Notice Letter in their entirety, as stipulated by the parties.

1. On or about July 11, 2019, Jennifer J. Colla was interviewed by agents from the Board regarding the theft of drugs from her employer, Rite Aid Pharmacy #3062, located at 2154 Elm Road NE, Warren, Ohio. Jennifer J. Colla made the following statements:

- a. Jennifer J. Colla has been stealing drugs from her employer for approximately one year.
 - b. Jennifer J. Colla stole from her employer one to two times per week.
 - c. Jennifer J. Colla generally stole drugs from high quantity prescriptions (90-120 tablets).
 - d. Jennifer J. Colla was self-medicating with the stolen drugs due to body pain.
 - e. Jennifer J. Colla estimated she stole fifteen tablets in June 2019.
 - f. Jennifer J. Colla estimated she stole five to six tablets in July 2019.
 - g. Jennifer J. Colla stole one Percocet, 10mg tablet from her employer on July 10, 2019.
2. On or about July 11, 2019, during Jennifer J. Colla's interview with agents from the Board, she gave them a prescription bottle from her purse. The prescription bottle contained the following:
- a. 7 tablets of alprazolam 0.25mg, a schedule IV controlled substance.
 - b. 2 tablets of ketorolac tromethamine 10mg, a non-controlled substance.
 - c. 1 tablet of phentermine hydrochloride 37.5mg., a schedule IV controlled substance.
 - d. 2 tablets of alprazolam .5mg, a schedule IV controlled substance.
 - e. 1 tablet of methylphenidate hydrochloride, a schedule II controlled substance.
 - f. 2 tablets of tramadol 50mg, a schedule IV controlled substance.
 - g. 2 tablets of tizanidine hydrochloride 2mg, a non-controlled substance.
 - h. 5 tablets of lorazepam 1mg, a schedule IV controlled substance.
 - i. 1 tablet tizanidine hydrochloride 4mg, a non-controlled substance.
 - j. 4 tablets of oxycodone/APAP 10/325mg, a schedule II controlled substance.
 - k. 1 tablet of acetaminophen/hydrocodone bitartrate 325/7.5mg, a schedule II controlled substance.
 - l. 2 tablets of acetaminophen/hydrocodone bitartrate 325/10mg, a schedule II controlled substance.
 - m. 2 tablets of acetaminophen/hydrocodone bitartrate 325/5mg, a schedule II controlled substance.

- n. 1 tablet of modafinil 200mg, a schedule IV controlled substance.
- o. 2 tablets of lorazepam 0.5mg, a schedule IV controlled substance.
- p. 1 tablet of Focalin 10mg, a schedule II controlled substance.
- q. 1 tablet of oxycodone 10mg, a schedule II controlled substance.
- r. 1 tablet of amitriptyline hydrochloride 50mg, a non-controlled substance.
- s. 1 tablet of Diclofenac sodium 75mg, a non-controlled substance.
- t. 1 tablet of amphetamine and dextroamphetamine 20 mg, a schedule II controlled substance.
- u. 1 tablet of cyclobenzaprine hydrochloride 5mg, a non-controlled substance.
- v. 1 tablet of promethazine hydrochloride 12.5mg, a non-controlled substance.
- w. 1 tablet of hydrochlorothiazide 25mg, a non-controlled substance.
- x. 1 tablet of hydrochlorothiazide and triamterene 25/37.5mg, a non-controlled substance.
- y. 1 tablet of orphenadrine citrate extended release 100mg, a non-controlled substance.
- z. 1 tablet of venlafaxine hydrochloride extended release 225mg, a non-controlled substance.
- aa. 1 tablet of ketorolac tromethamine 10mg, a non-controlled substance.
- bb. 2 and 1 half tablets of alprazolam 2mg, a schedule IV controlled substance.
- cc. 1 tablet of oxycodone hydrochloride 30mg, a schedule II controlled substance.
- dd. 1 tablet of oxycodone hydrochloride 5mg, a schedule II controlled substance.
- ee. 1 tablet of cyclobenzaprine hydrochloride 10mg, a non-controlled substance.
- ff. 1 tablet of lorazepam 1mg, a schedule IV controlled substance.
- gg. 1 capsule of Lyrica 25mg, a schedule V controlled substance.

- hh. 1 capsule of amphetamine/dextroamphetamine extended release 25mg, a schedule II controlled substance.
3. On or about July 11, 2019, during Jennifer J. Colla's interview with agents from the Board, she gave the agents consent to search her purse. The purse contained the following:
- a. 1 tablet of Diclofenac sodium 75mg, a non-controlled substance.
 - b. 1 tablet of oxycodone/APAP 10/325mg, a schedule II controlled substance.
 - c. 1 tablet of oxycodone/APAP 7.5/325mg, a schedule II controlled substance.
 - d. 1 tablet of oxycodone/APAP 7.5/325mg, a schedule II controlled substance.
 - e. 1 tablet of acetaminophen/hydrocodone bitartrate 325/10mg, a schedule II controlled substance.
 - f. 1 tablet of alprazolam 0.5mg, a schedule IV controlled substance.
 - g. 1 tablet of amphetamine and dextroamphetamine 20mg, a schedule II controlled substance.
 - h. 1 tablet of oxycodone hydrochloride 15mg, a schedule II controlled substance.
 - i. 1 tablet of lorazepam 0.5mg, a schedule IV controlled substance.
 - j. 1 tablet of cyclobenzaprine hydrochloride 10mg, a non-controlled substance.
 - k. 1 tablet of carisoprodol 350mg, a schedule IV controlled substance.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraphs (1)(g), (2)(e), (2)(j), (2)(k), (2)(l), (2)(m), (2)(p), (2)(q), (2)(t), (2)(cc), (2)(dd), (2)(hh), (3)(b), (3)(c), (3)(d), (3)(e), (3)(g), and (3)(h) of the Allegations Section, each constitutes a violation of Section 2925.11 of the ORC, aggravated possession of drugs, a felony of the fifth degree.
2. Such conduct as set forth in paragraphs (1)(e), (1)(f), and (1)(g) of the Allegations Section, each constitutes a violation of Section 2913.02 of the ORC, theft of a dangerous drug, a felony of the fourth degree.
3. Such conduct as set forth in paragraphs (2)(a), (2)(c), (2)(d), (2)(f), (2)(h), (2)(n), (2)(o), (2)(bb), (2)(ff), (2)(gg), (3)(f), (3)(i), and (3)(k) of the

Allegations Section, each constitutes a violation of Section 2925.11 of the ORC, possession of drugs, a misdemeanor of the first degree..

4. Such conduct as set forth in paragraphs (2)(b), (2)(g), (2)(i), (2)(r), (2)(s), (2)(u), (2)(v), (2)(w), (2)(x), (2)(y), (2)(z), (2)(aa), (2)(ee), (3)(a), and (3)(j) of the Allegations Section, each constitutes a violation of Section 4729.51(E)(1)(c) of the ORC, no person shall possess dangerous drugs, effective as of April 6, 2017, a misdemeanor of the first degree.
5. Such conduct as set forth in the Allegations Section, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 6, 2017, each violation constituting a minor misdemeanor:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter 3715.75 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and
 - c. Engaged in any conduct for which the board may imposed discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
6. Such conduct as set forth in paragraph (1)(d) of the Allegations Section, constitutes a violation of section 4729.16(A)(2)(c) of the ORC, is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, effective as of April 6, 2017, the violation constituting a minor misdemeanor.
7. Such conduct as set forth in the Allegations section, constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective April 30, 2018:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. Or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(e); and
 - c. Committed acts that constitute moral turpitude that constitutes a misdemeanor or a felony in this state, regardless of the jurisdiction in which it was committed, OAC Rule 4729:1-4-01(B)(2)(l); and
 - d. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations

such as failure to obey a red light, failure to use a turn signal or expired vehicle registration, OAC Rule 4729:1-4-01(B)(2)(m).

8. Such conduct as set forth in paragraph (1)(d) of the Allegations section, constitutes a violation of Rule 4729:1-4-01(B)(2)(c) of the OAC, is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, as effective April 30, 2018.

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 Jennifer J. Colla on July 16, 2019.

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 license No. 03-122370, held by Jennifer J. Colla, and such suspension is effective as of the date of the mailing of this Order.

Jennifer J. Colla, 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.

Further, no sooner than one year from the date of this Order, the Board will consider any petition filed by Jennifer J. Colla 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:

1. Jennifer J. Colla must maintain a current address with the Board throughout the duration of the suspension.
2. Jennifer J. Colla must enter into and adhere to the terms of a **new** contract, signed within thirty days after the effective date of this Order, with a Board approved treatment monitor for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Jennifer Colla should also submit to the Board documentation demonstrating compliance with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider, if applicable. Failure to adhere to the terms of the treatment contract and/or monitoring contract will be considered a violation of the Board's Order and subject Jennifer Colla to potential sanctions up to and including revocation of license. The monitoring contract must provide that:
 - a. Random, **observed** urine drug screens shall be conducted at least once each month.
 - b. The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for

- creatinine or specific gravity of the sample as the dilutional standard.
- c. Alcohol and Ethyl Glucoronide (ETG) must be added to the standard urine drug screen.
 - d. Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
 - e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Jennifer J. Colla in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.
 - f. 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.
 - g. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - h. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
3. Jennifer J. Colla shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the Board's Order and request Jennifer J. Colla reappear before the Board for possible additional sanctions, including and up to revocation of license.
 4. Jennifer J. Colla shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of suspension. The Board shall treat any such refusal as a violation of the Board's Order and request Jennifer J. Colla reappear before the Board for possible additional sanctions, including and up to revocation of license.
 5. Jennifer J. Colla must immediately report any violation of the terms of this suspension to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Jennifer J. Colla to possible additional sanctions, including and up to revocation of license.

6. Jennifer J. Colla 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.
7. Jennifer J. Colla must provide, in the reinstatement petition, documentation of the following:
 - a. 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.);
 - b. 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;
 - c. Compliance with the terms of this Order.
8. If reinstatement is not accomplished within **three years** of the date of the summary suspension, July 16, 2019,, Jennifer J. Colla must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Exam (MPJE), or an equivalent examination(s) approved by the Board.
9. Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.
10. Violation of any term of suspension, including but not limited to any violation of the contract signed with the ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of Jennifer Colla's pharmacy license.
11. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state or federal law will be considered a violation of this Order resulting in a hearing before the Board and may also result in criminal and/or administrative charges.
12. If Jennifer J. Colla's employment is related to the practice of pharmacy, Jennifer J. Colla must notify employer of the terms of Jennifer J. Colla's suspension and this Board's Order.
13. Failure to complete the terms set forth in this Board's Order, or to petition for reinstatement within five years of the date of this Order, will result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Jennifer J. Colla's license.

Further, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State's exhibits: 13.

Shawn C. Wilt moved for Conclusions of Law; Donald R. Miller seconded the motion. Motion passed (Aye-6/Nay-0).

Shawn C. Wilt moved for Action of the Board; Megan E. Marchal seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

- 11:42 a.m.** Mr. Griffin provided the Compliance and Enforcement Report
- 11:48 a.m.** Ms. Marchal left the meeting due to a schedule conflict and was absent the remainder of the day.
- 11:48 a.m.** Mr. Garner provided the OARRS Report.
- 11:51 a.m.** Ms. Southard provided the Licensing Report.
- 11:57 a.m.** Mr. McNamee provided the Legislative Report
- 12:01 p.m.** Mr. Schierholt provided the Executive Director Report.
- 12:03 p.m.** Ms. Southard presented the *Examination Extension Request* of Alexandra Manno – Concord Township, Ohio (APP-000220731) to the Board for consideration.
- R-2021-0106** Mr. Cox moved to approve the request of Alexandra Manno-granting an examination extension of 120 days. The Motion was seconded by Mr. Goodman and approved by the Board: Aye-5, Nay-0.
- 12:13 p.m.** Ms. Southard presented the *Responsible Person on More than One License Request* of Vivekanand Manocha, MD (35.087792). The request being for Vivekanand Manocha to serve as the responsible person at Interventional Spine & Pain Center (022141300), Midwest Spine Interventionalist DBA Interventional Spine & Pain Center (0269000006), and Midwest Spine Interventionalist DBA Interventional Spine & Pain Center (0269000010).
- R-2021-0107** Mr. Wilt moved to approve the request of Vivekanand Manocha, MD (35.087792). The Motion was seconded by Mr. Miller and approved by the Board: Aye-5, Nay-0.
- 12:16 p.m.** The Board recessed for lunch.

1:02 p.m.

The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Rita McElwain-Kelley, Flushing, Ohio.**

R-2021-0108

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

2:05 p.m.

The recess ended and the hearing was opened to the public.

R-2021-0109

After votes were taken in public session, the Board adopted the following orders in the Matter of **Rita McElwain-Kelley, Flushing, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2019-0326)

In The Matter Of:

Rita McElwain-Kelley, RPh
301 Stratton Lane
Flushing, Ohio 43977
(License No. 03-119249)

INTRODUCTION

The Matter of Rita McElwain-Kelley came for hearing on August 31, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer M. Rudell, RPh, *Presiding*; Trina L. Buettner, RPh; Joshua M. Cox, RPh; N. Victor Goodman, *Public Member*; ; Donald R. Miller, RPh and Shawn C. Wilt, RPh.

Megan E. Marchal, RPh was absent.

Rita McElwain-Kelley was represented by Dean Makricostas. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

None

Petitioner's Witnesses:

1. Rita McElwain-Kelley, RPh—Petitioner



State's Exhibits:

- | | |
|--|------------|
| 1. Board Order | 11-14-2019 |
| 2. Respondent's Petition for Reinstatement | 06-23-2020 |
| 3. Scheduling Letter | 07-20-2020 |

Petitioner's Exhibits:

- | | |
|--|------------|
| A. Letter from West Virginia Pharmacist Recovery Network | 06-10-2020 |
| B. West Virginia Pharmacist Recovery Network Contract and Compliance Agreement | 09-13-2019 |
| C. Judgment Entry for Intervention in Lieu of Conviction | 01-15-2020 |
| D. CPE Monitor Statements | 01-08-2020 |
| E. Respondent's Drug Screens | Various |

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witness, considered the evidence, and weighed the credibility of each, the Board finds that Rita McElwain-Kelley has not substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case No. 2019-0326, dated November 14, 2019. Ms. McElwain-Kelley presented evidence of compliance with a majority of the terms of the Board Order, however, she failed to present evidence of completion of intervention in lieu of conviction as required by Term 9.

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 of Ohio Board of Pharmacy hereby makes the following Order regarding the pharmacist license, No. 03-119249, held by Rita McElwain-Kelley. Rita McElwain-Kelley's license to practice pharmacy in Ohio will be reinstated upon proof of successful completion of intervention in lieu of conviction. If Rita McElwain-Kelley's intervention in lieu of conviction is not successfully completed within six months of the date of this order, Rita McElwain-Kelley must reappear before the Board before her license to practice pharmacy in the State of Ohio will be considered for reinstatement.

Mr. Cox moved for Action of the Board; Mr. Wilt seconded the motion. Motion passed (Aye-5/Nay-0).

SO ORDERED.

2:12 p.m.

Mr. McNamee presented amendments to rules 4729:4-1-05 - Individual licensee or registrant probation, 4729:4-1-09 - Terms while under suspension, 4729:5-5-11 - Prescription copy, 4729:5-5-20 - Remote outpatient prescription processing, 4729:5-9-2.14 - Remote medication order processing, 4729:5-8-04 - Drugs compounded by a nonresident pharmacy, 4729:9-1-01 - Schedule I controlled substances.

R-2021-0110

Mr. Wilt moved to approve for filing with JCARR rules 4729:4-1-05 - Individual licensee or registrant probation, 4729:4-1-09 - Terms while under suspension, 4729:5-5-11 - Prescription copy, 4729:5-5-20 - Remote outpatient prescription processing, 4729:5-9-2.14 - Remote medication order processing, 4729:5-8-04 - Drugs compounded by a nonresident pharmacy, 4729:9-1-01 - Schedule I controlled substances for filing with JCARR. The motion was seconded by Mr. Cox and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Miller-yes; and Wilt-yes.

2:40 p.m.

Mr. McNamee led a discussion on Rule 4729:5-5-21.

R-2021-0111

Mr. Wilt moved to permanently withdraw rule 4729:5-5-21 from JCARR jurisdiction. The motion was seconded by Mr. Cox and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Miller-yes; and Wilt-yes.

2:51 p.m.

The Board recessed for the day.

Tuesday, September 1, 2020**9:03 a.m.**

Acting under the authority Section 12 of amended substitute house bill number 197, effective March 27, 2020, the State of Ohio Board of Pharmacy convened for a public meeting via skype audio/visual conference call, with the following members present:

Jennifer M. Rudell, RPh, *Presiding*; Trina L. Buettner, RPh; Joshua M. Cox, RPh; Victor Goodman, *Public Member*; Donald R. Miller, RPh; and Shawn C. Wilt, RPh.

Megan Marchal, RPh; Absent.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Blair Cathcart, *Director of Information Services*; Brenda Cooper, *Executive Assistant*; Paula Economus, *Administrative Assistant*; Ashley Gilbert, *Senior Legal Counsel*; Eric Griffin, *Director of Compliance and Enforcement*; Joseph Koltak, *Senior Legal Counsel*; Kathryn Lewis, *Administrative Assistant*; Sharon Maerten-Moore, *Director of Medical Marijuana Operations*; Justin Sheridan, *Senior Legal Counsel*; Michelle Siba, *Senior Legal Counsel*; Karrie Southard, *Director of Licensing*, Dana Sutherland, *Agent*; and Jenni Wai, *Chief Pharmacist*.

9:04 a.m.

The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **John Jeffries, Saint Clairsville, Ohio**.

R-2021-0112

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

9:42 a.m.

The recess ended and the hearing was opened to the public.

R-2021-0113

After votes were taken in public session, the Board adopted the following orders in the Matter of **John Jeffries, Saint Clairsville, Ohio**.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2020-0150)

In the Matter Of:

John Jeffries, RPh
67097 Country Club Road
Saint Clairsville, OH 43950
(License No. 03-216620)

77 South High Street, 17 th Floor, Columbus, Ohio 43215



INTRODUCTION

The Matter of John Jeffries came for hearing on September 1, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer Rudell, RPh, *Presiding*; Joshua Cox, RPh; Trina Buettner, RPh; Victor Goodman, *Public Member*; Donald Miller III, RPh; and Shawn Wilt, RPh.

Megan Marchal, RPh; Absent

John Jeffries was not present and had waived his right to a hearing. The State of Ohio was represented by Henry Appel, Assistant Attorney General. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. Of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist. 1996).

SUMMARY OF EVIDENCE

State's Witnesses:

1. Dana Sutherland – State of Ohio Board of Pharmacy Agent

Respondent's Witnesses:

1. None

State's Exhibits:

1. Notice of Opportunity for Hearing, Case No. A-2020-0150; Proof of Service
2. Waiver of Right to Hearing
3. Statement of Respondent
4. Statement of Jennifer Gallaway
5. Time Sheets of Jennifer Gallaway
6. Application for Pharmacy Tech. Registration for Jennifer Gallaway
7. Inspection Report
8. Settlement with Jennifer Gallaway
9. Letter from Respondent
10. Letter from State of Ohio Representative Cera

Respondent's Exhibits:

1. 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 Board finds the following to be fact:

1. On or about December 19, 2019, the Board discovered that from approximately December 26, 2018 to approximately December 19, 2019, Jennifer Gallaway had been working as a pharmacy technician at Morristown Pharmacy, located at 66840 Belmont-Morristown Road, Belmont, OH 43718, without first obtaining proper registration from the Board. During this time, John Jeffries was designated as the Responsible Person for the pharmacy.
2. On or about December 19, 2019, John Jeffries was interviewed by an agent of the Board. He admitted:
 - a. Upon hiring Ms. Gallaway, John Jeffries did not confirm that she had obtained proper registration with the Board.
 - b. In approximately September 2019, John Jeffries was notified by human resources that Ms. Gallaway lacked proper registration from the Board in order to work as a pharmacy technician, but she continued to perform pharmacy technician duties without properly registering.

CONCLUSIONS OF LAW

1. Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of Section 4729.95(B) of the Ohio Revised Code (ORC), No pharmacist shall knowingly allow any person employed or otherwise under the control of the pharmacist to violate division (A) of this section which states: No person who is not a pharmacist, pharmacy intern, registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee shall knowingly engage in any of the activities listed in Section 4729.91 of the ORC in a location licensed as a terminal distributor of dangerous drugs (TDDD), a misdemeanor of the second degree, punishable by a maximum penalty of \$750.
2. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of the following paragraphs of Rule 4729-5-11 of the Ohio Administrative Code (OAC) (as effective February 17, 2017), each punishable by a maximum penalty of \$500:
 - a. The person to whom the TDDD license has been issued and all pharmacists on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of drugs and the practice of pharmacy, OAC Rule 4729-5-11(A)(3); and/or

- b. The responsible person to whom the TDDD license has been issued and all licensed health professionals on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of dangerous drugs, OAC Rule 4729-5-11(C)(4); and/or
 - c. The responsible person shall be responsible for ensuring the TDDD requirements are met, including, but not limited to, the supervision and control of dangerous drugs as required in division (B) of Section 4729.55 of the ORC, adequate safeguards as required in division (C) of Section 4729.55 of the ORC, security and control of dangerous drugs and maintaining all drug records otherwise required, OAC Rule 4729-5-11(C)(6).
 3. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of the following paragraphs of OAC Rule 4729:5-2-01 (as effective March 1, 2019), each punishable by a maximum penalty of \$500:
 - a. The person to whom the TDDD license has been issued and all pharmacists on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of drugs and the practice of pharmacy, OAC Rule 4729:5-2-01(A)(3); and/or
 - b. The responsible person to whom the TDDD license has been issued and all licensed health professionals on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of dangerous drugs, OAC Rule 4729:5-2-01(E)(4); and/or
 - c. The responsible person shall be responsible for ensuring the TDDD requirements are met, including, but not limited to, the supervision and control of dangerous drugs as required in division (B) of Section 4729.55 of the ORC, adequate safeguards as required in division (C) of Section 4729.55 of the ORC, security and control of dangerous drugs and maintaining all drug records otherwise required, OAC Rule 4729:5-2-01(E)(6).
 4. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of the following divisions of (A) of Section 4729.16 of the ORC (as effective September 29, 2017), each violation constituting a minor misdemeanor, each punishable by a maximum penalty of \$150:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16(A)(2)(b); and/or
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter 3715.75 to 3715.72 of the ORC, Chapter 2925. or 3719. of the ORC, or any rule adopted by the Board under those provisions, ORC 4729.16(A)(2)(e).
 - c. Engaged in any conduct for which the board may impose discipline as set forth in rules adopted under Section 4729.26 of the ORC, ORC 4729.16(A)(2)(l).

5. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of the following divisions of (A) of Section 4729.16 of the ORC (as effective April 8, 2019), each violation constituting a minor misdemeanor, each punishable by a maximum penalty of \$150:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16(A)(2)(b); and/or
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter 3715.75 to 3715.72 of the ORC, Chapter 2925. or 3719. of the ORC, or any rule adopted by the Board under those provisions, ORC 4729.16(A)(2)(e).
 - c. Engaged in any conduct for which the board may impose discipline as set forth in rules adopted under Section 4729.26 of the ORC, ORC 4729.16(A)(2)(l).

6. Such conduct, as set forth in the Findings of Fact Section, each constitutes a violation of each of the following paragraphs of OAC Rule 4729:1-4-01(B)(2) (as effective May 1, 2018), each violation punishable by a maximum penalty of \$500:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and/or
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of ORC, Sections 3715.52 to 3715.72 of the ORC, Chapter 2925., 3796., 3719. or 4752. of the ORC, or any rule adopted by the Board under those provisions, OAC Rule 4729:1-4-01(B)(2)(e); and/or
 - c. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations..., OAC Rule 4729:1-4-01(B)(2)(m).

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 of Ohio Board of Pharmacy hereby disciplines John Jeffries, pharmacist license no. 03-216620, with a written reprimand and a monetary fine in the amount of \$500 for his actions in this matter. The fine will be attached to John Jeffries's license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.

Mr. Wilt moved for Findings of Fact; Mr. Goodman seconded the motion. Motion passed (Aye-5/Nay-0)

Mr. Cox moved for Conclusions of Law; Mr. Miller seconded the motion. Motion passed (Aye-5/Nay-0)

Mr. Wilt moved for Action of the Board; Mr. Cox seconded the motion. Motion passed (Aye-5/Nay-0)

SO ORDERED.

9:46 a.m.

Ms. Sharon Maerten-Moore provided the Medical Marijuana Program Update.

9:49 a.m.

Ms. Sharon Maerten-Moore presented the change of ownership application request of NMG Ohio, LLC dba Clubhouse Dispensary—Elyria, Ohio (MMD.0700008).

R-2021-0114

Ms. Buettner moved to approve the request of NMG Ohio, LLC dba Clubhouse Dispensary. The Motion was seconded by Mr. Cox and approved by the Board: Aye-5, Nay-0.

9:55 a.m.

Ms. Sharon Maerten-Moore presented the following amended rules to be approved by the Board for filing with CSI, during which Ms. Marchal rejoined the meeting: 3796:6-2-02 Applications to operate medical marijuana dispensaries, 3796:6-2-04 Medical marijuana dispensary license application evaluation, 3796:6-2-05 Number of dispensary provisional licenses, 3796:6-2-06 Final inspection and certificate of operation for medical marijuana dispensaries, 3796:6-2-07 Licensing of medical marijuana dispensary associated key employees and dispensary key employees, 3796:6-2-08 Licensing of medical marijuana dispensary support employees, 3796:6-2-10 Medical marijuana dispensary certificate of operation renewal, 3796:6-2-13 Request to relocate a dispensary, 3796:6-3-01 Dispensary operations generally, 3796:6-3-03 Hours of operation, 3796:6-3-05 Medical marijuana dispensary designated representative, 3796:6-3-08 Dispensing of medical marijuana, 3796:6-3-11 Duty to report, 3796:6-3-13 Review of dispensing errors, 3796:6-3-14 Destruction and disposal of medical marijuana, 3796:6-3-17 Record keeping requirements, 3796:6-3-19 Employee training requirements, 3796:6-3-20 Medical marijuana dispensary internal inventory control system, 3796:6-3-22 Prohibitions, 3796:6-3-23 Dispensary access, 3796:6-4-03 Grounds for discipline, 3796:6-5-01 Medical marijuana dispensary fee structure, 3796:7-2-02 Caregiver eligibility, 3796:7-2-08 Grounds for discipline, 3796:7-2-09 Suspension of a patient or caregiver registration without a hearing, Chapter 3796:8 Proposed Amended Rules, and 3796:8-3-01 Product identifier fee.

R-2021-0115

Mr. Miller moved that the Board approve 3796:6-2-02 Applications to operate medical marijuana dispensaries, 3796:6-2-04 Medical marijuana dispensary license application evaluation, 3796:6-2-05 Number of dispensary provisional licenses, 3796:6-2-06 Final inspection and certificate of operation for medical marijuana dispensaries, 3796:6-2-07 Licensing of medical marijuana dispensary associated key employees and dispensary key employees, 3796:6-2-08 Licensing of medical marijuana dispensary support employees, 3796:6-2-10 Medical marijuana dispensary certificate of operation renewal, 3796:6-2-13 Request to relocate a dispensary, 3796:6-3-01 Dispensary operations

generally, 3796:6-3-03 Hours of operation, 3796:6-3-05 Medical marijuana dispensary designated representative, 3796:6-3-08 Dispensing of medical marijuana, 3796:6-3-11 Duty to report, 3796:6-3-13 Review of dispensing errors, 3796:6-3-14 Destruction and disposal of medical marijuana, 3796:6-3-17 Record keeping requirements, 3796:6-3-19 Employee training requirements, 3796:6-3-20 Medical marijuana dispensary internal inventory control system, 3796:6-3-22 Prohibitions, 3796:6-3-23 Dispensary access, 3796:6-4-03 Grounds for discipline, 3796:6-5-01 Medical marijuana dispensary fee structure, 3796:7-2-02 Caregiver eligibility, 3796:7-2-08 Grounds for discipline, 3796:7-2-09 Suspension of a patient or caregiver registration without a hearing, Chapter 3796:8 Proposed Amended Rules, and 3796:8-3-01 Product identifier fee for filing with CSI. The motion was seconded by Mr. Cox and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Marchal-yes; Miller-yes; Weaver-yes; and Wilt-yes.

R-2021-0116

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

1:15 p.m

The Board returned to public session.

1:16 p.m.

Mr. Phillip Broerman, Responsible Person for Centerville Long Term Care Pharmacy, made an appearance before the Board, to discuss recent Board inspections conducted at Centerville Long Term Care Pharmacy. Mr. Broerman's appearance was required by Centerville Long Term Care Pharmacy's May 5, 2020 Settlement Agreement. Per the terms of the Settlement Agreement:

1. *The Board will perform a full inspection of Centerville Long Term Care Pharmacy. The results of the inspection must confirm: implementation of updated software capabilities, specifically confirm compliance with positive identification, and confirm full compliance with Ohio's Pharmacy Practice Act as set forth in Chapters 3719. and 4729. of the Ohio Revised Code and related rules.*
 - a. *If the results of the Board's inspection at Centerville Long Term Care Pharmacy are not satisfactory:*
 - i. *Centerville Long Term Care Pharmacy's license will be placed on a period of probation for no less than two years; and*
 - ii. *Centerville Long Term Care Pharmacy's Responsible Person must appear before the Board within three months of the inspection.*

- R-2021-0117** Mr. Wilt moved that Centerville Long Term Care Pharmacy's inspection reports were unsatisfactory and that the terminal be placed on probation for a period of no less than two years from the date of Mr. Broerman's appearance. The motion was seconded by Ms. Buettner and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Marchal-yes; Miller-yes; Wilt-yes.
- R-2021-0118** Mr. Cox moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code and that the Board return to public session and promptly adjourn at the conclusion of executive session. The motion was seconded by Mr. Goodman and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Marchal-yes; Miller-yes; Wilt-yes.
- R-2021-0119** After returning to public session, Mr. Cox moved that when the Board is not in session, the approval, denial, or negotiation of Medical Marijuana settlement matters and the approval of non-routine change of ownership applications shall be delegated to Ms. Rudell for the duration of her presidency. Routine variances will remain with the MMAC delegate. The motion was seconded by Mr. Goodman and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Marchal-yes; Miller-yes; Wilt-yes.
- 3:12 p.m.** Ms. Dehner presented information to the Board, consistent with *Goldman v. State Med. Bd.*, 10th Dist. Franklin (Oct. 20, 1998), pertaining to Medical Marijuana Dispensary Applicant – Restore Integrative Wellness Center who had not requested a hearing in the timeframe set forth in chapter 119 of the Ohio Revised Code (ORC).
- R-2021-0120** Mr. Miller moved to adopt the following Order pertaining to the below referenced Goldman Medical Marijuana Applicant. The Motion was seconded by Mr. Wilt and approved by the Board: Aye-6, Nay-0.
-

**ORDER OF THE STATE BOARD OF PHARMACY DENYING
RESPONDENT'S APPLICATION FOR MEDICAL MARIJUANA
DISPENSARY LICENSE**
Case No. 2018-M490

In the Matter of Applicant:
RESTORE INTEGRATIVE WELLNESS CENTER OH LLC

C/O REGISTERED AGENTS, INC.
6545 MARKET AVENUE NORTH, SUITE 100
NORTH CANTON OH 44721

Account No./Application No.: 148-490
Application District: SOUTHEAST-3
Application Dispensary Address: 5599 HALL ROAD COLUMBUS, OH

INTRODUCTION

A *Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License* (Notice) was issued to RESTORE INTEGRATIVE WELLNESS CENTER OH LLC (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 29, 2018. Upon receipt of the June 29, 2018 Notice, RESTORE INTEGRATIVE WELLNESS CENTER OH LLC requested a hearing on July 23, 2018, and this matter was scheduled for an administrative hearing. RESTORE INTEGRATIVE WELLNESS CENTER OH LLC withdrew its request for hearing on March 19, 2020. The matter subsequently came for consideration by the Board on September 1, 2020, before the following members of the State of Ohio Board of Pharmacy: Jennifer M. Rudell, RPh, *Presiding*; Shawn C. Wilt, RPh; Trina L. Buettner, RPh; Joshua M. Cox, RPh; Megan Marchal, RPh; D. Rich Miller III, RPh; and Victor Goodman, *Public Member*. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of Service
- State's Exhibit C—Respondent Score Sheet
- State's Exhibit D—Full List of Application Scores by District
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

Under R.C. 3796.05 and Ohio Adm.Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm.Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district. These scores are contained in State's Exhibit D.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm.Code 3796:6-2-04. Respondent is denied a medical marijuana provisional dispensary license at the address listed in State's Exhibit A because Respondent's score was not high enough as compared to other applicants in the same district to be awarded one of the medical marijuana provisional dispensary licenses for that district.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Mr. Miller moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Wilt seconded the motion. Motion passed (Aye-6/Nay-0) (Jennifer M. Rudell, RPh, *Presiding-Aye*; Shawn C. Wilt, RPh-Aye; Trina L. Buettner, RPh-

Aye; Joshua M. Cox, RPh-Aye; Megan Marchal, RPh-Aye; D. Rich Miller III, RPh-Aye; and Victor Goodman, *Public Member-Aye*).

SO ORDERED.

R-2021-0121

Mr. Wilt moved to adopt the following Order of **Karla Moore, Oak Harbor, Ohio**. The Motion was seconded by Mr. Goodman and approved by the Board: Aye-6, Nay-0.

**ORDER OF THE STATE BOARD OF PHARMACY
CONFIRMING AND APPROVING IN PART & MODIFYING IN PART
REPORT & RECOMMENDATION OF HEARING EXAMINER**

(Case Number A-2020-0178)

In The Matter Of Karla Moore:

Karla Moore, Registered Pharmacy Technician.

421 W. Oak Street, Oak Harbor, Ohio 43449

(Suspended Registration No. 09-212754)

INTRODUCTION

A Summary Suspension/Notice of Opportunity for Hearing (Notice) was issued by the Board on February 26, 2020. The Matter of Karla Moore came for hearing before Hearing Examiner Robert C. Angell on June 25, 2020 at which time Karla Moore was represented by counsel, John A. Brikmanis. The State of Ohio was represented by Henry Appel, Assistant Attorney General. The Hearing Examiner's Report and Recommendation was served upon the Respondent on or about August 4, 2020. The matter subsequently came for consideration by the Board on September 1, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer M. Rudell, RPh, *Presiding*; Trina L. Buettner, RPh; Joshua M. Cox, RPh; N. Victor Goodman, *Public Member*; Megan E. Marchal, RPh; Donald R. Miller, RPh; and Shawn C. Wilt, RPh.

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items: State's Exhibits

numbered (1) through (6), the hearing transcript, and Hearing Examiner Angell's Report and Recommendation. Respondent did not submit exhibits.

DECISION OF THE BOARD

After thorough review of the entire administrative record, the Board hereby adopts Hearing Examiner Angell's Finding of Facts, including those that specifically relate to the Board's Notice letter dated February 26, 2020.

The Board further modifies the Report and Recommendation to include the Board's violations of law as set forth in the Notice of Hearing dated February 26, 2020, paragraphs:

(4) Not of good habits; ORC Section 4729.92(A)(1) and OAC Rule 4729:3-1-01(N)

All violations of law are supported based on the evidence in the record. Specifically, Ms. Moore's admission that she had diverted controlled substances for her own personal use from the pharmacy. (Tr. At 11-14; State's Ex. 5).

The Board adopts the Hearing Examiner's Recommendation with modification. Pursuant to Section 4729.96 of the Ohio Revised Code and Rule 4729:3-4-01 of the Ohio Administrative Code, and after consideration of the record as a whole, the Board hereby adopts, with modification, the recommendation of the Hearing Examiner to remove the summary suspension and suspend indefinitely the pharmacy technician registration number 09-212754, held by Karla Moore, and such suspension is effective from the date of the summary suspension (February 26, 2020).

Karla Moore, 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.

Further, after 18 months from the date of the summary suspension (February 26, 2020), the Board will consider any petition filed by Karla Moore for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the pharmacy technician registration if the following conditions have been met:

1. Karla Moore must maintain a current address with the Board throughout the duration of the suspension.
2. Karla Moore 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.
3. Karla Moore must provide, in the reinstatement petition, documentation of the following:

- d. Karla Moore must provide a letter and medical records from her treating physician. The letter and records must demonstrate that Karla Moore is able to practice pharmacy with the proper requisite skill, competence, safety, and that she is not addicted to or abusing dangerous drugs. This documentation must be submitted three (3) months prior to reinstatement; and
 - e. Karla Moore must provide a report of assessment from an addiction specialist. The assessment must demonstrate her ability to practice pharmacy with the proper requisite skill, competence, and safety, and demonstrate she is not addicted to or abusing dangerous drugs. This documentation must be submitted three (3) months prior to reinstatement; and
 - f. Compliance with the terms of this Order.
4. Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.
 5. Karla Moore must immediately report any violation of the terms of this suspension to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Karla Moore to possible additional sanctions, including and up to revocation of license.
 6. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state or federal law will be considered a violation of this order resulting in a hearing before the Board and may also result in criminal and/or administrative charges.
 7. If Karla Moore' employment is related to the practice of pharmacy, Karla Moore must notify her employer of the terms of Karla Moore' suspension and this Board's Order.
 8. Failure to complete the terms set forth in this Board's Order, or to petition for reinstatement within five years of the date of this Order, will result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Karla Moore' pharmacy technician registration.

Mr. Wilt moved to confirm and approve the Report and Recommendation of Hearing Examiner Angell with the modifications outlined above. Ms. Buettner seconded the motion. Motion passed (Aye - 6/Nay - 0).

SO ORDERED.

R-2021-0122

Mr. Wilt moved to adopt the following Order of **Chanelle Middlebrooks, Toledo, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-6, Nay-0.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2018-1501
Chanelle Middlebrooks	:	
4408 Airport Hwy., Apt. 13	:	
Toledo, OH 43615	:	
	:	DENIED No. 09-203802
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Chanelle Middlebrooks ("Respondent") submitted an application for registration as a registered pharmacy technician ("Application") to the State of Ohio Board of Pharmacy on January 29, 2018 and was granted conditional approval as a registered pharmacy technician on August 17, 2018, registration no. 09-203802. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent September 6, 2018, via certified mail, return receipt requested. The Notice was returned as unclaimed and a Certificate of Mailing was sent to Respondent on October 12, 2018. It was not returned for failure of delivery. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on September 1, 2020 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit 1: Notice of Hearing
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: USPS Documentation
- State's Exhibit 2.2: Certificate of Mailing
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 3.1: Respondent Application for Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: Exhibit 4.1 –Lucas County Court of Common Pleas Records, Case. No. G-4801-CR-201901464-000
- State's Exhibit 4.2: Respondent's Written Statement

WHEREFORE, after review of the entire administrative record, the Board hereby confirms, approves, and adopts the facts contained in each of the affidavits submitted by the Board's Chief Legal Counsel, Licensing Director, and

compliance agent, labeled as State's Exhibit 2, State's Exhibit 3, and State's Exhibit 4, and finds the same.

WHEREFORE, after review of the entire administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, after review of the entire administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code 4729:3-4-01(B), the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice.

WHEREFORE, after review of the entire administrative record, the Board further finds the criminal conduct to be of such an egregious nature that employment in a facility containing dangerous drugs, including controlled substances, and providing services that impact the public's health and safety warrant a permanent prohibition on applying for any license or registration over which the State Board of Pharmacy has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application is DENIED.
2. Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, unless Respondent provides a Certificate of Qualification Employment (COE) for Board consideration and review.
3. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

Service of this Order shall be perfected in accordance with the requirements of Chapter 119. of the Revised Code.

Joshua M. Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Donald R. Miller, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0123

Mr. Cox moved to adopt the following Order of **Alicia Smith, Dayton, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-6, Nay-0.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2018-0107
Alicia Smith	:	
820 Lilac Drive	:	Pending Reg. No. 09-102115
Dayton, Ohio 45417	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Alicia Smith ("Respondent") submitted an application for registration as a registered pharmacy technician ("Application") to the State of Ohio Board of Pharmacy on March 9, 2018 and was granted conditional approval as a certified pharmacy technician on August 17, 2018, registration no. 09-102115. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent September 7, 2018, via certified mail, return receipt requested. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on September 1, 2020 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit 1: Notice of Hearing
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: USPS Documentation (green card)
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 3.1: Respondent Application for Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: Dayton Municipal Court Certified Records
- State's Exhibit 4.2: Kettering Municipal Court Certified Records

WHEREFORE, after review of the entire administrative record, the Board hereby confirms, approves, and adopts the facts contained in each of the affidavits submitted by the Board's Chief Legal Counsel, Licensing Director, and a compliance agent, labeled as State's Exhibit 2, State's Exhibit 3, and State's Exhibit 4, and finds the same.

WHEREFORE, after review of the entire administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, after review of the entire administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code 4729:3-4-01(B), the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all

violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application for registration as a registered pharmacy technician is GRANTED, effective the date of conditional approval.
2. The Board hereby imposes a fine in the amount of \$100.00. This fine will be attached to Respondent's pharmacy technician registration and must be paid no later than 180 days from the effective date of this Order. To pay this fine Respondent must login to www.elicense.ohio.gov and process the items in the cart.
3. The Board hereby imposes a written reprimand on Respondent's registered pharmacy technician registration.
4. This Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which Respondent currently holds a professional license, including to the Board on renewal applications or applications for a new license or registration.

Service of this Order shall be perfected in accordance with the requirements of Chapter 119. of the Revised Code.

Joshua M. Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Donald R. Miller, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0124

Mr. Cox moved to adopt the following Order of **Joshua Bey, Euclid, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-6, Nay-0.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2019-0084
Joshua Bey	:	
1917 Euclid Ave., Apt. 203	:	
Euclid, Ohio 44117	:	Pending Reg. No. 09-208066
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Joshua Bey ("Respondent") submitted an application for registration as a registered pharmacy technician ("Application") to the State of Ohio Board of Pharmacy on February 28, 2018 and was granted conditional approval as a

registered pharmacy technician on August 17, 2018, registration no. 09-208066. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent June 13, 2019, via certified mail, return receipt requested. The Notice was returned as unclaimed and a Certificate of Mailing was sent to Respondent on August 13, 2019. It was not returned for failure of delivery. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on September 1, 2020 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit 1: Notice of Hearing
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: USPS Documentation
- State's Exhibit 2.2: Certificate of Mailing Documentation
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 3.1: Respondent's Application for Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: East Cleveland Municipal Court Records, 06-TRD-00461
- State's Exhibit 4.2: Bedford Municipal Certified Court Records, Case No. 09-TRD-00218 & 17-CRB-00172

WHEREFORE, after review of the entire administrative record, the Board hereby confirms, approves, and adopts the facts contained in each of the affidavits submitted by the Board's Chief Legal Counsel, Licensing Director, and compliance agent, labeled as State's Exhibit 2, State's Exhibit 3, and State's Exhibit 4, and finds the same.

WHEREFORE, after review of the entire administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, after review of the entire administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code 4729:3-4-01(B), the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

Respondent's Application for registration as a registered pharmacy technician is GRANTED, effective the date of conditional approval.

5. The Board hereby imposes a fine in the amount of \$100.00. This fine will be attached to Respondent's pharmacy technician registration and must be paid no later than 180 days from the effective date of this Order. To pay this fine

Respondent must login to www.elicense.ohio.gov and process the items in the cart.

6. The Board hereby imposes a written reprimand on Respondent's registered pharmacy technician registration.

7. This Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which Respondent currently holds a professional license, including to the Board on renewal applications or applications for a new license or registration.

Service of this Order shall be perfected in accordance with the requirements of Chapter 119. of the Revised Code.

Joshua M. Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Donald R. Miller, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0125

Mr. Cox moved to adopt the following Order of **Shelby Hall, Nelsonville, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-6, Nay-0.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2018-0148
Shelby Hall	:	
189 Fayette Street, Apt. 104	:	
Nelsonville, OH 45764	:	
	:	Pending Reg. No. 09-202810
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Shelby Hall ("Respondent") submitted an application for registration as a registered pharmacy technician ("Application") to the State of Ohio Board of Pharmacy on January 24, 2018 was granted conditional approval as a registered pharmacy technician on August 17, 2018, registration no. 09-202810. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent January 16, 2019, via certified mail, return receipt requested. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on September 1, 2020 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit 1: Notice of Hearing
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: USPS Documentation
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 3.1: Respondent Application for Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: Hall Written Statement
- State's Exhibit 4.2: Poling Written Statement
- State's Exhibit 4.3: Certified Court Records
- State's Exhibit 4.4: Kroger Discrepancy Spreadsheet
- State's Exhibit 4.5: DEA-106 Form
- State's Exhibit 4.6: Employee Schedule
- State's Exhibit 4.7: Patient Prescriptions

WHEREFORE, after review of the entire administrative record, the Board hereby confirms, approves, and adopts the facts contained in each of the affidavits submitted by the Board's Chief Legal Counsel, Licensing Director, and Agent Supervisor, labeled as State's Exhibit 2, State's Exhibit 3, and State's Exhibit 4, and finds the same.

WHEREFORE, after review of the entire administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, after review of the entire administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code 4729:3-4-01(B), the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice.

WHEREFORE, after review of the entire administrative record, the Board further finds the criminal conduct to be of such an egregious nature that employment in a facility containing dangerous drugs, including controlled substances, and providing services that impact the public's health and safety warrant a permanent prohibition on applying for any license or registration over which the State Board of Pharmacy has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application is DENIED.
2. Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, unless Respondent provides a Certificate of Qualification Employment (CQE) for Board consideration and review.

- 3. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

Service of this Order shall be perfected in accordance with the requirements of Chapter 119. of the Revised Code.

Joshua M. Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Donald R. Miller, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0126

Mr. Cox moved to dismiss the Notice of Opportunity for Hearing issued on January 22, 2019 in the matter of **Sharea Ayers, Columbus, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-6, Nay-0.

R-2021-0127

Mr. Cox moved to adopt the following Order of **Monique Callieham, Berea, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-6, Nay-0.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2018-0041
Monique Callieham	:	
6304 Stone Ridge Circle	:	
Berea, OH 44017	:	:Pending Reg. No. APP-000174126
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Monique Callieham (“Respondent”) submitted an application for registration as a pharmacy technician trainee (“Application”) to the State of Ohio Board of Pharmacy on August 8, 2018. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration (“Notice”) to Respondent on March 29, 2019, via certified mail, return receipt requested. On May 24, 2019, the Notice was returned to the Board marked “Attempted – Not Known, Unable to Forward.” The Board re-issued the Notice via personal service at Respondent’s address of record on June 25, 2019. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of personal delivery. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on September 1, 2020 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit 1: Notice of Hearing
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: USPS Documentation
- State's Exhibit 2.2: Notice Returned
- State's Exhibit 2.3: Personal Service Documentation
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 3.1: Respondent Application for Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: First Written Statement
- State's Exhibit 4.2: Second Written Statement
- State's Exhibit 4.3: Photos of Tablets taken from Callieham
- State's Exhibit 4.4: Property Impound Receipt
- State's Exhibit 4.5: DEA-106 Form

WHEREFORE, after review of the entire administrative record, the Board hereby confirms, approves, and adopts the facts contained in each of the affidavits submitted by the Board's Chief Legal Counsel, Licensing Director, and compliance agent, labeled as State's Exhibit 2, State's Exhibit 3, and State's Exhibit 4, and finds the same.

WHEREFORE, after review of the entire administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, after review of the entire administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code 4729:3-4-01(B), the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice.

WHEREFORE, after review of the entire administrative record, the Board further finds the criminal conduct to be of such an egregious nature that employment in a facility containing dangerous drugs, including controlled substances, and providing services that impact the public's health and safety warrant a permanent prohibition on applying for any license or registration over which the State Board of Pharmacy has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application is DENIED.
2. Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, unless Respondent provides a Certificate of Qualification Employment (COE) for Board consideration and review.

3. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

Service of this Order shall be perfected in accordance with the requirements of Chapter 119. of the Revised Code.

Joshua M. Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Donald R. Miller, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0128

Mr. Cox moved to adopt the following Order of **Jachelle Sims, Dayton, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-6, Nay-0.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2019-0029
Jachelle Sims	:	
808 Bradfield Drive	:	
Dayton, OH 45426	:	Reg. No. APP-000253997
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Jachelle Sims ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on August 13, 2018. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent January 23, 2020, via certified mail, return receipt requested. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on September 1, 2020 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit 1: Notice of Hearing
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: Unclaimed Certified Mailing
- State's Exhibit 2.2: USPS Service Documentation
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 3.1: Respondent Application for Registration
- State's Exhibit 4: Affidavit Related to Case Investigation

- State's Exhibit 4.1: Certified Copy of Court Records, State v. Jachelle Sims, Montgomery County Municipal Court, 2016 TRD 02207 W
- State's Exhibit 4.2: Certified Copy of Court Records, State v. Jachelle Sims, Fairborn Municipal Court, TRD 1411818; State v. Jachelle Sims, Fairborn Municipal Court, TRC 1802918A and CRB 1800530
- State's Exhibit 4.3: Certified Copy of Court Records, State v. Jachelle Sims, Vandalia Municipal Court, CRB 1702182
- State's Exhibit 4.4: Copy of Court Records, State v. Jachelle D. Sims, Dayton Municipal Court, 2014 TRD 003538
- State's Exhibit 4.5: Copy of Court Records, State v. Jachelle D. Sims, Dayton Municipal Court, 2017 TRD 007750

WHEREFORE, after review of the entire administrative record, the Board hereby confirms, approves, and adopts the facts contained in each of the affidavits submitted by the Board's Chief Legal Counsel, Licensing Director, and compliance agent, labeled as State's Exhibit 2, State's Exhibit 3, and State's Exhibit 4, and finds the same.

WHEREFORE, after review of the entire administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, after review of the entire administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code 4729:3-4-01(B), the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application is DENIED.
2. The Board hereby imposes a fine in the amount of \$50.00. The fine is stayed and shall be imposed as a condition prior to licensure or registration, should Respondent apply for and be granted a license or registration over which the Board has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code.
3. Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, for a period of at least twenty-four months from the date of this Order, as set forth in OAC 4729:3-1-01(U).
4. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

Service of this Order shall be perfected in accordance with the requirements of Chapter 119. of the Revised Code.

Board Member Joshua M. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Donald R. Miller seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0129

Mr. Cox moved to adopt the following Order of **Jasmine Grays, Cleveland, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-6, Nay-0.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2019-0074
Jasmine Grays	:	
5716 Hosmer Ave.	:	
Cleveland, OH 44105	:	Reg. No. APP-000196227
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Jasmine Grays ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on October 2, 2018. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent June 17, 2019, via certified mail, return receipt requested. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on September 1, 2020 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit 1: Notice of Hearing
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: Unclaimed Certified Mailing
- State's Exhibit 2.2: USPS Service Documentation
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 3.1: Respondent Application for Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: Copy of Court Records, City of Maple Heights v. Jasmine Grays, Garfield Heights Municipal Court, CRB 1501821
- State's Exhibit 4.2: Copy of Court Records, Village of Newburgh Heights v Jasmine Grays, Garfield Heights Municipal Court, CR-18-629981-B
- State's Exhibit 4.3: Copy of Court Records, City of Cleveland v. Jasmine Grays, Garfield Heights Municipal Court, 2018-TRD-022284

- State's Exhibit 4.4: Copy of Court Records, State v Jasmine Grays, Lyndhurst Municipal Court, 18CRB00751

WHEREFORE, after review of the entire administrative record, the Board hereby confirms, approves, and adopts the facts contained in each of the affidavits submitted by the Board's Chief Legal Counsel, Licensing Director, and compliance agent, labeled as State's Exhibit 2, State's Exhibit 3, and State's Exhibit 4, and finds the same.

WHEREFORE, after review of the entire administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, after review of the entire administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code 4729:3-4-01(B), the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application is DENIED.
2. The Board hereby imposes a fine in the amount of \$50.00. The fine is stayed and shall be imposed as a condition prior to licensure or registration, should Respondent apply for and be granted a license or registration over which the Board has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code.
3. Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, for a period of at least twenty-four months from the date of this Order, as set forth in OAC 4729:3-1-01(U).
4. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

Service of this Order shall be perfected in accordance with the requirements of Chapter 119. of the Revised Code.

Board Member Joshua M. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Donald R. Miller seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0130

Mr. Cox moved to adopt the following Order of **Tim Bednarz, Grove City, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-6, Nay-0.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2018-2582
Tim Bednarz	:	
2355 Sunladen Dr.	:	
Grove City, OH 43123	:	Reg. No. APP-000195864
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Tim Bednarz ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on October 2, 2018. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent July 23, 2019, via certified mail, return receipt requested. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on September 1, 2020 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit 1: Notice of Hearing
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: USPS Documentation (green card)
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 3.1: Respondent Application for Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: Copy of Judgment Entry – State v. Timothy Bednarz, Franklin County Municipal Court, 17CRB-5136
- State's Exhibit 4.2: Copy of Judgment Entry – State v. Timothy Bednarz, Franklin County Municipal Court, 17CRA-5344
- State's Exhibit 4.3: Copy of Judgment Entry – State v. Timothy Bednarz, Franklin County Municipal Court, 10CRB-12964

WHEREFORE, after review of the entire administrative record, the Board hereby confirms, approves, and adopts the facts contained in each of the affidavits submitted by the Board's Chief Legal Counsel, Licensing Director, and compliance agent, labeled as State's Exhibit 2, State's Exhibit 3, and State's Exhibit 4, and finds the same.

WHEREFORE, after review of the entire administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, after review of the entire administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code 4729:3-4-01(B), the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice.

WHEREFORE, after review of the entire administrative record, the Board further finds the criminal conduct to be of such an egregious nature that employment in a facility containing dangerous drugs, including controlled substances, and providing services that impact the public’s health and safety warrant a permanent prohibition on applying for any license or registration over which the State Board of Pharmacy has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent’s Application is DENIED.
2. Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, unless Tim Bednarz provides a Certificate of Qualification Employment (CQE) for Board consideration and review.
3. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

Service of this Order shall be perfected in accordance with the requirements of Chapter 119. of the Revised Code.

Board Member Joshua M. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Donald R. Miller seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0131

Mr. Cox moved to adopt the following Order of **Arvin Irizarry, Youngstown, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-6, Nay-0.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

IN THE MATTER OF:	:	
	:	Case No. A-2019-0520-MME
Arvin Irizarry,	:	
1533 Oak Street	:	

Youngstown, Ohio 44506-1344 : **License No. MME.05300185**
 :
Respondent. :

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Arvin Irizarry (“Respondent”) was issued Medical Marijuana Employee License Number MME.05300185 by the State of Ohio Board of Pharmacy on April 8, 2019. The Board issued a Summary Suspension/Notice of Opportunity for Hearing (“Notice”) to Respondent November 20, 2019, via certified mail, return receipt requested. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice’s mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on September 2, 2020 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State’s Exhibit 1: Notice of Hearing
- State’s Exhibit 1.1: Identifier Key
- State’s Exhibit 2: Affidavit Related to Service
- State’s Exhibit 2.1: USPS Documentation (green card)
- State’s Exhibit 3: Affidavit Related to License
- State’s Exhibit 3.1: Respondent Application for Registration
- State’s Exhibit 4: Affidavit Related to Case Investigation
- State’s Exhibit 4.1: Copy of Leaf Relief Dispensing Receipt from 11/7/19

WHEREFORE, after review of the entire administrative record, the Board hereby confirms, approves, and adopts the facts contained in each of the affidavits submitted by the Board’s Chief Legal Counsel, Licensing Director, and an Agent of the Board, labeled as State’s Exhibit 2, State’s Exhibit 3, and State’s Exhibit 4, and finds the same.

WHEREFORE, after review of the entire administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, after review of the entire administrative record and pursuant to ORC 3976.14, Ohio Administrative Code 3796:6-4-03, and Ohio Administrative Code 3796:6-4-04 the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:6-4-03 and all violations of law as described in the Notice.

WHEREFORE, after review of the entire administrative record and pursuant to R.C. 3796.14 and Ohio Adm.Code 3796:6-1-01(K), the Board further finds the criminal conduct to be of such an egregious nature that employment in a facility responsible for dispensing medical marijuana, and providing services that

impact the public's health and safety, warrant a permanent revocation. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Medical Marijuana Employee License No. MME.05300185 is REVOKED.
2. With the exception of a medical marijuana patient registration issued pursuant to Chapter 3796. of the Revised Code, Respondent may not apply or reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, as set for in OAC 4729:3-1-01(X).

Service of this Order shall be perfected in accordance with the requirements of Chapter 119. of the Revised Code.

Board Member Donald R. Miller moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Shawn C. Wilt seconded the motion. Motion passed (Aye-5/Nay-0).

SO ORDERED.

R-2021-0132

Mr. Cox moved to dismiss the Notice of Opportunity for Hearing issued on July 30, 2019 in the matter of **Tahavia Renae Cook, Dayton, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-6, Nay-0.

R-2021-0133

Mr. Wilt moved that the August 3-4, 2020 Board Meeting Minutes be approved as written. The motion was seconded by Ms. Marchal and approved by the Board: Aye-5, Nay-0. Mr. Goodman abstained, as he was not appointed to the Board until after the meeting occurred.

R-2021-0134

Mr. Wilt moved that the August 3, 2020 Probation Committee Minutes be approved as written. The motion was seconded by Ms. Marchal and approved by the Board: Aye-5, Nay-0. Mr. Goodman abstained, as he was not appointed to the Board until after the meeting occurred.

R-2021-0135

Mr. Wilt moved that the August 14, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Marchal and approved by the Board: Aye-5, Nay-0. Mr. Goodman abstained, as he was not appointed to the Board until after the call occurred.

R-2021-0136

Mr. Wilt moved that the August 25, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Marchal and approved by the Board: Aye-6, Nay-0.

R-2021-0137

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

**IN THE MATTER OF:
CASE No. A-2020-0328
501-1536**

**AHF Ohio, Inc., dba Samaritan Care Center and Villa
License No. 02-2638700
c/o Janice M. Collins
806 E. Washington St.
Medina, OH 44256**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and AHF Ohio, Inc., dba Samaritan Care Center and Villa (AHF Ohio) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and AHF Ohio are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. AHF Ohio is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2638700.

FACTS

1. The Board initiated an investigation of AHF Ohio, Terminal Distributor of Dangerous Drugs license number 02-2638700, related to AHF Ohio's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about July 24, 2020 the Board sent a Notice of Opportunity for Hearing to AHF Ohio, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. AHF Ohio neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 24, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. AHF Ohio agrees to pay to the Board a monetary penalty the amount of \$350.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. AHF Ohio agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. AHF Ohio agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by AHF Ohio of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to AHF Ohio by the Board and will NOT discharge AHF Ohio from any obligation under the terms of this Agreement.
6. AHF Ohio agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. AHF Ohio understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom AHF Ohio will operate.
9. AHF Ohio waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0138

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

**IN THE MATTER OF:
CASE No. A-2020-0322 501-1536**

**Olmsted Manor Skilled Nursing Center
License No. 02-0864650
c/o Katherine Mossbrugger
27500 Mill Road
N. Olmsted, OH 44070**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Olmsted Manor Skilled Nursing Center (Olmsted Manor) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Olmsted Manor are referred to hereinafter as "the parties."

JURISDICTION

3. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
4. Olmsted Manor is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0864650.

FACTS

3. The Board initiated an investigation of Olmsted Manor Terminal Distributor of Dangerous Drugs license number 02-0864650, related to Olmsted Manor's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
4. On or about August 6, 2020, the Board sent a Notice of Opportunity for Hearing to Olmsted Manor, which outlined the allegations and provided

notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

13. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
14. Olmsted Manor neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 6, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
15. Olmsted Manor agrees to pay to the Board a monetary penalty the amount of \$1,600.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
16. Olmsted Manor agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
17. Olmsted Manor agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Olmsted Manor of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Olmsted Manor by the Board and will NOT discharge Olmsted Manor from any obligation under the terms of this Agreement.
18. Olmsted Manor agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
19. Olmsted Manor understands that it has the right to be represented by counsel for review and execution of this agreement.

20. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Olmsted Manor will operate.
 21. Olmsted Manor waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 22. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 23. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 24. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 25. This Agreement shall become effective upon the date of the Board President's signature below.
-

R-2021-0139

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

**IN THE MATTER OF:
CASE No. A-2020-0362 501-1536**

**Autumnwood Nursing & Rehab Center
Application No. APP-000327328
c/o Robert Brooks
275 E. Sunset Drive
Rittman, Ohio 44270**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Autumnwood Nursing & Rehab Center (Autumnwood) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical, while Autumnwood was operating without a Board issued license. Together, the Board and Autumnwood are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke,

or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.

2. On or about April 28, 2020, Robert Brooks signed as the Responsible Person on an application for a TDDD License on behalf of Autumnwood Nursing & Rehab Center (Autumnwood), APP-000327328.

FACTS

1. The Board initiated an investigation of Autumnwood related to Autumnwood's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical, while Autumnwood was operating without a Board issued license.
2. On or about August 6, 2020 the Board sent a Notice of Opportunity for Hearing to Autumnwood, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Autumnwood neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 6, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Autumnwood agrees to pay to the Board a monetary penalty the amount of \$2,900.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Autumnwood agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Autumnwood agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted

thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Autumnwood of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Autumnwood by the Board and will NOT discharge Autumnwood from any obligation under the terms of this Agreement.

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

R-2021-0140

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

**IN THE MATTER OF:
CASE No. A-2020-0576**

Jeffrey Hill, RPh License No. 03-213205
600 Baxter Road
Loveland, OH 45140

You are hereby notified, in accordance with the provisions of Section 119.07 of the Ohio Revised Code the State of Ohio Board of Pharmacy (Board) proposes to take action against your license for violations of Chapter 4729. of the Revised Code and Chapter 4729 of the Administrative Code under authority of Section 4729.16 of the Revised Code.

JURISDICTION

1. Pursuant to division (A)(1) of Section 4729.16 of the Ohio Revised Code (ORC), the Board may impose any one or more of the following sanctions on a pharmacist or pharmacy intern if the board finds the individual engaged in any of the conduct set forth in division (A)(2) of ORC 4729.16:
 - a. Revoke, suspend, restrict, limit, or refuse to grant or renew a license, ORC 4729.16(A)(1)(a); and/or
 - b. Reprimand or place the license holder on probation, ORC 4729.16(A)(1)(b); and/or
 - c. Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or in the case of a violation of a section of the Revised Code that does not bear a penalty, impose a monetary penalty or forfeiture of not more than \$500, ORC 4729.16(A)(1)(c).
2. Pursuant to paragraph 4729-5-04 of the Ohio Administrative Code (OAC) (effective April 28, 2016) the Board may discipline or deny...the issuance of a license to practice pharmacy as a pharmacist if such person engaged in certain violations.
3. Jeffrey Hill is a licensed pharmacist in the state of Ohio under license number 03-213205.
4. Hills Compounding Pharmacy is a Licensed TDDD under License No. 02-1181750, which until June 5, 2020 listed its Responsible Person as Jeffrey Hill.

FACTS

1. On or about August 2, 2018, a Board inspection revealed significant sterile compounding violations at Hill's Compounding Pharmacy, for which Jeffrey Hill was the Responsible Person. The violations resulted in Hill's Compounding Pharmacy entering into an agreement to immediately cease all sterile compounding.
2. On or about August 12, 2020, The Board sent a Notice of Opportunity for hearing to Hill's Compounding Pharmacy's former Responsible Person, Jeffrey Hill, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. The Board hereby issues a written reprimand against Jeffrey Hill's pharmacist License number 03-213205.
3. Jeffrey Hill neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 12, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
4. Jeffrey Hill agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to the licensee's record and must be paid no later than 90 days from the effective date of this Settlement Agreement. To pay this fine the licensee must login to www.elicense.ohio.gov and process the items in the licensee's cart.
5. Jeffrey Hill must obtain, within 90 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs), which may not be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
6. Jeffrey Hill agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Jeffrey Hill understands that he has the right to be represented by counsel for review and execution of this agreement.
8. Jeffrey Hill agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
9. Jeffrey Hill waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0141

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

**IN THE MATTER OF:
CASE No. A-2020-0331 501-1536**

**Rae-ann Geneva Skilled Nursing & Rehab
License No. 02-1541900**

c/o John Griffiths
839 West Main Street
Geneva, Ohio 44041

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Rae-ann Geneva Skilled Nursing & Rehab (Rae-ann Geneva) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Rae-ann Geneva are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Rae-ann Geneva is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1541900.

FACTS

1. The Board initiated an investigation of Rae-ann Geneva, Terminal Distributor of Dangerous Drugs license number 02-1541900, related to Rae-ann Geneva's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about July 24, 2020 the Board sent a Notice of Opportunity for Hearing to Rae-ann Geneva, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Rae-ann Geneva neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 24, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Rae-ann Geneva agrees to pay to the Board a monetary penalty the amount of \$1,150.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Rae-ann Geneva agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Rae-ann Geneva agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Rae-ann Geneva of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Rae-ann Geneva by the Board and will NOT discharge Rae-ann Geneva from any obligation under the terms of this Agreement.
6. Rae-ann Geneva agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Rae-ann Geneva understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Rae-ann Geneva will operate.

9. Rae-ann Geneva waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2021-0142

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

**IN THE MATTER OF:
CASE No. A-2020-0324
501-1536**

**Rae-Ann Suburban
License No. 02-1546550
c/o Halle Rump
29505 Detroit Road
Westlake, OH 44145**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Rae-Ann Suburban for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Rae-Ann Suburban are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Rae-Ann Suburban is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1546550.

FACTS

1. The Board initiated an investigation of Rae-Ann Suburban, Terminal Distributor of Dangerous Drugs license number 02-1546550, related to Rae-Ann Suburban's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about August 6, 2020, the Board sent a Notice of Opportunity for Hearing to Rae-Ann Suburban, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Rae-Ann Suburban neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 6, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Rae-Ann Suburban agrees to pay to the Board a monetary penalty the amount of \$1,450.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Rae-Ann Suburban agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Rae-Ann Suburban agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Rae-Ann Suburban of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Rae-Ann

Suburban by the Board and will NOT discharge Rae-Ann Suburban from any obligation under the terms of this Agreement.

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

R-2021-0143

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

**IN THE MATTER OF:
CASE No. A-2020-0337
501-1536**

**Rae-Ann Westlake Skilled Nursing and Stroke Rehabilitation
License No. 02-1555850
c/o Anne Hicks
28303 Detroit Road
Westlake, OH 44145**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Rae-Ann Westlake Skilled Nursing and Stroke Rehabilitation for the purpose of resolving all issues between the parties

relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Rae-Ann Westlake Skilled Nursing and Stroke Rehabilitation are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Rae-Ann Westlake Skilled Nursing and Stroke Rehabilitation is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1555850.

FACTS

1. The Board initiated an investigation of Rae-Ann Westlake Skilled Nursing and Stroke Rehabilitation, Terminal Distributor of Dangerous Drugs license number 02-1555850, related to Rae-Ann Westlake Skilled Nursing and Stroke Rehabilitation’s illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about July 24, 2020 the Board sent a Notice of Opportunity for Hearing to Rae-Ann Westlake Skilled Nursing and Stroke Rehabilitation, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Rae-Ann Westlake Skilled Nursing and Stroke Rehabilitation neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 24, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio’s pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Rae-Ann Westlake Skilled Nursing and Stroke Rehabilitation agrees to pay to the Board a monetary penalty the amount of \$1,400.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.license.ohio.gov and process the items in your cart.

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

13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0144

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

**IN THE MATTER OF:
CASE No. A-2020-0018**

Prestige Patient Transport, LLC - Dayton
APP. No. APP-000237163
4134 Linden Avenue, Ste 204
Dayton, OH 45432

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Prestige Patient Transport, LLC – Dayton (Prestige - Dayton) for the purpose of resolving all issues between the parties relating to the Board investigation of Prestige – Dayton possessing and administering dangerous drugs without a license. Together, the Board and Prestige – Dayton are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to section 4729.55 of the ORC to practice as a TDDD in the state of Ohio. Additionally, Section 4729.57 of the Revised Code grants the Board the authority to impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or \$1,000 if the acts committed have not been classified as an offense by the ORC.
2. Prestige Patient Transport, LLC – Dayton (Prestige – Dayton) applied for a TDDD license with the Board under application number 000237163, which lists Joseph Kahn, MD as the Responsible Person.

FACTS

1. The Board initiated an investigation of Prestige - Dayton, TDDD Application license number 000237163, related to Prestige – Dayton possessing and administering dangerous drugs without a license.
2. On or about March 9, 2020, the Board issued a Notice of Opportunity for Hearing to Prestige - Dayton, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Prestige - Dayton neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 9, 2020, however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Prestige - Dayton agrees to pay to the Board a monetary penalty the amount of \$200.00. This fine will be attached to your license record and must be paid no later than 90 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. The Board agrees, upon payment of the monetary penalty, to issue the TDDD license to Prestige – Dayton.
5. Prestige - Dayton agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
6. Prestige - Dayton agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Prestige - Dayton understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Prestige - Dayton will operate.
9. Prestige - Dayton waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically withdraws its request for a hearing, and waives any right to appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2021-0145

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

**IN THE MATTER OF:
CASE No. A-2020-0019**

**Prestige Patient Transport, LLC - Georgetown
APP. No. APP-000237162
602 E. State St.
Georgetown, OH 45121**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Prestige Patient Transport, LLC – Georgetown (Prestige - Georgetown) for the purpose of resolving all issues between the parties relating to the Board investigation of Prestige – Georgetown possessing and administering dangerous drugs without a license. Together, the Board and Prestige – Georgetown are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to section 4729.55 of the ORC to practice as a TDDD in the state of Ohio. Additionally, Section 4729.57 of the Revised Code grants the Board the authority to impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or \$1,000 if the acts committed have not been classified as an offense by the ORC.
2. Prestige Patient Transport, LLC – Georgetown (Prestige – Georgetown) applied for a TDDD license with the Board under application number 000237162, which lists Joseph Kahn, MD as the Responsible Person.

FACTS

1. The Board initiated an investigation of Prestige - Georgetown, TDDD Application license number 000237162, related to Prestige – Georgetown possessing and administering dangerous drugs without a license.
2. On or about March 9, 2020, the Board issued a Notice of Opportunity for Hearing to Prestige - Georgetown, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Prestige - Georgetown neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 9, 2020, however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Prestige - Georgetown agrees to pay to the Board a monetary penalty the amount of \$1,700.00. This fine will be attached to your license record and must be paid no later than 90 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. The Board agrees, upon payment of the monetary penalty, to issue the TDDD license to Prestige – Georgetown.
5. Prestige - Georgetown agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
6. Prestige - Georgetown agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Prestige - Georgetown understands that it has the right to be represented by counsel for review and execution of this agreement.

8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Prestige - Georgetown will operate.
 9. Prestige - Georgetown waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically withdraws its request for a hearing, and waives any right to appeal.
 10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2021-0146

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

**IN THE MATTER OF:
CASE No. A-2020-0345
501-1536**

**Altercare of Nobles Pond
License No. 02-2302600
c/o Brenda Pedro
7006 Fulton Drive NW
Canton, Ohio 44718**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Altercare of Nobles Pond for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Altercare of Nobles Pond are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or

refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.

2. Altercare of Nobles Pond is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2302600.

FACTS

1. The Board initiated an investigation of Altercare of Nobles Pond, Terminal Distributor of Dangerous Drugs license number 02-2302600, related to Altercare of Nobles Pond's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about July 22, 2020, the Board sent a Notice of Opportunity for Hearing to Altercare of Nobles Pond which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Altercare of Nobles Pond neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 22, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Altercare of Nobles Pond agrees to pay to the Board a monetary penalty the amount of \$1,500.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Altercare of Nobles Pond agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Altercare of Nobles Pond agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21,

Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Altercare of Nobles Pond of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Altercare of Nobles Pond by the Board and will NOT discharge Altercare of Nobles Pond from any obligation under the terms of this Agreement.

6. Altercare of Nobles Pond agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Altercare of Nobles Pond understands that it has the right to be represented by counsel for review and execution of this agreement.
 8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Altercare of Nobles Pond will operate.
 9. Altercare of Nobles Pond waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2021-0147

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

**IN THE MATTER OF:
CASE No. A-2020-0344
501-1536**

**St. Luke Lutheran Community Portage Lakes
License No. 02-2301100
c/o Rebecca Ruth Ellen Hall
615 Latham Lane
Akron, Ohio 44319**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and St. Luke Lutheran Community Portage Lakes for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and St. Luke Lutheran Community Portage Lakes are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. St. Luke Lutheran Community Portage Lakes is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2301100.

FACTS

1. The Board initiated an investigation of St. Luke Lutheran Community Portage Lakes, Terminal Distributor of Dangerous Drugs license number 02-2301100, related to St. Luke Lutheran Community Portage Lakes' illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about August 6, 2020, the Board sent a Notice of Opportunity for Hearing to St. Luke Lutheran Community Portage Lakes, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. St. Luke Lutheran Community Portage Lakes neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 6, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. St. Luke Lutheran Community Portage Lakes agrees to pay to the Board a monetary penalty the amount of \$800.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective

date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.

4. St. Luke Lutheran Community Portage Lakes agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
 5. St. Luke Lutheran Community Portage Lakes agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by St. Luke Lutheran Community Portage Lakes of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to St. Luke Lutheran Community Portage Lakes by the Board and will NOT discharge St. Luke Lutheran Community Portage Lakes from any obligation under the terms of this Agreement.
 6. St. Luke Lutheran Community Portage Lakes agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. St. Luke Lutheran Community Portage Lakes understands that it has the right to be represented by counsel for review and execution of this agreement.
 8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom St. Luke Lutheran Community Portage Lakes will operate.
 9. St. Luke Lutheran Community Portage Lakes waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
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R-2021-0148

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

**IN THE MATTER OF:
CASE No. A-2020-0346
501-1536**

**Kent Center
License No. 02-1745200**
c/o Victoria Plotner
1290 Fairchild Avenue
Kent, Ohio 44240

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Kent Center for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Kent Center are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Kent Center is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1745200.

FACTS

1. The Board initiated an investigation of Kent Center, Terminal Distributor of Dangerous Drugs license number 02-1745200, related to Kent Center's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about July 24, 2020 the Board sent a Notice of Opportunity for Hearing to Kent Center, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Kent Center neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 24, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Kent Center agrees to pay to the Board a monetary penalty the amount of \$600.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Kent Center agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Kent Center agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Kent Center of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Kent Center by the Board and will NOT discharge Kent Center from any obligation under the terms of this Agreement.
6. Kent Center agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Kent Center understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Kent Center will operate.
9. Kent Center waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2021-0149

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

**IN THE MATTER OF:
CASE No. A-2020-0326
501-1536**

**McGregor Foundation
License No. 02-80000164
c/o Joshua Berger
2187 Overlook Dr.
Cleveland, Ohio 44106**

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and McGregor Foundation (McGregor at Overlook) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and McGregor at Overlook are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. McGregor at Overlook is a licensed Terminal Distributor of Dangerous Drugs under license number 02-80000164.

FACTS

1. The Board initiated an investigation of McGregor at Overlook, Terminal Distributor of Dangerous Drugs license number 02-80000164, related to McGregor at Overlook's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about July 24, 2020 the Board sent a Notice of Opportunity for Hearing to McGregor at Overlook, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. McGregor at Overlook neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 24, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. McGregor at Overlook agrees to pay to the Board a monetary penalty the amount of \$1,200.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. McGregor at Overlook agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. McGregor at Overlook agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715.

and the Rules adopted thereunder as well as the “Federal Food, Drug, and Cosmetic Act,” 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by McGregor at Overlook of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to McGregor at Overlook by the Board and will NOT discharge McGregor at Overlook from any obligation under the terms of this Agreement.

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

R-2021-0150

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

**IN THE MATTER OF:
Case No. A-2020-0123**

I-2019-1420-A

Catalina Evans
Registration No. 09-104591
15917 York Road
North Royalton, OH 44133

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Catalina Evans for the purpose of resolving all issues between the parties relating to the Board investigation of working at Rite Aid #4764 without obtaining or maintaining registration as a pharmacy technician. Together, the Board and Catalina Evans are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.90 and 4729.92 of the Ohio Revised Code to perform the duties of a pharmacy technician trainee in the state of Ohio.
2. Catalina Evans is a pharmacy technician trainee in the state of Ohio under registration number 09-104591.

FACTS

1. The Board initiated an investigation of Catalina Evans, pharmacy technician trainee registration number 09-104591, related to Catalina Evans's working as a pharmacy technician at Drug Store Pharmacy without a valid registration as a pharmacy technician.
2. On or about July 13, 2020 the Board sent a Notice of Opportunity for Hearing to Catalina Evans which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.

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

TERMS

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

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

2. Catalina Evans neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated July 13, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
 3. The Board hereby imposes a written reprimand on Catalina Evans' registration number 09-104591.
 4. Catalina Evans agrees to pay to the OSBP the amount of amount of \$50.00. This fine will be attached to your registration record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
 5. The Board hereby imposes a written reprimand on Catalina Evan's registration number 09-104591.
 6. Catalina Evans agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Catalina Evans understands that she has the right to be represented by counsel for review and execution of this agreement.
 8. Catalina Evans agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
 9. Catalina Evans waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2021-0151

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

**IN THE MATTER OF:
CASE No. A-2020-0346
501-1536**

**Village at Saint Edward, Nursing Care/Assisted Living
License No. 02-0877500
c/o Jamie Bomboris
3131 Smithville Road
Fairlawn, Ohio 44333**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Village at Saint Edward, Nursing Care/Assisted Living (Village at Saint Edward) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Village at Saint Edward are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Village at Saint Edward is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0877500.

FACTS

1. The Board initiated an investigation of Village at Saint Edward, Terminal Distributor of Dangerous Drugs license number 02-0877500, related to Village at Saint Edward's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about August 6, 2020, the Board sent a Notice of Opportunity for Hearing to Village at Saint Edward, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Village at Saint Edward neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 6, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Village at Saint Edward agrees to pay to the Board a monetary penalty the amount of \$1,500.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Village at Saint Edward agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Village at Saint Edward agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Village at Saint Edward of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Village at Saint Edward by the Board and will NOT discharge Village at Saint Edward from any obligation under the terms of this Agreement.
6. Village at Saint Edward agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Village at Saint Edward understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Village at Saint Edward will operate.
9. Village at Saint Edward waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2021-0152

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

**IN THE MATTER OF:
CASE No. A-2019-0258**

Hill's Compounding Pharmacy
License No. 02-1181750
c/o Matthew Parriman, RPh
931 State Route 28, Ste 204
Milford, OH 45150

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

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

JURISDICTION

1. Pursuant to ORC 4729.57 and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, refuse to grant or renew, reprimand, place on probation any license issued pursuant to ORC 4729.54.
2. Pursuant to ORC 4729.57 and the rules adopted thereunder, the Board has the authority to impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or one thousand dollars if the acts committed have not been classified as an offense by the Revised Code on any license issued pursuant to ORC 4729.54.
3. Hill's Compounding Pharmacy (Hill's) is a Licensed TDDD under License No. 02-1181750, which lists the Responsible Person as Matthew Parriman. Prior to June 5, 2020, Jeffrey Hill was listed as the Responsible Person on the pharmacy license.

FACTS

1. On or about February 12, 2018, the Board initiated an investigation of Hill's, Terminal Distributor of Dangerous Drugs (TDDD) license number 02-0032200, related to Hill's compounding practices in violation of USP 797, ORC 4729, and OAC 4729-16.
2. On or about August 12, 2020, the Board sent a Notice of Opportunity for Hearing to Hill's, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Hill's neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 12, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. The Board hereby issues a written reprimand to Hill's.
4. Hill's agrees to pay to the Board a monetary penalty in the amount of \$5,000.00. This fine will be attached to Hill's license record and must be paid no later than 30 days from the effective date of this Settlement Agreement. To pay this fine Hill's must login to www.elicense.ohio.gov and process the items in its cart.
5. Hill's agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
6. Hill's agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, ORC Chapter 4729. and the rules adopted thereunder, ORC Chapter 3719. and the rules adopted thereunder, ORC Chapter 3715. and the rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any

violation by Hill's of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Hill's by the Board and will NOT discharge Hill's from any obligation under the terms of this Agreement.

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

R-2021-0153

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

**IN THE MATTER OF:
CASE NO. A-2020-0209 I-2020-0245-C**

**RXQ Compounding, LLC
License No. 01-2485200
c/o Ed Zatta, RPh
2364 Blizzard Lane
Albany, OH 45710**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and RXQ Compounding, LLC (RXQ Compounding), for the purpose of resolving all issues between the parties relating to the Board

investigation of RXQ Compounding's illegal sale of compounded dangerous drugs to BodyGarage Dayton, an unlicensed entity. Together, the Board and RXQ Compounding, are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.56 of the ORC and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to renew any registration certificate issued to a WDDD pursuant to Section 4729.52 of the ORC or may impose a monetary penalty of forfeiture not to exceed in the severity any fine designated under the ORC for a similar offense or \$2,500 if the acts committed have not been classified as an offense by the ORC.
2. RXQ Compounding, LLC, has an active WDDD license with the Board under license number 01-2485200, which lists Ed Zatta, RPh as the Responsible Person.

FACTS

1. The Board initiated an investigation of RXQ Compounding's WDDD license number 01-2485200, related to illegal sales of compounded dangerous drugs to an unlicensed entity, BodyGarage Dayton.
2. On or about June 29, 2020, the Board sent a Notice of Opportunity for Hearing to RXQ Compounding which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. RXQ Compounding neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated June 29, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. RXQ Compounding agrees to pay to the Board a monetary penalty the amount of \$250.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.

4. RXQ Compounding agrees and acknowledges that this Board's disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
 5. RXQ Compounding agrees to comply with all federal and state requirements related to Wholesale Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by RXQ Compounding of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to RXQ Compounding by the Board and will NOT discharge RXQ Compounding from any obligation under the terms of this Agreement.
 6. RXQ Compounding agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. RXQ Compounding understands that it has the right to be represented by counsel for review and execution of this agreement.
 8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom RXQ Compounding will operate.
 9. RXQ Compounding waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws its request for a hearing in this matter and waives any right to appeal.
 10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2021-0154

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

**IN THE MATTER OF:
CASE No. A-2020-0327
501-1536**

**Aristocrat Berea
License No. 02-74000113**
c/o Dr. Emad Elbadawy
255 Front St.
Berea, Ohio 44017

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Aristocrat Berea for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Aristocrat Berea are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Aristocrat Berea is a licensed Terminal Distributor of Dangerous Drugs under license number 02-74000113.

FACTS

1. The Board initiated an investigation of Aristocrat Berea, Terminal Distributor of Dangerous Drugs license number 02-74000113, related to Aristocrat Berea's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about July 24, 2020 the Board sent a Notice of Opportunity for Hearing to Aristocrat Berea, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Aristocrat Berea neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 24, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Aristocrat Berea agrees to pay to the Board a monetary penalty the amount of \$1,300.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Aristocrat Berea agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Aristocrat Berea agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Aristocrat Berea of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Aristocrat Berea by the Board and will NOT discharge Aristocrat Berea from any obligation under the terms of this Agreement.
6. Aristocrat Berea agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Aristocrat Berea understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Aristocrat Berea will operate.
9. Aristocrat Berea waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.

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

R-2021-0155

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

**IN THE MATTER OF:
CASE No. A-2020-0325
501-1536**

**Candlewood Healthcare and Rehabilitation
License No. 02-8000095
c/o Nkechi Edeh
1835 Belmore Road
Cleveland, Ohio 44112**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Candlewood Healthcare and Rehabilitation (Candlewood Healthcare) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Candlewood Healthcare are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Candlewood Healthcare is a licensed Terminal Distributor of Dangerous Drugs under license number 02-8000095.

FACTS

1. The Board initiated an investigation of Candlewood Healthcare, Terminal Distributor of Dangerous Drugs license number 02-80000095, related to Candlewood Healthcare's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about July 22, 2020, the Board sent a Notice of Opportunity for Hearing to Candlewood Healthcare, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Candlewood Healthcare neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 22, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Candlewood Healthcare agrees to pay to the Board a monetary penalty the amount of \$1,050.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Candlewood Healthcare agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Candlewood Healthcare agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Candlewood Healthcare of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Candlewood Healthcare by the Board and will NOT discharge Candlewood Healthcare from any obligation under the terms of this Agreement.

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

R-2021-0156

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

**IN THE MATTER OF:
CASE No. A-2020-0366
501-1536**

**Oak Hills Manor
License No. 02-80000182
c/o Mary Laub
4466 Lynnhaven Avenue
Louisville, Ohio 44641**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Oak Hills Manor for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.

Together, the Board and Oak Hills Manor are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Oak Hills Manor is a licensed Terminal Distributor of Dangerous Drugs under license number 02-80000182.

FACTS

1. The Board initiated an investigation of Oak Hills Manor, Terminal Distributor of Dangerous Drugs license number 02-80000182, related to Oak Hills Manor’s illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about August 6, 2020, the Board sent a Notice of Opportunity for Hearing to Oak Hills Manor, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Oak Hills Manor neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 6, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio’s pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Oak Hills Manor agrees to pay to the Board a monetary penalty the amount of \$3,100.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Oak Hills Manor agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it

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

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

R-2021-0157

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

Lutheran Home
License No. 02-0938100
c/o Anas Souqiyyeh, MD

2116 Dover Center Road
Westlake, OH 44145

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Lutheran Home (Lutheran Home) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Lutheran Home are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Lutheran Home is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0938100.

FACTS

1. The Board initiated an investigation of Lutheran Home , Terminal Distributor of Dangerous Drugs license number 02-0938100, related to Lutheran Home's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about July 29, 2020, the Board sent a Notice of Opportunity for Hearing to Lutheran Home, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Lutheran Home neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 29, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.

3. Lutheran Home agrees to pay to the Board a monetary penalty the amount of \$550.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Lutheran Home agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Lutheran Home agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Lutheran Home of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Lutheran Home by the Board and will NOT discharge Lutheran Home from any obligation under the terms of this Agreement.
6. Lutheran Home agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Lutheran Home understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Lutheran Home will operate.
9. Lutheran Home waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0158

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

**IN THE MATTER OF:
CASE No. A-2020-0357
501-1536**

**McGregor – The Gardens
License No. 02-80000157**
c/o Yvette Bozman
14900 Private Drive
Cleveland, Ohio 44112

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and McGregor – The Gardens for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and McGregor – The Gardens are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. McGregor – The Gardens is a licensed Terminal Distributor of Dangerous Drugs under license number 02-80000157.

FACTS

1. The Board initiated an investigation of McGregor – The Gardens, Terminal Distributor of Dangerous Drugs license number 02-80000157, related to McGregor – The Gardens' illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about July 29, 2020, the Board sent a Notice of Opportunity for Hearing to McGregor – The Gardens, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. McGregor – The Gardens neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 29, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. McGregor – The Gardens agrees to pay to the Board a monetary penalty the amount of \$1,500.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. McGregor – The Gardens agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. McGregor – The Gardens agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by McGregor – The Gardens of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to McGregor – The Gardens by the Board and will NOT discharge McGregor – The Gardens from any obligation under the terms of this Agreement.
6. McGregor – The Gardens agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. McGregor – The Gardens understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom McGregor – The Gardens will operate.

9. McGregor – The Gardens waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2021-0159

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

**IN THE MATTER OF:
CASE No. A-2020-0338
501-1536**

**Astoria Place of Clyde
License No. 02-2654550
c/o Dr. Charles Valone
700 Helen St.
Clyde, Ohio 43410**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Astoria Place of Clyde for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Astoria Place of Clyde are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Astoria Place of Clyde is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2654550.

FACTS

1. The Board initiated an investigation of Astoria Place of Clyde, Terminal Distributor of Dangerous Drugs license number 02-2654550, related to Astoria Place of Clyde's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about July 22, 2020, the Board sent a Notice of Opportunity for Hearing to Astoria Place of Clyde, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Astoria Place of Clyde neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 22, 2020, however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Astoria Place of Clyde agrees to pay to the Board a monetary penalty the amount of \$700.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Astoria Place of Clyde agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Astoria Place of Clyde agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Astoria Place of Clyde of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Astoria

Place of Clyde by the Board and will NOT discharge Astoria Place of Clyde from any obligation under the terms of this Agreement.

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

R-2021-0160

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

**IN THE MATTER OF:
CASE No. A-2020-0341
501-1536**

**Shaker Gardens OPCO
License No. 02-74000165
c/o Arun Gupta
3550 Northfield Road
Shaker Heights, Ohio 44122**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Shaker Gardens OPCO for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Shaker Gardens OPCO are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Shaker Gardens OPCO is a licensed Terminal Distributor of Dangerous Drugs under license number 02-74000165.

FACTS

1. The Board initiated an investigation of Shaker Gardens OPCO, Terminal Distributor of Dangerous Drugs license number 02-74000165, related to Shaker Gardens OPCO's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical, during which time, Shaker Gardens OPCO did not possess a Terminal Distributor of Dangerous Drugs license.
2. On or about July 24, 2020 the Board sent a Notice of Opportunity for Hearing to Shaker Gardens OPCO, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Shaker Gardens OPCO neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 24, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Shaker Gardens OPCO agrees to pay to the Board a monetary penalty the amount of \$700.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.

4. Shaker Gardens OPCO agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
 5. Shaker Gardens OPCO agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Shaker Gardens OPCO of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Shaker Gardens OPCO by the Board and will NOT discharge Shaker Gardens OPCO from any obligation under the terms of this Agreement.
 6. Shaker Gardens OPCO agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Shaker Gardens OPCO understands that it has the right to be represented by counsel for review and execution of this agreement.
 8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Shaker Gardens OPCO will operate.
 9. Shaker Gardens OPCO waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2021-0161

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

**IN THE MATTER OF:
CASE No. A-2020-0358
501-1536**

**Good Shepard Home for the Aged
License No. 02-74000173**
c/o Mehrdad Tavallae
622 Center Street
Ashland, Ohio 44805

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Good Shepard Home for the Aged for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Good Shepard Home for the Aged are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Good Shepard Home for the Aged is a licensed Terminal Distributor of Dangerous Drugs under license number 02-74000173.

FACTS

1. The Board initiated an investigation of Good Shepard Home for the Aged, Terminal Distributor of Dangerous Drugs license number 02-74000173, related to Good Shepard Home for the Aged's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about July 29, 2020, the Board sent a Notice of Opportunity for Hearing to Good Shepard Home for the Aged which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

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

2. Good Shepard Home for the Aged neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 29, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Good Shepard Home for the Aged agrees to pay to the Board a monetary penalty the amount of \$3,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Good Shepard Home for the Aged agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Good Shepard Home for the Aged agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Good Shepard Home for the Aged of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Good Shepard Home for the Aged by the Board and will NOT discharge Good Shepard Home for the Aged from any obligation under the terms of this Agreement.
6. Good Shepard Home for the Aged agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Good Shepard Home for the Aged understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Good Shepard Home for the Aged will operate.
9. Good Shepard Home for the Aged waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2021-0162

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

IN THE MATTER OF: Case No. A-2020-0151 I-2020-0001-A

Morristown Pharmacy
License No. 02-0574750
c/o Todd Tucker, RPh
66840 Belmont-Morristown Road
Belmont, OH 43718

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Morristown Pharmacy for the purpose of resolving all issues between the parties relating to the Board's investigation of an employee performing pharmacy technician duties without obtaining a registration with the Board. Together, the Board and Morristown Pharmacy are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code (ORC) and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the ORC.
2. Morristown Pharmacy has an active Terminal Distributor of Dangerous Drugs (TDDD) License with the Board under license number 02-0574750, which lists Todd Tucker, RPh, as the Responsible Person, effective August 7, 2020. John Jeffries, RPh, was listed as the Responsible Person during all relevant times for this matter, from December 6, 2018, to May 27, 2020.

FACTS

1. The Board discovered that one of Morristown Pharmacy's (TDDD license number 02-0574750) employees was performing pharmacy technician duties without having obtained a registration with the Board from approximately December 26, 2018, to approximately December 19, 2019.

2. On or about May 15, 2020, the Board sent a Notice of Opportunity for Hearing to Morristown Pharmacy, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Morristown Pharmacy neither admits nor denies the allegations stated in the NOH dated May 15, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the NOH, and hereby adjudicates the same.
3. Morristown Pharmacy agrees to pay to the Board a monetary penalty in the amount of \$7,000.00. This fine will be attached to Morristown Pharmacy's license record and must be paid no later than 90 days from the effective date of this Agreement. To pay this fine login to www.elicense.ohio.gov and process the items in the cart.
4. Morristown Pharmacy agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Morristown Pharmacy agrees to comply with all federal and state requirements related to TDDDs, including but not limited to, R.C. Chapter 4729. and the rules adopted thereunder, Chapter 3719. and the rules adopted thereunder, Chapter 3715. and the rules adopted thereunder, as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Morristown Pharmacy of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Morristown Pharmacy by the Board and will NOT discharge Morristown Pharmacy from any obligation under the terms of this Agreement.
6. Morristown Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Morristown Pharmacy understands that it has the right to be represented by counsel for review and execution of this agreement.

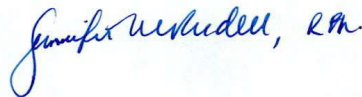
- 8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Morristown Pharmacy will operate.
 - 9. Morristown Pharmacy waives its opportunity to be heard pursuant to R.C. Chapter 119., specifically withdraws its request for a hearing, and waives any right to appeal.
 - 10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 - 11. All parties to this Agreement understand that this document is a public record pursuant to R.C. 149.43.
 - 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 - 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2021-0163

Mr. Cox moved to Adjourn the August State of Ohio Board of Pharmacy Meeting. The motion was seconded by Ms. Marchal and approved by the Board: Aye-6, Nay-0.

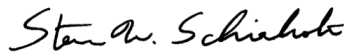
2:48 p.m.

The Board Meeting Adjourned.



Jennifer M. Rudell, RPh, President

Date: 11.03.2020



Steven W. Schierholt, Executive Director

Date: 11.03.2020