



MINUTES OF THE JUNE 6-7, 2022
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, June 6, 2022

10:02 a.m. The State of Ohio Board of Pharmacy convened in the Hearing Room, 17th Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, for a public meeting, which was also broadcast via Microsoft Teams audio/visual conference call, with the following members present:

Rich Miller, RPh, *Presiding*; Trina Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; TJ Grimm, RPh; Jeff Huston, RPh; and Jennifer Rudell, RPh.

Absent: Shawn Wilt, RPh, *Vice President*.

Also present were Steven Schierholt, *Executive Director*; Sharon Maerten-Moore, *Chief Legal Counsel*; Joseph Koltak, *Senior Legal Counsel*; Ashley Gilbert, *Senior Legal Counsel*; Michelle Bohan, *Associate Legal Counsel*; Kathryn Lewis, *Legal Administrator*.

10:17 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 **Christopher Fraley, Chillicothe, Ohio.**

R-2022-0577 Mr. Grimm 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. Rudell and a roll-call vote was conducted by *President* Miller as follows: Buettner-yes; George-yes; Goodman-yes; Grimm-yes; Huston-yes; and Rudell-yes.

10:54 a.m. The deliberation ended and the hearing was opened to the public.

R-2022-0578 After votes were taken in public session, the Board adopted the following order in the Matter of **Christopher Fraley, Chillicothe, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY
Case Number A-2022-0129

In The Matter Of:

Christopher Fraley
84 Buckeye Trail
Chillicothe, OH 45601
License No. 03-335133

INTRODUCTION

The Matter of Christopher Fraley came for hearing on June 6, 2022, before the following members of the State of Ohio Board of Pharmacy (Board): Rich Miller, RPh, *Presiding*; Jason George, RPh; Trina Buettner, RPh; Victor Goodman, *Public Member*; Jeff Huston, RPh; T.J. Grimm, RPh; Jennifer Rudell, RPh; and.

Shawn Wilt, RPh; Absent.

Christopher Fraley was represented by Robert Garrity. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. None

Respondent's Witnesses:

1. Christopher Fraley

State's Exhibits:

1. Notice Letter
2. Request for Hearing
3. Scheduling Order
4. Statement of Respondent
5. Statement of Jillian Souders
6. Audit from Wal-Mart
7. Evidence Sheet
8. Photo of Pills

Respondent's Exhibits:

- A. PRO contract; UDS results
- B. Treatment Documentation
- C. 12 Step meeting attendance
- D. Continuing education.

- E. Resume
- F. Letters of support
- G. UDS results
- H. Aftercare letter
- I. UDS New Layout
- J. Drug Screen Results

FINDINGS OF FACT

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

1. On or about March 3, 2022, the Board was notified of Christopher Fraley's suspected drug diversion by his employer, Walmart Pharmacy #10-1427, located at 1420 South Court Street, Circleville, Ohio. An audit revealed 169 tablets of tramadol were missing since May 1, 2021. Agents reviewed surveillance recordings of Christopher Fraley's suspicious behavior from the following dates:
 - a. On or about February 17, 2022, surveillance showed Christopher Fraley remove what was believed to be tramadol, a Schedule IV controlled substance, from the pharmacy shelf and take it to the restroom. Christopher Fraley remained in the restroom for approximately 20 minutes before exiting. Christopher Fraley returned the suspected tramadol to the shelf.
 - b. On or about February 20, 2022, surveillance showed Christopher Fraley removing what appeared to be syringes and an unknown bottle(s) from the controlled substances safe. Christopher Fraley took those items, along with medical gloves, into the restroom. Christopher Fraley remained in the restroom for approximately 20 minutes before exiting. The bottle(s) were returned to the controlled substances safe.
2. On or about March 3, 2022, Christopher Fraley was interviewed by agents from the Board. Christopher Fraley made the following statements:
 - a. Christopher Fraley is addicted to opiates.
 - b. Christopher Fraley began stealing controlled and non-controlled substances from the pharmacy approximately two years ago.
 - c. Christopher Fraley stole and consumed the stolen drugs to cope with withdrawal symptoms from Christopher Fraley's attempts to ween himself off opioids.

- d. Christopher Fraley consumed the stolen drugs while working in the pharmacy.
 - e. Christopher Fraley stole the following dangerous drugs from the pharmacy:
 - i. Tramadol, a Schedule IV controlled substance.
 - ii. Alprazolam, a Schedule IV controlled substance.
 - iii. Soma, a Schedule IV controlled substance.
 - iv. Tylenol 3 with Codeine, a Schedule III controlled substance.
 - v. Lorazepam, a Schedule IV controlled substance.
 - f. Christopher Fraley stole between seven to ten tramadol tablets on February 28, 2022.
3. On or about March 3, 2022, Christopher Fraley possessed the following dangerous drugs without a valid prescription(s):
 - a. Four tablets of tramadol, a Schedule IV controlled substance.
 - b. One and one-half tablets of clonidine, a dangerous drug.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraphs (1)(a), (1)(b), (2)(e)(i), (2)(e)(ii), (2)(e)(iii), (2)(e)(iv), (2)(e)(v), and (2)(f) of the Findings of Fact constitutes a violation of Section 2913.02 of the ORC, theft of a dangerous drug.
2. Such conduct as set forth in paragraphs (1)(a), (1)(b), (2)(e)(i), (2)(e)(ii), (2)(e)(iii), (2)(e)(iv), (2)(e)(v), (2)(f), and (3)(a) of the Findings of Fact constitutes a violation of Section 2925.11(A) of the ORC, possession of drugs.
3. Such conduct as set forth in paragraph (3)(b) of the Findings of Fact constitutes a violation of Section 4729.51(E)(1)(c) of the ORC, possession of dangerous drugs.
4. Such conduct as set forth in the Findings of Fact constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of October 9, 2021:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and

- b. 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, ORC Section 4729.16(A)(2)(c); and
 - c. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and
 - d. Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
5. Such conduct as set forth in the Findings of Fact constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective March 20, 2020:
- a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and
 - b. 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, OAC Rule 4729:1-4-01(B)(2)(c); and
 - c. 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
 - d. Committed an act involving moral turpitude that constitutes a misdemeanor or felony in this state, regardless of the jurisdiction in which the act was committed, OAC Rule 4729:1-4-01(B)(2)(l); and
 - e. 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); and
 - f. Failed to conform to prevailing standards of care of similar pharmacists under the same or similar circumstances, whether or not actual injury to a patient is established, OAC Rule 4729:1-4-01(B)(2)(p).

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 Christopher Fraley on March 8, 2022.

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. 03-335133 held by Christopher Fraley and such suspension is effective as of the date of the mailing of this Order.

Christopher Fraley, pursuant to Rule 4729:1-1-01(T) 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 and/or medical marijuana during such period of suspension.

Further, after 18 months from the effective date of the Summary Suspension/Notice of Opportunity of Hearing, the Board will consider any petition filed by Christopher Fraley 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. Christopher Fraley must maintain a current address with the Board throughout the duration of the suspension.
2. Christopher Fraley 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. Christopher Fraley 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 Christopher Fraley 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 Christopher Fraley 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. Christopher Fraley must meet the daily check-in requirements of the testing center or check-in requirements as otherwise proscribed by the treatment monitor.
 - g. 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.
 - h. 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.
 - i. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
 3. Christopher Fraley 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 Christopher Fraley reappear before the Board for possible additional sanctions, including and up to revocation of license.
 4. Christopher Fraley 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 Christopher Fraley reappear before the Board for possible additional sanctions, including and up to revocation of license.
 5. Christopher Fraley 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 Christopher Fraley to possible additional sanctions, including and up to revocation of license.

6. Christopher Fraley must demonstrate satisfactory proof to the Board that he 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. Christopher Fraley 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 4729:1-5-02 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 effective date of the summary suspension, Christopher Fraley 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. Christopher Fraley must provide continuing authorization for disclosure by the monitor and treatment provider (when applicable) to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their duties.
10. When deemed appropriate by the Board, Christopher Fraley must submit to a psychiatric evaluation, and, where appropriate, continued treatment acceptable to the Board.
11. Christopher Fraley must obtain prior approval of the board or the board's probation committee of departures or absences in excess of ten days from the country. Periods of departure or absence shall not change the probationary term, unless otherwise determined by motion of the board or the board's probation committee. For absences of three months or longer, the board or its probation committee may toll the length of suspension, other than in instances where the board or its probation committee can be assured that monitoring is otherwise being performed.

12. Violation of any term of suspension, including but not limited to any violation of the contract signed with the treatment monitor and/or ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of Christopher Fraley pharmacy license.
13. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state, federal, or local 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.
14. Periods during which Christopher Fraley is not in compliance with all terms of suspension shall toll the length of time of suspension during which Christopher Fraley was out of compliance. The minimum length of time each violation will toll the suspension term is available on the Board's website, www.pharmacy.ohio.gov. The Board may implement additional disciplinary action in addition to or instead of tolling suspension.
15. If Christopher Fraley's employment is related to the practice of pharmacy, Christopher Fraley must provide copies of the board order or settlement agreement to all employers or prospective employers, all licensing authorities in which Christopher Fraley holds a professional license or applies for a professional license, all persons who provide Christopher Fraley chemical dependency treatment monitoring, and law enforcement and court personnel if Christopher Fraley has court involvement, such as ILC, drug court or diversion, related the suspension, during the effective period of this order or agreement.
16. 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, may result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Christopher Fraley's license.

Jennifer Rudell moved for Findings of Fact; Trina Buettner seconded the motion. Motion passed (Aye-6/Nay-0).

Jennifer Rudell moved for Conclusions of Law; Jason George seconded the motion. Motion passed (Aye-6/Nay-0).

Jennifer Rudell moved for Action of the Board; Trina Buettner seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

10:57 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 **Christopher Crowley, Chagrin Falls, Ohio.**

R-2022-0579 Ms. Buettner 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* Miller as follows: Buettner-yes; George-yes; Goodman-yes; Grimm-yes; Huston-yes; and Rudell-yes.

11:34 a.m. The deliberation ended and the hearing was opened to the public.

R-2022-0580 After votes were taken in public session, the Board adopted the following order in the Matter of **Christopher Crowley, Chagrin Falls, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY
(Case Number **A-2019-0518**)

In The Matter Of:

Christopher Crowley
17401 Long Meadow Trl.
Chagrin Falls, OH 44023
License No. 03-331542

INTRODUCTION

The Matter of Christopher Crowley came for hearing on June 6, 2022, before the following members of the State of Ohio Board of Pharmacy (Board): Rich Miller, RPh, *Presiding*; Jason George, RPh; Trina Buettner, RPh; Victor Goodman, *Public Member*; Jeff Huston, RPh; T.J. Grimm, RPh; and Jennifer Rudell, RPh.

Shawn Wilt, RPh; Absent.

Christopher Crowley was represented by Robert Garrity, Esq. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCEState's Witnesses:

1. None

Respondent's Witnesses:

1. Christopher Crowley
2. Andy Pierron

State's Exhibits:

1. Notice Letter – 11/07/2019
2. Board Order – 05/15/2020
3. Scheduling Order
4. Extension of Suspension

Respondent's Exhibits:

- A. PRO contract; UDS results
- B. Treatment documentation
- C. 12 Step meeting attendance
- D. Continuing education
- E. Resume
- F. Letters of Support
- G. UDS results
- H. Meeting logs (05/01/2020 to 12/31/2020)
- I. UDS New Layout

FINDINGS OF FACT & DECISION OF THE BOARD

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the Board finds that Christopher Crowley has substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case No. A-2019-0518 dated May 15, 2020.

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby approves the reinstatement of the pharmacist license no. 03-331542, held by Christopher Crowley to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order and subject to the submission and approval of all applicable license application requirements and with the following conditions:

1. Christopher Crowley 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. Christopher Crowley 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 Christopher Crowley to potential sanctions up to and including revocation of license. The monitoring contract must provide that:
 - j. Random, observed urine drug screens shall be conducted at least once each month.
 - k. 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.
 - l. Alcohol and Ethyl Glucuronide (ETG) must be added to the standard urine drug screen.
 - m. 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.
 - n. In the event of a negative diluted screen, a hair sample test must be completed at the cost of Christopher Crowley 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.
 - o. Christopher Crowley must meet the daily check-in requirements of the testing center or check-in requirements as otherwise proscribed by the treatment monitor.
2. The intervener/sponsor shall submit reports to the Board, in a timely fashion and in a format acceptable to the Board, indicating drug screens and their results. Actual copies of drug screens shall be made available to the Board upon request.
 - a. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate

days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

- b. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
3. Christopher Crowley 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 Christopher Crowley reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. Christopher Crowley shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of probation. The Board shall treat any such refusal as a violation of the Board's Order and request Christopher Crowley reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. Christopher Crowley must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:
 - a. The written report and documentation provided by the treatment program pursuant to the contract, and
 - b. A written description of Christopher Crowley's progress towards recovery and what Christopher Crowley has been doing during the previous three months, and
 - c. Proof of compliance with all terms of probation, the monitoring contract, including all terms in OAC Rule 4729:4-1-04, and proof of compliance with treatment, if applicable.
6. Christopher Crowley must provide copies of the board order or settlement agreement to all employers or prospective employers, all licensing authorities in which Christopher Crowley holds a professional license or applies for a professional license, and all persons who provide Christopher Crowley chemical dependency treatment or monitoring, during the effective period of this order or agreement.
7. Other terms of probation are as follows:
 - a. Christopher Crowley must meet at least annually with the Board's Probation Committee, the first meeting to be held June 2023. Additional periodic appearances may be requested.

- b. The State of Ohio Board of Pharmacy hereby declares that Christopher Crowley's pharmacist license is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraphs (K) and (O) of Rule 4729:2-1-01 of the OAC.
 - c. Christopher Crowley must obtain prior approval of the board or the board's probation committee of departures or absences in excess of ten days from the country. Periods of departure or absence shall not change the probationary term, unless otherwise determined by motion of the board or the board's probation committee. For absences of three months or longer, the board or its probation committee may toll the length of probation, other than in instances where the board or its probation committee can be assured that probationary monitoring is otherwise being performed.
 - d. Christopher Crowley may not serve as a responsible pharmacist or a designated representative in a dispensary or for home medical equipment.
 - e. Christopher Crowley may not engage in a consult agreement, unless approved by the board.
 - f. Christopher Crowley may not destroy, assist in, or witness the destruction of controlled substances.
 - g. Christopher Crowley may not work in a pharmacy more than 40 hours per week or 80 hours over a two-week period.
 - h. Christopher Crowley must not violate the drug laws of Ohio, any other state, or the federal government.
 - i. Christopher Crowley must abide by the rules of the State of Ohio Board of Pharmacy.
 - j. Christopher Crowley must comply with the terms of this Order.
 - k. Christopher Crowley's license is deemed not in good standing until successful completion of the probationary period.
 - l. Christopher Crowley must provide continuing authorization for disclosure by the monitor and treatment provider (when applicable) to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their duties.
8. When deemed appropriate by the Board, Christopher Crowley must submit to a psychiatric evaluation, and, where appropriate, continued treatment acceptable to the Board.

9. Christopher Crowley may not request modifications to probationary terms for at least three years, however, limited, isolated deviations may be granted with approval by the Board, in exceptional circumstances.
10. Christopher Crowley must immediately report any violation of the terms of this probation to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Christopher Crowley to possible additional sanctions, including and up to revocation of license.
11. Any violation of probation or this Board's Order may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code, including and up to revocation of Christopher Crowley's license.
12. Periods during which Christopher Crowley is not in compliance with all probationary terms shall toll the length of time of probation, or the Board may implement additional disciplinary action in addition to or instead of tolling probation.

At the conclusion of the probationary period, the Board will issue a letter indicating whether probation has been successfully completed. If the Board determines probation has not been successfully completed, it will issue a notice of opportunity for hearing to Christopher Crowley.

T.J. Grimm, RPh moved for Findings of Fact; Jeff Huston, RPh seconded the motion. Motion passed (Aye- 6/Nay- 0).

T.J. Grimm, RPh moved for the Decision of the Board; Jeff Huston, RPh seconded the motion. Motion passed (Aye - 6/Nay- 0).

SO ORDERED.

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- 11:35 a.m.** The Board recessed for lunch.
- 12:14 p.m.** The Board returned to Public Session. Ms. Southard provided Licensing Report.
- 12:17 p.m.** Ms. Southard presented an OBOT Non-Physician Owner/Operator Waiver Request from Canton Recovery Clinic LLC – Canton, OH (APP-000546112) to the Board for consideration.
- R-2022-0581** Ms. Rudell moved that the Board grant Canton Recovery Clinic LLC's Waiver Request. The motion was seconded Ms. Buettner and approved by the Board: Yes-6, No-0.

- 12:17 p.m.** Ms. Southard presented Pharmacy Technician Trainee Extension Requests from Brandy Reynolds – Brookpark, OH (09111068), Sabrina Sayage – Parma, OH (09110602), and Michael Sampson – Cuyahoga Falls, OH (09110855) to the Board for consideration.
- R-2022-0582** Mr. Grimm moved that the Board grant Brandy Reynolds, Sabrina Sayage, and Michael Sampson a six-month extension. The motion was seconded by Mr. Huston and approved by the Board: Yes-6, No-0.
- 12:21 p.m.** Mr. Garner provided the OARRS Report.
- 12:23 p.m.** Mr. Griffin provided the Compliance and Enforcement Report.
- 12:26 p.m.** Ms. Maerten-Moore provided the Legal Report.
- 12:26 p.m.** Mr. Schierholt presented the Executive Director Report.
- 12:27 p.m.** Mr. McNamee presented the Legislative Report.
- 12:34 p.m.** Mr. McNamee presented a resolution titled Naloxbox Waivers to the Board for consideration/approval.
- R-2022-0583** Ms. Rudell moved that the Board approve the resolution. The motion was seconded by Mr. Goodman and approved by the Board: Yes-6, No-0. The following resolution was adopted by the Board:

Naloxbox Waivers

To promote expanded access to naloxone, the State of Ohio Board of Pharmacy hereby authorizes the Board's Executive Director to issue waivers to the requirements of rule 4729:5-3-19 of the Ohio Administrative Code.

Any waiver issued under this resolution shall ensure licensees maintain, or cause to maintain, naloxone in accordance with the manufacturer's instructions and that there are processes in place for restocking and inspecting naloxone deployed in accordance with section 4729.515 of the Revised Code.

- 12:38 p.m.** Mr. McNamee proposed amendments of rules OAC 4729:9-1-01-Schedule I Controlled Substances; OAC 4729:5-15-05 - Chemical capture classification; OAC 4729:3-2-05 - Successful Completion of the Test for English as a Foreign Language Internet-based Test; OAC 4729:5-9-03.6 - Point of care locations in an institutional facility; OAC 5-11-05 – Ownership and Operation.

- R-2022-0584** Ms. Rudell moved that the Board amend rules OAC 4729:9-1-01-Schedule I Controlled Substances; OAC 4729:5-15-05 - Chemical capture classification; OAC 4729:3-2-05 - Successful Completion of the Test for English as a Foreign Language Internet-based Test; OAC 4729:5-9-03.6 - Point of care locations in an institutional facility; OAC 5-11-05 – Ownership and Operation for filing with CSI and JCARR. The motion was seconded by Ms. Buettner and approved by the Board: Yes-6, No-0.
- 12:46 p.m.** Mr. McNamee and Ms. Wai provided an overview of the Pilot Project Request from Kroger Pharmacy and introduced a representative from Kroger Pharmacy to provide further details and answer questions the Board might have.
- R-2022-0585** Mr. Grimm moved that the Board approve the Pilot Project Request from Kroger Pharmacy. The motion was seconded by Mr. George and approved by the Board: Yes-6, No-0.
- 1:10 p.m.** Ms. Ghitman presented a High School Pharmacy Technician Training Program Request from South-Western Career Academy High School to the Board for consideration.
- R-2022-0586** Ms. Rudell moved that the Board grant South-Western Career Academy High School's Request, including for 2022 graduates. The motion was seconded Mr. Grimm and approved by the Board: Yes-6, No-0.
- 1:12 p.m.** Ms. Ghitman presented a High School Pharmacy Technician Training Program Request from Portage Lakes Career Center High School to the Board for consideration.
- R-2022-0587** Ms. Rudell moved that the Board grant Portage Lakes Career Center High School's Request. The motion was seconded Mr. Goodman and approved by the Board: Yes-6, No-0.
- 1:14 p.m.** Ms. Maerten-Moore presented the Medical Marijuana Program Update.
- 1:24 p.m.** Ms. Maerten-Moore proposed amendments of rule *OAC 3796:6-3-23 – Dispensary Access* to the Board for consideration.
- R-2022-0588** Mr. Grimm moved that the Board amend rule *OAC 3796:6-3-23 – Dispensary Access* for filing with JCARR. The motion was seconded by Mr. George and approved by the Board: Yes-6, No-0.
- 1:28 p.m.** Ms. Maerten-Moore proposed responses to comments received related to amendments to rules *OAC 3796:6-3-01 - Dispensary Operations Generally, OAC 3796:6-3-05 - Medical Marijuana Dispensary Designated Representative, OAC 3796:6-3-08 – Dispensing of Medical Marijuana, OAC 3796:6-3-17 - Record Keeping Requirements, OAC 3796:6-3-20 - Medical Marijuana Dispensary Inventory Control System, OAC 3796:6-3-22 – Prohibitions, OAC 3796:6-3-23 - Dispensary Access, and OAC*

3796:6-5-01 - Medical Marijuana Dispensary Fee Structure to the Board for Consideration.

R-2022-0589

Mr. George moved that the Board approve the responses to comments received related to amendments to rules *OAC 3796:6-3-01 - Dispensary Operations Generally, OAC 3796:6-3-05 - Medical Marijuana Dispensary Designated Representative, OAC 3796:6-3-08 - Dispensing of Medical Marijuana, OAC 3796:6-3-17 - Record Keeping Requirements, OAC 3796:6-3-20 - Medical Marijuana Dispensary Inventory Control System, OAC 3796:6-3-22 - Prohibitions, OAC 3796:6-3-23 - Dispensary Access, and OAC 3796:6-5-01 - Medical Marijuana Dispensary Fee Structure* for filing with JCARR. The motion was seconded by Mr. Goodman and approved by the Board: Yes-6, No-0.

1:52 p.m.

The Board took a brief recess.

2:00 p.m.

The Board returned to public session and the Ohio Physicians Health Program (OhioPHP) provided an overview of their organization for consideration as an approved Board monitoring service and provider of Board ordered evaluations.

R-2022-0590

Ms. Buettner moved that the Board approve the Ohio Physicians Health Program (OhioPHP) as a Board monitoring service and as a provider of Board ordered evaluations. The motion was seconded by Mr. Grimm and approved by the Board: Yes-6, No-0.

R-2022-0591

Ms. Buettner 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. The motion was seconded by Ms. Rudell and a roll-call vote was conducted by President Miller as follows: Buettner-yes; George-yes; Goodman-yes; Grimm-yes; Huston-yes; and Rudell-yes.

R-2022-0592

The Board returned to public session, and Ms. Rudell moved to approve a 3% increase in compensation to the Executive Director Steven Schierholt for the pay period that includes July 1, 2022, subject to approval of the Governor's Office. The motion was seconded by Mr. Grimm and approved by the Board: Yes-6, No-0.

R-2022-0593

Ms. Rudell moved that the Board adopt a resolution delegating the consideration, approval, or denial of petitions to reinstate medical marijuana patient registrations to the Board member-delegate for medical marijuana matters. Petitions for reinstatement of medical marijuana patient registrations must include an acknowledgment by a CTR physician related to the underlying conduct for which the patient registration was limited by the Board and a recommendation that the patient registration be reinstated. The motion was seconded by Mr. George and approved by the Board: Yes-6, No-0.

4:10 p.m. The Board recessed for the day.

Tuesday, June 7, 2022

9:04 a.m. The State of Ohio Board of Pharmacy convened in the Hearing Room, 17th Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, for a public meeting, which was also broadcast via Microsoft Teams audio/visual conference call, with the following members present:

Rich Miller, RPh, *Presiding*; Trina Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; TJ Grimm, RPh; and Jennifer Rudell, RPh.

Absent were Shawn Wilt, RPh, *Vice President*; and Jeff Huston, RPh.

Steven Schierholt, Executive Director; Sharon Maerten-Moore, *Chief Legal Counsel*; Joseph Koltak, *Senior Legal Counsel*; Ashley Gilbert, *Senior Legal Counsel*; Michelle Walker, *Senior Legal Counsel*; Kathryn Lewis, *Legal Administrator*.

9:05 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 **Colton Hutton, Columbus, Ohio.**

R-2022-0594 Ms. Buettner 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. Rudell and a roll-call vote was conducted by *President* Miller as follows: Buettner-yes; George-yes; Goodman-yes; Grimm-yes; and Rudell-yes.

11:26 a.m. The deliberation ended and the hearing was opened to the public.

R-2022-0595 After votes were taken in public session, the Board adopted the following order in the Matter of **Colton Hutton, Columbus, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

Case Number **A-2021-0569**

In The Matter Of:

Colton Hutton
157 E. Innis Avenue

**Columbus, OH 43207
License. No. 03-232953**

INTRODUCTION

The Matter of Colton Hutton came for hearing on June 7, 2022, before the following members of the State of Ohio Board of Pharmacy (Board): Rich Miller, RPh, *Presiding*; Trina Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jennifer Rudell, RPh.

Shawn Wilt, RPh, Vice President, and Jeff Huston, RPh, absent.

Colton Hutton was represented by Daniel Zinsmaster and LaTawnda Moore. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

All parties explicitly waived any actual or apparent conflict of interest as it pertains to President Miller and, notwithstanding any such conflict of interest, agreed that he would preside over the administrative hearing in accordance with his duty to do so as Board President. President Miller did not attend or otherwise participate in the Board's deliberation for this matter.

SUMMARY OF EVIDENCE

State's Witnesses:

1. None

Respondent's Witnesses:

1. Colton Hutton
2. Penny Coons, PRO Advocate
3. Bryan Borland, D.O., Medical Director, Basecamp Recovery

State's Exhibits:

1. Notice Letter
2. Request for Hearing
3. Scheduling Order
4. 12/14/2021 Letter from Tricia Ault

Respondent's Exhibits:

- A. Certificate of completion of residential treatment from the Ridge, January 13, 2022.
- B. Letter from Marc Whitsett, MD, Medical Director at The Ridge.
- C. Walgreens Back on Track Agreement for Drug and and/or Alcohol Misuse signed January 24, 2022.
- D. Pharmacist Treatment Contract by and between Respondent and PRO dated January 20, 2022.
- E. April 2020 quarterly report from PRO.
- F. May 11, 2022 Letter from Bryan Borland, D.O, Medical Director of Basecamp Recovery Center.
- G. Urine Drug Screen Results, February 28, 2022- April 4, 2022.
- H. Associates of Family Care letter of completion, April 1, 2022.
- I. Letter from James Questel, D.O., Equitas Health.

- J. Letter of Support from Reeba Srivastava.
- K. Letter of Support from Devin Jacobs.
- L. Letter of Support from Nellie Corriveau.
- M. Letter of Support from Jordan T. Bierman, O.D.
- N. Letter of Support from Victoria McWilliams.
- O. Letter of Support from Crissy Conner.
- P. News article about Respondent, Colton Hutton, RPh.
- Q. Colton Hutton's CV (versions 1 and 2)
- R. 5.13.2022 Letter re C. Hutton

FINDINGS OF FACT

The parties stipulated to – and the Board hereby adopts as fact – the Allegations as set forth in Summary Suspension/Notice of Opportunity for Hearing dated December 16, 2021, case number A-2021-0569, reiterated herein and set forth below.

On or about December 10, 2021, Colton Hutton self-reported to the Board that he is addicted to methamphetamines and that he had admitted himself into an in-patient addiction treatment facility. In a subsequent interview with a Board agent that day, he further admitted that he had become addicted to methamphetamines in approximately February 2021, that he obtained the drugs from unidentified associates, and that he had been self-administering by several different methods. He also admitted to having abused Methylenedioxymethamphetamine, a Schedule I controlled substance, in 2020, though could not specify how many times.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of Section 2925.11(A) of the ORC, aggravated possession of a controlled substance.
2. 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 effective as of April 8, 2019, and October 9, 2021:
 - a. 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, ORC Section 4729.16(A)(2)(c);
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the Board under those provisions, ORC 4729.16(A)(2)(e); and
 - c. Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).

3. Such conduct as set forth in the Findings of Fact Section, each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective March 20, 2020:
 - a. 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, OAC Rule 4729:1-4-01(B)(2)(c);
 - 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. 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).

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 lifts the December 16, 2021, summary suspension and reinstates the pharmacist license No. 03-232953, held by Colton Hutton, subject to a period of probation for a minimum of five years beginning on the effective date of this Order. During the probationary period, the following terms and conditions apply:

1. Colton Hutton 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. Colton Hutton 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 Colton Hutton 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 Glucuronide (ETG) must be added to the standard urine drug screen.
 - d. Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
 - e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of Colton Hutton 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. Colton Hutton must meet the daily check-in requirements of the testing center or check-in requirements as otherwise proscribed by the treatment monitor.
2. The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
 - a. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - b. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
 3. Colton Hutton 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 Colton Hutton reappear before the Board for possible additional sanctions, including and up to revocation of license.
 4. Colton Hutton shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of probation. The Board shall treat any such refusal as a violation of the Board's Order and request Colton Hutton reappear before

the Board for possible additional sanctions, including and up to revocation of license.

5. Colton Hutton must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:
 - a. The written report and documentation provided by the treatment program pursuant to the contract, and
 - b. A written description of Colton Hutton's progress towards recovery and what Colton Hutton has been doing during the previous three months, and
 - c. Proof of compliance with all terms of probation, the monitoring contract, including all terms in OAC Rule 4729:4-1-04, and proof of compliance with treatment, if applicable.
6. Colton Hutton must provide copies of this Board Order to all employers or prospective employers, all licensing authorities in which Colton Hutton holds a professional license or applies for a professional license, and all persons who provide Colton Hutton chemical dependency treatment or monitoring, during the effective period of this order or agreement.
7. Other terms of probation are as follows:
 - a. Colton Hutton must meet with the Board's Probation Committee as follows:
 - a. The first meeting to be held **September 12, 2022**.
 - b. For the first year of probation, through June 7, 2023, Colton Hutton shall appear before the Probation Committee quarterly.
 - c. After June 7, 2023, Colton Hutton shall appear before the Probation Committee annually.
 - d. Additional periodic appearances may be requested.
 - b. The State of Ohio Board of Pharmacy hereby declares that Colton Hutton's pharmacist license is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraphs (K) and (O) of Rule 4729:2-1-01 of the OAC.
 - c. Colton Hutton must obtain prior approval of the Board or the Board's Probation Committee of departures or absences in excess of ten days from the country. Periods of departure or absence shall not change the probationary term, unless

otherwise determined by motion of the Board or the Board's Probation Committee. For absences of three months or longer, the Board or its Probation Committee may toll the length of probation, other than in instances where the Board or its Probation Committee can be assured that probationary monitoring is otherwise being performed.

- d. Colton Hutton may not serve as a responsible pharmacist or a designated representative in a dispensary or for home medical equipment.
 - e. Colton Hutton may not engage in a consult agreement, unless approved by the Board.
 - f. Colton Hutton may not destroy, assist in, or witness the destruction of controlled substances.
 - g. Colton Hutton may not work in a pharmacy more than 40 hours per week or 80 hours over a two-week period.
 - h. Colton Hutton must not violate the drug laws of Ohio, any other state, or the federal government.
 - i. Colton Hutton must abide by the rules of the State of Ohio Board of Pharmacy.
 - j. Colton Hutton must comply with the terms of this Order.
 - k. Colton Hutton's license is deemed not in good standing until successful completion of the probationary period.
 - l. Colton Hutton must provide continuing authorization for disclosure by the monitor and treatment provider (when applicable) to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their duties.
8. When deemed appropriate by the Board, Colton Hutton must submit to a psychiatric evaluation, and, where appropriate, continued treatment acceptable to the Board.
 9. Colton Hutton may not request modifications to probationary terms for at least three years, however, limited, isolated deviations may be granted with approval by the Board, in exceptional circumstances.
 10. Colton Hutton must immediately report any violation of the terms of this probation to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Colton Hutton to possible additional sanctions, including and up to revocation of license.

11. Any violation of probation or this Board's Order may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code, including and up to revocation of Colton Hutton's license.
12. Periods during which Colton Hutton is not in compliance with all probationary terms shall toll the length of time of probation, or the Board may implement additional disciplinary action in addition to or instead of tolling probation.

At the conclusion of the probationary period, the Board will issue a letter indicating whether probation has been successfully completed. If the Board determines probation has not been successfully completed, it will issue a notice of opportunity for hearing to Colton Hutton.

Further, the Board hereby seals the record in this matter to the extent that it contains information not subject to disclosure under Ohio Law, including, but not limited to, any social security numbers listed therein.

TJ Grimm moved for Findings of Fact; Jason George seconded the motion. Motion passed (Yes-5/No-0).

TJ Grimm moved for Conclusions of Law; Jason George seconded the motion. Motion passed (Yes-5/No-0).

Jennifer Rudell moved for Action of the Board; Jason George seconded the motion. Motion passed (Yes-5/No-0).

SO ORDERED.

R-2022-0596

Ms. Buettner 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. The motion was seconded by Ms. Rudell and a roll-call vote was conducted by President Miller as follows: Buettner-yes; George-yes; Goodman-yes; Grimm-yes; and Rudell-yes.

12:30 p.m.

Pursuant to 4729.16(E) of the Revised Code, the State of Ohio Board of Pharmacy was joined by Kevin Flaharty, *Chief of Investigations*, for the purpose of whether to order a physical and mental examination related to a pharmacist.

R-2022-0597

After hearing Mr. Flaharty discuss the significant facts regarding the activities of said Pharmacist, Mr. Grimm moved that the pharmacist be referred for a neuropsychological evaluation. The motion was seconded by Mr. George and approved by the Board: Yes-5, No-0.

R-2022-0598

After votes were taken in public session, the Board adopted the following order in the Matter of Medical Marijuana Caregiver **Christopher Fix, Mansfield, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

| | | |
|------------------------------|---|-------------------------------|
| In the Matter of | : | |
| | : | Case No. A-2020-0588 |
| Christopher Fix | : | |
| 311 East Third Street | : | |
| Mansfield, OH 44902 | : | Pending Reg. No. 0050- |
| 5060-7161-9931-5597 | : | |
| | : | |
| Respondent. | : | |

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Christopher Fix ("Respondent") submitted an application for registration as a medical marijuana caregiver ("Application") to the State of Ohio Board of Pharmacy on June 21, 2020. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Caregiver Registration ("Notice") to Respondent September 2, 2021, via certified mail, return receipt requested. Respondent received the Notice on September 7, 2021. Pursuant to ORC 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 June 6, 2022, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the following exhibits in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

WHEREFORE, 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, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:7-2-08, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:7-

2-08(B) 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. With the exception of a medical marijuana patient registration issued pursuant to ORC Chapter 3796., 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 ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twelve months from the date of this Order, as set forth in OAC 3796:7-1-01(D).

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

Board Member Jennifer Rudell, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Trina Buettner, RPh seconded the motion. Motion passed (Yes-5/No-0).

Board members Shawn Wilt, RPh, Vice President and Jeffrey Huston, RPH were absent.

SO ORDERED.

R-2022-0599

After votes were taken in public session, the Board adopted the following order in the Matter of Medical Marijuana Caregiver **Evan Hafer, London, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

| | | |
|------------------------------|---|-------------------------------|
| In the Matter of | : | |
| | : | Case No. A-2021-0034 |
| Evan Hafer | : | |
| 31 North Madison Road | : | |
| London, OH 43140 | : | Pending Reg. No. 0020- |
| 2080-3135-6544-2787 | : | |
| | : | |
| Respondent. | : | |

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Evan Hafer ("Respondent") submitted an application for registration as a medical marijuana caregiver ("Application") to the State of Ohio Board of Pharmacy on January 16, 2021. The Board issued a Notice of Opportunity for Hearing (Notice) to Evan Hafer, which was mailed by certified mail, return receipt requested, to Evan Hafer's address of record on September 7, 2021. On September 21, 2021, the Board became aware the Notice was returned marked as "RTS - not deliverable as addressed - unable to forward." Upon discovery of a new address for Respondent, the Board re-issued the Notice to Respondent via certified mail, return receipt requested, on October 8, 2021. The

service attempt failed. Upon discovery of a new address for Respondent, the Board re-issued the Notice to Respondent via certified mail, return receipt requested, on December 10, 2021. Respondent received the Amended Notice on December 14, 2021. 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 June 7, 2022, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the following exhibits in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

WHEREFORE, 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, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:7-2-08, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:7-2-08(B) 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. With the exception of a medical marijuana patient registration issued pursuant to ORC Chapter 3796., 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 ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twelve months from the date of this Order, as set forth in OAC 3796:7-1-01(D).

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

Board Member Jennifer Rudell, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Trina Buettner, RPh seconded the motion. Motion passed (Yes-5/No-0).

Board members Shawn Wilt, RPh, Vice President and Jeffrey Huston, RPh were absent.

SO ORDERED.

R-2022-0600

After votes were taken in public session, the Board adopted the following order in the Matter of Medical Marijuana Caregiver **Patrick Parks, Cleveland, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

| | | |
|----------------------------|---|-------------------------------|
| In the Matter of | : | |
| | : | Case No. A-2021-0235 |
| Patrick Parks | : | |
| 3769 Antisdale Road | : | |
| Cleveland, OH 44118 | : | Pending Reg. No. 0090- |
| 3050-1158-6424-0949 | : | |
| | : | |
| Respondent. | : | |

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Patrick Parks ("Respondent") submitted an application for registration as a medical marijuana caregiver ("Application") to the State of Ohio Board of Pharmacy on April 23, 2021. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Caregiver Registration ("Notice") to Respondent July 12, 2021. On July 27, 2021, the Board became aware the Notice was returned marked as "RTS – attempted not known – unable to forward." Upon discovery of a new address for Respondent, the Board re-issued the Notice to Respondent via certified mail, return receipt requested, on August 23, 2021. On October 19, 2021, the Board became aware the Notice was returned marked as "Unclaimed." Consistent with Chapter 119. of the Ohio Revised Code, the Board re-issued the Notice via ordinary mail with a certificate of mailing to Respondent on November 12, 2021. The November 12, 2021, mailing was mistakenly sent to the same address as the July 12, 2021, mailing, so it was returned marked "RTS – attempted not known – unable to forward." The Board re-issued the Notice via ordinary mail with a certificate of mailing to the address used for the August 23, 2021, mailing, on January 19, 2022. The January 19, 2022, mailing was not returned for failure of delivery. Pursuant to ORC 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 June 7, 2022, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the following exhibits in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

WHEREFORE, 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, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:7-2-08, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:7-2-08(B) 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. With the exception of a medical marijuana patient registration issued pursuant to ORC Chapter 3796., 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 ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twelve months from the date of this Order, as set forth in OAC 3796:7-1-01(D).

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

Board Member Rudell, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Buettner, RPh, seconded the motion. Motion passed (Yes- 5/No-0).

Shawn Wilt, RPh, Vice President, and Jeff Huston; absent.

SO ORDERED.

R-2022-0601

After votes were taken in public session, the Board adopted the following order in the Matter of Medical Marijuana Caregiver **Kinney Starks, Barberton, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of :
Kinney Starks :
3345 Columbia Woods Drive, Apt. D :
:Case No. A-2020-0589

Barberton, OH 44203 : **Pending Reg. No.**
0010-5050-0102-3201-2018
Respondent. :

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Kinney Starks ("Respondent") submitted an application for registration as a medical marijuana caregiver ("Application") to the State of Ohio Board of Pharmacy on August 21, 2020. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Caregiver Registration ("Notice") to Respondent June 25, 2021, and a subsequent Amended Notice that same day, both via certified mail, return receipt requested. On July 13, 2021, the Board became aware the Amended Notice was returned marked as "RTS – not deliverable as addressed – unable to forward." Upon discovery of a new address for Respondent, the Board re-issued the Amended Notice to Respondent via certified mail, return receipt requested, on August 17, 2021. Respondent received the Amended Notice on August 20, 2021. Pursuant to ORC 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 June 7, 2022, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the following exhibits in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

WHEREFORE, 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, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:7-2-08, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:7-2-08(B) 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. With the exception of a medical marijuana patient registration issued pursuant to ORC Chapter 3796., 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 ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twelve months from the date of this Order, as set forth in OAC 3796:7-1-01(D).

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

Board Member Rudell, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Buettner, RPh, seconded the motion. Motion passed (Yes- 5/No-0).

Shawn Wilt, RPh, Vice President, and Jeff Huston; absent.

SO ORDERED.

R-2022-0602

After votes were taken in public session, the Board adopted the following order in the Matter of Medical Marijuana Employee **Portia Johnson, Columbus, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

| | | |
|-----------------------------|---|-----------------------------|
| In the Matter of | : | |
| | : | Case No. A-2020-0582 |
| Portia Johnson | : | |
| 2720 Glenshire Drive | : | |
| Columbus, OH 43219 | : | Application No. APP- |
| 000365879 | : | |
| | : | |
| Respondent. | : | |

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Portia Johnson ("Respondent") submitted an application for licensure as a medical marijuana support employee ("Application") to the State of Ohio Board of Pharmacy on June 2, 2020. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Support Employee License ("Notice") to Respondent, on August 18, 2021, via certified mail, return receipt requested. According to the United States Postal Service, the status of the delivery was "in transit" as of December 2, 2021. Because the Board could not confirm delivery, the Board re-issued the Notice to Respondent via certified mail, return receipt requested, on December 2, 2021. Respondent received the Notice on December 6, 2021. Pursuant to ORC 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 June 6, 2022, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the following exhibits in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

WHEREFORE, 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, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:6-4-03, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:6-4-03(A) 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. With the exception of a medical marijuana patient registration issued pursuant to ORC Chapter 3796., 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 ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twelve months from the date of this Order, as set forth in OAC 3796:6-1-01(I). Service of this Order shall be perfected in accordance with the requirements of ORC Chapter 119.

Board Member Jennifer Rudell, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Trina Buettner, RPh seconded the motion. Motion passed (Yes-5/No-0).

Board members Shawn Wilt, RPh, Vice President and Jeffrey Huston, RPH were absent.

SO ORDERED.

R-2022-0603

After votes were taken in public session, the Board adopted the following order in the Matter of Medical Marijuana Employee **Diara Harris, Youngstown, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of

:

Diara Harris : **Case No. A-2021-0054**
722 Norwood Avenue :
Youngstown, OH 44510 : **Application. APP-000431080**
Respondent. :

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Diara Harris ("Respondent") submitted an application for a Medical Marijuana Support Employee license under application number APP-000731808 on or about January 28, 2021. The Board issued a Proposal to Deny/Notice of Opportunity for Hearing ("Notice") to Respondent, which was mailed by certified mail, return receipt requested to Respondent's address of record on August 25, 2021. Respondent received the Notice on or about September 3, 2021. 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 June 7, 2022, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

WHEREFORE, 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 State's Exhibits 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 State's Exhibits, pursuant to R.C. 3796.14 and Ohio Adm.Code 3796:6-1-01(I), and based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application, APP-000731808, is DENIED. Notwithstanding the definition of "Refuse to grant or renew" in OAC

3796:6-1-01(I), Respondent may submit an application for any license or registration over which the Board has jurisdiction, including those set forth in R.C. Chapters 3719., 3796., 4729. or 4752., starting one month from the date of the order

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

Board Member Rudell, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Buettner, RPh, seconded the motion. Motion passed (Yes- 5/No-0).

Shawn Wilt, RPh, Vice President, and Jeff Huston; absent.

SO ORDERED.

R-2022-0604

After votes were taken in public session, the Board adopted the following order in the Matter of Medical Marijuana Employee **Nickolaus Woodruff, Johnstown, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

| | | |
|---------------------------------------|---|--------------------------------------|
| In the Matter of | : | |
| | : | Case No. A-2021-0002 |
| Nickolaus Woodruff | : | |
| 8753 Johnstown Alexandria Road | : | |
| Johnstown, OH 43031 | : | Application No. APP-000407796 |
| | : | |
| Respondent. | : | |

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Nickolaus Woodruff ("Respondent") submitted an application for a Medical Marijuana Support Employee license under application number APP-000731808 on or about November 3, 2020. The Board issued a Proposal to Deny/Notice of Opportunity for Hearing ("Notice") to Respondent, which was mailed by certified mail, return receipt requested to Respondent's address of record on August 25, 2021. Respondent received the Notice on or about September 1, 2021. 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 June 7, 2022, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

WHEREFORE, 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 State's Exhibits 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 State's Exhibits, pursuant to R.C. 3796.14 and Ohio Adm.Code 3796:6-1-01(I), and based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application, APP-000731808, is DENIED. Notwithstanding the definition of "Refuse to grant or renew" in OAC 3796:6-1-01(I), Respondent may submit an application for any license or registration over which the Board has jurisdiction, including those set forth in R.C. Chapters 3719., 3796., 4729. or 4752., starting one month from the date of the order

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

Board Member Rudell, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Buettner, RPh, seconded the motion. Motion passed (Yes- 5/No-0).

Shawn Wilt, RPh, Vice President, and Jeff Huston; absent.

SO ORDERED.

R-2022-0605

After votes were taken in public session, the Board adopted the following order in the Matter of Medical Marijuana Patient **T.S., Hamilton, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of



:
:
:

Case No. A-2021-0072

[REDACTED] :
[REDACTED] : [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Respondent. :

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

T.S. ("Respondent") was issued Medical Marijuana Patient Registration No. [REDACTED] by the State of Ohio Board of Pharmacy on or about September 26, 2019. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on March 23, 2021, via certified mail, return receipt requested. On April 20, 2021, the Board became aware the Notice was returned marked as "RTS – attempted not known – unable to forward." Consistent with Chapter 119. of the Ohio Revised Code, the Board re-issued the Notice via personal service to Respondent on August 18, 2021. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's 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 June 7, 2022 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

WHEREFORE, 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, pursuant to ORC 3976.14 and Ohio Administrative Code (OAC) 3796:7-2-08, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:7- 2-08 and all violations of law as described in the Notice.

WHEREFORE, after review of the State's Exhibits and pursuant to R.C. 3796.14 and based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Medical Marijuana Patient Registration No. [REDACTED] [REDACTED] is suspended indefinitely. Respondent may petition the Board for reinstatement 12 months after the effective

date of this Order, or prior to 12 months if the petition is accompanied with additional supportive information from a recommending physician, including:

- a. An acknowledgment by the physician related to the underlying conduct of this matter; and
- b. A recommendation that the patient registration be reinstated.

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

Board Member Rudell, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Buettner, RPh, seconded the motion. Motion passed (Yes- 5/No-0).

Shawn Wilt, RPh, Vice President, and Jeff Huston; absent.

SO ORDERED.

R-2022-0606

After votes were taken in public session, the Board adopted the following order in the Matter of Medical Marijuana Support Employee **Sarah Dotters, Columbus, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

| | | |
|----------------------------|---|-----------------------------|
| In the Matter of | : | |
| | : | Case No. A-2021-0112 |
| Sarah Dotters | : | |
| 1652 Melrose Avenue | : | |
| Columbus, OH 43224 | : | License Nos. |
| | : | MME.05200148 |
| | : | MME.05300131 |
| Respondent. | : | |

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Sarah Dotters ("Respondent") was issued Medical Marijuana Support Employee License No. MME.05300131 by the State of Ohio Board of Pharmacy on or about March 1, 2019, and Medical Marijuana Key Employee License No. MME.0520048 on or about April 15, 2019. The Board issued a Notice of Opportunity for Hearing (Notice) to Sarah Dotters, which was mailed by certified mail, return receipt requested to Sarah Dotters' address of record on August 23, 2021. Respondent received the Notice on or about August 25, 2021. 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 June 7,

2022, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

WHEREFORE, 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 State's Exhibits 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 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 Support Employee License Number MME. 05300131 is PERMANENTLY REVOKED.
2. Respondent's Medical Marijuana Key Employee License Number MME. 05200148 is PERMANENTLY REVOKED.
3. With the exception of a medical marijuana patient/caregiver 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 Jennifer Rudell, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Trina Buettner, RPh, seconded the motion. Motion passed (Yes- 5/No-0).

Shawn Wilt, RPh, Vice President, and Jeff Huston, RPH were absent.

SO ORDERED.

R-2022-0607

After votes were taken in public session, the Board adopted the following order in the Matter of Medical Marijuana Support Employee **Shawn Frederick, Fostoria, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

| | | |
|-------------------------------|---|-----------------------------|
| In the Matter of | : | |
| | : | Case No. A-2021-0010 |
| Shawn Frederick | : | |
| 8190 W. County Road 28 | : | |
| Fostoria, OH 44830 | : | License Nos. |
| | : | MME.05200125 |
| | : | MME.05300087 |
| Respondent. | : | |

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Shawn Frederick ("Respondent") was issued Medical Marijuana Support Employee License No. MME.05300087 by the State of Ohio Board of Pharmacy on or about February 6, 2019, and Medical Marijuana Key Employee License No. MME.05200125 on or about March 22, 2019. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent, which was mailed by certified mail, return receipt requested to Respondent's address of record on August 23, 2021. On September 14, 2021, the Board became aware the Notice was returned marked as "RTS - insufficient address - unable to forward." Upon discovery of a new address for Respondent, the Board re-issued the Notice to Respondent via certified mail, return receipt requested, on September 22, 2021. Respondent received the Notice on or about September 24, 2021. 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 June 7, 2022, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

WHEREFORE, 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 State's Exhibits 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 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 Support Employee License Number MME. 05300087 is PERMANENTLY REVOKED.
2. Respondent's Medical Marijuana Key Employee License Number MME. 05200125 is PERMANENTLY REVOKED.
3. With the exception of a medical marijuana patient/caregiver 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 Rudell, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Buettner, RPh, seconded the motion. Motion passed (Yes- 5/No-0).

Shawn Wilt, RPh, Vice President, and Jeff Huston; absent.

SO ORDERED.

R-2022-0608

After votes were taken in public session, the Board adopted the following order in the Matter of Medical Marijuana Support Employee **Anthony Kinkel, Galena, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of :
: **Case No. A-2021-0114**
Anthony Kinkel :
3866 Worthington Road :
Galena, OH 43021 : **License Nos.**
: **MME.05200175**
: **MME.05300108**
Respondent. :

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Anthony Kinkel ("Respondent") was issued Medical Marijuana Support Employee License No. MME.05300108 by the State of Ohio Board of Pharmacy on or about February 15, 2019, and Medical Marijuana Key Employee License No. MME.05200175 on or about May 15, 2019. The Board issued a Notice of Opportunity for Hearing (Notice) to Anthony Kinkel, which was mailed by certified mail, return receipt requested to Anthony Kinkel's address of record on August 23, 2021. Respondent received the Notice on or about August 31, 2021. 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 June 7, 2022, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

WHEREFORE, 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 State's Exhibits 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 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 Support Employee License Number MME. 05300108 is PERMANENTLY REVOKED.
2. Respondent's Medical Marijuana Key Employee License Number MME. 05200175 is PERMANENTLY REVOKED.
3. With the exception of a medical marijuana patient/caregiver 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 Jennifer Rudell, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Trina Buettner, RPh, seconded the motion. Motion passed (Yes- 5/No-0).

Shawn Wilt, RPh, Vice President, and Jeff Huston, RPH were absent.

SO ORDERED.

R-2022-0609

After votes were taken in public session, the Board adopted the following order in the Matter of Medical Marijuana Support Employee **Justin Mickels, Columbus, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

| | | |
|---------------------------|---|-----------------------------|
| In the Matter of | : | |
| | : | Case No. A-2021-0110 |
| Justin Mickels | : | |
| 2482 Adams Avenue | : | |
| Columbus, OH 43202 | : | License Nos. |
| | : | MME.05200128 |
| | : | MME.05300123 |
| Respondent. | : | |

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Justin Mickels ("Respondent") was issued Medical Marijuana Support Employee License No. MME.05300123 by the State of Ohio Board of Pharmacy on or about February 22, 2019, and Medical Marijuana Key Employee License No. MME.05200128 on or about March 26, 2019. The Board issued a Notice of Opportunity for Hearing (Notice) to Justin Mickels, which was mailed by certified mail, return receipt requested to

Justin Mickels's address of record on August 23, 2021. Respondent received the Notice on or about September 7, 2021. 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 June 7, 2022, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

WHEREFORE, 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 State's Exhibits and pursuant to ORC 3796.14, 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 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 Support Employee License Number MME. 05300123 is PERMANENTLY REVOKED.
2. Respondent's Medical Marijuana Key Employee License Number MME. 05200128 is PERMANENTLY REVOKED.
3. With the exception of a medical marijuana patient/caregiver 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 Jennifer Rudell, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Trina Buettner, RPh, seconded the motion. Motion passed (Yes- 5/No-0).

Shawn Wilt, RPh, Vice President, and Jeff Huston, RPH were absent.

SO ORDERED.

R-2022-0610

After votes were taken in public session, the Board adopted the following order in the Matter of **Scharlene Stovall, Dayton, Ohio.**

ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING AND APPROVING IN PART AND MODIFYING IN
PART
REPORT AND RECOMMENDATION OF HEARING EXAMINER
(Case No. A-2021-0312)

In the Matter of Scharlene Stovall:

Scharlene Stovall
4576 Olive Rd.
Dayton, OH 45426
Pharmacy Technician Trainee Applicant, no. APP-000428149

INTRODUCTION

Scharlene Stovall (Respondent) submitted an application for registration as a pharmacy technician trainee (APP-000428149) on January 26, 2021. The Board issued a Proposal to Deny Application for Pharmacy Technician Trainee Registration on December 29, 2021. Respondent timely requested a hearing and the Matter of Scharlene Stovall came for hearing before Hearing Examiner Gregory Trout on February 17, 2022. Respondent appeared *pro se* and the State of Ohio was represented by Henry Appel, Assistant Attorney General. The Hearing Examiner's Report and Recommendation was issued to Respondent via certified mail, return receipt requested, on or about March 23, 2022. A courtesy copy was also emailed to Respondent that day. Respondent did not submit written objections to the Report and Recommendation. The matter subsequently came for consideration by the Board on June 7, 2022, before the following members: Rich Miller, RPh, *Presiding*; Trina Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; and Jennifer Rudell, RPh.

Shawn Wilt, RPh, Vice President, and Jeff Huston, RPh, absent.

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 10, Respondent's Closing Statement with attached character reference letters and employee evaluation, the hearing transcript, and Hearing Examiner Trout's Report and Recommendation.

DECISION OF THE BOARD

After thorough review of the entire administrative record, the Board hereby confirms and approves the Hearing Examiner's report and recommendation in its entirety, except for the modification that the pharmacy technician trainee application be granted with no restrictions.

Ms. Buettner moved to confirm and approve the Hearing Examiner's report and recommendation in its entirety, except for the modification that the pharmacy technician trainee application be granted with no restrictions. Mr. Goodman seconded the motion. Motion passed (Yes-5/No-0).

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

SO ORDERED.

R-2022-0611

After votes were taken in public session, the Board adopted the following order in the Matter of Medical Marijuana Support Employee **Shawl Hughes, Jackson, Ohio.**

**ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING, APPROVING, & ADOPTING REPORT &
RECOMMENDATION
OF HEARING EXAMINER WITHOUT MODIFICATION**
(Case Number A-2020-0100)

IN THE MATTER OF:
Shawl Hughes
1764 Limerick Road
Jackson, OH 45640
(Medical Marijuana Support Employee License Number
MME.05300150)
(Medical Marijuana Key Employee License Number MME.05200249)

INTRODUCTION

Shawl Hughes (Respondent) was issued a Medical Marijuana Support Employee License (MME.05300150) on March 13, 2019, and subsequently issued a Medical Marijuana Key Employee License

(MME.05200249) on August 12, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Take Disciplinary Action Against Medical Marijuana Employee Licenses on October 12, 2021. Respondent timely requested a hearing, and the Matter of Shawl Hughes came for hearing before Hearing Examiner David Bosley on January 13, 2022. Respondent appeared *pro se* and the State of Ohio was represented by Henry Appel, Assistant Attorney General. The Hearing Examiner's Report and Recommendation was issued to Respondent via certified mail, return receipt requested, on or about March 17, 2022. A courtesy copy was also issued to Respondent via email that day. The matter subsequently came for consideration by the Board on June 7, 2022, before the following members: Rich Miller, RPh, *Presiding*; Trina Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jennifer Rudell, RPh.

Shawn Wilt, RPh, Vice President, and Jeff Huston, RPh, absent.

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: the State's Exhibits, the hearing transcript, and Hearing Examiner Bosley's Report and Recommendation.

DECISION OF THE BOARD

After thorough review of the administrative record, the Board hereby confirms and approves in its entirety Hearing Examiner Bosley's Findings of Fact as detailed in the Report and Recommendation.

After thorough review of the administrative record, the Board hereby confirms and approves in its entirety Hearing Examiner Bosley's Conclusions of Law as detailed in the Report and Recommendation.

After thorough review of the administrative record, the Board hereby confirms, approves, and adopts in its entirety Hearing Examiner Bosley's recommendation to indefinitely suspend Respondent's medical marijuana employee licenses (Medical Marijuana Support Employee License Number MME.05300150 and Medical Marijuana Key Employee License Number MME.05200249). Hughes may petition the Board for reinstatement of either of those license after six months from the date of this Order.

Ms. Rudell moved to confirm and approve the Hearing Examiner's Findings of Fact; Ms. Buettner seconded the motion. Motion passed (Yes-5/No-0).

Ms. Rudell moved to confirm and approve the Hearing Examiner's Conclusions of Law; Ms. Buettner seconded the motion. Motion passed (Yes-5/No-0).

Ms. Rudell moved to confirm, approve, and adopt the Hearing Examiner's recommendation, as described above; Ms. Buettner seconded the motion. Motion passed (Yes-5/No-0).

SO ORDERED.

R-2022-0612

After votes were taken in public session, the Board adopted the following order in the Matter of **Keith Franklin, Garfield Heights, Ohio.**

**ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
MODIFYING REPORT & RECOMMENDATION OF HEARING
EXAMINER**

(Case Number A-2021-0213)

IN THE MATTER OF:

Keith Franklin

4588 Joliet Road

Garfield Heights, OH 44105

Certified Pharmacy Technician Registration No. 09-303089

INTRODUCTION

Keith Franklin (Respondent) was issued a Certified Pharmacy Technician Registration (No. 09-303089) on February 19, 2018. The Board issued a Notice of Opportunity for Hearing/Proposal to Take Disciplinary Action Against Pharmacy Technician Registration on December 10, 2021. Respondent timely requested a hearing, and the Matter of Keith Franklin came for hearing before Hearing Examiner Shantae Decarlow on March 10, 2022. Respondent appeared *pro se* and the State of Ohio was represented by Henry Appel, Assistant Attorney General. The Hearing Examiner's Report and Recommendation was issued to Respondent via certified mail, return receipt requested, on or about May 18, 2022. A courtesy copy was also issued to Respondent via email that day. The matter subsequently came for consideration by the Board on June 7, 2022, before the following members: Rich Miller, RPh, *Presiding*; Trina Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jennifer Rudell, RPh.

Shawn Wilt, RPh, Vice President, and Jeff Huston, RPh, absent.

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: the State's Exhibits, the hearing transcript, and Hearing Examiner Decarlow's Report and Recommendation.

DECISION OF THE BOARD

1. Based on a thorough review of the entire administrative record in this matter, the Board hereby modifies Hearing Examiner Decarlow's Report and Recommendation and adopts, as Findings of Fact, the following:
 - a. On or about January 30, 2021, at Walgreens Pharmacy #07474 (located at 751 Richmond Road, Cleveland, OH 44143), Registered Pharmacy Technician Christopher Catchings discovered a box of Pfizer COVID-19 vaccines in the pharmacy that was not properly stored according to manufacturer requirements. Specifically, the vaccines were discovered on a shelf in the pharmacy with no temperature monitoring, rather than in the thermal shipper that contains continuous temperature monitoring. Keith Franklin, the store manager, and a Certified Pharmacy Technician was notified via telephone that the vaccines were warm and advised Catchings to place the vaccines back into the thermal shipper, even though they were warm, and it was unclear how long the vaccines had been improperly stored. As a result, the vaccines were not separated from the rest of the supply in the pharmacy and approximately 54 vials of vaccine were pulled for administration to patients at five long term care facilities and thirteen patients in the community.
 - b. On or about February 11, 2021, in an interview with Board agents, Keith Franklin stated that:
 - i. It was possible the tray of vaccines could have been sitting on the shelf since January 26, when a shipment was received.
 - ii. It did not occur to him to instruct Catchings to ask the pharmacist on duty for help in properly handling the warm vaccines.
2. Based on a thorough review of the entire administrative record in this matter, the Board hereby modifies Hearing Examiner Decarlow's Report and Recommendation and adopts, as its Conclusion of Law, the following:
 - a. Such conduct, as set forth in Paragraph (1), above, constitutes a violation of Ohio Adm.Code 4729:5-3-06, To prevent their use, adulterated drugs, as defined in agency 4729 of the Administrative Code, shall be stored in a separate and secure area apart from the storage of drugs used for dispensing, personally furnishing, compounding and administration.
3. Based on a thorough review of the administrative record, and the findings of fact (Paragraph (1) above) and conclusion of law (Paragraph (2) above) made by the Board in this matter, the Board

hereby modifies Hearing Examiner Decarlow's Report and Recommendation and imposes a written reprimand on Keith Franklin's Certified Pharmacy Technician registration no. 09-303089.

Ms. Rudell moved to modify the Hearing Examiner's Findings of Fact, as described above; Mr. Goodman seconded the motion. Motion passed (Yes-5/No-0).

Ms. Rudell moved to modify the Hearing Examiner's Conclusions of Law, as described above; Mr. Goodman seconded the motion. Motion passed (Yes-5/No-0).

Ms. Rudell moved to modify the Hearing Examiner's recommendation, as described above; Mr. Goodman seconded the motion. Motion passed (Yes-5/No-0).

SO ORDERED.

R-2022-0613

Ms. Buettner moved that the April 4, 2022, Probation Meeting Minutes be approved as written. The motion was seconded by Mr. Goodman and approved by the Board: Yes-5, No-0.

R-2022-0614

Ms. Buettner moved that the April 4-5, 2022, Board Meeting Minutes be approved as written. The motion was seconded by Mr. Goodman and approved by the Board: Yes-5, No-0.

R-2022-0615

Ms. Buettner moved that the April 20, 2022, Conference Call Meeting Minutes be approved as written. The motion was seconded by Mr. Goodman and approved by the Board: Yes-5, No-0.

R-2022-0616

Ms. Buettner moved that the April 27, 2022, Conference Call Meeting Minutes be approved as written. The motion was seconded by Mr. Goodman and approved by the Board: Yes-5, No-0.

R-2022-0617

Ms. Buettner moved that the May 11, 2022, Conference Call Meeting Minutes be approved as written. The motion was seconded by Mr. Goodman and approved by the Board: Yes-5, No-0.

R-2022-0618

Ms. Buettner moved that the May 16, 2022, Conference Call Meeting Minutes be approved as written. The motion was seconded by Mr. Goodman and approved by the Board: Yes-5, No-0.

R-2022-0619

Ms. Buettner moved that the May 16, 2022, Board Meeting Minutes be approved as written. The motion was seconded by Mr. Goodman and approved by the Board: Yes-5, No-0.

R-2022-0620

Mr. Miller announced the dismissal of the Notice of Opportunity for Hearing issued on December 22, 2021, in the matter of **Sheena Teckchandani, Pittsburgh, PA.**

R-2022-0621

Mr. Miller announced the dismissal of the Notice of Opportunity for Hearing issued on July 28, 2021, in the matter of **Megan Fisher, Cridersville, Ohio.**

R-2022-0622

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

**IN THE MATTER OF:
Case No. A-2022-0034**

Eric Warne
PENDING License No. [APP-000512823](#)
121 Beaufain Street
Apt C
Charleston, SC 29401

**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 Eric Warne, for the purpose of resolving all issues between the parties relating to the Board investigation of Eric Warne's discipline with the South Carolina Board of Pharmacy, case number OIE #2020-137. Together, the Board and Eric Warne are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy as an intern in the state of Ohio.
2. Eric Warne is seeking licensure as a pharmacy intern in the state of Ohio under pending application number APP-000512823.

FACTS

1. The Board initiated an investigation of Eric Warne, pharmacist pending application number APP-000512823, related to Eric Warne's discipline with the South Carolina Board of Pharmacy, case number OIE #2020-137.
2. On or about March 8, 2022, the Board sent a Notice of Opportunity for Hearing to Eric Warne, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. Eric Warne neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated March 8, 2022; 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. Eric Warne will be placed on a term of probation, beginning the effective date of this agreement through the duration of his Ohio internship license, to run concurrent with the terms set forth in the South Carolina Board Order, case number OIE #2020-137.
4. Eric Warne further agrees the terms of the South Carolina State Board of Pharmacy Order from on or about June 23, 2021 are fully incorporated into this agreement, and as part of his probation in Ohio, he will abide by the terms of probation set forth in the South Carolina Board Order, case number OIE #2020-137, including successful participation in SCRPP and/or a Board approved treatment monitor in Ohio.
5. Eric Warne must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:
 - d. The written report and documentation provided by SCRR and/or a Board approved treatment monitor, and

- e. A written description of Eric Warne's progress towards recovery and what Eric Warne has been doing during the previous three months, and
 - f. Proof of compliance with all terms of probation, the SCRR monitoring contract and proof of compliance with treatment, if applicable.
6. Eric Warne must provide copies of the settlement agreement to all employers or prospective employers, all licensing authorities in which Eric Warne holds a professional license or applies for a professional license, and all persons who provide Eric Warne chemical dependency treatment or monitoring, during the effective period of this agreement.
7. Other terms of probation, applicable to Eric Warne's practice of pharmacy as an intern in Ohio, are as follows:
 - a. Eric Warne may not destroy, assist in, or witness the destruction of controlled substances.
 - b. Eric Warne may not work in a pharmacy more than 40 hours per week or 80 hours over a two week period.
 - c. Eric Warne must not violate the drug laws of Ohio, any other state, or the federal government.
 - d. Eric Warne must abide by the rules of the State of Ohio Board of Pharmacy.
 - e. Eric Warne must comply with the terms of this Agreement.
 - f. Eric Warne's license is deemed not in good standing until successful completion of the probationary period.
 - g. Eric Warne must provide continuing authorization for disclosure by the monitor and treatment provider (when applicable) to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their duties.
8. Eric Warne may not request modifications to probationary terms for at least one year, however, limited, isolated deviations may be granted with approval by the Board, in exceptional circumstances.
9. Eric Warne must immediately report any violation of the terms of this probation to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will

subject Eric Warne to possible additional sanctions, including and up to revocation of license.

10. Any violation of probation or this Board's Order may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code, including and up to revocation of Eric Warne's license.
11. Periods during which Eric Warne is not in compliance with all probationary terms shall toll the length of time of probation, or the Board may implement additional disciplinary action in addition to or instead of tolling probation.
12. At the conclusion of the probationary period, the Board will issue a letter indicating whether probation has been successfully completed. If the Board determines probation has not been successfully completed, it will issue a notice of opportunity for hearing to Eric Warne.
13. Eric Warne agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
14. Eric Warne understands that he has the right to be represented by counsel for review and execution of this agreement.
15. Eric Warne 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.
16. Eric Warne expressly waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an appeal.
17. 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.
18. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
19. 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.
20. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.

R-2022-0623

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

**IN THE MATTER OF:
CASE No. A-2020-0259
501-1311**

**Omnicare of Northwest Ohio
License No. 02-0157050
c/o Brian Pratt
7643 Ponderosa Rd.
Perrysburg, OH, 43552**

**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 Omnicare of Northwest Ohio for the purpose of resolving all issues between the parties relating to the Board investigation of illegal sales of dangerous drugs including controlled substances while operating without a Board-issued license. Together, the Board and Omnicare of Northwest 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. Omnicare of Northwest Ohio is a licensed Terminal Distributor of Dangerous Drugs under license number 02-80000095.

FACTS

1. The Board initiated an investigation of Omnicare of Northwest Ohio, Terminal Distributor of Dangerous Drugs license number 02-

0157050, related to Omnicare of Northwest Ohio's illegal sales of dangerous drugs including controlled substances while operating without a Board-issued license.

2. On or about October 15, 2021 the Board sent a Notice of Opportunity for Hearing to Omnicare of Northwest 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. Omnicare of Northwest Ohio neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated October 15, 2021; 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. Omnicare of Northwest Ohio agrees to pay to the Board a monetary penalty the amount of \$500.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Omnicare of Northwest 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. Omnicare of Northwest 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 Omnicare of Northwest 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 Omnicare of Northwest Ohio by the Board and

will NOT discharge Omnicare of Northwest Ohio from any obligation under the terms of this Agreement.

6. Omnicare of Northwest 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. Omnicare of Northwest 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 Omnicare of Northwest Ohio will operate.
9. Omnicare of Northwest 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.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2022-0624

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

**IN THE MATTER OF:
Case No. A-2021-0085**

Clark LowCost Pharmacy
License No. 02-2004150
c/o Adam Abukater, RPh
3107 Clark Avenue
Cleveland, OH 44109

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 Clark LowCost Pharmacy for the purpose of resolving all issues between the parties relating to the Board investigation of improper storage of COVID-19 vaccines. Together, the Board and Clark LowCost Pharmacy 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, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Clark LowCost Pharmacy is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2004150.

FACTS

1. The Board initiated an investigation of Clark LowCost Pharmacy, Terminal Distributor of Dangerous Drugs license number 02-2004150, related to Clark LowCost Pharmacy's improper storage of COVID-19 vaccines.
2. On or about December 10, 2021, the Board sent a Notice of Opportunity for Hearing to Clark LowCost 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.
3. On or about December 15, 2021, Clark LowCost Pharmacy, through counsel, timely requested an administrative hearing, which was subsequently scheduled for June 6, 2022.

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. Clark LowCost Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated December 10, 2021; 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. Clark LowCost Pharmacy agrees to pay to the Board a monetary penalty the amount of \$1,000.00. This fine will be attached to the license record and must be paid no later than 180 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. The Board hereby imposes a written reprimand on Clark LowCost Pharmacy's TDDD license, number 02-2004150.
5. Clark LowCost 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.
6. Clark LowCost Pharmacy 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 Clark LowCost 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 Clark LowCost Pharmacy by the Board and will NOT discharge Clark LowCost Pharmacy from any obligation under the terms of this Agreement.
7. Clark LowCost Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Clark LowCost Pharmacy 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 Clark LowCost Pharmacy will operate.
10. Clark LowCost Pharmacy explicitly withdraws its request for a hearing, 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.

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 Ohio Revised Code Section 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. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 15. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2022-0625

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

**IN THE MATTER OF:
Case No. A-2021-0086**

**Cleveland LowCost Pharmacy
License No. 02-2427600
c/o Ryan Tyhulski, RPh
14529 Puritas Avenue
Cleveland, OH 44135**

**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 Cleveland LowCost Pharmacy for the purpose of resolving all issues between the parties relating to the Board investigation of improper storage of COVID-19 vaccines. Together, the Board and Cleveland LowCost Pharmacy 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, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.

2. Cleveland LowCost Pharmacy is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2427600.

FACTS

1. The Board initiated an investigation of Cleveland LowCost Pharmacy, Terminal Distributor of Dangerous Drugs license number 02-2427600, related to Cleveland LowCost Pharmacy's improper storage of COVID-19 vaccines.
2. On or about December 10, 2021, the Board sent a Notice of Opportunity for Hearing to Cleveland LowCost 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.
3. On or about December 15, 2021, Cleveland LowCost Pharmacy, through counsel, timely requested an administrative hearing, which was subsequently scheduled for June 6, 2022.

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. Cleveland LowCost Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated December 10, 2021; 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. Cleveland LowCost Pharmacy agrees to pay to the Board a monetary penalty the amount of \$1,000.00. This fine will be attached to the license record and must be paid no later than 180 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. The Board hereby imposes a written reprimand on Cleveland LowCost Pharmacy's TDDD license, number 02-2427600.

5. Cleveland LowCost 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.
6. Cleveland LowCost Pharmacy 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 Cleveland LowCost 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 Cleveland LowCost Pharmacy by the Board and will NOT discharge Cleveland LowCost Pharmacy from any obligation under the terms of this Agreement.
7. Cleveland LowCost Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Cleveland LowCost Pharmacy 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 Cleveland LowCost Pharmacy will operate.
10. Cleveland LowCost Pharmacy explicitly withdraws its request for a hearing, 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.
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 Ohio Revised Code Section 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. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of

competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.

R-2022-0626

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

**IN THE MATTER OF:
CASE NO. A-2021-0424**

**Jonathan J. Runion DDS, LLC
PENDING APP-000505435
DBA Mill Run Dental Group, LLC**
c/o Dr. Justin D. Hill, DDS
3775 Trueman Ct.
Hilliard, OH 43026

**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 Jonathan J. Runion DDS, LLC DBA Mill Run Dental Group, LLC (Mill Run Dental Group) for the purpose of resolving all issues between the parties relating to the Board investigation Jonathan J. Runion's 2017 Ohio State Dental Board discipline. Together, the Board and Mill Run Dental Group 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, restrict, limit or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. On or about August 30, 2021, Jonathan J. Runion, DDS, LLC DBA Mill Run Dental Group, LLC located at 3775 Trueman Ct, Hilliard, Ohio 43026, submitted an application for a Terminal Distributor of Dangerous Drugs License, APP- 000505435, which lists Justin D. Hill, DDS, as the Responsible Person.

FACTS

1. The Board initiated an investigation of Mill Run Dental Group, Terminal Distributor of Dangerous Drugs license number APP-000505435, related to Jonathan J. Runion's 2017 discipline with the Ohio State Dental Board. Jonathan J. Runion is an owner and operator of Mill Run Dental Group.

2. On or about February 2, 2022, the Board sent a Notice of Opportunity for Hearing to Mill Run Dental Group, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about February 11, 2022, Mill Run Dental Group, through counsel Daniel Zinsmaster, timely requested an administrative hearing, which was subsequently scheduled for August 8, 2022.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. Mill Run Dental Group neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 2, 2022; 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. Upon execution of this Agreement, Mill Run Dental Group's Terminal Distributor of Dangerous Drugs license will be issued by the Board, subject to the following terms and conditions:
 - a. Mill Run Dental Group will complete all application and inspection requirements.
 - b. Mill Run Dental Group agrees to pay to the Board a monetary penalty the amount of \$1,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
 - c. On or about July 26, 2017, Jonathan J. Runion, DDS entered into a Consent Agreement (Agreement) with the Ohio State Dental Board (OSDB), attached hereto and set forth as though fully included herein (Attachment A).
 - d. Jonathan J. Runion, DDS and Mill Run Dental Group agree that Jonathan J. Runion, DDS may not serve as Responsible Person on the Terminal Distributor of Dangerous Drugs Licensee issued to Mill Run Dental Group, APP- 000505435, while Jonathan J.

Runion remains on a term of probation with the Ohio State Dental Board. Further, Jonathan J. Runion may not serve as Responsible Person on this license for a total of five years after his successful completion of his probationary period with the Ohio State Dental Board.

- e. Jonathan J. Runion, DDS, agrees and acknowledges that he must comply with all terms and conditions set forth in the July 26, 2017 Consent Agreement, and subsequent OSDB Agreements related to the 2017 Consent Agreement.
 - f. Failure to adhere to the terms and conditions of the Consent Agreement will be considered a violation of this Agreement and subject to potential sanctions up to and including revocation of Mill Run Dental Group's license.
 - g. Failure to adhere to the terms and conditions of Johnathan J. Runion's monitoring agreement with Ohio Physicians Health Program will be considered a violation of this Agreement and subject to potential sanctions up to and including revocation of Mill Run Dental Group's license.
 - h. Johnathan J. Runion must immediately report any violation of the terms of the Consent Agreement, the Ohio Physicians Health Program, and this Agreement by contacting legal@pharmacy.ohio.gov. Failure to self-report shall be treated as a violation of this Agreement and will subject Mill Run Dental Group to possible additional sanctions.
4. The Board hereby imposes a written reprimand on Mill Run Dental Group's TDDD license, application number APP- 000505435.
 5. Mill Run Dental Group 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. Mill Run Dental Group 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 Mill Run Dental Group 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 Mill Run Dental Group by the Board and will NOT discharge Mill Run Dental Group from any obligation under the terms of this Agreement.

7. Mill Run Dental Group agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 8. Mill Run Dental Group 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 Mill Run Dental Group will operate.
 10. Mill Run Dental Group explicitly withdraws its request for a hearing, 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.
 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 Ohio Revised Code Section 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. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 15. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2022-0627

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

**IN THE MATTER OF:
CASE NO. A-2022-0061**

**Beecher Crossing Dental Group
License No. 02-2758150
c/o Jessica Runion, DDS
1110 Beecher Crossing N. Ste A**

Gahanna, OH 43230

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 Beecher Crossing Dental Group for the purpose of resolving all issues between the parties relating to the Board investigation Dr. Jonathan J. Runion's Ohio State Dental Board 2017 discipline and the failure to report the discipline to the Board. Together, the Board and Beecher Crossing Dental Group 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, restrict, limit or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Dr. Jessica Runion, DDS is listed as the Responsible Person at Beecher Crossing Dental Group, located at 1110 Beecher Crossing N. Ste A, Gahanna, Ohio, License No. 02-2758150.

FACTS

1. The Board initiated an investigation of Beecher Crossing Dental Group, Terminal Distributor of Dangerous Drugs License 02-2758150, related to Dr. Jonathan J. Runion's 2017 discipline with the Ohio State Dental Board and the failure to report the discipline to the Board.
2. On or about February 2, 2022, the Board sent a Notice of Opportunity for Hearing to Beecher Crossing Dental Group, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about February 11, 2022, Beecher Crossing Dental Group, through counsel Daniel Zinsmaster, timely requested an administrative hearing, which was subsequently scheduled for August 8, 2022. This matter reached settlement prior to administrative hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. Beecher Crossing Dental Group neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 2, 2022; 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. Upon execution of this Agreement, the following terms and conditions will be imposed on Beecher Crossing Dental Group's Terminal Distributor of Dangerous Drugs license:
 - a. Beecher Crossing Dental Group agrees to pay to the Board a monetary penalty the amount of \$2,500.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
 - b. On or about July 26, 2017, Jonathan J. Runion, DDS entered into a Consent Agreement (Agreement) with the Ohio State Dental Board (OSDB), attached hereto and set forth as though fully included herein (Attachment A).
 - c. Jonathan J. Runion, DDS and Beecher Crossing Dental Group agree that Jonathan J. Runion, DDS may not serve as Responsible Person on Beecher Crossing Dental Group's License, No. 02-2758150, while Jonathan J. Runion remains on a term of probation with the Ohio State Dental Board. Further, Jonathan J. Runion may not serve as Responsible Person on this license for a total of five years after his successful completion of his probationary period with the Ohio State Dental Board.
 - d. Jonathan J. Runion, DDS, agrees and acknowledges that he must comply with all terms and conditions set forth in the July 26, 2017 Consent Agreement, and subsequent OSDB Agreements related to the 2017 Consent Agreement.
 - e. Failure to adhere to the terms and conditions of the Consent Agreement will be considered a violation of this Agreement and subject to potential sanctions up to and including revocation of Beecher Crossing Dental Group's license.
 - f. Failure to adhere to the terms and conditions of Johnathan J. Runion's monitoring agreement with Ohio Physicians Health Program will be considered a violation of this Agreement and subject to potential sanctions up to and including revocation of Beecher Crossing Dental Group's license.
 - g. Johnathan J. Runion, DDS must immediately report any violation of the terms of the Consent Agreement, the Ohio Physicians

Health Program, and this Agreement by contacting legal@pharmacy.ohio.gov. Failure to self-report shall be treated as a violation of this Agreement and will subject Beecher Crossing Dental Group to possible additional sanctions.

4. The Board hereby imposes a written reprimand on Beecher Crossing Dental Group's TDDD License, No. 02-2758150.
5. Beecher Crossing Dental Group 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. Beecher Crossing Dental Group 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 Beecher Crossing Dental Group 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 Beecher Crossing Dental Group by the Board and will NOT discharge Beecher Crossing Dental Group from any obligation under the terms of this Agreement.
7. Beecher Crossing Dental Group agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Beecher Crossing Dental Group 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 Beecher Crossing Dental Group will operate.
10. Beecher Crossing Dental Group explicitly withdraws its request for a hearing, 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.
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 Ohio Revised Code Section 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. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.

R-2022-0628

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

**IN THE MATTER OF:
Case No. A-2021-0264
501-5231**

**CVS Pharmacy #6101
License No. 02-2013200**
c/o Stephen Trapp, RPh
8560 Winton Road
Cincinnati, Ohio 45231

**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 CVS Pharmacy #6101 for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. Together, the Board and CVS Pharmacy #6101 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, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. CVS Pharmacy #6101 has an active TDDD license with the Board under license number 02-2013200, which lists Stephen Trapp, RPh, as the Responsible Person.

FACTS

1. The Board initiated an investigation of CVS Pharmacy #6101, TDDD license number 02-2013200, related to an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.
2. On or about October 12, 2021, the Board sent a Notice of Opportunity for Hearing to CVS Pharmacy #6101, 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. CVS Pharmacy #6101 neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated October 12, 2021, 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. CVS Pharmacy #6101 agrees to pay to the Board a monetary penalty the amount of \$250.00. This fine will be attached to CVS Pharmacy #6101's license record and must be paid no later than 180 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.
4. CVS Pharmacy #6101 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. CVS Pharmacy #6101 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 CVS Pharmacy #6101 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 CVS Pharmacy #6101 by the Board and will NOT discharge CVS Pharmacy #6101 from any obligation under the terms of this Agreement.

6. CVS Pharmacy #6101 agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. CVS Pharmacy #6101 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 CVS Pharmacy #6101 will operate.
9. CVS Pharmacy #6101 waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

R-2022-0629

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

**IN THE MATTER OF:
CASE No. A-2020-0271**

Puragraft, LLC
License No. 01-2648250 (inactive)
c/o Lee Majerus
22001 Northpark Dr. Ste. 700
Kingwood, TX 77339

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 Puragraft, LLC, for the purpose of resolving all issues between the parties relating to the Board investigation of illegal sales of dangerous drugs to an unlicensed entity. Together, the Board and Puragraft, LLC are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.56 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.52 of the Ohio Revised Code.
2. Puragraft, LLC, was a licensed Wholesaler Distributor of Dangerous Drug, License No. 01-2648250, which lists Lee Majerus, as the Responsible Person. The WDDD License No. 01-2648250 is now inactive.

FACTS

1. The Board initiated an investigation of Puragraft, LLC, Wholesaler Distributor of Dangerous Drugs License No. 01-2648250, inactive, related to Puragraft, LLC's illegal sales of dangerous drugs to an unlicensed entity.
2. On or about 3/2/2022, the Board sent a Notice of Opportunity for Hearing to Puragraft, LLC, 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. Puragraft, LLC, neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated 3/2/2022; 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. Puragraft, LLC agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to your license record and must be paid no later than 180 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 hereby imposes a written reprimand on Puragraft, LLC's WDDD license, number 01-2648250, inactive.
5. Puragraft, LLC 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. Puragraft, LLC 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 Puragraft, LLC 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 Puragraft, LLC by the Board and will NOT discharge Puragraft, LLC from any obligation under the terms of this Agreement.
7. Puragraft, LLC agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Puragraft, LLC 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 Puragraft, LLC will operate.
10. Puragraft, LLC 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.
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 Ohio Revised Code Section 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. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
15. This Agreement shall become effective upon the date of the Board President's signature below.

R-2022-0630

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

**IN THE MATTER OF:
CASE NO. A-2020-0507**

Catherine Lopienski
License No. 03-117473
1980 Maxwell Avenue
Lewis Center, OH 43035

**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 Catherine Lopienski, RPh, for the purpose of resolving Board Case No. A-2020-0507 Together, the Board and Catherine Lopienski are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Catherine Lopienski is a licensed pharmacist in the state of Ohio under license number 03-117473.
3. Catherine Lopienski is the Responsible Person and owner of TWC Pharmacy and Wellness Center, LLC, located at 273-A W. Schrock Road, Westerville, OH 43081.

FACTS

1. The Board initiated an investigation of Catherine Lopienski, pharmacist license number 03-117473, and TWC Pharmacy and Wellness Center, LLC, Terminal Distributor of Dangerous Drugs license number 02-2041100, related to pharmacy supervision and drug security.
2. On or about February 4, 2022, the Board sent a Notice of Opportunity for Hearing to Catherine Lopienski, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. On or about March 2, 2022, Catherine Lopienski, through counsel, timely requested an administrative hearing, which was subsequently scheduled for June 6, 2022.
4. On or about April 1, 2022, Catherine Lopienski notified the Board that TWC Pharmacy and Wellness Center, LLC, had closed, effective March 27, 2022, pursuant to its March 1, 2022, Written Notice of Discontinuing Business and subsequent communications with the Board related thereto.

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

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. Catherine Lopienski neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated February 4, 2022; 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 agrees to accept Catherine Lopienski's permanent and voluntary surrender to the State of Ohio Board of Pharmacy of her pharmacist license, number 03-117473, with discipline pending, effective the date of this Agreement, but no later than June 2, 2022.**
4. **Catherine Lopienski agrees never to reapply for any license or registration, issued by the State of Ohio Board of Pharmacy pursuant to Chapters 3719., 3796., 4729., or 4752. of the Revised Code.**

5. Catherine Lopienski agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Catherine Lopienski understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Catherine Lopienski agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Catherine Lopienski explicitly withdraws her request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2022-0631

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

**IN THE MATTER OF:
CASE NO. A-2020-0506**

**TWC Pharmacy and Wellness Center, LLC
License No. 02-2041100
c/o Catherine Lopienski, Responsible Person**

273-A W. Schrock Road
Westerville, OH 43081

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), TWC Pharmacy and Wellness Center, LLC, for the purpose of resolving Board Case No. A-2020-0506. Together, the Board and TWC Pharmacy and Wellness Center, LLC, are referred to hereinafter as "party" or "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. TWC Pharmacy and Wellness Center, LLC, located at 273-A W. Schrock Road, Westerville, OH 43081, is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2041100.

FACTS

1. The Board initiated an investigation of TWC Pharmacy and Wellness Center, LLC, Terminal Distributor of Dangerous Drugs license number 02-2041100 related to pharmacy supervision and drug security.
2. On or about February 4, 2022, the Board sent a Notice of Opportunity for Hearing to TWC Pharmacy and Wellness Center, LLC, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about March 2, 2022, TWC Pharmacy and Wellness Center, LLC, through counsel, timely requested an administrative hearing, which was subsequently scheduled for June 6, 2022.
4. On or about April 1, 2022, TWC Pharmacy and Wellness Center, LLC, through its Responsible Person Catherine Lopienski, RPh, notified the Board that it had closed, effective March 27, 2022, pursuant to its March 1, 2022, Written Notice of Discontinuing Business and subsequent communications with the Board related thereto.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. TWC Pharmacy and Wellness Center, LLC, neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated February 4, 2022; 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 agrees to accept TWC Pharmacy and Wellness Center, LLC's permanent and voluntary surrender to the State of Ohio Board of Pharmacy of its Terminal Distributor of Dangerous Drugs license, number 02-2041100, with discipline pending, effective the date of its discontinuation of business, March 27, 2022.**
4. **TWC Pharmacy and Wellness Center, LLC, agrees never to reapply for any license or registration, issued by the State of Ohio Board of Pharmacy pursuant to Chapters 3719., 3796., 4729., or 4752. of the Revised Code.**
5. TWC Pharmacy and Wellness Center, LLC, 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.
6. TWC Pharmacy and Wellness Center, LLC, agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. TWC Pharmacy and Wellness Center, LLC, 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 TWC Pharmacy and Wellness Center, LLC, will operate.
9. TWC Pharmacy and Wellness Center, LLC, explicitly withdraws its request for a hearing, 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. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 14. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2022-0632

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

**IN THE MATTER OF:
Case No. A-2021-0475
I-2021-0668**

**Griffin Kyle Jones
Registration No. 09-119951
5975 Junk Road
Mount Sterling, OH 43143**

**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 Griffin Kyle Jones for the purpose of resolving all issues between the parties relating to the Board investigation of working at CVS Pharmacy #1223, located at 3575 Broadway, Grove City, Ohio 43213, without a valid registration as a pharmacy technician. Together, the Board and Griffin Kyle Jones 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, restrict, limit, 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. Griffin Kyle Jones is a pharmacy intern in the state of Ohio under registration number 06-0003201. He previously held a pharmacy technician trainee registration, number 09-119951.

FACTS

1. The Board initiated an investigation of Griffin Kyle Jones, pharmacy technician trainee registration number 09-111951, related to Griffin Kyle Jones' working as a pharmacy technician at CVS Pharmacy #1223 without maintaining a valid registration as a pharmacy technician.
2. On or about February 25, 2022, the Board sent a Notice of Opportunity for Hearing to Griffin Kyle Jones which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. Griffin Kyle Jones neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated February 25, 2022; 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. Griffin Kyle Jones agrees to pay to the OSBP the amount of amount of \$25.00. This fine will be attached to the registration record and must be paid no later than 180 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.
4. The Board hereby imposes a written reprimand on Griffin Kyle Jones' technician registration, number 09-119951.
5. Griffin Kyle Jones agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Griffin Kyle Jones understands that he has the right to be represented by counsel for review and execution of this agreement.

7. Griffin Kyle Jones agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
 8. Griffin Kyle Jones waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 12. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2022-0633

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

**IN THE MATTER OF:
CASE NO. A-2019-0502**

Timothy Litmer
License No. 03-215630
98 Lakefield Drive
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 Timothy Litmer, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of you testing positive for an unprescribed controlled

substance on a random drug screen by your employer. Together, the Board and Timothy Litmer are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Timothy Litmer is a licensed pharmacist in the state of Ohio under license number 03-215630.

FACTS

1. The Board initiated an investigation of Timothy Litmer, pharmacist license number 03-215630, related to you testing positive for an unprescribed controlled substance on a random drug screen by your employer.
2. On or about August 27, 2021, the Board sent a Notice of Opportunity for Hearing to Timothy Litmer, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about September 24, 2021, Timothy Litmer, through counsel Levi Tkach, timely requested an administrative hearing, which was subsequently scheduled for March 8, 2022.

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. Timothy Litmer neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated August 27, 2021; 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. Timothy Litmer agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to Timothy Litmer's

license record and must be paid no later than 180 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.

4. Timothy Litmer must obtain six hours of approved continuing pharmacy education (0.6 CEUs) in Ethics and Opiates, which may not also be used for license renewal. The 0.6 CEUs must be completed within six months from the effective date of this agreement. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. The Board hereby imposes a written reprimand on Timothy Litmer's pharmacist license, number 03-215630.
6. Timothy Litmer agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Timothy Litmer understands that he has the right to be represented by counsel for review and execution of this agreement.
8. Timothy Litmer 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. Timothy Litmer explicitly withdraws his request for a hearing, 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. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
14. This Agreement shall become effective upon the date of the Board President's signature below.

R-2022-0634

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

**IN THE MATTER OF:
CASE NO. A-2020-0081**

**Peter M. Johnson, RPh
License No. 03-112229**
2228 Balmoral Road
Columbus, Ohio 43229

**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 Peter Johnson, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of an error in dispensing. Together, the Board and Peter Johnson are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Peter Johnson is a licensed pharmacist in the state of Ohio under license number 03-112229.

FACTS

1. The Board initiated an investigation of Peter Johnson, pharmacist license number 03-112229, related to an error in dispensing.
2. On or about March 23, 2022, the Board sent a Notice of Opportunity for Hearing to Peter Johnson, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Peter Johnson neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated March 23, 2022; however, the Board has evidence sufficient to sustain the allegations, finds him to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Peter Johnson agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to Peter Johnson's license record and must be paid no later than 180 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.
4. Peter Johnson must obtain six hours of approved continuing pharmacy education (0.6 CEUs) which may not also be used for license renewal. The 0.6 CEUs must be completed within six months from the effective date of this agreement. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. The Board hereby imposes a written reprimand on Peter Johnson's pharmacist license, number 03-112229.
6. Peter Johnson agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Peter Johnson understands that she has the right to be represented by counsel for review and execution of this agreement.
8. Peter Johnson 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. Peter Johnson explicitly waives his 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. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 14. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2022-0635

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

**IN THE MATTER OF:
CASE NO. 2021-0471**

**James Glassford, R.Ph.
License No. 03-317213
16217 Kellogg Rd. PO 134
Tontogany, OH 43565**

**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 James Glassford, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of one employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. Together, the Board and James Glassford are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. James Glassford is a licensed pharmacist in the state of Ohio under license number 03-317213.

3. James Glassford is the Responsible Person and owner of Jaks Public Pharmacy, located at 970 W. Wooster #121, Bowling Green, Ohio.

FACTS

1. The Board initiated an investigation of James Glassford, pharmacist license number 03-317213, and Jaks Public Pharmacy related to one employee of Jaks Public Pharmacy performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.
2. On or about April 7, 2022, the Board sent a Notice of Opportunity for Hearing to James Glassford, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. James Glassford neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated April 7, 2022; 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. James Glassford agrees to pay to the Board a monetary penalty in the amount of \$250. This fine will be attached to James Glassford's license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine, login to www.license.ohio.gov and process the items in the cart.
4. The Board hereby imposes a written reprimand on James Glassford's pharmacist license, number 03-317213.
5. James Glassford agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. James Glassford understands that he has the right to be represented by counsel for review and execution of this agreement.

7. James Glassford agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
 8. James Glassford waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an appeal.
 9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 12. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2022-0636

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

**IN THE MATTER OF:
CASE NO. A-2022-0229
I-2022-0541**

**Capital City Periodontics and Oral Implantology
License No. 02-2704850**

c/o Dr. Daniel Ross Murphy, DDS
41 South High Street, Suite 270
Columbus, OH 43215

**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 Capital City Periodontics and Oral Implantology, for the purpose of resolving all issues between the parties relating to the abuse of alcohol while practicing dentistry at Capital City Periodontics and Oral Implantology. Together, the Board and Capital City Periodontics and Oral Implantology 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. Capital City Periodontics and Oral Implantology, located at 41 South High Street, Suite 270, Columbus, Ohio, is a licensed Category 3 Terminal Distributor of Dangerous Drugs under license number 02-2704850. Dr. Daniel Ross Murphy is the owner and Responsible Person of Capital City Periodontics and Oral Implantology.

FACTS

1. The Board initiated an investigation of Capital City Periodontics and Oral Implantology, TDDD license number 02-2704850, after receiving a complaint alleging the abuse of alcohol by Dr. Daniel Ross Murphy, DDS while practicing dentistry.
2. On or about April 13, 2022, Dr. Daniel Murphy, DDS admitted to board agents his addiction to alcohol and described himself as an "alcoholic." He further admitted to drinking bourbon approximately once per week while practicing patient care.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. **IN LIEU OF ADMINISTRATIVE ACTION, CAPITAL CITY PERIODONTICS AND ORAL IMPLANTOLOGY VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY ITS LICENSE AND REGISTRATION AS A TERMINAL**

DISTRIBUTOR OF DANGEROUS DRUGS, LICENSE NO. 02-2704850, WITH DISCIPLINE PENDING.

- 3. Capital City Periodontics and Oral Implantology and/or Dr. Daniel Ross Murphy, DDS, agrees not to reapply for any license or registration, issued by the State of Ohio Board of Pharmacy pursuant to Chapters 3719., 3796., 4729., or 4752. of the Revised Code until Dr. Daniel Ross Murphy, DDS can provide proof of compliance with a substance abuse program and be in good standing with the Ohio State Dental Board.**
- 4. Capital City Periodontics and Oral Implantology expressly states and affirms the Board of Pharmacy shall take control of the controlled substances currently in its possession at 41 South High Street, Suite 270, Columbus, Ohio, 43215 and 7100 Graphics Way, Suite 3500, Lewis Center, Ohio, 43035. Capital City Periodontics and Oral Implantology agrees any possession of such may subject it and any natural person in possession of such drugs to criminal and/or administrative action.**
5. Capital City Periodontics and Oral Implantology 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.
6. Capital City Periodontics and Oral Implantology agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Capital City Periodontics and Oral Implantology understands 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 Capital City Periodontics and Oral Implantology will operate.
9. Capital City Periodontics and Oral Implantology expressly 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-2022-0637

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

**IN THE MATTER OF:
Case No. A-2021-0188**

**Alexander Newsome
Trainee Registration No. 09-114478
Registered Tech Reg. No. 09-215072
300 Winter Creek Ct.
Englewood, OH 45322**

**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 Alexander Newsom for the purpose of resolving all issues between the parties relating to the Board investigation of the results of a drug screen from January 22, 2021 and the subsequent statements he made regarding drug use. Together, the Board and Alexander Newsom 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, restrict, limit, 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. Alexander Newsom is a registered pharmacy technician in the state of Ohio. At the time of the conduct, Alexander Newsom was a pharmacy technician trainee in the state of Ohio under (now inactive) registration number 09-114478.

FACTS

1. The Board initiated an investigation of Alexander Newsom, pharmacy technician trainee registration number 09-114478, related to Alexander Newsom's results of a drug screen from January 22, 2021 and the subsequent statements he made regarding drug use.
2. On or about January 5, 2022, the Board sent a Notice of Opportunity for Hearing to Alexander Newsom which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. Alexander Newsom neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated January 5, 2022; 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. Alexander Newsom agrees to pay to the Board the amount of amount of \$250.00. This fine will be attached to the pharmacy technician trainee registration record and must be paid no later than 180 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. Alexander Newsom must obtain five hours of approved continuing pharmacy education (0.5 CEUs) which may not also be used for registration renewal or for purposes of obtaining/maintaining registered or certified pharmacy technician certification. The 0.5 CEUs must be completed within six months from the effective date of this agreement. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. The Board hereby imposes a written reprimand on Alexander Newsom's technician trainee registration, number 09-114478.
6. Alexander Newsom agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

7. Alexander Newsom understands that he has the right to be represented by counsel for review and execution of this agreement.
8. Alexander Newsom 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. Alexander Newsom explicitly withdraws his request for a hearing, 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. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
14. This Agreement shall become effective upon the date of the Board President's signature below.

R-2022-0638

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

**IN THE MATTER OF:
CASE No. A-2020-0153
I-2018-2398**

**Warren Township Volunteer Fire Department, Station 2
License No. 02-0346201
c/o Dr. Kenneth Martin
17305 State Route 550
Marietta, Ohio 45750**

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 Warren Township Volunteer Fire Department, Station #2 (Warren Fire #2) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal possession and administration of dangerous drugs while operating without a Board-issued license. Together, the Board and Warren Fire #2 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. Warren Fire #2 is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0346201.

FACTS

1. The Board initiated an investigation of Warren Fire #2, Terminal Distributor of Dangerous Drugs license number 02-0346201, related to Warren Fire #2's illegal possession and administration of dangerous drugs while operating without a Board-issued license.
2. On or about December 21, 2021 the Board sent a Notice of Opportunity for Hearing to Warren Fire #2, 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. Warren Fire #2 neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated December 21, 2021; 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. Warren Fire #2 agrees to pay to the Board a monetary penalty the amount of \$650.00. This fine will be attached to your license record and must be paid no later than 6 months from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
4. Warren Fire #2 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. Warren Fire #2 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 Warren Fire #2 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 Warren Fire #2 by the Board and will NOT discharge Warren Fire #2 from any obligation under the terms of this Agreement.
6. Warren Fire #2 agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Warren Fire #2 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 Warren Fire #2 will operate.
9. Warren Fire #2 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-2022-0639

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

IN THE MATTER OF:

**OCC Health Concepts
c/o Dr. Satish Mahna
5212 Mahoning Ave., Suite 305
Austintown, Ohio 44515**

**CASE NO. A-2022-0042
*Pending PMC Application No. APP-000564452
(Incorrect Pending Application No. APP-000514007)***

And

**OCC Health Concepts
c/o Dr. Satish Mahna
1212 Abbe Road North, Suite C
Elyria, OH 44035
CASE NO. A-2022-0043
*Pending Application No. APP-000551711***

And

**OCC Health Concepts
c/o Dr. Satish Mahna
4212 State Route 306, Suite 300
Willoughby, Ohio 44094
CASE NO. A-2022-0045
*Pending Application No. APP-000551730***

**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 OCC Health Concepts Austintown, OCC Health Concepts Elyria, and OCC Health Concepts Willoughby (collectively, OCC Health Concepts) for the purpose of resolving all issues between the parties relating to the Board investigation of OCC Health Concepts operating without a Board-issued Terminal Distributor of Dangerous Drugs with a Pain Management Clinic (PMC) Classification

License at three locations. Together, the Board and OCC Health Concepts 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, restrict, limit or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. No person shall operate a facility that is subject to licensure as a category III TDDD with a PMC classification without obtaining and maintaining the license with the classification. ORC Section 4729.552(C).
3. Pursuant to Section 4729.552(D) of the Ohio Revised Code (ORC), the state board of pharmacy may impose a fine of not more than five thousand dollars on a person who fails to comply with division (C) of this section. A separate fine may be imposed for each day the violation continues. In imposing the fine, the board's actions shall be taken in accordance with Chapter 119. of the Revised Code.
4. Dr. Satish Mahna is licensed as a Doctor of Medicine by the State Medical Board of Ohio under license number 35.053450.
5. On or about September 27, 2021, Dr. Mahna signed as the owner and Responsible Person on an application for a license as a Category III TDDD Clinic, on behalf of OCC Health Concepts, located at 5212 Mahoning Ave., Suite 305, Austintown, Ohio APP-000514007. This application is not to operate as a PMC. A corrected application was submitted on or about March 10, 2022, for a Category III TDDD with a PMC Classification, APP-000564452.
6. On or about February 3, 2022, Dr. Mahna signed as the owner and Responsible Person behalf of OCC Health Concepts, located at 1212 Abbe Road North, Suite C, Elyria, Ohio, on an application for a license as a Category III TDDD with a PMC Classification, APP-000551711.
7. On or about February 3, 2022, Dr. Mahna signed as the owner and Responsible Person behalf of OCC Health Concepts, located at 4212 State Route 306, Suite 300, Willoughby, Ohio, on an application for a license as a Category III TDDD with a PMC Classification, APP-000551730.

FACTS

1. The Board initiated an investigation of OCC Health Concepts, related to OCC Health Concepts operation as a PMC without a license at three separate locations, between on or about April 30, 2019 through the date of the execution of this Agreement.

2. On or about January 24, 2022, the Board sent a Notice of Opportunity for Hearing to each OCC Health Concepts location, Case Nos. A-2022-0042, A-2022-0043, and A-2022-0045, each of which outlined the allegations and provided notice of their right to a hearing, their rights in such hearing, and their right to submit contentions in writing.
3. A hearing was not requested for any of the three pending matters. Settlement was reached in each matter, prior to hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. OCC Health Concepts neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letters dated January 24, 2022, in Case Nos. A-2022-0042, A-2022-0043, and A-2022-0045; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in each of the Notice Letters, and hereby adjudicates the same.
3. OCC Health Concepts agrees to pay to the Board a monetary penalty in the amount of \$45,000.00. \$30,000 will be stayed upon the condition that OCC Health Concepts complies 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, for a period of no less than one year from the issuance of each TDDD PMC License. The following terms apply:
 - a. The monetary penalty shall be allocated as follows:
 - i. OCC Health Concepts Austintown, APP-000564452: \$15,000 monetary penalty with \$10,000 stayed per Term 3.
 - ii. OCC Health Concepts Elyria, APP-000551711: \$15,000 monetary penalty with \$10,000 stayed per Term 3.
 - iii. OCC Health Concepts Willoughby, APP-000551730: \$15,000 monetary penalty with \$10,000 stayed per Term 3.

- b. This fine, as allocated above, will be attached to each license record. \$5,000.00 of the monetary penalty will be attached to APP-000564452 must be paid prior to the Board issuing any of the three OCC Health Concepts Category III TDDD with a PMC Classification Licenses. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
 - c. The remaining monetary penalty that is not stayed, \$10,000.00, will be attached to APP-000551711 and APP-000551730 and shall be paid no later than 12 months from the effective date of this Agreement. Failure to pay the \$10,000.00 shall be treated as a violation of this Agreement and will subject OCC Health Concepts to possible additional sanctions.
 4. OCC Health Concepts Category III TDDD with a PMC Classification Licenses, Application Nos. APP-000564452, APP-000551711, and APP-000551730, will be issued subject to payment of the fine outlined in Term 3(b) and upon satisfactory completion of all application and inspection requirements, including:
 - a. Submission of an application for a TDDD with a PMC Classification, including completion of all applicable license application requirements, for each location.
 - b. Each location must pass a Board inspection.
 - c. Each location must pass a Standards of Care review by the State Medical Board of Ohio.
 5. OCC Health Concepts and Dr. Satish Mahna agree that each PMC license will be issued to OCC Health Concepts and Dr. Satish Mahna, with Dr. Satish Mahna serving as the sole physician and Responsible Person. Dr. Satish Mahna will open and operate one location as a PMC at a time, while the other locations are closed to patients seeking PMC services.
 - a. Prior to making changes to the business model as outlined in Term 5, OCC Health Concepts must request approval from the Board by contacting legal@pharmacy.ohio.gov. Failure to request changes to this structure shall be treated as a violation of this Agreement and will subject OCC Health Concepts to possible additional sanctions.
 6. The Board hereby imposes a written reprimand on OCC Health Concepts' TDDD license, at each location, Application Nos. APP-000564452, APP-000551711, and APP-000551730.
 7. OCC Health Concepts agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license,

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

8. OCC Health Concepts 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 OCC Health Concepts 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 OCC Health Concepts by the Board and will NOT discharge OCC Health Concepts from any obligation under the terms of this Agreement.
9. OCC Health Concepts agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
10. OCC Health Concepts understands that it has the right to be represented by counsel for review and execution of this agreement.
11. 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 OCC Health Concepts will operate.
12. OCC Health Concepts explicitly 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.
13. 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.
14. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
15. 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.
16. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
17. This Agreement shall become effective upon the date of the Board President's signature below.

R-2022-0640

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

**IN THE MATTER OF:
CASE NO. A-2019-0485**

Mark Ziegler, R.Ph.
License No. 03-228466
10333E. Penstamin Drive
Scottsdale, AZ 85255-8649

**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 Mark Ziegler, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of a consent agreement Mark Ziegler entered with the Arizona Board of Pharmacy, case number 18-0418. Together, the Board and Mark Ziegler are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Mark Ziegler is a licensed pharmacist in the state of Ohio under license number 03-228466.

FACTS

1. The Board initiated an investigation of Mark Ziegler, pharmacist license number 03-228466, on or about October 17, 2019, subsequent to Mark Ziegler's self-disclosure on or about June 7, 2019, related to a consent agreement he entered with the Arizona Board of Pharmacy, case number 18-0418.
2. On or about August 27, 2021, the Board sent a Notice of Opportunity for Hearing to Mark Ziegler, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about September 21, 2021, Mark Ziegler, through counsel, timely requested an administrative hearing, which was subsequently scheduled for February 8, 2022.

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. Mark Ziegler neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated August 27, 2021; 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. Mark Ziegler will be placed on a term of probation, beginning the effective date of this agreement until December 1, 2023, to run concurrent with his term of probation with the Arizona Board of Pharmacy, Case Number 18-0418.
4. Mark Ziegler agrees the terms of the Arizona State Board of Pharmacy Consent Agreement and Order for Suspension and Probation, Case Number 18-0418, effective May 30, 2019 are fully incorporated into this agreement, and as part of his probation in Ohio, he will abide by the terms of probation set forth in the Arizona Consent Agreement and Order.
5. Other terms of probation, applicable to Mark Ziegler's practice of pharmacy in Ohio, are as follows:
 - a. The State of Ohio Board of Pharmacy hereby declares that Mark Ziegler's pharmacist license is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraphs (K) and (O) of Rule 4729:2-1-01 of the OAC.
 - b. Mark Ziegler may not serve as a responsible pharmacist or a designated representative in a dispensary or for home medical equipment.
 - c. Mark Ziegler may not engage in a consult agreement, unless approved by the board.
 - d. Mark Ziegler may not destroy, assist in, or witness the destruction of controlled substances.

- e. Mark Ziegler may not work in a pharmacy more than 40 hours per week or 80 hours over a two-week period.
 - f. Mark Ziegler must not violate the drug laws of Ohio, any other state, or the federal government.
 - g. Mark Ziegler must abide by the rules of the State of Ohio Board of Pharmacy.
 - h. Mark Ziegler must comply with the terms of this Agreement.
 - i. Mark Ziegler's license is deemed not in good standing, as a matter of law, until successful completion of the probationary period.
 - j. Mark Ziegler must provide continuing authorization for disclosure by the monitor and treatment provider (when applicable) to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their duties.
6. Mark Ziegler may not request modifications to probationary terms prior to December 1, 2023, however, limited, isolated deviations may be granted with approval by the Board, in exceptional circumstances.
7. Mark Ziegler must immediately report any violation of the terms of this probation to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Mark Ziegler to possible additional sanctions, including and up to revocation of license.
8. Any violation of probation or this Board's Order may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code, including and up to revocation of Mark Ziegler's license.
9. Periods during which Mark Ziegler is not in compliance with all probationary terms shall toll the length of time of probation, or the Board may implement additional disciplinary action in addition to or instead of tolling probation.

At the conclusion of the probationary period, the Board will issue a letter indicating whether probation has been successfully completed. If the Board determines probation has not been successfully completed, it will issue a notice of opportunity for hearing to Mark Ziegler.

10. Pursuant to the Board's usual practices, the Board hereby imposes a written reprimand on Mark Ziegler's pharmacist license, number 03-228466.
 11. Mark Ziegler agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 12. Mark Ziegler understands that he has the right to be represented by counsel for review and execution of this agreement.
 13. Mark Ziegler 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.
 14. Mark Ziegler explicitly withdraws his request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an appeal.
 15. 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.
 16. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 17. 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.
 18. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 19. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2022-0641

Mr. Goodman moved to Adjourn the June 2022 State of Ohio Board of Pharmacy Meeting. The motion was seconded by Mr. Grimm and approved by the Board: Yes-5, No-0.

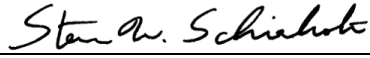
12:51 p.m.

The Board Meeting Adjourned.



Shawn Wilt, RPh, President

Date: 07.12.2022



Steven W. Schierholt, Executive Director

Date: 07.12.2022