



MINUTES OF THE JANUARY 8, 9, AND 11, 2024
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, January 8, 2024

10:11 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, with the following members present:

Trina Buettner, RPh, *Presiding*; Mindy Ferris, RPh, *Vice President*; Anthony Buchta, Sr., RPh; Victor Goodman, *Public Member*; TJ Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christine Pfaff, RPh.

Absent: Jason George, RPh (military leave).

Also present were Sharon Maerten-Moore, *Chief Legal Counsel*; Ashley Gilbert, *Senior Legal Counsel*; and Kathryn Lewis, *Legal Administrator*.

10:11 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 **Kiel Abele, Toledo, Ohio.**

R-2024-0306 Ms. Ferris 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. Huston and approved by the Board: Yes-7, No-0.

10:55 a.m. The deliberation ended and the hearing opened to the public.

R-2024-0307 After votes were taken in public session, the Board adopted the following order in the Matter of **Kiel Abele, Toledo, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2020-0561)

In The Matter Of:

Kiel Abele
3157 Sylvania Avenue
Toledo, Ohio 43613
(License No. 03-129707)

INTRODUCTION

The Matter of Kiel Abele came for hearing on January 8, 2024 before the following members of the State of Ohio Board of Pharmacy (Board): Trina Buettner, RPh, *Presiding*; Mindy Ferris, RPh, Vice President; Anthony Buchta, Sr., RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christine Pfaff, RPh.

Jason George, RPh; Absent.

Kiel Abele was represented by Levi Tkach. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE**State's Witnesses:**

1. Kiel Abele – Respondent

Respondent's Witnesses:

1. None

State's Exhibits:

1. Original Notice Letter
2. Board Order
3. Scheduling Order

Respondent's Exhibits:

- A. Email from Sponsor

B. Resume

FINDINGS OF FACT & DECISION OF THE BOARD

After hearing the testimony, observing the demeanor of the witnesses, considering the evidence, and weighing the credibility of each, the Board finds that Kiel Abele has substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case No. A-2020-0561, dated June 8, 2023.

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. 03-129707 held by Kiel Abele to practice pharmacy in Ohio. The Board imposes the following condition: Mr. Abele shall appear before the Probation Committee one-year from the effective date of this Order, January 2025, and update the Board on his recovery. Mr. Abele's appearance may be remote, via Teams. Reinstatement shall be effective as of the issuance of this Order.

Mr. Huston moved for Findings of Fact and the Decision of the Board; Ms. Pfaff seconded the motion. Motion passed (Yes- 7/No- 0).

SO ORDERED.

11:01 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 **Salaam Saleh, North Olmstead, Ohio.**

R-2024-0308

Ms. Ferris 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. Huston and approved by the Board: Yes-7, No-0.

11:33 a.m.

The deliberation ended and the hearing opened to the public.

R-2024-0309

After votes were taken in public session, the Board adopted the following order in the Matter of **Salaam Saleh, North Olmstead, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

Case Numbers A-2022-0201 & A-2022-0501

In The Matter Of:

Salaam Saleh
24566 Claeshire Drive, Unit 1
North Olmstead, OH 44070
License no. 03-438264

INTRODUCTION

The Matter of Salaam Saleh came for hearing on January 8, 2024, before the following members of the State of Ohio Board of Pharmacy (Board): Trina Buettner, RPh, *Presiding*; Mindy Ferris, RPh, Vice President; Anthony Buchta, Sr., RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christine Pfaff, RPh.

Jason George, RPh; Absent.

Salaam Saleh was not represented by Counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE**State's Witnesses:**

1. None

Respondent's Witnesses:

1. Salaam Saleh
2. William David Hipp

State's Exhibits:

1. Original Notice Letter

2. Board Order
3. Request for Reinstatement
4. Scheduling Order

Respondent's Exhibits:

- A. Salaam Saleh, R.Ph Curriculum Vitae
- B. Glenbeigh Records
- C. Mental Health Report
- D. AA/NA Meeting Logs
- E. PRO Contract
- F. PRO Participation Summary Report
- G. Letters of Support
- H. Responsible Person (RP) Roundtable and Continuing Education Requirement

FINDINGS OF FACT & DECISION OF THE BOARD

After hearing the testimony, observing the demeanor of the witnesses, considering the evidence, and weighing the credibility of each, the Board finds that Salaam Saleh has substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case Nos. A-2022-0201 and A-2022-0501 dated January 13, 2023.

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. 03-438264, held by Salaam Saleh to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

1. Salaam Saleh 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. Salaam Saleh 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 Salaam Saleh 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 the Salaam Saleh 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. Salaam Saleh 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. Salaam Saleh 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 Salaam Saleh reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. Salaam Saleh 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 Salaam Saleh reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. Salaam Saleh 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 Salaam Saleh's progress towards recovery and what Salaam Saleh 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. Salaam Saleh must provide copies of the board order or settlement agreement to all employers or prospective employers, all licensing authorities in which Salaam Saleh holds a professional license or applies for a professional license, and all persons who provide Salaam Saleh chemical dependency treatment or monitoring, during the effective period of this order or agreement.
7. Other terms of probation are as follows:
 - a. Salaam Saleh must meet at least annually with the Board's Probation Committee, the first meeting to be held January 2025. Additional periodic appearances may be requested.
 - b. The State of Ohio Board of Pharmacy hereby declares that Salaam Saleh'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. Salaam Saleh 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. Salaam Saleh may not serve as a responsible pharmacist or a designated representative in a dispensary or for home medical equipment.
 - e. Salaam Saleh may not engage in a consult agreement, unless approved by the board.

- f. Salaam Saleh may not destroy, assist in, or witness the destruction of controlled substances.
 - g. Salaam Saleh may not work in a pharmacy more than 40 hours per week or 80 hours over a two week period.
 - h. Salaam Saleh must not violate the drug laws of Ohio, any other state, or the federal government.
 - i. Salaam Saleh must abide by the rules of the State of Ohio Board of Pharmacy.
 - j. Salaam Saleh must comply with the terms of this Order.
 - k. Salaam Saleh's license is deemed not in good standing until successful completion of the probationary period.
 - l. Salaam Saleh 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, Salaam Saleh must submit to a psychiatric evaluation, and, where appropriate, continued treatment acceptable to the Board.
9. Salaam Saleh 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. Salaam Saleh 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 Salaam Saleh 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 Salaam Saleh's license.
12. Periods during which Salaam Saleh 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 Salaam Saleh.

T.J. Grimm moved for Findings of Fact; Mindy Ferris seconded the motion. Motion passed (Yes-7/No-0).

T.J. Grimm moved for the Decision of the Board; Mindy Ferris seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2024-0310

Ms. Ferris 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 Mr. Miller and a roll-call vote was conducted *President* Buettner as follows: Buchta-yes; Ferris-yes, Goodman-yes; Grimm-yes; Huston-yes, Miller-yes, and Pfaff-yes.

2:50 p.m.

The Board adjourned for the day.

Tuesday, January 9, 2024**9:01 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, with the following members present:

Trina Buettner, RPh, *Presiding*; Mindy Ferris, RPh, *Vice President*; Victor Goodman, *Public Member*; TJ Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christine Pfaff, RPh.

Absent: Anthony Buchta, Sr., RPh; and Jason George, RPh (military leave).

Also present were Steven Schierholt, *Executive Director*; Sharon Maerten-Moore, *Chief Legal Counsel*; and Kathryn Lewis, *Legal Administrator*.

R-2024-0311

Ms. Ferris 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 Mr. Grimm and a roll-call vote was conducted *President* Buettner as follows: Ferris-yes, Goodman-yes; Grimm-yes; Huston-yes, Miller-yes, and Pfaff-yes.

10:14 a.m.

The Board returned to Public Session and 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 **Tyler Wisse, Urbana, Ohio**.

R-2024-0312

Ms. Ferris 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. Grimm and approved by the Board: Yes-6, No-0.

11:18 a.m.

The deliberation ended and the hearing opened to the public.

R-2024-0313

After votes were taken in public session, the Board adopted the following order in the Matter of **Tyler Wisse, Urbana, Ohio**.

ORDER OF THE STATE BOARD OF PHARMACY

Case Number A-2021-0512

In The Matter Of:

Tyler Wisse
503 E. Lawn Avenue
Urbana, OH 43078
License no. 06-0003368

INTRODUCTION

The Matter of Tyler Wisse came for hearing on January 9, 2024, before the following members of the State of Ohio Board of Pharmacy (Board): Trina Buettner, RPh, *Presiding*; Mindy Ferris, RPh, Vice President; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christine Pfaff, RPh.

Jason George, RPh and Anthony Buchta, Sr., RPh; Absent.

Tyler Wisse was not represented by counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCEState's Witnesses:

1. Tyler Wisse

Respondent's Witnesses:

1. None

State's Exhibits:

1. Notice Letter
2. Request for Hearing
3. Scheduling Order
4. Application
5. Statement of Respondent
6. Charging Document for Madison County Case
7. Police Report for Madison County Case
8. Guilty Plea, Dismissal of Other Charges
9. Probation Violation in Madison County Case
10. Docket for Madison County Case
11. Records from Urbana School District
12. Police Report from Champaign County Case
13. Guilty Plea from Champaign County Case
14. Docket from Champaign County Case

Respondent's Exhibits:

- A. Addiction Program Certificate
- B. Letter to Board
- C. Ferguson Evaluation
- D. Hanley Claims

- E. McKinley Hall Certificate
- F. McKinley Hall Claims
- G. Meds
- H. Parkside Certificate
- I. Pearson Evaluation
- J. Unofficial Transcript
- K. Urbana Evaluation
- L. Woods at Parkside Claims

FINDINGS OF FACT

After hearing the testimony, observing the demeanor of the witnesses, considering the evidence, and weighing the credibility of each, the Board finds the following to be fact:

1. On Tyler Wisse's application submitted on or about July 15, 2021, he answered "Yes" to the question inquiring whether he had any other record of arrest (not related to drug charges), charges, or had a conviction of a felony, misdemeanor, or traffic violation (even if dismissed or sealed or the equivalent thereof in another jurisdiction). Tyler Wisse submitted that on or about June 3, 2019, he was convicted of Operating a Vehicle Impaired (OVI), pursuant to 4511.19(A)(1)(a) of the ORC. He was fined \$1,625, \$800 suspended. He was sentenced to 180 days in jail, 170 days suspended. His operator's license was suspended for two years. He was placed on probation for two years. *State of Ohio v Tyler Wisse*, case number TRC 1900725A, Madison County, Ohio Municipal Court.
2. On or about March 9, 2022, Tyle Wisse was convicted of Operating a Motor Vehicle Impaired (OVI), Third in 10 years pursuant to 4511.19(A)(1)(a) of the ORC. He was fined \$1,100. He was sentenced to 365 days in jail, 335 days suspended, with 30 days of jail-time credit. He was placed on community control for 36 months. *City of Urbana v Tyler Wisse*, case number 21TRC01338-A, Champaign County, Ohio Municipal Court.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact, if proven, 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, each violation constituting a minor misdemeanor:
 - 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); and
 - 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).

2. Such conduct as set forth in the Findings of Fact, if proven, each constitutes a violation of each of the following divisions of Rule 4729:2-4-01(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 4729:2-4-01(B)(2)(c); and
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:2-4-01(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 4729:2-4-01(B)(2)(k).

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 places the pharmacist intern license No. 06-0003368, held by Tyler Wisse, on a period of probation for a minimum of five years beginning on the effective date of this Order, with the remainder of the probationary period, upon successful application, transferring to Tyler Wisse's pharmacist license. During the probationary period, the following terms and conditions apply:

1. Tyler Wisse 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. Tyler Wisse 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 Tyler Wisse 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 Tyler Wisse 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. Tyler Wisse 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. Tyler Wisse 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 Tyler Wisse

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

4. Tyler Wisse 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 Tyler Wisse reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. Tyler Wisse 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 Tyler Wisse's progress towards recovery and what Tyler Wisse 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. Tyler Wisse must provide copies of the board order or settlement agreement to all employers or prospective employers, all licensing authorities in which Tyler Wisse holds a professional license or applies for a professional license, and all persons who provide Tyler Wisse chemical dependency treatment or monitoring, during the effective period of this order or agreement.
7. Other terms of probation are as follows:
 - a. Tyler Wisse must meet at least annually with the Board's Probation Committee, the first meeting to be held January 2024. Additional periodic appearances may be requested.

- b. The State of Ohio Board of Pharmacy hereby declares that Tyler Wisse'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. Tyler Wisse 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. Tyler Wisse may not serve as a responsible pharmacist or a designated representative in a dispensary or for home medical equipment.
- e. Tyler Wisse may not engage in a consult agreement, unless approved by the board.
- f. Tyler Wisse may not destroy, assist in, or witness the destruction of controlled substances.
- g. Tyler Wisse may not work in a pharmacy more than 40 hours per week or 80 hours over a two week period.
- h. Tyler Wisse must not violate the drug laws of Ohio, any other state, or the federal government.
- i. Tyler Wisse must abide by the rules of the State of Ohio Board of Pharmacy.
- j. Tyler Wisse must comply with the terms of this Order.
- k. Tyler Wisse's license is deemed not in good standing until successful completion of the probationary period.

- I. Tyler Wisse 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, Tyler Wisse must submit to a psychiatric evaluation, and, where appropriate, continued treatment acceptable to the Board.
9. Tyler Wisse 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. Tyler Wisse 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 Tyler Wisse 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 Tyler Wisse's license.
12. Periods during which Tyler Wisse 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 Tyler Wisse.

Further, the Board hereby grants the State's Motion to Redact the Record in this matter including, but not limited to, Respondent's Social Security Number, contained in the record, specifically Respondent's exhibit: J.

Mindy Ferris moved for Findings of Fact; T.J. Grimm seconded the motion. Motion passed (Aye-6/Nay-0).

Mindy Ferris moved for Conclusions of Law; T.J. Grimm seconded the motion. Motion passed (Aye-6/Nay-0).

Mindy Ferris moved for Action of the Board; T.J. Grimm seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

11:35 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 **The De Morgan Wellness Group, Dayton, Ohio.**

11:35 a.m. The Board was joined by Mr. Buchta.

R-2024-0314 Ms. Ferris 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. Huston and approved by the Board: Yes-7, No-0.

1:09 p.m. The deliberation ended and the hearing opened to the public.

R-2024-0315 After votes were taken in public session, the Board adopted the following order in the Matter of **The De Morgan Wellness Group, Dayton, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2023-0192)

In The Matter Of:

The De Morgan Wellness Group
c/o Sandy Anderson, APRN
7271 N. Main Street, Ste 2
Dayton, Ohio 45415
(*Revoked License No. 02-2785700*)

INTRODUCTION

The Matter of The De Morgan Wellness Group came for hearing on January 9, 2024, before the following members of the State of Ohio Board of Pharmacy (Board): Trina Buettner, RPh, *Presiding*; Mindy Ferris, RPh, Vice President; Anthony Buchta, Sr., RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christine Pfaff, RPh.

Jason George, RPh; Absent.

Although The De Morgan Wellness Group requested a hearing and was notified of the hearing date, The De Morgan Wellness Group was not present and not represented by counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE**State's Witnesses:**

1. Kelly Monce – Board Agent
2. LeAnn Myers – Board Inspector
3. Andrew Bouza – Board Agent

Respondent's Witnesses:

- A. None

State's Exhibits:

1. Notice Letter
2. Request for Hearing
3. Scheduling Order
4. Prior Board Discipline
5. Inspection 09-25-2017
6. Inspection 11-15-2019
7. Undated Response to November 2019 Inspection
8. Inspection 04-15-2021
9. E-mail – 05-21-2021
10. Response to April 2021 Inspection
11. E-mail – 06-09-2021
12. E-mail – 06-16-2021
13. 06-16-2021 Response to April 2021 Inspection
14. E-mail – 09-21-2021
15. E-mail – 11-05-2021
16. E-mail – 11-16-2021
17. Inspection 12-16-2022
18. Photos taken at December 2022 Inspection
19. E-mail – 02-01-2023
20. Photos taken September 2023
21. Photos taken December 2023
22. Photos taken December 2023 (with protected health information)

Respondent's Exhibits:

- A. None

FINDINGS OF FACT

After hearing the testimony, observing the demeanor of the witnesses, considering the evidence, and weighing the credibility of each, the Board finds the following to be fact:

1. The De Morgan Wellness Group, located at 7271 N. Main Street, Dayton, Ohio, was licensed with the Board as a Terminal Distributor of Dangerous Drugs (TDDD)- Clinic- from on or about October 21, 2017 to March 31, 2023, when the license lapsed. During this time, the Board has conducted four inspections of facility and issued five inspection reports. The inspections have resulted in 50 documented Board violations, as outlined in the TDDD-clinic Inspection Reports, including 16 warnings and 34 written responses required. The De Morgan Wellness Group, and Responsible Person and owner Sandy Anderson, APRN, has repeatedly failed to correct and remedy violations identified by agents of the Board during the inspections, as set forth in Attachment A, attached hereto and incorporated as though fully set forth herein. In summary, the following issues were discovered by the Board during the course of four inspections:
 - a. September 25, 2017, Inspection: 4 warnings.
 - b. November 15, 2019, Inspection: 14 warnings or written response requested.
 - i. 2 of the violations were repeat violations (note: a repeat violation is a violation that was identified in a prior inspection and not remedied).
 - c. April 15, 2021, Inspection: 13 warnings or written response required.
 - i. 7 of the violations were repeat violations.
 - ii. During the inspection on or about April 15, 2021, it was discovered that on or about June 1, 2020, The De Morgan Wellness Group moved locations, from 8913 N. Main Street, Dayton, Ohio to 7271 N. Main Street, Dayton, Ohio; however, The De Morgan Wellness Group failed to timely submit a new application and required fee within 30-days of

the address change. The Board did not receive a change of address notification until on or about March 28, 2021.

- d. December 16, 2022, Inspection: 18 warnings of written response required.
 - i. 11 of the violations were repeat violations.
2. Following the Board inspections conducted on or about April 15, 2021 and December 16, 2022, the following occurred:
 - a. Following the Board inspection conducted on or about April 15, 2021, The De Morgan Wellness Group failed to submit to the Board a complete written response, as required by the Ohio Revised Code, despite repeated communication from the Board.
 - b. Following the Board inspection conducted on or about December 16, 2022, The De Morgan Wellness Group failed to submit to the Board a written response, as required by the Ohio Revised Code, despite repeated reminders and communication from the Board.
3. On or about March 31, 2023, The De Morgan Wellness Group did not renew its TDDD license with the Board and is currently operating without a Board issued license. There is no indication that the entity has ceased operation as a TDDD, in fact, office staff confirmed to an agent of the Board, on or about September 20, 2023, that The De Morgan Wellness Group is still in operation and accepting patients.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact constitutes a violation of each of the following divisions of Section 4729.55 of the ORC, as effective April 6, 2017, March 22, 2020 and March 31, 2021, TDDD license requirements:
 - a. The applicant is equipped as to land, buildings, and equipment to properly carry on the business of a terminal distributor of dangerous

drugs within the category of licensure approved by the board, ORC 4729.55(A); and

- b. A ... licensed health professional authorized to prescribe drugs... will maintain supervision and control over the possession and custody of dangerous drugs that may be acquired by or on behalf of the applicant, ORC 4729.55(B).
2. Such conduct as set forth in the Findings of Fact constitutes a violation of each of the following divisions of Section 4729.57(B) of the ORC, as effective September 29, 2017 and April 4, 2023:
 - a. Violating any rule of the board, ORC Section 4729.57(B)(2); and
 - b. Violating any provision of this chapter, ORC Section 4729.57(B)(3); and
 - c. Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code, ORC Section 4729.57(B)(7); and
 - d. Any other cause for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.57(B)(10).
 3. Such conduct as set forth in the Findings of Fact each constitutes a violation of the following sections of Rule 4729:5-2-01 of the OAC, as effective March 1, 2019:
 - a. The responsible person to whom the terminal distributor of dangerous drugs license has been issued and all licensed health professionals on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of dangerous drugs, OAC Rule 4729:5-2-01(E)(4); and
 - b. The responsible person shall be responsible for ensuring the terminal distributor of dangerous drugs requirements are met, including, but not limited to, the supervision and control of dangerous drugs as required in

division (B) of section 4729.55 of the Revised Code, adequate safeguards as required in division (C) of section 4729.55 of the Revised Code, security and control of dangerous drugs and maintaining all drug records otherwise required, OAC Rule 4729:5-2-01(E)(6).

4. Such conduct as set forth in the Findings of Fact each constitutes a violation of the following sections of Rule 4729-5-11 of the OAC, as effective February 17, 2017:
 - a. The responsible person to whom the terminal distributor of dangerous drugs license has been issued and all licensed health professionals on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of dangerous drugs, OAC Rule 4729-5-11(C)(4); and
 - b. The responsible person shall be responsible for ensuring the terminal distributor of dangerous drugs requirements are met, including, but not limited to, the supervision and control of dangerous drugs as required in division (B) of section 4729.55 of the Revised Code, adequate safeguards as required in division (C) of section 4729.55 of the Revised Code, security and control of dangerous drugs as required in rule 4729-9-11 of the Administrative Code and maintaining all records relating to the distribution dangerous drugs, OAC Rule 4729-5-11(C)(6).
5. Such conduct as set forth in the Findings of Fact each constitutes a violation of Rule 4729:5-2-03(A) of the OAC, as effective August 1, 2019, Any change in the ownership, business or trade name, category, or address of a terminal distributor of dangerous drugs requires a new application, required fee, and license. The new application and required fee shall be submitted within thirty days of any change in the ownership, business or trade name, category, or address.
6. Such conduct as set forth in the Findings of Fact each constitutes a violation of the following sections of Rule 4729:5-3-03(E) of the OAC, as effective April 1, 2018: The licensee or applicant shall submit to the board within thirty days of a written notice provided in accordance with paragraph (C) of this rule, in a manner determined by the board, either of the following:

- a. The action(s) the licensee or applicant has taken to correct the violation(s) and the date of implementation of the corrective action(s), OAC Rule 4729:5-3-03(E)(1); and
 - b. An explanation disputing the observed violations, OAC Rule 4729:5-3-03(E)(2).
7. Such conduct as set forth in the Findings of Fact each constitutes a violation of the following sections of Rule 4729:5-4-01 of the OAC, as effective April 25, 2022:
 - a. Violating any rule of the board, OAC Rule 4729:5-4-01(B)(2); and
 - b. Violating any provision of Chapter 4729. of the Revised Code, OAC Rule 4729:5-4-01(B)(3); and
 - c. Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code, OAC Rule 4729:5-4-01(B)(7); and
 - d. The method used by the terminal distributor to store, possess or distribute dangerous drugs poses serious harm to others, OAC Rule 4729:5-4-01(B)(23).
8. Such conduct as set forth in the Findings of Fact each constitutes a violation of the following sections of Rule 4729:5-4-01 of the OAC, as effective March 1, 2019:
 - a. Violating any rule of the board, OAC Rule 4729:5-4-01(B)(2); and
 - b. Violating any provision of Chapter 4729. of the Revised Code, OAC Rule 4729:5-4-01(B)(3); and
 - c. Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code, OAC Rule 4729:5-4-01(B)(7); and

- d. The method used by the terminal distributor to store, possess or distribute dangerous drugs poses serious harm to other, OAC Rule 4729:5-4-01(B)(25).
9. Such conduct as set forth in the Findings of Fact each constitutes a violation of the following sections of Rule 4729:5-22-02(A) of the OAC, as effective March 1, 2020. The security and control of dangerous drugs is the responsibility of the responsible person on the terminal distributor of dangerous drugs license and the terminal distributor of dangerous drugs.

DECISION OF THE BOARD

Pursuant to Section 4729.57 of the Ohio Revised Code, Rule 4729:5-1-01(U) of the Ohio Administrative Code, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby **revokes, permanently**, inactive license number, 02-2785700, held by The De Morgan Wellness Group. Pursuant to OAC Rule 4729:5-1-01(T) and ORC Section 4729.57(A), The De Morgan Wellness Group may never apply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 4729. and 4752. of the Revised Code.

Pursuant to Section 4729.57 of the ORC, the Board imposes a monetary penalty on The De Morgan Wellness Group's revoked license in the amount of \$2,000. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart, or e-mail legal@pharmacy.ohio.gov to establish a payment plan, to be approved by the Board.

Additionally, if The De Morgan Wellness Group and/or Sandy Anderson- on behalf of The De Morgan Wellness Group- are in possession of dangerous drugs, The De Morgan Wellness Group and/or Sandy Anderson must immediately and lawfully destroy such drugs, including but not limited to vaccines, sample drugs, and patient-specific drugs.

Further, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State's Exhibit 22.

Ms. Pfaff moved for Findings of Fact; Mr. Huston seconded the motion. Motion passed (Yes-7/No-0).

Ms. Pfaff moved for Conclusions of Law; Mr. Huston seconded the motion. Motion passed (Yes-7/No-0).

Ms. Pfaff moved for Action of the Board; Mr. Huston seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

1:11 p.m.

Ms. Defiore-Hyrmer provided the OARRS Report.

1:15 p.m.

Mr. Griffin provided the Compliance and Enforcement Report.

1:17 p.m.

Ms. Southard provided the Licensing Report.

1:21 p.m.

Mr. McNamee provided the Legislative Report.

1:22 p.m.

Mr. McNamee proposed the rescission of a resolution titled *Animal Euthanasia Solution Resolution*.

R-2024-0316

Ms. Ferris moved that the Board approve the rescission of the Resolution. The motion was seconded by Mr. Buchta and approved by the Board: Yes-7, No-0. The following resolution was approved by the Board:

Effective February 8, 2023, the extension of the expiration date for animal euthanasia solution issued on 6/3/2021 is hereby rescinded.

- 1:24 p.m.** Ms. Southard presented the Pharmacy Technician Trainee Extension Request from Donna Hemphill – Parma, Ohio (09100287) to the Board for consideration.
- R-2024-0317** Mr. Huston moved that the Board grant Donna Hemphill a one (1) year extension. The motion was seconded by Mr. Buchta and approved by the Board: Yes-7, No-0.
- 1:26 p.m.** Ms. Southard presented the Pharmacy Technician Trainee Extension Request from Shelby May – Hilliard, Ohio (09119219) to the Board for consideration.
- R-2024-0318** Mr. Huston moved that the Board grant Shelby May a one (1) year extension. The motion was seconded by Mr. Buchta and approved by the Board: Yes-7, No-0.
- 1:26 p.m.** Ms. Southard presented the Pharmacy Technician Trainee Extension Request from La'Star Ragland – Columbus, Ohio (091149939) to the Board for consideration.
- R-2024-0319** Mr. Huston moved that the Board grant La'Star Ragland a one (1) year extension. The motion was seconded by Mr. Buchta and approved by the Board: Yes-7, No-0.
- 1:27 p.m.** Ms. Southard presented the Intern/Pharmacist Ratio Request from Asian Health Initiative Free Clinic to the Board for consideration. The Board tabled a decision on this matter.
- 1:42 p.m.** Ms. Southard presented the Exam Extension Request from Wayne Kuikahi, Jr. – Canton, Ohio (03226502) to the Board for consideration.
- R-2024-0320** Ms. Ferris moved that the Board grant Wayne Kuikahi, Jr. a one (1) year extension. The motion was seconded by Mr. Buchta and approved by the Board: Yes-7, No-0.
- 1:45 p.m.** Ms. Southard presented the Exam Extension Request from Keosha Hawkins – Lansing, Illinois (APP-000575281) to the Board for consideration.

R-2024-0321 Ms. Ferris moved that the Board grant Keosha Hawkins one (1) additional attempt to pass the NAPLEX. The motion was seconded by Mr. Buchta and approved by the Board: Yes-7, No-0.

1:56 p.m. Ms. Southard and Ms. Maerten-Moore presented the Request for Authorization to Test from Naza Anens – Cleveland, Ohio (A-2023-0410) to the Board for consideration.

R-2024-0322 Ms. Pfaff moved that the Board grant the request of Naza Anens. The motion was seconded by Mr. Miller and approved by the Board: Yes-6, No-0, Abstain – 1 (Mr. Grimm).

R-2024-0323 After hearing Mr. Flaharty discuss the significant facts regarding the activities of Registered Pharmacy Technician Aniyah Robinson, Canton, Ohio, Ms. Ferris moved that the Board summarily suspend the Registered Pharmacy Technician license belonging to Aniyah Robinson, Canton, Ohio. The motion was seconded by Mr. Buchta and approved by the Board: Yes-7, No-0.

R-2024-0324 Ms. Ferris moved that the December 4, 2023, Probation Committee Meeting Minutes be approved as written. The motion was seconded by Mr. Grimm and approved by the Board: Yes-7, No-0.

R-2024-0325 Ms. Ferris moved that the December 4-6, 2023, Board Meeting Minutes be approved as written. The motion was seconded by Mr. Grimm and approved by the Board: Yes-7, No-0.

R-2024-0326 Ms. Ferris moved that the December 20, 2023, Conference Call Minutes be approved as written. The motion was seconded by Mr. Grimm and approved by the Board: Yes-7, No-0.

R-2024-0327 Ms. Buettner announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2021-0005**

The Drugstore at O'Bleness
License No. 02-1621000
c/o John Scott Paul, RPh
934 E. State St.
Athens, OH 45701

**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 The Drugstore at O'Bleness for the purpose of resolving all issues between the parties relating to the Board investigation of drug security and inventory/record-keeping processes. Together, the Board and The Drugstore at O'Bleness 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. The Drugstore at O'Bleness is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1621000.

FACTS

1. The Board initiated an investigation of The Drugstore at O'Bleness, Terminal Distributor of Dangerous Drugs license number 02-1621000, related to The Drugstore at O'Bleness' drug security and inventory/record-keeping processes.
2. On or about June 14, 2023, the Board sent a Notice of Opportunity for Hearing to The Drugstore at O'Bleness, 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 July 13, 2023, The Drugstore at O'Bleness, through counsel Joshua J. Leckrone, timely requested an administrative hearing, which was subsequently scheduled for January 10, 2024.

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. The Drugstore at O'Bleness neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated June 14, 2023; 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 Drugstore at O'Bleness agrees to pay to the Board a monetary penalty in the amount of \$3,000.00. This fine will be attached to your license record and must be paid no later than 180 days from the effective date of this Agreement. 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 The Drugstore at O'Bleness' TDDD license, number 02-1621000.
5. The Drugstore at O'Bleness 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. The Drugstore at O'Bleness 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 The Drugstore at O'Bleness 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 The Drugstore at O'Bleness by the Board and will NOT discharge The Drugstore at O'Bleness from any obligation under the terms of this Agreement.

7. The Drugstore at O'Bleness agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. The Drugstore at O'Bleness 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 The Drugstore at O'Bleness will operate.
10. The Drugstore at O'Bleness 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.

R-2024-0328

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

**IN THE MATTER OF:
CASE NO. A-2021-0534**

Doctors Hospital
License No. 02-1108100
c/o Brigitta Miller, RPh
5100 West Broad Street
Columbus, OH 43228

**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 Doctors Hospital for the purpose of resolving all issues between the parties relating to the Board investigation of the theft of drugs by an employee and drug security issues. Together, the Board and Doctors Hospital 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. Doctors Hospital is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1108100.

FACTS

1. The Board initiated an investigation of Doctors Hospital, Terminal Distributor of Dangerous Drugs license number 02-1108100, related to the theft of drugs by an employee and drug security issues.
2. On or about August 30, 2023, the Board sent a Notice of Opportunity for Hearing to Doctors Hospital, 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 September 21, 2023, Doctors Hospital, through counsel James M. McGovern, timely requested an administrative hearing, which was scheduled for October 6, 2023. The matter was continued and subsequently scheduled for April 10, 2024.

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. Doctors Hospital neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 30, 2023; 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. Doctors Hospital agrees to pay to the Board a monetary penalty the amount of \$10,000. This fine will be attached to your license record and must be paid no later than 180 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.

4. The Board hereby imposes a written reprimand on Doctors Hospital's TDDD license, number 02-1108100.
5. Doctors Hospital 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. Doctors Hospital 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 Doctors Hospital 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 Doctors Hospital by the Board and will NOT discharge Doctors Hospital from any obligation under the terms of this Agreement.
7. Doctors Hospital agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Doctors Hospital 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 Doctors Hospital will operate.
10. Doctors Hospital 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.

R-2024-0329

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

**IN THE MATTER OF:
CASE NO. A-2021-0007**

Jennifer Keller, RPh
License No. 03-318641
7574 Longmeadow Lane
Athens, OH 45701

**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 Jennifer Keller, RPh, for the

purpose of resolving all issues between the parties relating to the Board investigation of drug inventory security. Together, the Board and Jennifer Keller 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. Jennifer Keller is a licensed pharmacist in the state of Ohio under license number 03-318641.
3. Jennifer Keller was previously listed as the Responsible Person of The Drugstore at O'Bleness, then located at 75 Hospital Dr., Suite 130, Athens, Ohio.

FACTS

1. The Board initiated an investigation of Jennifer Keller, pharmacist license number 03-318641, and The Drugstore at O'Bleness, related to drug inventory security.
2. On or about June 14, 2023, the Board sent a Notice of Opportunity for Hearing to Jennifer Keller, 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 July 12, 2023, Jennifer Keller, through counsel Levi J. Tkach, timely requested an administrative hearing, which was subsequently scheduled for January 10, 2024

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. Jennifer Keller neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 14, 2023; 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. Jennifer Keller agrees to pay to the Board a monetary penalty in the amount of \$250.00. This fine will be attached to Jennifer Keller'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. Jennifer Keller must obtain three hours of approved continuing pharmacy education (0.3 CEUs) which may not also be used for license renewal. The 0.3 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 Jennifer Keller's pharmacist license, number 03-318641.
6. Jennifer Keller agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Jennifer Keller understands that she has the right to be represented by counsel for review and execution of this agreement.
8. Jennifer Keller 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. Jennifer Keller 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.
 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-2024-0330

Ms. Ferris 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 Mr. Buchta and a roll-call vote was conducted *President* Buettner as follows: Buchta-yes; Ferris-yes, Goodman-yes; Grimm-yes; Huston-yes, Miller-yes, and Pfaff-yes.

2:16 p.m.

The Board adjourned for the day.

Thursday, January 11, 2024**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, with the following members present:

Trina Buettner, RPh, *Presiding*; Mindy Ferris, RPh, *Vice President*; Anthony Buchta, Sr., RPh; Victor Goodman, *Public Member*; TJ Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christine Pfaff, RPh.

Absent: Jason George, RPh (military leave).

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

R-2024-0331

After votes were taken in public session, the Board adopted the following order in the Matter of **Aundrea Denise Abbott, Columbus, Ohio**.

**ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING IN PART AND MODIFYING IN PART
THE REPORT & RECOMMENDATION OF HEARING EXAMINER
(Case Number A-2022-0286)**

IN THE MATTER OF:
Aundrea Denise Abbott
271 S. Highland Ave.
Columbus, OH 43223

Registration No. 09-117708

INTRODUCTION

Aundrea Denise Abbott (Respondent) was a pharmacy technician trainee in the state of Ohio under registration number 09-117708. The State of Ohio Board of Pharmacy (Board) issued a Notice of Opportunity for Hearing on October 6, 2022. Respondent timely requested a hearing, and the Matter of Aundrea Denise Abbott came for hearing before Hearing Examiner David J. Bosley on February 17, 2023. Respondent failed to appear for the hearing. The State of Ohio was represented by Henry Appel, Assistant Attorney General. The Hearing Examiner's Report and Recommendation was issued to Respondent via email on or about November 29, 2023. The Board confirmed service. The matter subsequently came for consideration by the Board on January 11, 2024, before the following members: Trina Buettner, RPh, Presiding; Mindy Ferris, RPh; Rich Miller, RPh; Victor Goodman, Esq., Public Member; T.J. Grimm, RPh; Jeff Huston, RPh; Christine Pfaff, RPh; and Anthony Buchta, Sr., RPh.

Absent: Jason George, RPh.

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items: the State's Exhibits, the hearing transcript, and Hearing Examiner Bosley's Report and Recommendation. There were no Respondent Exhibits for review in this matter.

DECISION OF THE BOARD

1. Based on a thorough review of the administrative record in this matter, the Board hereby confirms and approves the Findings of Fact as set forth in Hearing Examiner Bosley's Report and Recommendation for case A-2022-0286.
2. Based on a thorough review of the administrative record in this matter, the Board hereby confirms in part and modifies in part the Conclusions of Law contained in Hearing Examiner Bosley's Report and Recommendation, to include Violations of Law 1, 2b, 3a, and 3b as set forth in the Notice of Opportunity in case A-2022-0286. Based on a thorough review of the administrative record, and the Findings of Fact (Paragraph 1 above) and Conclusions of Law (Paragraph 2 above) made by the Board in this matter, the Board

hereby modifies Hearing Examiner Bosley's Recommendation and issues a fine on Respondent's pharmacy technician trainee license registration in the amount of \$50.

Mr. Huston moved to confirm and approve the Hearing Examiner's Findings of Fact, as described above; Mr. Buchta, seconded the motion. Motion passed (Yes-7/No-0).

Mr. Huston moved to confirm in part and modify in part the Hearing Examiner's Conclusions of Law, as described above; Mr. Buchta seconded the motion. Motion passed (Yes-7/No-0).

Mr. Huston moved to modify the Hearing Examiner's recommendation, as described above; Mr. Buchta seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2024-0332

After hearing Mr. Flaharty discuss the significant facts regarding the activities of Registered Pharmacy Technician Mollee Stone, Brookville, Ohio, Mr. Huston moved that the Board summarily suspend the Registered Pharmacy Technician license belonging to Mollee Stone, Brookville, Ohio. The motion was seconded by Ms. Ferris and approved by the Board: Yes-7, No-0.

9:13 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 **CVS Pharmacy #2063, Canton, Ohio.**

R-2024-0333

Ms. Ferris 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. Buchta and approved by the Board: Yes-7, No-0.

4:45 p.m.

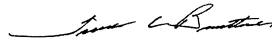
The Matter of **CVS Pharmacy #2063** was tabled until a future date.

R-2024-0334

The Board returned to Public Session and Mr. Miller moved to adjourn the January 2024 State of Ohio Board of Pharmacy Meeting. The motion was seconded by Mr. Buchta and approved by the Board: Yes-7, No-0.

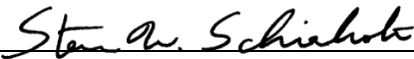
4:45 p.m.

The Board Meeting Adjourned.



Trina Buettner, RPh, President

Date: 02/07/2024



Steven W. Schierholt, Executive Director

Date: 02/07/2024