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Minutes Of The Meeting

Ohio State Board of Pharmacy
Kings Island, Ohio
July 6, 7, 8, 1998

MONDAY, JULY 6, 1998

8:20 a.m. ROLL CALL

The State Board of Pharmacy convened in the Executive East Room, Kings Island Resort & Conference Center, Kings Island, Ohio with the following members present:

Joseph J. Maslak, R.Ph. (President); Robert B. Cavendish, R.Ph. (Vice-President); Ann D. Abele, R.Ph.; Paul F. Lamping, R.Ph.; Suzanne L. Neuber, R.Ph.; Ruth A. Plant, R.Ph.; and Nicholas R. Repke, Public Member.

RES. 99-001 President Maslak administered the Oath of Office to new Board member Ann Abele as follows:

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

RES. 99-002 Mr. Lamping moved that the following candidates for licensure by reciprocity be approved. The motion was seconded by Mr. Cavendish and approved by the Board (Aye-6/Nay-0).

ABO-ZENA, REEM A.	PENNSYLVANIA
AKINBOBOLA, YINKA A.	MICHIGAN
DUVALL, RONALD R.	WEST VIRGINIA
GOODALL, SANDRA M.	VIRGINIA
JONES, JANICE N.	SOUTH CAROLINA
MCCAGH, JENNIFER L.	MARYLAND
MILLER, GREGORY M.	PENNSYLVANIA
NEMEC, ANNA M.	INDIANA
PRESTON, EMILY M.	SOUTH CAROLINA
ROMANOS, CATHERINE	MARYLAND
SCHROEDER, TANYA M.	WISCONSIN
SHEPARD, HEIDI L.	MASSACHUSETTS
TREMBUSH, KARA C.	VIRGINIA
TRYTTEN, JENNIFER A.	MICHIGAN

8:40 a.m.

Board member Amonte Littlejohn arrived and joined the meeting. Mrs. Plant moved that the Board go into Executive Session for the purpose of considering personnel matters. The motion was seconded by Mr. Lamping and a roll call vote was taken by President Maslak as

follows: Abele-Yes, Cavendish-Yes, Lamping-Yes, Littlejohn-Yes, Neuber-Yes, Plant-Yes, and Repke-Yes.

10:40 a.m.

Mr. Winsley, Executive Director-designee, joined the Board at their request to further discuss personnel matters.

11:30 a.m.

The Executive Session was concluded and the meeting opened to the public. The meeting was recessed until Tuesday, July 7, 1998 at 8:00 a.m.

TUESDAY, JULY 7, 1998

8:15 a.m. ROLL CALL

The following members of the State Board of Pharmacy reconvened in the Executive East Room, Kings Island Resort & Conference Center, Kings Island, Ohio, with the following members present:

Joseph J. Maslak, R.Ph. (President); Robert B. Cavendish, R.Ph. (Vice-President); Ann D. Abele, R.Ph.; Paul F. Lamping, R.Ph.; Suzanne L. Neuber, R.Ph.; Ruth A. Plant, R.Ph.; and Nicholas R. Repke, Public Member.

The Board was joined by the following Board employees: William Winsley, Tim Benedict, William McMillen, and Robert Cole.

Mr. Lamping moved that the Minutes of the June 8, 9, 10, 1998 meeting be approved as amended. The motion was seconded by Mrs. Neuber and approved (Aye-5/Nay-0/Abstain-1[Abele]).

8:21 a.m.

Board member Amonte Littlejohn and David Rowland, Legal Affairs Administrator, arrived and joined the meeting.

RES. 99-003 Mr. Winsley presented the applications of two organizations for approval as a continuing pharmacy education provider. Following discussion, Mrs. Plant moved that the applications be approved. The motion was seconded by Mr. Cavendish and approved (Aye-6/Nay-0/Abstain-1[Lamping]).

Fairfield Medical Center; Lancaster, Ohio
University of Cincinnati College of Pharmacy Alumni Council; Cincinnati, Ohio

RES. 99-004 The Board then reviewed the announcement of the 1998 Annual Meeting of the National Association of State Controlled Substance Authorities. Following discussion, Mrs. Plant moved that the Board approve the attendance of Mr. Benedict and Mr. Rowland at this meeting and that they be reimbursed for all expenses incurred in attending the meeting pursuant to state law and rules adopted by the Office of Budget and Management. The motion was seconded by Mr. Lamping and approved (Aye-7/Nay-0).

The Executive Director reported that three Board employees have been selected to be honored by the National Association of Drug Diversion Investigators, Inc. for their role in the investigation of a Cleveland area physician trafficking in controlled substances by issuing false prescriptions. Compliance Specialist Paul Kover and Compliance Agents Lynn Mudra and Jim Reye were selected as "Investigators of the Year" and will be honored at the association's annual meeting in Louisville, Kentucky on Tuesday, October 13, 1998.

8:50 a.m.

Mr. Lamping moved that the Board go into Executive Session for the purpose of considering the investigation of charges and complaints against licensees and registrants. The motion was seconded by Mr. Cavendish and a roll call vote was conducted by President Maslak as follows: Abele-Yes, Cavendish-Yes, Lamping-Yes, Littlejohn-Yes, Neuber-Yes, Plant-Yes, and Repke-Yes.

11:35 a.m.

- RES. 99-005** The Executive Session was concluded and the meeting opened to the public. Mrs. Plant moved that the Board summarily suspend the license of Jeffrey Dannemiller, R.Ph. (03-3-16019) for the reason that there is clear and convincing evidence that the continuation of his professional practice and method of distributing controlled substances presents a danger of immediate and serious harm to others. The motion was seconded by Mr. Cavendish and approved by the Board (Aye-6/Nay-0/Abstain-1[Abele]).
- RES. 99-006** Mrs. Plant moved that the Board refuse the proposed settlement in the matter of Foster D. Farone, R.Ph. (03-3-14578) as discussed during the Executive Session. The motion was seconded by Mr. Cavendish and approved (Aye-7/Nay-0).
- RES. 99-007** Mrs. Plant moved that the Board deny the proposal to enter into a settlement agreement in the matter of David Pishotti, R.Ph. (03-3-18491) and that the adjudication hearing be held as scheduled. The motion was seconded by Mr. Lamping and approved by the Board (Aye-7/Nay-0).
- RES. 99-008** Mrs. Neuber moved that the Board deny the proposal to enter into a settlement agreement in the matter of Danny Christian, R.Ph. (03-3-08956) and that the adjudication hearing be held as scheduled. The motion was seconded by Mr. Lamping and approved by the Board (Aye-5/Nay-2).
- RES. 99-009** Mr. Rowland reported that the Board had entered into the following settlement in the matter of Jerry H. Starr, R.Ph.:

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-980210-041)

In The Matter Of:

JERRY H. STARR, R.Ph.
2575 Wendover Drive
Dayton, Ohio 45431
(R.Ph. No. 03-1-06551)

This Settlement Agreement is entered into by and between Jerry H. Starr and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Jerry H. Starr enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues contained herein.

Jerry H. Starr is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against him and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against his license to practice pharmacy in the state of Ohio, this Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

- (A) The Ohio State Board of Pharmacy is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card, or impose a monetary penalty on the license holder for violation of any of the enumerated grounds.
- (B) Jerry H. Starr neither admits nor denies the allegations stated in the Notices dated February 10, 1998, and May 1, 1998; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same:
 - (1) Jerry H. Starr was originally licensed to practice pharmacy in the State of Ohio on August 5, 1957, pursuant to examination; and, on February 10,

1998, his license was summarily suspended in accordance with Section 3719.121(C) of the Ohio Revised Code.

- (2) On or about December 8, 1997, Jerry H. Starr was found to be eligible for Treatment in Lieu of Conviction after pleading guilty to two counts of Illegal Processing of Drug Documents in violation of Section 2925.23 of the Ohio Revised Code and three counts of Deception to Obtain Dangerous Drugs in violation of Section 2925.22 of the Ohio Revised Code. State of Ohio vs. Jerry H. Starr, Case No. 97-CR-1156, Montgomery County Common Pleas Court.
- (3) Jerry H. Starr did, from January 1, 1996, through January 31, 1997, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Howard's Long Term Care Pharmacy, beyond the express or implied consent of the owner, to wit: Jerry H. Starr stole an unknown quantity of hydrocodone 5mg with APAP 500mg. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Jerry H. Starr did, on or about the following dates, intentionally make and/or knowingly possess false or forged prescriptions, to wit: Jerry H. Starr created the following documents purporting to be prescriptions when there had been no valid order from an authorized prescriber:

<u>Date</u>	<u>Rx No.</u>	<u>Drug</u>
12/30/96	4233126	Hydrocodone 5mg w/ Acetaminophen 500mg
01/03/96	4223007	DCTN-100 (propoxyphene/acetaminophen)
10/30/95	4221070	Hydrocodone w/ Acetaminophen [refills added]
06/06/95	4217303	Codiclear DH
03/09/95	4214694	Lomotil

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (5) Jerry H. Starr did, on or about the following dates, make or utter false or forged prescriptions for dangerous drugs, to wit: Jerry H. Starr created the following documents purporting to be prescriptions when there had been no valid order from an authorized prescriber:

<u>Date</u>	<u>Rx No.</u>	<u>Drug</u>	<u>Qty.</u>	<u>Refills</u>
07/22/96	6471975	Cephalexin 500mg	15	
05/18/96	6462532	CTM-8/120mg Pseudoephedrine	100	9
04/06/96	6455811	Ibuprofen 600mg	100	3
01/03/96	6439801	Cyclobenzaprine 10mg	50	5
04/24/95	6401508	Zestril 5mg	60	6
04/10/95	6399583	Doxycyline 100mg	20	
04/08/95	6399423	Sulindac 200mg	100	
02/23/95	6392376	Seldane 60mg	100	
02/04/95	6389148	Sulindac 200mg	100	6
01/19/95	6386896	Analpram HC 2.5%	1	3
01/07/95	6384936	Vancenase Pockethaler 7Gm	1	2
01/04/95	6384276	Cipro 500mg	20	3
10/06/94	6371612	Relafen 500mg	100	10
04/29/94	6350329	Lescol 40mg	60	6

Such conduct is in violation of Section 4729.61(C) [as was in effect at the time of the acts, currently Section 2925.23(A)] of the Ohio Revised Code.

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

- (A) The removal of the Summary Suspension Order issued February 10, 1998, pursuant to Section 3719.121(C) of the Ohio Revised Code.
- (B) The suspension of his pharmacist identification card, No. 03-1-06551, for six months, from the date of the Summary Suspension Order.
 - (1) Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Jerry H. Starr may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
 - (2) Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of the notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.
- (C) August 10, 1998, or thereafter, the Board will the Board will reinstate the license only if the following conditions have been met:
 - (1) Jerry H. Starr must enter into a contract with a limited treatment provider acceptable to the Board for a period of not less than five years from the effective date of this Agreement and, upon signing, submit a copy of the contract to the Board office. The contract must provide:
 - (a) random, observed urine drug screens shall be conducted at least every three months. The urine sample must be given within twelve hours of notification. The urine drug screen must report testing for alcohol and must also report testing for creatinine or specific gravity of the sample as the dilutional standard;
 - (b) regular attendance, at least three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meetings, and at meetings of a professional support group, is required during outpatient treatment and/or during aftercare; and
 - (c) the program shall immediately report to the Board of Pharmacy any positive urine screens and/or other violations of the contract.

Results of urine screens must be negative. 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 and probation.

Jerry H. Starr is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board shall revoke probation for any violation of the terms of this Agreement occurring during the probation period.

- (D) Jerry H. Starr agrees to the imposition of a monetary penalty of one thousand dollars (\$1,000.00) due and owing within thirty days from the effective date of this Agreement. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

If, in the judgment of the Board, Jerry H. Starr appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any

time, revoke probation, modify the conditions of probation, and reduce or extend the period of probation, and/or the Board may institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

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

Jerry H. Starr waives any and all claims or causes of action he may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Jerry H. Starr waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

In the event the Board, in its discretion, does not adopt this Agreement as its Adjudication, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. Jerry H. Starr agrees that should the Board reject this Agreement and if this case proceeds to hearing, he will assert no claim that the Board was prejudiced by its review and discussion of this Agreement or of any information relating thereto.

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

/s/ Jerry H. Starr
Jerry H. Starr, R.Ph.

/d/ 6/24/98
Date of Signature

/s/ Jay S. Cohen, Esq
Jay S. Cohen, Attorney for Respondent

/d/ 6/23/98
Date of Signature

/s/ Amonte B. Littlejohn
Amonte B. Littlejohn, President, Ohio State Board of Pharmacy

/d/ 7/7/98
Date of Signature

/s/ Sally Ann Steuk
Sally Ann Steuk, Ohio Assistant Attorney General

/d/ 7/7/98
Date of Signature

RES. 99-010 The Board then reviewed and discussed the compliance and enforcement report submitted by Mr. Benedict. Following the discussion of field staff workload, Mr. Benedict and Mr. Cole requested that the Board consider the addition of a compliance specialist and a compliance agent during the next biennium. The new compliance agent would be funded for both FY 2000 and FY 2001 while the compliance specialist would not be funded until the beginning of FY 2001 (i.e.-July 1, 2000). Based on present workload and staffing, the compliance agent would be based in Northeastern Ohio while the compliance specialist would be located in Southwestern Ohio. Following discussion, Mrs. Plant moved that the request be approved. The motion was seconded by Mr. Repke and approved (Aye-7/Nay-0).

RES. 99-011 Compliance Supervisor Robert Cole presented information regarding the investigation of dispensing errors by Board staff and a request that the Board consider revising the present Board policy (Res. 89-152). Mrs. Plant moved that the Board rescind Resolution No. 89-152 and adopt the following new policy:

ERROR-IN-DISPENSING INVESTIGATIONS

- (1) Complaints of dispensing errors shall be investigated by the field staff and documented in a written report. The report format shall be designed by the Compliance Supervisor so that a database of pertinent information can be collected for use by the Board to identify potential hazardous public safety trends.
- (2) The written report will document the following information, if available:

- (a) If the complaint was founded, unfounded, or could not be determined.
- (b) The name(s) of those responsible for the dispensing error.
- (c) Circumstances that may have contributed to the dispensing error, such as:
 - Location of drug stocks;
 - Cluttered or disorganized pharmacy;
 - Misinterpretation of the prescription;
 - Poorly written prescription (e.g., failure to contact the prescriber for clarification);
 - Lack of knowledge regarding drug products (e.g., believed that drug products were equivalent, unfamiliarity with drug, etc.);
 - Dosage size, color, etc.;
 - Impaired pharmacist;
 - Failure to perform DUR;
 - Failure to counsel;
 - Other . . .
- (d) Action taken by the Board as a result of the investigation.
- (e) Documentation of contact with the complainant to inform him/her of the findings and action taken by the Board and some details of that conversation, or documentation as to why the complainant was not contacted.

The motion was seconded by Mr. Cavendish and approved (Aye-7/Nay-0).

Staff then reported on the progress of the committees to adopt new rules and amend present rules for the purpose of implementing Sub. S.B. 66.

RES. 99-012 The Board then established the following tentative meeting calendar for Fiscal Years 1999 and 2000:

<u>Date</u>	<u>Time</u>	<u>Location</u>	<u>Purpose</u>
07/02/98	1pm-3pm	77 S. High Street, Room 1919	Reciprocity Hearing
07/06/98	8am-5pm	Kings Island Resort & Conference Ctr	Board Meeting
07/07/98	8am-5pm	Kings Island Resort & Conference Ctr	Board Meeting
07/08/98	8am-5pm	Kings Island Resort & Conference Ctr	Board Meeting
08/03/98	8am-5pm	77 S. High Street, Room 1914	Board Meeting
08/04/98	8am-5pm	77 S. High Street, Room 1914	Board Meeting
08/04/98	1pm-3pm	77 S. High Street, Room 1919	Reciprocity Hearing
08/05/98	8am-5pm	77 S. High Street, Room 1914	Board Meeting
09/08/98	8am-5pm	77 S. High Street, Room 1914	Board Meeting
09/09/98	8am-5pm	77 S. High Street, Room 1914	Board Meeting
09/09/98	1pm-3pm	77 S. High Street, Room 1919	Reciprocity Hearing
09/10/98	8am-5pm	77 S. High Street, Room 1914	Board Meeting
09/11/98	8am-5pm	77 S. High Street, Room 1952	Rule Changes Review

10/05/98	8am-5pm	77 S. High Street, Room 1914	Board Meeting
10/06/98	8am-5pm	77 S. High Street, Room 1914	Board Meeting
10/06/98	1pm-3pm	77 S. High Street, Room 1919	Reciprocity Hearing
10/07/98	8am-5pm	77 S. High Street, Room 1914	Board Meeting
10/07/98	10am-12pm	77 S. High Street, Room 1914	OH Pharmacy Deans
11/02/98	8am-5pm	77 S. High Street, Room 1914	Board Meeting
11/03/98	8am-5pm	77 S. High Street, Room 1914	Board Meeting
11/03/98	1pm-3pm	77 S. High Street, Room 1919	Reciprocity Hearing
11/04/98	8am-5pm	77 S. High Street, Room 1914	Board Meeting
12/07/98	8am-5pm	77 S. High Street, Room 1914	Board Meeting
12/07/98	1pm-3pm	77 S. High Street, Room 1919	Rules Hearing
12/08/98	8am-5pm	77 S. High Street, Room 1914	Board Meeting
12/08/98	1pm-3pm	77 S. High Street, Room 1919	Reciprocity Hearing
12/09/98	8am-5pm	77 S. High Street, Room 1914	Board Meeting
01/04/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
01/05/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
01/05/99	1pm-3pm	77 S. High Street, Room 1919	Reciprocity Hearing
01/06/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
02/08/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
02/09/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
02/09/99	1pm-3pm	77 S. High Street, Room 1919	Reciprocity Hearing
02/10/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
03/08/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
03/09/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
03/09/99	1pm-3pm	77 S. High Street, Room 1919	Reciprocity Hearing
03/10/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
04/05/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
04/06/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
04/06/99	1pm-3pm	77 S. High Street, Room 1919	Reciprocity Hearing
04/07/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
05/03/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
05/04/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
05/04/99	1pm-3pm	77 S. High Street, Room 1919	Reciprocity Hearing
05/05/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
06/14/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
06/15/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
06/15/99	1pm-3pm	77 S. High Street, Room 1919	Reciprocity Hearing
06/16/99	8am-5pm	77 S. High Street, Room 1914	Board Meeting
07/08/99	1pm-3pm	(Location To Be Announced)	Reciprocity Hearing
07/12/99	8am-5pm	(Location To Be Announced)	Board Meeting
07/13/99	8am-5pm	(Location To Be Announced)	Board Meeting
07/14/99	8am-5pm	(Location To Be Announced)	Board Meeting
08/02/99	8am-5pm	(Location To Be Announced)	Board Meeting
08/03/99	8am-5pm	(Location To Be Announced)	Board Meeting
08/03/99	1pm-3pm	(Location To Be Announced)	Reciprocity Hearing
08/04/99	8am-5pm	(Location To Be Announced)	Board Meeting
09/07/99	8am-5pm	(Location To Be Announced)	Board Meeting
09/08/99	8am-5pm	(Location To Be Announced)	Board Meeting
09/08/99	1pm-3pm	(Location To Be Announced)	Reciprocity Hearing
09/09/99	8am-5pm	(Location To Be Announced)	Board Meeting
10/04/99	8am-5pm	(Location To Be Announced)	Board Meeting
10/05/99	8am-5pm	(Location To Be Announced)	Board Meeting
10/05/99	1pm-3pm	(Location To Be Announced)	Reciprocity Hearing
10/06/99	8am-5pm	(Location To Be Announced)	Board Meeting

11/08/99	8am-5pm	(Location To Be Announced)	Board Meeting
11/09/99	8am-5pm	(Location To Be Announced)	Board Meeting
11/09/99	1pm-3pm	(Location To Be Announced)	Reciprocity Hearing
11/10/99	8am-5pm	(Location To Be Announced)	Board Meeting
12/13/99	8am-5pm	(Location To Be Announced)	Board Meeting
12/13/99	1am-3pm	(Location To Be Announced)	Rules Hearing
12/14/99	8am-5pm	(Location To Be Announced)	Board Meeting
12/14/99	1pm-3pm	(Location To Be Announced)	Reciprocity Hearing
12/15/99	8am-5pm	(Location To Be Announced)	Board Meeting
01/10/00	8am-5pm	(Location To Be Announced)	Board Meeting
01/11/00	8am-5pm	(Location To Be Announced)	Board Meeting
01/11/00	1pm-3pm	(Location To Be Announced)	Reciprocity Hearing
01/12/00	8am-5pm	(Location To Be Announced)	Board Meeting
02/07/00	8am-5pm	(Location To Be Announced)	Board Meeting
02/08/00	8am-5pm	(Location To Be Announced)	Board Meeting
02/08/00	1pm-3pm	(Location To Be Announced)	Reciprocity Hearing
02/09/00	8am-5pm	(Location To Be Announced)	Board Meeting
03/06/00	8am-5pm	(Location To Be Announced)	Board Meeting
03/07/00	8am-5pm	(Location To Be Announced)	Board Meeting
03/07/00	1pm-3pm	(Location To Be Announced)	Reciprocity Hearing
03/08/00	8am-5pm	(Location To Be Announced)	Board Meeting
04/03/00	8am-5pm	(Location To Be Announced)	Board Meeting
04/04/00	8am-5pm	(Location To Be Announced)	Board Meeting
04/04/00	1pm-3pm	(Location To Be Announced)	Reciprocity Hearing
04/05/00	8am-5pm	(Location To Be Announced)	Board Meeting
05/01/00	8am-5pm	(Location To Be Announced)	Board Meeting
05/02/00	8am-5pm	(Location To Be Announced)	Board Meeting
05/02/00	1pm-3pm	(Location To Be Announced)	Reciprocity Hearing
05/03/00	8am-5pm	(Location To Be Announced)	Board Meeting
06/12/00	8am-5pm	(Location To Be Announced)	Board Meeting
06/13/00	8am-5pm	(Location To Be Announced)	Board Meeting
06/13/00	1pm-3pm	(Location To Be Announced)	Reciprocity Hearing
06/14/00	8am-5pm	(Location To Be Announced)	Board Meeting

11:55 a.m. The Board recessed until 8:00 a.m., Wednesday, July 8, 1998.

WEDNESDAY, JULY 8, 1998

8:11 a.m. ROLL CALL

The following members of the State Board of Pharmacy reconvened in the Executive East Room, Kings Island Resort & Conference Center, Kings Island, Ohio with the following members present:

Joseph J. Maslak, R.Ph. (President); Robert B. Cavendish, R.Ph. (Vice-President); Ann D. Abele, R.Ph.; Paul F. Lamping, R.Ph.; Suzanne L. Neuber, R.Ph.; Ruth A. Plant, R.Ph.; and Nicholas R. Repke, Public Member.

Joining the Board were Assistant Attorney General Sally Ann Steuk and the following Board employees: William Winsley, William McMillen, Tim Benedict, Robert Cole, and David Rowland.

8:15 a.m.

Mrs. Plant moved that the Board go into Executive Session for the purpose of conferring with the Assistant Attorney General regarding the investigation of charges and complaints against licensees and registrants. The motion was seconded by Mr. Cavendish and a roll

call vote was conducted by President Maslak as follows: Abele-Yes, Cavendish-Yes, Lamping-Yes, Neuber-Yes, Plant-Yes, and Repke-Yes.

8:41 a.m.

Board member Amonte Littlejohn arrived and joined the meeting.

9:08 a.m.

The Executive Session was concluded and the meeting opened to the public.

Board member Sue Neuber excused herself from the rest of the meeting and left to attend to personal business. The activities of the licensing section and the written report submitted by Licensing Administrator William McMillen was reviewed and discussed.

RES. 99-013 Tim Benedict discussed the Board's policy regarding temporary pharmacy locations in emergencies. The discussion centered around the pharmacies that were flooded in eastern and southeastern Ohio since the last meeting of the Board. Mr. Lamping moved the Board adopt the policy that, in an emergency situation, a terminal distributor of dangerous drugs license for a temporary pharmacy be issued at no charge in order to continue providing pharmaceutical services with the following stipulations:

- (1) an "emergency situation" exists only where an existing pharmacy has been destroyed by fire, flood, or other natural disaster;
- (2) the temporary pharmacy cannot be used prior to notification of the Board pursuant to paragraph (F) of Rule 4729-9-05 of the Administrative Code; and
- (3) the temporary pharmacy may be used only for a period of 180 days.

Mr. Repke seconded the motion and it was approved (Aye-6/Nay-0).

RES. 99-014 Mr. McMillen presented the application of a Canadian firm for licensure as a wholesale distributor of dangerous drugs in Ohio. Mr. McMillen explained that Canada is not able to inspect the company within a reasonable time but that the company had been inspected by the United States Food and Drug Administration and that their product is approved for marketing in the United States. Following discussion, Mr. Cavendish moved that the application be approved and Methapharm, Inc., 131 Clarence Street, Brantford, Ontario N3T 2V6 be licensed as a wholesale distributor of dangerous drugs. The motion was seconded by Mr. Lamping and approved (Aye-6/Nay-0).

RES. 99-015 The Executive Director then presented the 1998-1999 dues statement for the agency's membership in the National Association of State Controlled Substances Authorities (NASCSA). Mrs. Plant moved that the Board approve the payment of the \$150.00 dues. The motion was seconded by Mr. Cavendish and approved (Aye-6/Nay-0).

9:45 a.m.

The Board was joined by Jim Martin, General Manager and Vice-President of ScriptLINE, Inc., a division of Cardinal Health, Inc.; Steve Lawrence, Director of Systems Applications, Renlar Systems, Inc., also a division of Cardinal Health, Inc.; Robert Giacalone, Vice-President, Regulatory Affairs, and David W. Mason, Senior Corporate Counsel, of Cardinal Health, Inc. The purpose of meeting with the Board was to discuss the cease and desist letter issued to ScriptLINE, Inc. based on a "Participating Pharmacy Agreement" that stipulated that the company "shall have joint and individual ownership of the Dispensing Data and each may use the Dispensing Data in any manner" Mr. Martin presented information regarding the ScriptLINE program and answered Board member questions.

10:20 a.m.

The presentation and discussion was concluded and the Board recessed for fifteen minutes.

10:36 a.m.

RES. 99-016 The Board reconvened the business meeting and Mr. Repke moved that the Board direct staff to investigate the feasibility of having a current photograph of respondents available for Board members when requested to make a decision regarding the Board's adjudication order. Mr. Repke stated his concern about making a proper decision when it is difficult to remember the hearing and the respondent. The photograph would assist Board members

in recalling the respondent's hearing. Mr. Cavendish seconded the motion and it was approved (Aye-5/Nay-1).

RES. 99-017 President Maslak announced that each Board member's area of responsibility has been assigned as follows:

Abele ——— Continuing Education
Adelman ——— Exams/Internship/Reciprocity
Cavendish ——— Personnel
Lamping ——— Legislation/Rules
Littlejohn ——— Budget/Finance
Maslak ——— Compliance/Enforcement
Neuber ——— Consumer Affairs/Public Relations
Plant ——— Licensure/Registration
Repke ——— Administration/Probationary Reports

The Board directed staff to inform the Cardinal Health representatives that a draft of their new participating pharmacy contract should be submitted to the Board for review and approval. The contract should clearly indicate what the Board was told about the ScriptLINE program during the presentation.

RES. 99-018 William Winsley presented the February 1998 licensing exam results. Mrs. Plant moved that the names of the successful candidates be recorded in these minutes. Mr. Lamping seconded the motion and it was approved (Aye-6/Nay-0).

Zohdi Mohammed Abushaban; Columbus, OH 43202
Sarah Elaine Adkins; Athens, OH 45701
Jennifer Dawn Barnhart; Toledo, OH 43623
John Joseph Bartko; Parma Heights, OH 44130
Marcy A. Basalla; Edgerton, OH 43517
Lawrence Matthew Beeson; North Royalton, OH 44133
Richard Douglas Bennett; Coshocton, OH 43812
Kathryn J. Bettisworth; Kettering, OH 45429
Sanjay Bhumindra Bhardwaj; Hilliard, OH 43026
Sarah J. Birmingham; Toledo, OH 43613
Teresa Mary Blaz; Elyria, OH 44035
Colleen A. Blevins; Toledo, OH 43614
Alison M. Bozick; Strongsville, OH 44136
Cristen L. Briner; Strongsville, OH 44136
Casey L. Campbell; Blanchester, OH 45107
Kristina Marie Capo; Kansas City, MO 64137
Donald William Casper; North Ridgeville, OH 44039
Micah Kevin Castle; Marion, OH 43302
Jennifer Lyn Coleman; Wauseon, OH 43567
Jodi L. Cook; Miamisburg, OH 45342
Jason Scott Doenges; Dublin, OH 43017
Amy Lynn Fisher; Uniontown, OH 44685
Erin Lynn Fleming; Toledo, OH 43615
Robin L. Fowler; Toledo, OH 43614
Melissa Dale Franklin; Jamestown, OH 45335
Troy S. Geller; Fremont, OH 43420
Jayne Ellen Gibbs; Toledo, OH 43623
Keith Jeffrey Christian Golding; Painesville, OH 44077
Dawn R. Goodwin; Harrod, OH 45850
Heidi Denise Gudakunst; Troy, OH 45373
Scott M. Harrington; Oregon, OH 43616
Gary A. Holschuh; Willow Wood, OH 45696
Wendy Michelle Howard; Canton, OH 44706
Teresa H. Johnson; Sylvania, OH 43560
Paula J. Johnston; Toledo, OH 43612
Daniel James Kunkel; Sylvania, OH 43560

Maslak	1	1	-	-	-	1	1	-	3	7
Neuber	1	-	-	-	-	-	-	-	3	4
Plant	-	-	-	1	1	-	-	-	3	5
Repke	-	-	-	-	-	-	-	-	3	3

The motion was seconded by Mr. Repke and approved by the Board (Aye-6/Nay-0).

10:54 a.m. Mr. Cavendish moved that the meeting be adjourned. The motion was seconded by Mr. Lamping and approved (Aye-6/Nay-0).

/s/ Joseph J. Maslak
Joseph J. Maslak, President

/d/ 8/3/98
Date

/s/ Franklin Z. Wickham
Franklin Z. Wickham, Executive Director