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Ohio State Board of Pharmacy 77 South High Street, Room 1702 Columbus, Ohio 43215-6126
telephone: 614-466-4143 fax: 614-752-4836 email: exec@bop.ohio.gov

Minutes of the April 5-7, 2010

Meeting of the Ohio State Board of Pharmacy

Monday, April 5, 2010

10:08 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

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

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

Mr. Winsley announced that the following Settlement Agreements had been signed by all parties, making them effective.

R-2010-180

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100205-044

in the matter of:

MAZEN FAROUK ABUSHABAN, R.Ph.

1301 Hollow Run #3
Centerville, Ohio 45459

R.Ph. Number 03-3-23905

This Settlement Agreement is entered into by and between Mazen Farouk Abushaban 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.

Mazen Farouk Abushaban voluntarily enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Mazen Farouk Abushaban acknowledges that by entering into this Agreement he has waived his rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Mazen Farouk Abushaban is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 4, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Mazen Farouk Abushaban was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Mazen Farouk Abushaban accepted this offer for settlement rather than a hearing. The February 4, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Mazen Farouk Abushaban was originally licensed in the State of Ohio on May 16, 2000, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Mazen Farouk Abushaban did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Mazen Farouk Abushaban was short 0.1 Continuing Education Unit (C.E.U.) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Mazen Farouk Abushaban neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 4, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

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

- (A) Mazen Farouk Abushaban herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Mazen Farouk Abushaban will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Mazen Farouk Abushaban's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Mazen Farouk Abushaban 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 the Agreement and 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.

Mazen Farouk Abushaban 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.

Mazen Farouk Abushaban waives any and all claims or causes of action he may have against the State of Ohio or the Board, and members, officers, employees,

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

/s/ Tracy Marie Greuel Date Signed: 04/05/10
Ohio Assistant Attorney General

(1) Records of the State Board of Pharmacy indicate that Joseph R. Conti was originally licensed in the State of Ohio on August 28, 1961, pursuant to

examination, and is currently licensed to practice pharmacy in the State of Ohio.

- (2) Joseph R. Conti did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Joseph R. Conti was short three continuing education hours (0.3 CEUs) on board approved continuing education. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Joseph R. Conti neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 24, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

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

- (A) Joseph R. Conti agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Joseph R. Conti will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Joseph R. Conti's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Joseph R. Conti 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 the Agreement and 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.

Joseph R. Conti 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.

Joseph R. Conti 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. Joseph R. Conti waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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

<u>/s/ Joseph R. Conti, R.Ph.</u>	<u>Date Signed: 03/15/10</u>
<i>Respondent</i>	
<u>/s/ Elizabeth I. Gregg</u>	<u>Date Signed: 04/05/10</u>
<i>President; Ohio State Board of Pharmacy</i>	
<u>/s/ Tracy Marie Greuel</u>	<u>Date Signed: 04/05/10</u>
<i>Ohio Assistant Attorney General</i>	

R-2010-182

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100219-084

in the matter of:

RAMONA ALEXIS DAVIS, R.Ph.

20600 Raymond Street
Maple Heights, Ohio 44137

R.Ph. Number 03-3-26978

This Settlement Agreement is entered into by and between Ramona Alexis Davis 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.

Ramona Alexis Davis voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Ramona Alexis Davis acknowledges that by entering into this agreement she has waived her rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Ramona Alexis Davis is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 19, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Ramona Alexis Davis was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Ramona Alexis Davis accepted this offer for settlement rather than a hearing. February 19, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that you were originally licensed in the State of Ohio on August 24, 2005, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) You did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that you were short three continuing education hours (0.3 CEUs) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Ramona Alexis Davis neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 19, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

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

- (A) Ramona Alexis Davis agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Ramona Alexis Davis will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Ramona Alexis Davis' license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Ramona Alexis Davis 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 the Agreement and 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.

Ramona Alexis Davis acknowledges that she 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.

Ramona Alexis Davis waives any and all claims or causes of action she 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. Ramona Alexis Davis waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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

<u>/s/ Ramona Alexis Davis, R.Ph.</u>	<u>Date Signed: 03/06/10</u>
<i>Respondent</i>	

<u>/s/ Elizabeth I. Gregg</u>	<u>Date Signed: 04/05/10</u>
<i>President; Ohio State Board of Pharmacy</i>	

<u>/s/ Tracy Marie Greuel</u>	<u>Date Signed: 04/05/10</u>
<i>Ohio Assistant Attorney General</i>	

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100219-083

in the matter of:

BETTY CAROL FARMER, R.Ph.

215 Paul Bunyan Drive N.W. #236
Bemidji, MN 56601

R.Ph. Number 03-3-16031

This Settlement Agreement is entered into by and between Betty Carol Farmer 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.

Betty Carol Farmer voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Betty Carol Farmer acknowledges that by entering into this agreement she has waived her rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Betty Carol Farmer is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 19, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Betty Carol Farmer was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Betty Carol Farmer accepted this offer for settlement rather than a hearing. The February 19, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Betty Carol Farmer was originally licensed in the State of Ohio on August 2, 1985, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Betty Carol Farmer did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined Betty Carol Farmer was short three continuing education hours (0.3 CEUs) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Betty Carol Farmer neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 19, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

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

- (A) Betty Carol Farmer agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Betty Carol Farmer will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Betty Carol Farmer's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Betty Carol Farmer 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 the Agreement and 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.

Betty Carol Farmer acknowledges that she 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.

Betty Carol Farmer waives any and all claims or causes of action she 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. Betty Carol Farmer waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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

<u>/s/ Betty Carol Farmer, R.Ph.</u>	<u>Date Signed: 03/11/10</u>
<i>Respondent</i>	
<u>/s/ Elizabeth I. Gregg</u>	<u>Date Signed: 04/05/10</u>
<i>President; Ohio State Board of Pharmacy</i>	
<u>/s/ Tracy Marie Greuel</u>	<u>Date Signed: 04/05/10</u>
<i>Ohio Assistant Attorney General</i>	

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100208-055

in the matter of:

JAMES JEFFREY GIBBS, R.Ph.

10096 Dick Road
Harrison, Ohio 45030

R.Ph. Number 03-3-27019

This Settlement Agreement is entered into by and between James Jeffrey Gibbs 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.

James Jeffrey Gibbs voluntarily enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. James Jeffrey Gibbs acknowledges that by entering into this Agreement he has waived his rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, James Jeffrey Gibbs is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 8, 2010, pursuant to Chapter 119. of the Ohio Revised Code, James Jeffrey Gibbs was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. James Jeffrey Gibbs accepted this offer for settlement rather than a hearing. The February 8, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that James Jeffrey Gibbs was originally licensed in the State of Ohio on November 8, 2005, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) James Jeffrey Gibbs did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that James Jeffrey Gibbs was short on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

James Jeffrey Gibbs neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 8, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

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

- (A) James Jeffrey Gibbs herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) James Jeffrey Gibbs will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else James Jeffrey Gibbs' license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, James Jeffrey Gibbs 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 the Agreement and 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.

James Jeffrey Gibbs 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.

James Jeffrey Gibbs 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. James Jeffrey Gibbs waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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

/s/ James Jeffrey Gibbs, R.Ph. Date Signed: 02/17/10

Respondent

/s/ Elizabeth I. Gregg Date Signed: 04/05/10

President; Ohio State Board of Pharmacy

/s/ Tracy Marie Greuel Date Signed: 04/05/10

Ohio Assistant Attorney General

R-2010-185

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100217-078

in the matter of:

MERY FRANCES GOODEN, R.Ph.

6222 A Ridgeacres Road Unit A
Cincinnati, Ohio 45237

R.Ph. Number 03-3-21996

This Settlement Agreement is entered into by and between Mery Frances Gooden 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.

Mery Frances Gooden voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Mery Frances Gooden acknowledges that by entering into this agreement she has waived her rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Mery Frances Gooden is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 17, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Mery Frances Gooden was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Mery Frances Gooden accepted this offer for settlement rather than a hearing. The February 17, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Mery Frances Gooden was originally licensed in the State of Ohio on December 6, 1996, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Mery Frances Gooden did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Mery Frances Gooden was short three continuing education hours (0.3 CEUs) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Mery Frances Gooden neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 17, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

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

- (A) Mery Frances Gooden agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Mery Frances Gooden will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Mery Frances Gooden's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Helyn W. Hickman is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 19, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Helyn W. Hickman was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Helyn W. Hickman accepted this offer for settlement rather than a hearing. The February 19, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Helyn W. Hickman was originally licensed in the State of Ohio on June 25, 1991, pursuant to reciprocity, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) Helyn W. Hickman did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Helyn W. Hickman was short three continuing education hours (0.3 CEUs) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Helyn W. Hickman neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 19, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same. Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Helyn W. Hickman knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Helyn W. Hickman agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Helyn W. Hickman will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Helyn W. Hickman's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Helyn W. Hickman 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 the Agreement and 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.

Helyn W. Hickman acknowledges that she 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.

Helyn W. Hickman waives any and all claims or causes of action she 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.

Helyn W. Hickman waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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

/s/ Helyn W. Hickman, R.Ph. Date Signed: 03/15/10
Respondent

/s/ Elizabeth I. Gregg Date Signed: 04/05/10
President; Ohio State Board of Pharmacy

/s/ Tracy Marie Greuel Date Signed: 04/05/10
Ohio Assistant Attorney General

R-2010-187

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100217-072

in the matter of:

KRISTIE J. HOLLIDAY, R.Ph.

2274 Shuford Drive
Dublin, Ohio 43016

R.Ph. Number 03-3-26993

This Settlement Agreement is entered into by and between Kristie J. Holliday 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.

Kristie J. Holliday voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Kristie J. Holliday acknowledges that by entering into this agreement she has waived her rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Kristie J. Holliday is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 17, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Kristie J. Holliday was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to

submit contentions in writing. Kristie J. Holliday accepted this offer for settlement rather than a hearing. The February 17, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Kristie J. Holliday was originally licensed in the State of Ohio on October 25, 2005, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Kristie J. Holliday did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Kristie J. Holliday was short two and one half continuing education hours (0.25 CEUs) on board approved continuing education. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Kristie J. Holliday neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 17, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same. Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Kristie J. Holliday knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Kristie J. Holliday agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Kristie J. Holliday will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Kristie J. Holliday's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Kristie J. Holliday 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 the Agreement and 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.

Kristie J. Holliday acknowledges that she 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.

Kristie J. Holliday waives any and all claims or causes of action she 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. Kristie J. Holliday waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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

/s/ Kristie J. Holliday, R.Ph. Date Signed: 03/15/10
Respondent

/s/ Elizabeth I. Gregg Date Signed: 04/05/10
President; Ohio State Board of Pharmacy

/s/ Tracy Marie Greuel Date Signed: 04/05/10
Ohio Assistant Attorney General

R-2010-188

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100212-061

in the matter of:

LEO N. IGWEBUIKE, R.Ph.

8862 Golden Leaf Court
Pickerington, Ohio 43147

R.Ph. Number 03-3-18630

This Settlement Agreement is entered into by and between Leo N. Igwebuike 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.

Leo N. Igwebuike voluntarily enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Leo N. Igwebuike acknowledges that by entering into this agreement he has waived his rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Leo N. Igwebuike is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 12, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Leo N. Igwebuike was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Leo N. Igwebuike requested a hearing; it was scheduled and continued. The February 12, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Leo N. Igwebuike was originally licensed in the State of Ohio on February 15, 1991, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Leo N. Igwebuike did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Leo N. Igwebuike was short on

board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Leo N. Igwebuike neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 12, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same. Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Leo N. Igwebuike knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Leo N. Igwebuike agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Leo N. Igwebuike will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Leo N. Igwebuike's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

Leo N. Igwebuike 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.

Leo N. Igwebuike 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. Leo N. Igwebuike waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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

<u>/s/ Leo N. Igwebuike, R.Ph.</u>	<u>Date Signed: 03/16/10</u>
<i>Respondent</i>	

<u>/s/ Elizabeth I. Gregg</u>	<u>Date Signed: 04/05/10</u>
<i>President; Ohio State Board of Pharmacy</i>	

<u>/s/ Tracy Marie Greuel</u>	<u>Date Signed: 04/05/10</u>
<i>Ohio Assistant Attorney General</i>	

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100217-075

in the matter of:

TIMOTHY JON HOPKINS, R.Ph.

4139 Maxwell Drive
Mason, Ohio 45040

R.Ph. Number 03-3-20034

This Settlement Agreement is entered into by and between Timothy Jon Hopkins 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.

Timothy Jon Hopkins voluntarily enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Timothy Jon Hopkins acknowledges that by entering into this agreement he has waived his rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Timothy Jon Hopkins is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 17, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Timothy Jon Hopkins was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Timothy Jon Hopkins accepted this offer for settlement rather than a hearing. The February 17, 2010 Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Timothy Jon Hopkins was originally licensed in the State of Ohio on July 28, 1993, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Timothy Jon Hopkins did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Timothy Jon Hopkins was short seventeen continuing education hours (1.7 CEUs) on board approved continuing education. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Timothy Jon Hopkins neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 17, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

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

- (A) Timothy Jon Hopkins agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Timothy Jon Hopkins will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Timothy Jon Hopkins's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Timothy Jon Hopkins 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 the Agreement and 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.

Timothy Jon Hopkins 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.

Timothy Jon Hopkins 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. Timothy Jon Hopkins waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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

<u>/s/ Timothy Jon Hopkins, R.Ph.</u>	<u>Date Signed: 03/09/10</u>
<i>Respondent</i>	
<u>/s/ Elizabeth I. Gregg</u>	<u>Date Signed: 04/05/10</u>
<i>President; Ohio State Board of Pharmacy</i>	
<u>/s/ Tracy Marie Greuel</u>	<u>Date Signed: 04/05/10</u>
<i>Ohio Assistant Attorney General</i>	

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100217-074

in the matter of:

CHRISTY MICHELLE LOCKHART, R.Ph.

3400 Lakewood Court

Hamilton, Ohio 45011

R.Ph. Number 03-3-24115

This Settlement Agreement is entered into by and between Christy Michelle Lockhart 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.

Christy Michelle Lockhart voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Christy Michelle Lockhart acknowledges that by entering into this agreement she has waived her rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Christy Michelle Lockhart is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 17, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Christy Michelle Lockhart was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Christy Michelle Lockhart accepted this offer for settlement rather than a hearing. The February 17, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Christy Michelle Lockhart was originally licensed in the State of Ohio on July 14, 2000, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Christy Michelle Lockhart did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Christy Michelle Lockhart was short one continuing education hour (0.1CEU) on board approved Jurisprudence and Christy Michelle Lockhart was short three hours (0.3 CEUs) on board approved continuing education. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Christy Michelle Lockhart neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 17, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Christy Michelle Lockhart

knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Christy Michelle Lockhart agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Christy Michelle Lockhart will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Christy Michelle Lockhart's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Christy Michelle Lockhart 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 the Agreement and 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.

Christy Michelle Lockhart acknowledges that she 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.

Christy Michelle Lockhart waives any and all claims or causes of action she 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. Christy Michelle Lockhart waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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

<u>/s/ Christy Michelle Lockhart, R.Ph.</u>	<u>Date Signed: 03/28/10</u>
<i>Respondent</i>	

<u>/s/ Elizabeth I. Gregg</u>	<u>Date Signed: 04/05/10</u>
<i>President; Ohio State Board of Pharmacy</i>	

<u>/s/ Tracy Marie Greuel</u>	<u>Date Signed: 04/05/10</u>
<i>Ohio Assistant Attorney General</i>	

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100217-077

in the matter of:

KAREN SUE MCGHEE, R.Ph.

88 Debbie Drive
Gallipolis, Ohio 45631

R.Ph. Number 03-3-17248

This Settlement Agreement is entered into by and between Karen Sue McGhee 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.

Karen Sue McGhee voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Karen Sue McGhee acknowledges that by entering into this agreement she has waived her rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Karen Sue McGhee is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 17, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Karen Sue McGhee was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Karen Sue McGhee accepted this offer for settlement rather than a hearing. The February 17, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Karen Sue McGhee was originally licensed in the State of Ohio on April 19, 1988, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Karen Sue McGhee did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Karen Sue McGhee was short one continuing education hour (0.1 CEU) on board approved continuing education. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Karen Sue McGhee neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 17, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

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

This Settlement Agreement is entered into by and between Christine Alaine Morrison 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.

Christine Alaine Morrison voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Christine Alaine Morrison acknowledges that by entering into this agreement she has waived her rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Christine Alaine Morrison is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 12, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Christine Alaine Morrison was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Christine Alaine Morrison accepted this offer for settlement rather than a hearing. The February 12, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Christine Alaine Morrison was originally licensed in the State of Ohio on July 28, 1993, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Christine Alaine Morrison did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Christine Alaine Morrison was short seven continuing education hours (0.7 CEUs) on board approved continuing education. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Christine Alaine Morrison neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 12, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

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

- (A) Christine Alaine Morrison agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

If, in the judgment of the Board, Christine Elaine Morrison 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 the Agreement and 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.

Christine Alaine Morrison waives any and all claims or causes of action she 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. Christine Alaine Morrison waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

/s/ Christine Alaine Morrison, R.Ph. Date Signed: 03/05/10
Respondent

/s/ Elizabeth I. Gregg Date Signed: 04/05/10
President; Ohio State Board of Pharmacy

/s/ Tracy Marie Greuel Date Signed: 04/05/10
Ohio Assistant Attorney General

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100219-086
in the matter of:

MARY ELIZABETH O'MALLEY, R.Ph.
8835 Beechwood Drive
Novelty, Ohio 44072

This Settlement Agreement is entered into by and between Mary Elizabeth O'Malley 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.

Mary Elizabeth O'Malley voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code.

including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Mary Elizabeth O'Malley acknowledges that by entering into this agreement she has waived her rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Mary Elizabeth O'Malley is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 19, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Mary Elizabeth O'Malley was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Elizabeth O'Malley accepted this offer for settlement rather than a hearing. The February 19, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Mary Elizabeth O'Malley was originally licensed in the State of Ohio on August 8, 1979, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Mary Elizabeth O'Malley did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Mary Elizabeth O'Malley was short three continuing education hours (0.3 CEUs) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Mary Elizabeth O'Malley neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 19, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Mary Elizabeth O'Malley knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Mary Elizabeth O'Malley agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Mary Elizabeth O'Malley will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Mary Elizabeth O'Malley's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Mary Elizabeth O'Malley appears to have violated or breached any terms or conditions of this Agreement, the Ohio State

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification

card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Julia Dawn Singleton is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 19, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Julia Dawn Singleton was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Julia Dawn Singleton accepted this offer for settlement rather than a hearing. The February 19, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Julia Dawn Singleton was originally licensed in the State of Ohio on March 6, 2003, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) Julia Dawn Singleton did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Julia Dawn Singleton was short three continuing education hours (0.3 CEUs) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Julia Dawn Singleton neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 19, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

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

- (A) Julia Dawn Singleton agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Julia Dawn Singleton will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Julia Dawn Singleton's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Julia Dawn Singleton 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 the Agreement and 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.

Julia Dawn Singleton acknowledges that she 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.

Julia Dawn Singleton waives any and all claims or causes of action she 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. Julia Dawn Singleton waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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

<u>/s/ Julia Dawn Singleton, R.Ph.</u> <i>Respondent</i>	<u>Date Signed: 03/08/10</u>
<u>/s/ Elizabeth I. Gregg</u> <i>President; Ohio State Board of Pharmacy</i>	<u>Date Signed: 04/05/10</u>
<u>/s/ Tracy Marie Greuel</u> <i>Ohio Assistant Attorney General</i>	<u>Date Signed: 04/05/10</u>

R-2010-195

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100205-047

in the matter of:

KIMBERLY NICOLE SLOAN, R.Ph.

5636 Hollie Street
Lancaster, Ohio 43130

R.Ph. Number 03-3-23893

This Settlement Agreement is entered into by and between Kimberly Nicole Sloan 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.

Kimberly Nicole Sloan voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Kimberly Nicole Sloan acknowledges that by entering into this Agreement she has waived her rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Kimberly Nicole Sloan is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 4, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Kimberly Nicole Sloan was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to

submit contentions in writing. Kimberly Nicole Sloan accepted this offer for settlement rather than a hearing. The February 4, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Kimberly Nicole Sloan were originally licensed in the State of Ohio on December 22, 1999, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) Kimberly Nicole Sloan did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Kimberly Nicole Sloan was short 0.1 Continuing Education Unit (C.E.U.) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Kimberly Nicole Sloan neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 4, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

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

- (A) Kimberly Nicole Sloan herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Kimberly Nicole Sloan will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Kimberly Nicole Sloan's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Kimberly Nicole Sloan 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 the Agreement and 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.

Kimberly Nicole Sloan acknowledges that she 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.

Kimberly Nicole Sloan waives any and all claims or causes of action she 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. Kimberly Nicole Sloan waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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

<u>/s/ Kimberly Nicole Sloan, R.Ph.</u>	<u>Date Signed: 03/03/10</u>
<i>Respondent</i>	
<u>/s/ Elizabeth I. Gregg</u>	<u>Date Signed: 04/05/10</u>
<i>President; Ohio State Board of Pharmacy</i>	
<u>/s/ Tracy Marie Greuel</u>	<u>Date Signed: 04/05/10</u>
<i>Ohio Assistant Attorney General</i>	

R-2010-196

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100205-040

in the matter of:

RALPH PARKS, R.Ph.

1720 Wyndhurst
Toledo, Ohio 43607

R.Ph. Number 03-3-12064

This Settlement Agreement is entered into by and between Ralph Parks 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.

Ralph Parks voluntarily enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Ralph Parks acknowledges that by entering into this Agreement he has waived his rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Ralph Parks is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 4, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Ralph Parks was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Ralph Parks accepted this offer for settlement rather than a hearing. The February 4, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Ralph Parks was originally licensed in the State of Ohio on March 29, 1977, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Ralph Parks did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Ralph Parks was short 0.1 Continuing Education Unit (C.E.U.) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Ralph Parks neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 4, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same. Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Ralph Parks knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Ralph Parks herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Ralph Parks will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Ralph Parks' license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Ralph Parks 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 the Agreement and 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.

Ralph Parks 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.

Ralph Parks 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. Ralph Parks waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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

/s/ Ralph Parks, R.Ph. Date Signed: 03/31/10

Respondent

/s/ Elizabeth I. Gregg Date Signed: 04/05/10

President; Ohio State Board of Pharmacy

/s/ Tracy Marie Greuel Date Signed: 04/05/10

Ohio Assistant Attorney General

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100217-079

in the matter of:

MICHAEL H. HANEY, R.Ph.

2797 First Street

Unit 1503

Ft. Myers, FL 33916

R.Ph. Number 03-3-08403

This Settlement Agreement is entered into by and between Michael H. Haney 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.

Michael H. Haney voluntarily enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Michael H. Haney acknowledges that by entering into this agreement he has waived his rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Michael H. Haney is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 17, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Michael H. Haney was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Michael H. Haney accepted this offer for settlement rather than a hearing. The February 17, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Michael H. Haney was originally licensed in the State of Ohio on August 16, 1965 pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Michael H. Haney did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Michael H. Haney was short three continuing education hours (0.3 CEUs) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Michael H. Haney neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 17, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same. Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Michael H. Haney knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

This Settlement Agreement is entered into by and between William Mark Meissner 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.

William Mark Meissner 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.

William Mark Meissner is knowingly and voluntarily acknowledging that, in order to settle all issues regarding continuing education attendant to your 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 including not completing the requisite number of continuing education units.
- (B) William Mark Meissner acknowledges that he has not completed the requisite number of continuing education units, and inasmuch as he is retired and does not wish to continue the practice of pharmacy, intends not to complete them.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of the filing of formal ADMINISTRATIVE charges and/or holding a 119. hearing at this time, William Mark Meissner knowingly and voluntarily **SURRENDERS PERMANENTLY TO THE STATE BOARD OF PHARMACY HIS LICENSE AND REGISTRATION TO PRACTICE PHARMACY**. Pursuant to Rule 4729-9-01(F),

William Mark Meissner may not be employed by, or work in, any facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs.

William Mark Meissner 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.

William Mark Meissner 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. William Mark Meissner waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

William Mark Meissner must return the identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Agreement unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

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

<u>/s/ William Mark Meissner, R.Ph.</u>	<u>Date Signed: 03/24/10</u>
<i>Respondent</i>	
<u>/s/ Elizabeth I. Gregg</u>	<u>Date Signed: 04/05/10</u>
<i>President; Ohio State Board of Pharmacy</i>	
<u>/s/ Tracy Marie Greuel</u>	<u>Date Signed: 04/05/10</u>
<i>Ohio Assistant Attorney General</i>	

10:10 a.m. Mr. Casar moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code and to confer with an attorney for the Board regarding pending or imminent court action pursuant to Section 121.22(G)(3) of the Ohio Revised Code. The motion was seconded by Mr. Kolezynski and a roll-call vote was conducted by President Gregg as follows: Cain – *yes*; Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenbahn – *yes*.

11:09 a.m. The Executive Session ended and the meeting was opened to the public.

R-2010-199 The Board received a letter from **Joon H. Chong**, MD requesting that his application for a Terminal Distributor of Dangerous Drugs be withdrawn. After discussion, Mr. Joyce moved that the Board deny the request. Mr. Gahm seconded the motion and it was denied by the Board: *Aye* – 8.

R-2010-200 Mr. Joyce moved that the Board approve the continuance request received in the matter of **John Robert Stone**, R.Ph., (03-2-17547) Marion, Ohio. The motion was seconded by Ms. Pasquale and approved by the Board for one year: *Aye* – 8.

R-2010-201 Mr. Casar moved that the settlement offer in the matter of **Raymond P. Denuit**, R.Ph. (03-1-10793) Oak Hill, Ohio, be denied. The motion was seconded by Ms. Lange and approved by the Board: *Aye* – 8.

R-2010-202 Mr. Gahm moved that the citation issued to **Mr. Kyle Miller**, R.Ph. (03-3-26858) Ottoville, Ohio, be withdrawn. Ms. Lange seconded the motion and it was approved by the Board: *Aye* – 8.

R-2010-203 Mr. Joyce moved that the Settlement Offer received in the case of **Sarah A. Maseth**, R.Ph. (03-3-21651) Naperville, Illinois, be denied. Ms. Lange seconded the motion and it was approved by the Board: *Aye* – 7; *Nay* – 1.

R-2010-204 Mr. Gahm moved that the Board accept a settlement offer in the matter of **Geoffrey S. Santangelo**, R.Ph. (03-2-26254) Columbus, Ohio, as amended by the Board. The Board's acceptance of a settlement would be contingent on the respondent's agreement to the changes made by the Board. The motion was seconded by Ms. Lange and approved by the Board: *Aye* – 8.

R-2010-205 Mr. Gahm moved that a request from **Jenna Merandi**, Shinneston, West Virginia, for additional time to take the licensing examination be approved. The motion was seconded by Ms. Lange and approved by the Board: *Aye* – 7; *Nay* – 1. The request was then referred to the National Association of Boards of Pharmacy for their recommendation and approval.

The Board recessed briefly.

11:18 a.m. Mr. Keeley presented the Legislative Report.

Ms. Lange and Mr. Keeley discussed the Technician Exam Status Report with the Board.

Mr. Casar said the Nursing Board Committee on Prescriptive Governance did not meet in March. Ms. Lange said the Medical Board Physician Assistant Policy Committee did not meet in March.

Mr. Benedict said there was no Medical Board Prescribing Committee Report this month.

The Board, in March, considered a request from the Ohio Pharmacists Association to add the rabies vaccine to the list of immunizations approved for pharmacists to administer. At that time a decision on the matter was postponed to allow the OPA and Board staff to further research the matter. After discussion, the Board decided that no action was needed at this time.

12:33 p.m. The Board recessed for lunch.

1:30 p.m. The Board reconvened with all members present.

1:37 p.m. The Board was joined by Assistant Attorney General Tracy Greuel to create a record in accordance with Ohio Revised Code Chapters 119. and 4729. in the matter of **Tina Marie Crow**, R.Ph., (03-3-18376) Columbus, Ohio. Mr. Casar recused himself from the deliberations.

1:55 p.m. The record was closed.

1:56 p.m. Mr. Kolezynski moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Wiesenhahn and a roll-call vote was conducted by President Gregg as follows: Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

1:59 p.m. The Executive Session ended and the meeting was opened to the public.

R-2010-206 After votes were taken in public session, the Board adopted the following order in the matter of **Tina Marie Crow**, R.Ph., (03-3-18376) Columbus, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-091008-021

in the matter of:

TINA MARIE CROW, R.Ph.

1194 Bryden Road
Columbus, Ohio 43205

R.Ph. Number 03-3-18376

INTRODUCTION

The matter of Tina Marie Crow came for consideration on April 5, 2010, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (*presiding*); Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Donald M. Casar, R.Ph., recused.

Tina Marie Crow was not present nor was she represented by counsel. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness: Eric Griffin, Ohio State Board of Pharmacy

Respondent's Witnesses: None

State's Exhibits:

1. Copy of Notice of Opportunity for Hearing letter [10-08-09]
- 1A. Procedural
2. Credential View Screens 8-21-2007 and 12-31-09 [5-12-09]
3. Notarized statement of Tina Crow [06-15-09]
4. Dangerous Drug Distributor Inspection Report at Giant Eagle Pharmacy #6508 [06-08-09]
5. Copy of RX #2008077 [10-13-08]
6. Copy of RX #4018598 [12-30-08]
7. Copy of RX #2008695 [01-13-09]
8. Copy of RX #4019518 [03-02-09]
9. Copy of RX #4019596 [03-06-09]
10. Copy of RX #4020199 [04-16-09]

Respondent's Exhibits: None

FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that Tina Marie Crow was originally licensed in the State of Ohio on July 30, 1990, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Tina Marie Crow did, on or about October 13, 2008, when not a registered pharmacist or pharmacist intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Tina Marie Crow did not renew her license to practice pharmacy, Tina Marie Crow dispensed RX #2008077 for hydromorphone 4 mg, and Tina Marie Crow performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (3) Tina Marie Crow did, on or about December 30, 2008, when not a registered pharmacist or pharmacist intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Tina Marie Crow did not renew her license to practice pharmacy, Tina Marie Crow dispensed RX #4018598 for hydrocodone/APAP 5/500 mg, and Tina Marie Crow performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (4) Tina Marie Crow did, on or about January 13, 2009, when not a registered pharmacist or pharmacist intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Tina Marie Crow did not renew her license to practice pharmacy, Tina Marie Crow dispensed RX #2008695 for meperidine 50 mg, and Tina Marie Crow performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (5) Tina Marie Crow did, on or about March 2, 2009, when not a registered pharmacist or pharmacist intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Tina Marie Crow did not renew her license to practice pharmacy, Tina Marie Crow dispensed RX #4019518 for hydrocodone/APAP 7.5/500 mg, and Tina Marie

Crow performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (6) Tina Marie Crow did, on or about March 6, 2009, when not a registered pharmacist or pharmacist intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Tina Marie Crow did not renew her license to practice pharmacy, Tina Marie Crow dispensed RX #4019596 for hydrocodone/APAP 5/500 mg, and Tina Marie Crow performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (7) Tina Marie Crow did, on or about April 16, 2009, when not a registered pharmacist or pharmacist intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Tina Marie Crow did not renew her license to practice pharmacy, Tina Marie Crow dispensed RX #4020199 for GG/Codeine 100-10/5 Syrup, and Tina Marie Crow performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

CONCLUSIONS OF LAW

The State Board of Pharmacy concludes that paragraphs (2) through (7) of the Findings of Fact constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

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 Board of Pharmacy adjudicates the matter of Tina Marie Crow as follows:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes on Tina Marie Crow a monetary penalty of one thousand and five hundred dollars (\$1,500.00) due and owing within thirty days of the mailing of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Tina Marie Crow must obtain, within six months from the effective date of this Order, three hours of approved continuing pharmacy education (0.3 CEUs) in Jurisprudence, which may not also be used for license renewal.

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

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

Jerome Wiesenhahn moved for Action of the Board; Brian Joyce seconded the motion. Motion passed (Aye-7/Nay-0).

R-2010-207 The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

Hill's Compounding Pharmacy , Milford, Ohio	(02-1181750)
Continuum Care Pharmacy , Middletown, Ohio	(02-1855400)
Lifeline Pharmacy , Hamilton, Ohio	(02-1730800)

After discussion, Mr. Gahm moved that the Board approve the request as long as the parties to the request comply with the requirements in the rule for such an exemption. The motion was seconded by Ms. Lange and approved by the Board: *Aye* – 8.

R-2010-208 Mr. Winsley presented a request from Akron General Medical Center for an extension of its Remote Pharmacy Order Entry utilizing Robert E. Marks, R.Ph. (03-2-21580). After discussion, Mr. Casar moved that the request be granted for one year as long as all the relevant conditions for such a Remote Pharmacy Order Entry continue to be met. Mr. Gahm seconded the motion and it was approved by the Board: *Aye* – 8.

R-2010-209 Mr. Keeley presented a request for approvable status for the electronic prescribing system **DaVita**. Mr. Gahm moved that the system be found approvable pending final inspection. Ms. Pasquale seconded the motion and it was approved by the Board: *Aye* – 8.

R-2010-210 Mr. Keeley presented a request for approvable status for the electronic prescribing system **O.A. Systems**. Mr. Casar moved that the system be found approvable pending final inspection. Mr. Gahm seconded the motion and it was approved by the Board: *Aye* – 8.

2:34 p.m. Mr. Cain moved that the Board go into Executive Session for the purpose of discussing personnel matters pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Kolezynski and a roll-call vote was conducted by President Gregg as follows: Casar – *yes*; Cain – *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenbahn – *yes*.

3:52 p.m. The Executive Session ended and the meeting was opened to the public. The Board recessed for the day.

Tuesday, April 6, 2010

9:26 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

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

9:38 a.m. After discussion, Mr. Kolezynski moved that the Board minutes of March 8-10, 2010, be approved as amended. Ms. Lange seconded the motion and it was approved by the Board: *Aye* – 8.

R-2010-211 The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-11 (Responsible Person) requesting that **Richelle Marie Huffman**, R.Ph. (03-3-28792) Milford, Ohio be permitted to be the responsible person for the following sites:

Fitzgerald Pharmacy , Williamsburg, Ohio	(02-0102450)
Fitzgerald LTC Pharmacy , Williamsburg, Ohio	(02-1967600)

After discussion, Mr. Wiesenhahn moved that the Board approve the request for 1 year. The motion was seconded by Mr. Casar and approved by the Board: *Aye* – 8.

9:50 a.m. The Board recessed briefly.

10:00 a.m. Mrs. Droz presented the Ohio Automated Prescription Reporting System update.

10:27 a.m. The Board recessed briefly.

10:39 a.m. The Board was joined by Assistant Attorney General Tracy Greuel to continue an adjudication hearing that came before the Board on March 9, 2010, in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Stephen Christopher Green**, R.Ph. (03-3-20041) Cincinnati, Ohio.

11:13 a.m. The hearing ended and the record was closed.

11:13 a.m. Mr. Casar moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Joyce and a roll-call vote was conducted by President Gregg as follows: Cain – *yes*; Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

11:22 a.m. The Executive Session ended and the meeting was opened to the public.

R-2010-212 After votes were taken in public session, the Board adopted the following order in the matter of **Stephen Christopher Green**, R.Ph. (03-3-20041) Cincinnati, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-091009-024

in the matter of:

STEVEN CHRISTOPHER GREEN, R.Ph.

3651 Vernier Drive
Cincinnati, Ohio 45251

R.Ph. Number 03-3-20041

INTRODUCTION

The matter of Steven Christopher Green came for hearing on March 9, 2010 and was continued to April 6, 2010, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (*presiding*); Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Steven Christopher Green was represented by Harry B. Plotnick. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses: None

Respondent's Witness: Steven Christopher Green, R.Ph., Respondent

State's Exhibits:

1. Reinstatement hearing request letter from Steven Christopher Green, R.Ph. [10-07-09]
- 1A-1C. Procedurals
2. Ohio State Board of Pharmacy Order in re Steven Christopher Green, R.Ph. [02-04-09]

Respondent's Exhibits:

- A. State Board of Pharmacy Order in re Steven Christopher Green, R.Ph. [02-04-09]
- B. PRO Pharmacist's Recovery Contract for Steve Green [04-01-09]
- C. Support Group Attendance Records [01-05-09 to 04-05-10]
- D. ADAPT Status Review Reports for Steve Green [04-15-09 to 01-13-10]
- E. Talbert House Diagnostic Assessment Form [02-18-09]
- F. Talbert House Drug Screen Reports [01-15-09 to 06-29-09]; Letter from Ken Garcia, Probation Officer County of Hamilton to Harry B. Plotnick in re Steven C. Green [02-19-10]; First Lab Test History Report [10-23-09 to 02-04-10]; Walgreens Prescription Profile in re Steven Green [01-02-10]
- G. ADAPT outpatient program Termination Summary with attachments for Steven C. Green [02-16-10]
- H. Continuing Pharmacy Education Credits and Certificates [05-03-09 to 02-23-10]
- I. Letter of Support from Shaun Mueller, of Ecocolor Industries [02-22-10]

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witness, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Steven Christopher Green has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-081021-027, effective February 4, 2009.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-3-20041, held by Steven Christopher Green to practice pharmacy in Ohio and places Steven Christopher Green on probation for five years beginning on the effective date of this Order, with the following conditions:

- (A) Steven Christopher Green must enter into a new contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:

- (1) Random, observed urine drug screens shall be conducted at least once each month.
 - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from

ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

- (2) 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.
 - (3) Attendance is required a minimum of three times per calendar week, meaning Sunday through Saturday, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Steven Christopher Green 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:
- (1) The written report and documentation provided by the treatment program pursuant to the contract, and
 - (2) A written description of Steven Christopher Green's progress towards recovery and what Steven Christopher Green has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Steven Christopher Green's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - (2) Steven Christopher Green may not serve as a responsible pharmacist.
 - (3) Steven Christopher Green may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) Steven Christopher Green must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
 - (5) Steven Christopher Green must not violate the drug laws of Ohio, any other state, or the federal government.
 - (6) Steven Christopher Green must abide by the rules of the State Board of Pharmacy.
 - (7) Steven Christopher Green must comply with the terms of this Order.
 - (8) Steven Christopher Green's license is deemed not in good standing until successful completion of the probationary period.

(D) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Steven Christopher Green 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 may revoke probation for a violation occurring during the probation period.

Donald Casar moved for Action of the Board; Brian Joyce seconded the motion. Motion passed (Aye-8/Nay-0).

11:25 a.m. The Board recessed for lunch.

1:30 p.m.

R-2010-213

The following candidates for licensure by reciprocity met with members of the Board in Room South A, 31st Floor of the Vern Riffe Center. The candidates introduced themselves to the Board, and then participated in a discussion of pharmacy laws and rules with Mr. Parker.

Miled Gamil Boutros	<i>Virgin Islands</i>	Senait Negassi	<i>Massachusetts</i>
Michael Cansino Chua	<i>New Jersey</i>	Erin Rachel Painter	<i>Illinois</i>
Myron Cleckner	<i>Missouri</i>	Hetal Rameshchandra Patel	<i>California</i>
Eugene George Drust	<i>Pennsylvania</i>	Basma Hanai Sadaka	<i>Massachusetts</i>
Allyson Noelle Fru	<i>Texas</i>	Laura Helen Shafer	<i>North Carolina</i>
Justin Tamukong Fru	<i>Texas</i>	Scott Michael Shelley	<i>Montana</i>
Paul Joseph Griesacker	<i>Pennsylvania</i>	Susanne Byrd Sitterson	<i>North Carolina</i>
Tejal Hanfi	<i>New Jersey</i>	Nancy Katherine Snyder	<i>Indiana</i>
Rachel Michelle Hankins	<i>Texas</i>	Sarah Jane Sprout	<i>West Virginia</i>
Meri Alais Madison	<i>New York</i>	Donald L. Torman	<i>West Virginia</i>
Mark Alan Waltz	<i>Michigan</i>	Christe Lee Zima	<i>Pennsylvania</i>

1:59 p.m. The Board reconvened with Ms. Pasquale and Mr. Kolezynski absent.

The Board was joined by Assistant Attorney General Tracy Greuel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Eloise Adams Norwood**, R.Ph. (03-1-14972) Toledo, Ohio.

5:39 p.m. The hearing ended and the record was closed.

Mr. Gahm moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Wiesenhahn and a roll-call vote was conducted by President Gregg as follows: Cain – *yes*; Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Lange – *yes*; and Wiesenhahn – *yes*.

6:00 p.m. The Executive Session ended and the meeting was opened to the public.

6:02 p.m.

R-2010-214

After votes were taken in public session, the Board adopted the following order in the matter of **Eloise Adams Norwood**, R.Ph. (03-1-14972) Toledo, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY
Docket Number D-091210-033
in the matter of:

ELOISE ADAMS NORWOOD, R.Ph.

2256 Collingwood Boulevard
Toledo, Ohio 43620

R.Ph. Number 03-1-14972

INTRODUCTION

The matter of Eloise Adams Norwood came for hearing on April 6, 2010, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (presiding); Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

Richard F. Kolezynski, R.Ph., absent.

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

Eloise Adams Norwood was represented by Stephanie D. Adams. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses: Homer Chapa, Ohio State Board of Pharmacy
Eloise Adams Norwood, R.Ph., Respondent

Respondent's Witness: Eloise Adams Norwood, R.Ph., Respondent

State's Exhibits:

1. Copy of Notice of Opportunity for Hearing letter [12-10-09]
- 1A-1D. Procedurals
2. Copy of Pharmacist License Renewal Form [03-06-90]
3. Ohio State Board of Pharmacy Order in re Eloise Adams Norwood R.Ph. [01-30-91]
4. Copy of Pharmacist License Renewal Form [10-18-95]
5. Exhibit withdrawn
6. Copy of Pharmacist License Renewal Form [09-19-07]
7. Copy of duplicate Pharmacist License Renewal Form [10-02-08]
8. Copy of RX #6676257 from Dr. Alma L. Garlo, M.D., F.A.C.O.G. [09-16-08]
9. Copy of Rx #6676285 and RX #6676286 from Dr. Bonaventure Okoro, M.D. [09-22-08]
10. Copy of RX # 6676297 from Dr. Anne T. Ruch, M.D. [09-25-08]
11. Copy of RX #6676350 from Dr. Steven C. Fox, D.D.S. [10-01-08]
12. Notarized written statement of Eloise A. Norwood, R.Ph. [05-27-09]
13. Notarized written statement of Joy Price, MD [09-25-09]
14. Notarized written statement of Eloise A. Norwood, R.Ph. [08-31-09]
15. Refill spreadsheet for RX #6676036 [08-12-08 to 01-14-09]
16. Refill spreadsheet for RX #6676037 [08-12-08 to 06-30-09]
17. Refill spreadsheet for RX #6676117 and RX #6677883 [09-09-08 to 07-28-09]
18. Refill spreadsheet for RX #6675725 and RX #6677398 [06-16-08 to 07-28-09]
19. Refill spreadsheet for RX #6676108 [08-22-08 to 07-28-09]
21. Original prescriptions for Patient #2
23. Doctor notes for Patient #2
25. Original prescriptions for Patient #1
27. Doctor notes for Patient #1

Respondent's Exhibits:

- A. News article in re Eloise Norwood [08-17-05]
- B. Notarized Affidavit of Moretha Harding [02-05-10]
- C. Notarized Affidavit of Jacqueline McGhee [02-05-10]
- D. Notarized Affidavit of Michelle Walentowski [03-31-10]
- E. Notarized Affidavit of Sheron Adams [04-01-10]
- F. 2007 Ohio license continuing education documentation [09-04-07 to 09-10-07]
- G. Patient #Two exhibits in re Benzotropine; Risperidone and Lexapro [01-02-08 to 04-05-10]
- H. Patient #One exhibits in re Benzotropine [06-12-07 to 07-01-09]
- I. Patient #One exhibits in re Risperidone [08-22-08 to 08-21-09]
- J. Copy of Oath of a Pharmacist and Code of Ethics for a Pharmacist [not dated]
- K. Three photocopies of pharmacy [not dated]
- L. Copy of Ohio Revised Code 4729.281 [effective 07-22-98]

FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that Eloise Adams Norwood was originally licensed in the State of Ohio on March 2, 1983, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio. Board records further reflect that Eloise Adams Norwood has failed to timely renew her license to practice pharmacy on four previous occasions: 1989, 1990, 1995, and 2007.
- (2) Eloise Adams Norwood did, on or about September 16, 2008, while not a registered pharmacist or pharmacy intern, practice pharmacy, to wit: after her license to practice pharmacy had lapsed, Eloise Adams Norwood dispensed RX #6676257 while practicing pharmacy at Community Pharmacy Partners. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (3) Eloise Adams Norwood did, on or about September 22, 2008, while not a registered pharmacist or pharmacy intern, practice pharmacy, to wit: after her license to practice pharmacy had lapsed, Eloise Adams Norwood dispensed RX #6676286 while practicing pharmacy at Community Pharmacy Partners. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code
- (4) Eloise Adams Norwood did, on or about September 25, 2008, while not a registered pharmacist or pharmacy intern, practice pharmacy, to wit: after her license to practice pharmacy had lapsed, Eloise Adams Norwood dispensed RX #6676297 while practicing pharmacy at Community Pharmacy Partners. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code
- (5) Eloise Adams Norwood did, on or about October 1, 2008, while not a registered pharmacist or pharmacy intern, practice pharmacy, to wit: after her license to practice pharmacy had lapsed, Eloise Adams Norwood dispensed RX #6676350 while practicing pharmacy at Community Pharmacy Partners. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code

- (6) Eloise Adams Norwood did, on or about October 7, 2008, and dates subsequent, knowingly make a false statement in a prescription required by Chapter 3719. or 4729. of the Ohio Revised Code, to wit: when refilling RX #6676036 for 14 Lexapro 10 mg tablets, Eloise Adams Norwood added unauthorized refills on October 7, 2008, December 30, 2008, and January 14, 2009. Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code.
- (7) Eloise Adams Norwood did, on or about October 7, 2008, and dates subsequent, knowingly make a false statement in a prescription required by Chapter 3719. or 4729. of the Ohio Revised Code, to wit: when refilling RX #6676037 for 30 risperidone 3 mg tablets, Eloise Adams Norwood added unauthorized refills on October 7, 2008, December 16, 2008, December 30, 2008, and January 14, 2009. Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code.
- (8) Eloise Adams Norwood did, on or about December 30, 2008, and dates subsequent, knowingly make a false statement in a prescription required by Chapter 3719. or 4729. of the Ohio Revised Code, to wit: when refilling RX #6676117 for 28 benztropine 2 mg tablets, Eloise Adams Norwood added unauthorized refills on December 30, 2008, and January 14, 2009. Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code.
- (9) Eloise Adams Norwood did, on or about February 26, 2009, and dates subsequent, knowingly make a false statement in a prescription required by Chapter 3719. or 4729. of the Ohio Revised Code, to wit: when refilling RX #6675725 for 28 benztropine 2 mg tablets, Eloise Adams Norwood added unauthorized refills on February 26, 2009 and March 11, 2009. Eloise Adams Norwood changed the RX # on March 25, 2009 to RX #6677398 and added unauthorized refills on March 25, 2009, April 8, 2009, May 20, 2009 and June 30, 2009. Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code.
- (10) Eloise Adams Norwood did, on or about October 21, 2008, and dates subsequent, knowingly make a false statement in a prescription required by Chapter 3719. or 4729. of the Ohio Revised Code, to wit: when refilling RX #6676108 for 16 risperidone 2 mg tablets, Eloise Adams Norwood added unauthorized refills on October 21, 2008, February 26, 2009, March 11, 2009, March 25, 2009, April 8, 2009, May 20, 2009, and June 30, 2009. Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (10) of the Findings of Fact constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (2) through (10) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapters 2925. and 4729. of the Revised Code.

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 Board of Pharmacy hereby suspends for one year the pharmacist identification card, No. 03-1-14972, held by Eloise Adams Norwood effective as of the date of the mailing of this Order.

Further, the Board suspends the suspension with the following conditions:

- (A) Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby imposes a monetary penalty of two thousand and five hundred dollars (\$2,500.00) on Eloise Adams Norwood and payment in full is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Eloise Adams Norwood must obtain and submit, within six months from the effective date of this Order, six (0.6 CEUs) of approved continuing pharmacy education in Jurisprudence, which may not also be used for license renewal.

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

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

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

6:03 p.m. The Board recessed for the day.

Wednesday, April 7, 2010

10:15 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Elizabeth I. Gregg, R.Ph., *President*; Heather L. Pasquale, R.Ph., *Vice-President*; Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

R-2010-215 Mr. Winsley announced that the following Settlement Agreement had been signed by all parties, making it effective.

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100219-062

in the matter of:

MARK ANTHONY CARLSON, R.Ph.

66 Birdsong Parkway
Orchard Park, NY 14127

R.Ph. Number 03-3-17243

This Settlement Agreement is entered into by and between Mark Anthony Carlson 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.

Mark Anthony Carlson voluntarily enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Mark Anthony Carlson acknowledges that by entering into this agreement he has waived his rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Mark Anthony Carlson is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 24, 2010, Mark Anthony Carlson, pursuant to Chapter 119. of the Ohio Revised Code, Mark Anthony Carlson was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Mark Anthony Carlson accepted this offer for settlement rather than a hearing. The February 24, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Mark Anthony Carlson was originally licensed in the State of Ohio on February 26, 1988, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Mark Anthony Carlson did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Mark Anthony Carlson was short two hours of continuing education (0.2CEUs) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Mark Anthony Carlson neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 24, 2010; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

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

- (A) Mark Anthony Carlson agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

(B) Mark Anthony Carlson will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Mark Anthony Carlson's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Mark Anthony Carlson 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 the Agreement and 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.

Mark Anthony Carlson 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.

Mark Anthony Carlson 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. Mark Anthony Carlson waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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

<u>/s/ Mark Anthony Carlson, R.Ph.</u> <i>Respondent</i>	<u>Date Signed: 03/23/10</u>
<u>/s/ Elizabeth I. Gregg</u> <i>President; Ohio State Board of Pharmacy</i>	<u>Date Signed: 04/07/10</u>
<u>/s/ Tracy Marie Greuel</u> <i>Ohio Assistant Attorney General</i>	<u>Date Signed: 04/07/10</u>

10:29 a.m. The Board was joined by Assistant Attorney General Tracy Greuel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **James P. Espelage**, R.Ph. (03-1-12330) Lawrenceburg, Indiana.

11:05 a.m. The hearing ended and the record was closed.

Ms. Pasquale moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Gahm and a roll-call vote was conducted by President Gregg as follows: Cain – *yes*; Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

11:12 a.m. The Executive Session ended and the meeting was opened to the public.

R-2010-216 After votes were taken in public session, the Board adopted the following order in the matter of **James P. Espelage**, R.Ph. (03-1-12330) Lawrenceburg, Indiana.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-100309-101

in the matter of:

JAMES P. ESPELAGE, R.Ph.

21073 Augusta Drive
Lawrenceburg, Indiana 47025

R.Ph. Number 03-1-12330

INTRODUCTION

The matter of James P. Espelage came for hearing on April 7, 2010, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (*presiding*); Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Deborah A. Lange, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Richard F. Kolezynski, R.Ph., absent.

James P. Espelage was not represented by counsel. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses: Rick Haun, Ohio State Board of Pharmacy
James P. Espelage, R.Ph., Respondent

Respondent's Witness: None

State's Exhibits:

1. Notice of Opportunity for Hearing letter [03-12-10]
1A-1C. Procedurals
2. Notarized written statement of James Espelage [11-18-09]
3. Letter from Joseph P. Hazen, MD [11-20-09]
4. Copy of RX #038771 for 100 HCTZ 25 mg [05-22-00]
5. Copy of RX #039752 for 100 Toprol XL 100 mg [03-20-02]
6. Copy of RX #40167 for Prinzide 12.5 mg [06/24/03]

Respondent's Exhibits:

- A1-A9. Nine letters of support [03-24-10 to 04-03-10]
B1-B16. Copies of 18 cancelled checks made payable to Mercy Franciscan Hospital Western Hills [12-16-03 to 08-12-09]

FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that James P. Espelage was originally licensed in the State of Ohio on August 10, 1977, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.

- (2) James P. Espelage did, from November 1, 2005, through November 11, 2009, intentionally create and/or knowingly possess false or forged prescriptions, to wit: James P. Espelage documented unauthorized refills on RX #038771, originally written for 100 HCTZ 25 mg tablets on May 22, 2000, and continued to refill the prescription without the physician's authorization. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (3) James P. Espelage did, from November 1, 2005, through November 11, 2009, intentionally create and/or knowingly possess false or forged prescriptions, to wit: James P. Espelage documented unauthorized refills on RX #039752, originally written for 100 Toprol XL 100 mg tablets on March 20, 2002, and continued to refill the prescription without the physician's authorization. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (4) James P. Espelage did, from November 1, 2005, through November 11, 2009, intentionally create and/or knowingly possess false or forged prescriptions, to wit: James P. Espelage documented unauthorized refills on RX #40167, originally written for 30 Prinzide 12.5 mg/10 mg tablets on June 24, 2003, and continued to refill the prescription without the physician's authorization. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of a unprofessional conduct as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code.

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 Board of Pharmacy hereby adjudicates the matter of James P. Espelage as follows:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes on James P. Espelage a monetary penalty of seven hundred and fifty dollars (\$750.00) due and owing within thirty days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) James P. Espelage must obtain and submit, within six months from the effective date of this Order, five hours (0.5 CEUs) of approved continuing pharmacy education in Jurisprudence, which may not also be used for license renewal.
- (C) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby limits James P. Espelage's

practice of pharmacy in that he may not dispense prescriptions for himself or for any member of his family.

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

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

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

11:15 a.m. The Board recessed briefly.

11:23 a.m. Mr. Casar moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Cain and a roll-call vote was conducted by President Gregg as follows: Cain – *yes*; Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

12:08 p.m. The Executive Session ended and the meeting was opened to the public.

R-2010-217 After votes were taken in public session, the Board adopted the following order in the matter of **Raymond P. Denuit**, R.Ph. (03-1-10793) Oakhill, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-090204-085

in the matter of:

RAYMOND P. DENUIT, R.Ph.

240 North Street
Oak Hill, Ohio 45656

R.Ph. Number 03-1-10793

INTRODUCTION

The matter of Raymond P. Denuit came for hearing on April 8, 2009, before the following members of the Board: Elizabeth I. Gregg, R.Ph., (*presiding*); Gregory Braylock, R.Ph.; Donald M. Casar, R.Ph.; Barton G. Kaderly, Public Member; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Nathan S. Lipsyc, R.Ph., Board President and Heather L. Pasquale, R.Ph., Board Member were absent.

Raymond P. Denuit was represented by Elizabeth Y. Collis. The State of Ohio was represented by Tracy Marie Greuel, Assistant Attorney General.

The Board issued its decision and Order. An Amended Order, nunc pro tunc, was subsequently issued in as much as the Board recognized an error in its Order. Respondent Denuit, by and through counsel, appealed the matter (twice, claiming the second appeal was necessitated by the Board's Amended Order). The matter is back before the Board pursuant to remand by the Jackson County Common Pleas Court.

The Court opined that there was sufficient reliable, probative, and substantial evidence that a violation of Section 2907.06(A)(1) did in fact occur, but that there was insufficient evidence to sustain violations of Sections 2921.13 and 4729.19 of the Ohio Revised Code. The Court stated that there was insufficient information for the Court to determine if the sole violation remaining, i.e. a violation of Section 2907.06(A)(1), in and of itself constituted gross immorality and/or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

The Court remanded for reconsideration by the Board of its adjudication of penalties.

BOARD'S DECISION AND ORDER

The matter was reviewed by the Board and fully reconsidered in its entirety as directed by the Court. The Board considered its previous decision in light of the direction offered by the Court.

First, the Board found Respondent did indeed fondle the breast of a store-front employee and the conduct was not invited and was offensive. The Board, having fully considered the testimony and having previously observed and evaluated the testimony and demeanor of the witnesses, determined previously and now affirms its determination that the aforesaid sexual conduct was uninvited, offensive, and Respondent knew it was offensive and was reckless in that regard.

Second, the Board determined previously and now affirms its determination that this conduct constitutes gross immorality and unprofessional conduct. As to gross immorality, the act of fondling an employee's breast when uninvited and offensive is clearly violative of not only law but of social sensibilities as well. The Board is incensed that any pharmacist would even ponder the idea of sexually groping a subordinate employee. To behave in such a manner is not only immoral but is grossly immoral. The Board believes that Respondent used his position to exercise physical control over a pharmacy employee in this sexually offensive manner, and such is untenable. As to unprofessional conduct in the practice of pharmacy, the Board is of the same opinion. To force one's self on another in such a sexual manner in the confines of a Board-licensed facility, during hours of work or shortly thereafter while closing for the day, is exceptionally unprofessional. This is so, especially considering that Respondent was a superior of the subordinate employee. This Board expects pharmacists to act professionally, and Respondent's act in that regard was clearly unprofessional.

In full consideration of the Court's remand and the reasoning there for, the Board notes that of the three allegations that were appealed, the gravamen of the previous Board Order has survived remand. The remaining finding, i.e. the violation and the Board's determination that the violation clearly constitutes gross immorality and unprofessional conduct in the Practice of Pharmacy, warrants the Board's previous determination as to penalty. The Board is of the opinion that this sanction was, and remains, necessary as a remedial sanction to correct and prevent such conduct in the future.

Accordingly, the Board hereby ORDERS the following:

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby adjudicates the matter of Raymond P. Denuit as follows:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth previously, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00) on Raymond P. Denuit and payment of the monetary penalty is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Further, pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-1-10793, held by Raymond P. Denuit and such suspension is effective as of the date of the mailing of this Order.
 - (1) Raymond P. Denuit, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
 - (2) Raymond P. Denuit, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after two years from the effective date of this Order, the Board will consider any petition filed by Raymond P. Denuit for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (A) Raymond P. Denuit must have submitted to the Board within 90 days from the date of this Order a sexual offender-specific evaluation and must have followed all recommendations thereof.
- (B) Raymond P. Denuit must obtain sensitivity training on sexual harassment in the workplace and provide documentation to the Board of program completion.
- (C) Upon reappearance Raymond P. Denuit, must affirmatively show compliance with his Board Order and overall fitness to practice pharmacy.
- (D) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
- (E) If reinstatement is not accomplished within three years of the effective date of this Order, Raymond P. Denuit must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) examination.
- (F) Upon such time as the Board may consider reinstatement, Raymond P. Denuit will be afforded a Chapter 119. hearing. At such time, the Board may

consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

Edward Cain moved for Action of the Board; Deborah Lange seconded the motion. Motion passed (Aye-7/Nay-0).

12:09 p.m. Mr. Gahm moved that the Board receive Per Diem as follows:

PER DIEM	4/5	4/6	4/7	Total
Cain	1	1	1	3
Casar	1	1	1	3
Gahm	1	1	1	3
Gregg	1	1	1	3
Joyce	1	1	1	3
Kolezynski	1	1		2
Lange	1	1	1	3
Pasquale	1	1	1	3
Wiesenhahn	1	1	1	3

Mr. Casar seconded the motion and it was approved by the Board: *Aye – 7.*

12:09 p.m. Mr. Gahm moved that the meeting be adjourned. The motion was seconded by Ms. Pasquale and approved by the Board: *Aye – 7.*

The Ohio State Board of Pharmacy approved these Minutes May 4, 2010
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