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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 July 7- 8, 2010

Meeting of the Ohio State Board of Pharmacy

Wednesday, July 7, 2010

9:01 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:

Richard F. Kolezynski, R.Ph., *President*; Donald M. Casar, R.Ph.; *Vice-President*; Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Deborah A. Lange, R.Ph.; Michael A. Moné, R.Ph.; Jerome J. Wiesenbahn, R.Ph.; and Lori L. Woodson, 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*.

R-2011-001 President Kolezynski administered the oath for a new Board member to Lori L. Woodson, R.Ph.

OATH OF NEW MEMBER

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

R-2011-002 President Kolezynski administered the oath for a new Board member to Michael A. Moné, R.Ph.

OATH OF NEW MEMBER

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

President Kolezynski assigned board duties for FY 2011.

BOARD RESPONSIBILITIES AS SET FOR FY 2011

Cain	Consumer Affairs/Public Relations
Casar	Personnel
Gahm	Legislation/Rules

Joyce	Continuing Education
Kolezynski	Compliance/Enforcement
Lange	Exams/Internship/Reciprocity
Moné	Licensure/Registration
Wiesenhahn	Budget/Finance
Woodson	Administration/Probationary Reports

Special Committee Appointments for FY 2011

Ad Hoc Advisory Committee on Rule Review ~ Gahm/Casar
Nursing Board Committee on Prescriptive Governance ~ Casar
Medical Board P.A. Committee ~ Lange

R-2011-003 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:

Critical Care Systems, Dublin, Ohio (02-1552100)
Various Accredo Pharmacies, Ohio

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 Mr. Joyce and approved by the Board: *Aye* – 8.

R-2011-004 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:

Central Admixture Pharmacy Services, Valley View, Ohio (02-1312700)
Trinity Medical Center West, Steubenville, Ohio (02-0035900)

After discussion, Mr. Casar 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-2011-005 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:

Central Admixture Pharmacy Services, Valley View, Ohio (02-1312700)
Cornerstone Pharmacy, Cuyahoga Falls, Ohio (02-1997950)

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 Mr. Joyce and approved by the Board: *Aye* – 8.

R-2011-006 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:

O'Bleness Memorial Hospital, Athens, Ohio (02-0029650)
Athens Surgery Center, Athens, Ohio (02-1455800)

After discussion, Mr. Joyce 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 Mr. Gahm and approved by the Board: *Aye* – 8.

R-2011-007 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:

O'Bleness Memorial Hospital , Athens, Ohio	(02-0029650)
Endocrine and Diabetes Center , Athens, Ohio	(02-1816900)

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 Mr. Moné and approved by the Board: *Aye* – 8.

R-2011-008 Mr. Parker presented a request from pharmacy intern **Deepali Anant Poladia** (06-0-06860) Lewis Center, Ohio, for permission to extend her internship one additional year due to extraordinary circumstances pursuant to Rule 4729-3-04 (Pharmacy Intern Identification Card Renewal). After discussion, Mr. Casar moved that **Ms. Poladia's** request be approved. The motion was seconded by Mr. Wiesenhahn and approved by the Board: *Aye* – 8.

R-2011-009 The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-11 (Responsible Person) requesting that **Vincent DiMaggio**, R.Ph. (03-3-12975) Mason, Ohio, be permitted to be the responsible person for the following sites:

RightSource II , West Chester, Ohio	(02-1826600)
RightSource Specialty , West Chester, Ohio	(02-1972850)

After discussion, Ms. Lange moved that the Board approve the request for six months. The motion was seconded by Mr. Gahm and approved by the Board: *Aye* – 8.

R-2011-010 The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-11 (Responsible Person) requesting that **Frank H. Fuschino**, R.Ph. (03-1-19118) Springfield, Ohio, be permitted to be the responsible person for the following sites:

Whitacres Pharmacy , Springfield, Ohio	(02-0721900)
National RX Delivery , Springfield, Ohio	(TDDD pending)

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

R-2011-011 The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-11 (Responsible Person) requesting that **Kilee Yarosh**, R.Ph. (03-2-24884) Richmond Heights, Ohio, be permitted to be the responsible person for the following sites:

University Hospitals Richmond Medical Centers , Richmond Heights, Ohio	(02-1214650)
University Hospitals Abuja Medical Center , Beachwood, Ohio	(TDDD pending)

After discussion, Mr. Joyce moved that the Board approve the request for six months. The motion was seconded by Ms. Woodson and approved by the Board: *Aye* – 8.

Mr. Parker announced that an application to be a continuing education provider from **Drug Store News** was withdrawn because it had been previously approved by the **Accreditation Council for Pharmacy Education**.

R-2011-012 Ms. Lange moved that the annual dues to **National Association of State Controlled Substances Authorities** be designated payable. Mr. Gahm seconded the motion and it was approved by the Board: *Aye* – 8.

9:48 a.m. The Board recessed briefly.

10:04 a.m. After discussion, Mr. Cain moved that the Board not support the Ohio Pharmacists Association proposed resolution on inactive licenses due to safety concerns about administrative difficulties. The motion was seconded by Mr. Wiesenhahn and approved by the Board: *Aye* – 8.

Mr. Keeley presented the Ad Hoc Committee on Rule Review report concerning proposed changes for the Board to review.

Mr. Casar reported that the Nursing Board Committee on Prescriptive Governance did not meet this month.

Ms. Lange said there was no report from the Medical Board's Physician-Assistant Policy Committee this month.

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

Mr. Benedict presented the report from the meeting of the Nursing Board Committee on Prescriptive Governance.

12:15 p.m. The Board recessed for lunch.

1:30 p.m.

R-2011-013

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

Sameh Saad Sadek Agamy	<i>Florida</i>
Chioma Adamaka Anyadike	<i>Texas</i>
Magdi Haleem Awad	<i>Minnesota</i>
Thomas M. Barus	<i>Pennsylvania</i>
Kasey Lynn Bucher	<i>Michigan</i>
Albina S. Davydovskaya	<i>Michigan</i>
Carrie Deierlein	<i>Maryland</i>
Ashley M. Fulton	<i>Indiana</i>
John Michael Hammer	<i>North Carolina</i>
Lisa Melanie Harinstein	<i>Pennsylvania</i>
Eric James Kaupinis	<i>Pennsylvania</i>
Lisha Colette Kronmann	<i>Kentucky</i>
Roy Anthony Labarge	<i>Indiana</i>
Stephen John Lemon, Jr.	<i>Kentucky</i>
Sarah Elizabeth Mullendore	<i>Missouri</i>
Ina Parekh	<i>Florida</i>
Kelly Renee Royek-Purtee	<i>Arizona</i>
Lindsay Autumn Schray	<i>Michigan</i>
Mary Ellen Sweeney	<i>Kentucky</i>
Hitesh Pravinchandra Upadhyay	<i>Michigan</i>
Julia Marie Vicari	<i>Indiana</i>
Catherine Mary Weber	<i>Pennsylvania</i>

1:49 p.m. The Board reconvened in Room East B with all members present.

Mr. Keeley presented the Legislative Report.

Mrs. Droz presented the Ohio Automated Prescription Reporting System update.

3:05 p.m. The Board recessed briefly.

3:16 p.m. Ms. Lange 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. Gahm and a roll-call vote was conducted by President Kolezynski as follows: Cain – *yes*; Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Lange – *yes*; Moné – *yes*; Woodson – *yes*; and Wiesenhahn – *yes*.

4:44 p.m. The Executive Session ended and the meeting was opened to the public.

R-2011-014 Mr. Rowland announced that the following Settlement Agreement with **Joseph Michael Mink**, R.Ph. (03–2–18072) Mansfield, Ohio, had been signed by all parties making it effective.

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100506-115

in the matter of:

JOSEPH MICHAEL MINK, R.Ph.

1181 Wittmer Road
Mansfield, Ohio 44903

R.Ph. Number 03–2–18072

This Settlement Agreement is entered into by and between Joseph Michael Mink 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.

Joseph Michael Mink 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. Joseph Michael Mink acknowledges that by entering into this agreement he has waived his rights under Chapter 119. 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, Joseph Michael Mink is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about May 6, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Joseph Michael Mink 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. Joseph Michael Mink requested a hearing; it was scheduled and continued. The May 6, 2010 Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Joseph Michael Mink was originally licensed in the State of Ohio on October 26, 1989, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.

- (2) Joseph Michael Mink did, on or about September 22, 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 Joseph Michael Mink did not renew his license to practice pharmacy, Joseph Michael Mink dispensed a refill for levothyroxine 200mcg tablets, and Joseph Michael Mink performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (3) Joseph Michael Mink did, on or about October 21, 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 Joseph Michael Mink did not renew his license to practice pharmacy, Joseph Michael Mink dispensed RX #157510 for Cipro™ 500mg tablets, and Joseph Michael Mink performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (4) Joseph Michael Mink did, on or about November 10, 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 Joseph Michael Mink did not renew his license to practice pharmacy, Joseph Michael Mink dispensed RX #7931224.07 for furosemide 20mg tablets, and Joseph Michael Mink performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (5) Joseph Michael Mink did, on or about December 10, 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 Joseph Michael Mink did not renew his license to practice pharmacy, Joseph Michael Mink dispensed RX #0183666.00 for hydrocodone/APAP 5/500mg tablets, and Joseph Michael Mink performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (6) Joseph Michael Mink did, on or about January 13, 2010, 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 Joseph Michael Mink did not renew his license to practice pharmacy, Joseph Michael Mink dispensed RX #223837 for 1 Z-pack™, and Joseph Michael Mink performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (7) Joseph Michael Mink did, on or about February 12, 2010, 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 Joseph Michael Mink did not renew his license to practice pharmacy, Joseph Michael Mink dispensed a refill for Kytrel™ 2mg tablets, and Joseph Michael Mink performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (8) Joseph Michael Mink did, on or about March 2, 1010, 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 Joseph Michael Mink did not renew his license to practice pharmacy, Joseph Michael Mink dispensed RX #267961 for Xanax™ 0.25mg tablets, and Joseph Michael Mink performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

Joseph Michael Mink neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated May 6, 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 Michael Mink knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Joseph Michael Mink agrees to the imposition of a monetary penalty of one thousand two hundred fifty dollars (\$1,250.00) 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 forms to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

If, in the judgment of the Board, Joseph Michael Mink appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, revoke probation, modify the conditions of probation, and reduce or extend the period of probation, and/or the Board may institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Joseph Michael Mink 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 Michael Mink 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 Michael Mink 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 Michael Mink, R.Ph.</u>	<u>Date Signed: 06/28/10</u>
<i>Respondent</i>	
<u>/s/ Richard F. Kolezynski, R.Ph.</u>	<u>Date Signed: 07/07/10</u>
<i>President; Ohio State Board of Pharmacy</i>	
<u>/s/ Tracy Marie Greuel</u>	<u>Date Signed: 07/07/10</u>
<i>Ohio Assistant Attorney General</i>	

R-2011-015 Mr. Joyce moved that the Board accept a settlement offer in the matter of **Keith Allen Kuba**, R.Ph. (03-2-15200) and **Ringer Professional Pharmacy** (02-0125600) both of Bryan, Ohio, as amended by the Board. The Board's acceptance of a settlement would be contingent on the respondents agreeing to the changes made by the Board. The motion was seconded by Ms. Woodson and approved by the Board: *Aye* – 7; *Nay* – 1.

R-2011-016 Mr. Casar moved that the memorandum of understanding with the Ohio Attorney General's Office authorizing use of the full time services of an Assistant Attorney General be accepted. Mr. Moné seconded the motion and it was approved by the Board: *Aye* – 8.

4:45 p.m. The Board recessed for the day.

Thursday, July 8, 2010

9:00 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:

Richard F. Kolezynski, R.Ph., *President*; Donald M. Casar, R.Ph.; *Vice-President*; Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Deborah A. Lange, R.Ph.; Michael A. Moné, R.Ph.; Jerome J. Wiesenbahn, R.Ph.; and Lori L. Woodson, R.Ph.

R-2011-017 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:

Central Admixture Pharmacy Services , Valley View, Ohio	(02-1312700)
Children's Hospital Medical Center of Akron , Akron, Ohio	(02-2057950)

After discussion, Mr. Casar 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 Mr. Wiesenbahn and approved by the Board: *Aye* – 8.

The concept of a pharmacy kiosk as presented by **Joseph A. Jenkins, PharmD** (03-1-2-4443) "**Pharmakiosk**," Columbus, Ohio, was discussed by the Board with the consensus being that it was not legal at this time.

R-2011-018 After discussion, Mr. Gahm moved that the **Glaxo SmithKline Recycle Program** for inhalers presented to the Board in June be approved. The motion was seconded by Mr. Moné and approved by the Board: *Aye* – 8.

R-2011-019 Mr. Winsley presented a request from **Lili Barski**, currently of Cincinnati, for approval of her reciprocity application. Mr. Joyce moved that the request be approved. The motion was seconded by Ms. Lange and approved by the Board: *Aye* – 8.

R-2011-020 After discussion, Mr. Gahm moved that the Board minutes of June 2010, be approved as amended. Mr. Cain seconded the motion and it was approved by the Board: *Aye* – 6; *Abstained* – 2: Woodson and Moné.

R-2011-021 The Board considered the case of **Paul Anthony Nuzzi** and reviewed the submitted documents. After votes were taken in public session, the Board adopted the following order in the matter of **Paul Anthony Nuzzi**, R.Ph. (03-3-13358) Girard, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-100614-120

in the matter of:

PAUL ANTHONY NUZZI, R.Ph.

2158 St. Clair Court

Girard, Ohio 44420

R.Ph. Number 03-3-13358

INTRODUCTION

The matter of Paul Anthony Nuzzi came for consideration on July 8, 2010, before the following members of the Board: Richard F. Kolezynski, 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.; Michael A. Moné; Jerome J. Wiesenbahn, R.Ph. and Lori L. Woodson, R. Ph.

Paul Anthony Nuzzi was not present nor was he represented by counsel. Paul Anthony Nuzzi waived his right to a hearing and submitted his contentions in writing. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses: None

Respondent's Witnesses: None

State's Exhibit:

1. Copy of Notice of Opportunity for Hearing letter [06-14-10]

Respondent's Exhibit:

1. Written statement of Paul A. Nuzzi, Jr., R.Ph. [06-25-10]

FINDINGS OF FACT

After considering the evidence, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the State Board of Pharmacy indicate that Paul Anthony Nuzzi 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) Paul Anthony Nuzzi did, on or about September 17, 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 Paul Anthony Nuzzi did not renew his license to practice pharmacy, Paul Anthony Nuzzi dispensed RX #4075923 for zolpidem 10 mg, and Paul Anthony Nuzzi performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (3) Paul Anthony Nuzzi did, on or about October 31, 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

Paul Anthony Nuzzi did not renew his license to practice pharmacy, Paul Anthony Nuzzi dispensed RX #4076685 for Valium 5 mg, and Paul Anthony Nuzzi performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (4) Paul Anthony Nuzzi did, on or about November 27, 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 Paul Anthony Nuzzi did not renew his license to practice pharmacy, Paul Anthony Nuzzi dispensed RX #4077160 for hydrocodone/APAP 7.5/750 mg, and Paul Anthony Nuzzi performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (5) Paul Anthony Nuzzi did, on or about December 28, 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 Paul Anthony Nuzzi did not renew his license to practice pharmacy, Paul Anthony Nuzzi dispensed RX #4077659 for alprazolam 1 mg, and Paul Anthony Nuzzi performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (6) Paul Anthony Nuzzi did, on or about January 4, 2010, 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 Paul Anthony Nuzzi did not renew his license to practice pharmacy, Paul Anthony Nuzzi dispensed RX #4077756 for alprazolam 1 mg, and Paul Anthony Nuzzi performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (6) 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 (6) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 4729. of the Revised Code as provided in Division (A)(5) 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 Paul Anthony Nuzzi 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 Paul Anthony Nuzzi a monetary penalty of one thousand two hundred and fifty dollars (\$1,250.00) 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.

Michael Moné moved for Findings of Fact; Troy Gahm seconded the motion. Motion passed (Aye-8/Nay-0).

Michael Moné moved for Conclusions of Law; Donald Casar seconded the motion. Motion passed (Aye-8/Nay-0).

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

The Board then engaged in a general discussion with Board Staff about the investigation and hearing processes. There were no issues requiring official action by the Board.

12:03 p.m.

R-2011-022

Mr. Gahm moved that the Board receive Per Diem as follows:

PER DIEM	5/08	5/22	7/1	7/7	7/8	Total
Cain	-	-	-	1	1	2
Casar	-	-	-	1	1	2
Gahm	-	-	-	1	1	2
Joyce	-	-	-	1	1	2
Kolezynski	-	-	-	1	1	2
Lange	1	-	-	1	1	3
Moné	-	-	-	1	1	2
Wiesenhahn	1	-	-	1	1	3
Woodson	-	-	1	1	1	3

Ms. Lange seconded the motion and it was approved by the Board: *Aye* – 8.

12:03 p.m.

R-2011-023

Ms. Lange moved that the meeting be adjourned. The motion was seconded by Mr. Gahm and approved by the Board: *Aye* – 8.

The Ohio State Board of Pharmacy approved these Minutes August 3, 2009
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