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Ohio State Board of Pharmacy 77 South High Street, Room 1702, Columbus, Ohio 43215-2126
Telephone: 614-466-4143 fax: 614-752-4836 email: exec@bop.ohio.gov

**Minutes of the April 2-3, 2012
Meeting of the Ohio State Board of Pharmacy**

Monday, April 2, 2012

10:12 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:

Donald M. Casar, R.Ph., *President*; Brian M. Joyce, R.Ph., *Vice-President*; Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Deborah A. Lange, R.Ph.; Kevin J. Mitchell, R.Ph.; and Michael A. Moné, R.Ph.

Also present were Kyle Parker, *Executive Director*; John Whittington, *Assistant Executive Director*; Mark Keeley, *Legislative Affairs Administrator*; Nancy Little, *Licensing Administrator*; Chris Reed, *Compliance Supervisor*; Danna Droz, *Prescription Drug Monitoring Program Director*; and Tracy Nave, *Assistant Attorney General*.

R-2012-269 Mr. Joyce moved that the Board approve the continuance request by Mr. Connor, Attorney in the matter of **Ann Elizabeth Nichols**, R.Ph., (03-3-29130) Pickerington, Ohio. The motion was seconded by Mr. Moné and approved by the Board: *Aye* – 6.

10:16 a.m. Mr. Mitchell moved that the Board recess to executive session in order to consider this quasi-judicial matter in accordance with Chapter 119. of the Revised Code and to confer with 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. Moné and a roll-call vote was conducted by President Casar as follows: Cain – *yes*; Gahm – *yes*; Joyce – *yes*; Lange – *yes*; Mitchell – *yes*; Moné – *yes*.

11:26 a.m. The executive session ended and the meeting was opened to the public.

Mr. Casar announced the following Settlement Agreements have been signed and are now effective:

R-2012-270 **SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**
(Docket No. D-090114-061)

In The Matter Of:

GAIL MARIE HALL, R.PH.
1651 Sherwood Drive
North Olmsted, Ohio 44070

This Settlement Agreement is entered into by and between Gail Marie Hall 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. Gail Marie Hall 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 issue contained herein, and the right to appeal. Gail Marie Hall 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, Gail Marie Hall is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about December 18, 2008, pursuant to Chapter 119. of the Ohio Revised Code, Gail Marie Hall 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. Gail Marie Hall accepted this offer for settlement rather than a hearing. The December 18, 2008, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Gail Marie Hall was originally licensed in the State of Ohio on March 1, 1984, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Gail Marie Hall did, on or about March 26, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: when audited, it was determined that Gail Marie Hall did not complete 0.7 Continuing Education Units (C.E.U.s) of Board approved continuing education. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Gail Marie Hall admits the allegations stated in the Notice of Opportunity for Hearing letter dated December 18, 2008; further, 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, Gail Marie Hall knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Gail Marie Hall herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Gail Marie Hall will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Gail Marie

Hall'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, Gail Marie Hall 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.

Gail Marie Hall 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.

Gail Marie Hall 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. Gail Marie Hall 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.

Gail Marie Hall, *Respondent* signed: 02/13/12

~~Nathan S. Lipsye, President, Ohio State Board of Pharmacy~~
Donald M. Casar, *President, Ohio State Board of Pharmacy* signed: 04/02/12

~~Sally Ann Steuk, Ohio Assistant Attorney General~~
Tracy M. Nave, *Ohio Assistant Attorney General* signed: 04/02/12

R-2012-271 **SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**
(Docket Number D-111214-229)

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, limit, 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 December 14, 2011, 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 requested a hearing; it was scheduled and continued. The December 14, 2011, 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. Records further reflect that Kristie J. Holliday was previously disciplined by the Board on April 5, 2010.
- (2) Kristie J. Holliday did, on or about May 14, 2010, dispense a drug pursuant to prescription without having the correct directions for use indicated on the label affixed to the container, to wit: when dispensing RX #6889550 for Orapred, Kristie J. Holliday did not indicate the directions for use of the drug as was prescribed by the physician. The patient, a six-month old child, was to receive 7.5 mg (one-half teaspoonful) twice daily for five days; however, the label as dispensed indicated "take one and one-half teaspoonful (22.5 mg) by mouth two times a day for five days." Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code and Rule 4729-5-16 of the Ohio Administrative Code.

Kristie J. Holliday neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated December 14, 2011; 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 adopt and implement the policies as submitted to the Ohio State Board of Pharmacy in her letter dated February 3, 2012. These policies are incorporated into this Agreement as if fully rewritten herein.
- (B) In addition, Kristie J. Holliday must obtain, within one year from the effective date of this Agreement, five hours of approved continuing pharmacy education (0.5 CEUs), in medication errors and/or patient safety which may not also be used for license renewal.
- (C) Kristie J. Holliday agrees to the imposition of a monetary penalty of five hundred dollars (\$500.00) 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, 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 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.

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.

Kristie J. Holliday, R.Ph., <i>Respondent</i>	Signed: 03/16/12
Mary Barley-McBride, <i>Attorney for Respondent</i>	Signed: 03/20/12
Donald M. Casar, R.Ph., President, <i>Ohio State Board of Pharmacy</i>	Signed: 04/02/12
Tracy M. Nave, <i>Ohio Assistant Attorney General</i>	Signed: 04/02/12

R-2012-272

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
(Docket Number D-111214-230)

In The Matter Of:

Laurie Elizabeth Littlejohn, R.Ph.
164 Charterhouse Court
Powell, Ohio 43065
(R.Ph. Number 03-3-15786)

This Settlement Agreement is entered into by and between Laurie Elizabeth Littlejohn 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.

Laurie Elizabeth Littlejohn 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. Laurie Elizabeth Littlejohn 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, limit, 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, Laurie Elizabeth Littlejohn is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about December 14, 2011, pursuant to Chapter 119. of the Ohio Revised Code, Laurie Elizabeth Littlejohn 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. Laurie Elizabeth Littlejohn requested a hearing; it was scheduled and continued. The December 14, 2011, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Laurie Elizabeth Littlejohn was originally licensed in the State of Ohio on December 4, 1984, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Laurie Elizabeth Littlejohn did, on or about May 14, 2010, prior to dispensing RX #6889550 for Orapred, fail to review the patient profile in order to conduct prospective drug utilization review, to wit: Laurie Elizabeth Littlejohn failed to review the patient profile for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse. When conducting drug utilization review for RX #6889550, Laurie Elizabeth Littlejohn failed to notice that the six-month old patient would receive a three-fold increase in intended dosage. The patient was to receive 7.5 mg (one-half teaspoonful) twice daily for five days; however, the label as dispensed indicated "take one and one-half teaspoonful (22.5 mg) by mouth two times a day for five days." The patient was harmed. Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code.

Laurie Elizabeth Littlejohn neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated December 14, 2011; 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, Laurie Elizabeth Littlejohn knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Laurie Elizabeth Littlejohn agrees to adopt and implement the policies as submitted to the Ohio State Board of Pharmacy in her letter dated February 3, 2012. These policies are incorporated into this Agreement as if fully rewritten herein.
- (B) In addition, Laurie Elizabeth Littlejohn must obtain, within one year from the effective date of this Agreement, five hours of approved continuing pharmacy education (0.5 CEUs), in medication errors and/or patient safety which may not also be used for license renewal.
- (C) Laurie Elizabeth Littlejohn agrees to the imposition of a monetary penalty of five hundred dollars (\$500.00) 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, Laurie Elizabeth Littlejohn 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.

Laurie Elizabeth Littlejohn 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.

Laurie Elizabeth Littlejohn 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. Laurie Elizabeth Littlejohn 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.

Laurie Elizabeth Littlejohn, R.Ph., <i>Respondent</i>	Signed: 03/28/12
Mary Barley-McBride, <i>Attorney for Respondent</i>	Signed: 03/29/12
Donald M. Casar, R.Ph., President, <i>Ohio State Board of Pharmacy</i>	Signed: 04/02/12
Tracy M. Nave, <i>Ohio Assistant Attorney General</i>	Signed: 04/02/12

R-2012-273 Mr. Gahm moved that the Board summarily suspend the license to practice pharmacy belonging to Hubert Ridgway, Jr., R.Ph., (03-2-10343) West Liberty, Ohio, pursuant to Ohio Revised Code 3719.121(A). The motion was seconded by Mr. Mitchell and approved by the Board: *Aye – 6.*

R-2012-274 After discussion, Mr. Gahm moved that the settlement offer in the matter of **Dayton Pain Management**, Dayton, Ohio, be denied. The motion was seconded by Mr. Joyce and approved by the Board: *Aye – 6.*

R-2012-275 After discussion, Mr. Gahm moved that the settlement offer in the matter of **Call, Inc. dba Rochester Pharmaceuticals**, Rochester, NY, be denied. The motion was seconded by Ms. Lange and approved by the Board: *Aye – 6.*

11:26 a.m. The executive session ended and the meeting was opened to the public. The Board recessed briefly.

11:31 a.m. The Board meeting resumed.

R-2012-276 After discussion, Mr. Mitchell moved that the off-site order entry by **Lutheran Hospital**, Fort Wayne, IN (02-1539900) for Community Memorial Hospital, Hicksville, OH (02-0037550), be found approvable pending live inspection. The motion was seconded by Mr. Joyce and approved by the Board: *Aye – 6.*

R-2012-277 Mr. Parker presented a request from pharmacy intern Shadi Abu-Baker (06-0-01763), Cincinnati, Ohio for permission to count worked internship hours at U.C. Dept. of Internal Medicine. After discussion, Mr. Gahm moved that Mr. Abu-Baker's request be approved. The motion was seconded by Ms. Mitchell and approved by the Board: *Aye – 5, Nay – 1.*

R-2012-278 A request to be registered as a Continuing Pharmacy Education provider from Steve Plogsted, Pharm.D., BCNSP, CNSC, (03-3-12892) Nationwide Children's Hospital, Columbus, Ohio. After discussion, Mr. Gahm moved that the request be approved. Ms. Lange seconded the motion and it was approved by the Board: *Aye - 5, Nay - 1.*

R-2012-279 The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following site:

Humana RightSource (TDDD 02-1826600)

After discussion, Mr. Moné 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 – 6.*

Mr. Gahm presented the Nursing Board CPG Committee report.

Ms. Lange presented the Physician Assistant Formulary Committee report.

Ms. Lange w/ Mr. Keeley presented the technicians report.

Mr. Keeley presented the Legislative report.

Dr. Whittington presented the Medical Board Prescribing Committee report.

Mrs. Droz presented the OARRS report.

Ms. Little presented the Licensing update report.

12:47 p.m. The Board recessed for lunch.

2:30 p.m. The Board meeting reconvened.

2:36 p.m. Mr. Gahm 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. Moné *and a roll-call vote was conducted by President Casar as follows: Cain – yes; Gahm – yes; Joyce – yes; Lange – yes; Mitchell – yes; Moné – yes.*

R-2012-280 Ms. Lange moved that the Board adopt the following recognition for John C. Whittington, recognizing his service to the Board of Pharmacy. The motion was seconded by Mr. Joyce and approved by the Board: *Aye – 6.*

RESOLUTION of the BOARD

WHEREAS, the administrative and investigative efforts of John C. Whittington, D.O., R.Ph., Assistant Executive Director with the Ohio State Board of Pharmacy, have directly led to the successful effort and thoughtful enforcement the Ohio Drug Laws; and

WHEREAS, these efforts have contributed to the ongoing protection and safety of the citizens of Ohio; therefore

BE IT RESOLVED, that the Ohio Board of Pharmacy hereby commends John C. Whittington for his tireless efforts during hours of service to the Board and to the people of Ohio in carrying out the responsibilities of his position, and

BE IT ALSO RESOLVED, that we, the undersigned Members of the Ohio Board of Pharmacy, in its **one hundredth year**, so express our profound appreciation to Board Compliance Agent John C. Whittington, for his dedication and service to the Board and the citizens of Ohio, and

BE IT FURTHER RESOLVED, that this resolution be spread upon the permanent Minutes of the Ohio Board of Pharmacy.

3:00 p.m. The meeting was recessed for the day.

3:22 p.m. Mr. Gahm moved that the Board receive Per Diem as follows:

PER DIEM	3/13	3/19	4/2	4/3	Total
Cain			1	1	2
Casar			1	1	2
Gahm		1	1		2
Joyce			1		1
Lange	1		1		2
Mitchell			1		1
Moné			1		1

Mr. Moné seconded the motion and it was approved by the Board: *Aye* – 6.

3:23 p.m. Mr. Joyce moved that the meeting be adjourned. The motion was seconded by Mr. Cain and approved by the Board: *Aye* – 6.

Tuesday, April 3, 2012

1:30 p.m. The following candidates for licensure by reciprocity met in Room South A, 31st Floor, of the Vern Riffe Center for Government and the Arts. They introduced themselves and participated in a discussion of pharmacy laws and rules with the Board and Ms. Little, Licensing Administrator.

Kusi Agyei	Massachusetts
Pranav Prakash Balang	Vermont
Kimberly Sueann Clouse	Pennsylvania

Heather Creasey	Oregon
Neil Creasey	Oregon
John Franklin Doolittle	West Virginia
Celia Carpenter Everett	North Carolina
Abraham Fesahazion	Connecticut
Lisa Wilcox Fowler	Mississippi
Joni Lynn Gargano	Pennsylvania
Gabriel Robert Grutza	North Carolina
Frank Kolovrat, Jr.	Florida
Erica Renee Lakas	West Virginia
Jeremy Lee Mable	Michigan
Vinod Maduthambadikkal	North Carolina
Beth Nicole Marshall	South Carolina
Vikas Sharma	Michigan
Kenneth Joseph Steinhauser	New York
Krishna Moorthy Vukoti	Michigan
Kristoffer Michael Werhnyak	Pennsylvania

The Ohio State Board of Pharmacy approved these Minutes May 7, 2012