

**Minutes of the September 10-12, 2012**  
**Meeting of the Ohio State Board of Pharmacy**

**Monday, September 10, 2012**

**10:02 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:

Brian M. Joyce, R.Ph., *President*; Kevin J. Mitchell, R.Ph., *Vice-President*; Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Michael A. Moné, R.Ph. and Kilee S. Yarosh, R.Ph.

Also present were Kyle Parker, *Executive Director*; Mark Keeley, *Assistant Executive Director*; Tracy Nave, *Director of Legal Affairs*; Nancy Little, *Licensing Administrator*; Eric Griffin, *Compliance Supervisor*; Danna Droz, *Prescription Drug Monitoring Program Director*; and Sean Culley, *Assistant Attorney General*.

**R-2013-033** President Joyce administered the oath to Board member Edward T. Cain, Public Member.

**OATH OF MEMBER**

I, Edward T. Cain, 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-2013-034** President Joyce administered the oath to Board member Richard F. Kolezynski, R.Ph.

**OATH OF MEMBER**

I, Richard F. Kolezynski, 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-2013-035** President Joyce administered the oath for a new Board member to Kilee S. Yarosh, R.Ph.

**OATH OF NEW MEMBER**

I, Kilee S. Yarosh, 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-2013-036**      President Joyce administered the oath for a new Board member to Margaret A. Huwer, R.Ph.

**OATH OF NEW MEMBER**

I, Margaret A. Huwer, 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.

- 10:05 a.m.**      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 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. Moné and a roll-call vote was conducted by President Joyce as follows: Cain – *yes*; Huwer – *yes*; Gahm – *yes*; Kolezynski – *yes*; Mitchell – *yes*; Moné – *yes*; Yarosh – *yes*.
- 10:52 a.m.**      The Executive Session ended and the meeting was opened to the public.
- 10:53 a.m.**      The Board recessed briefly.
- 11:00 a.m.**      The meeting reconvened in Room East B.
- R-2013-037**      Mr. Moné moved that the settlement offer in the matter of Carl Jesina R.Ph., (03-2-09775) North Ridgeville, Ohio, be accepted by the Board. The motion was seconded by Mr. Gahm and approved by the Board: *Aye* – 7.
- 11:05 a.m.**      Mr. Griffin presented the Adkins (GMA) criminal case.
- 11:08 a.m.**      Mr. Garner provided tablet training.
- 11:10 a.m.**      The Board discussed setting the future calendar and committee participation.
- 11:28 a.m.**      Mr. Parker discussed the Public Information Officer.
- 11:30 a.m.**      The Board discussed the traveling of staff and staff speaking engagements.
- 11:33 a.m.**      Mr. Parker presented the topic of his community outreach and EEO, including: OAG LE Conference, Senator Burke, Springfield Opiate Conference, Visiting Cleveland Clinic and an invitation to White Coat Ceremonies.
- 11:37 a.m.**      Mr. Mitchell introduced the topic of NABP Triathlon.
- 11:44 a.m.**      The Board recessed for lunch.

**1:33 p.m.**      The meeting reconvened in Room East B.

Ms. Nave introduced Mr. Bradley Essex to the Board.

**R-2013-038**      Mr. Joyce announced the following Settlement Agreement has been signed by all parties and is now effective.

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**  
(Docket Number D-120524-248)

In The Matter Of:

**CAROL JEAN THOMPSON, R.Ph.**  
4972 Gate Moss Oval  
N. Ridgeville, Ohio 44039  
(R.Ph. No. 03-3-12982)

This Settlement Agreement is entered into by and between Carol Jean Thompson 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.

Carol Jean Thompson 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. Carol Jean Thompson 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, Carol Jean Thompson is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about May 24, 2012, pursuant to Chapter 119. of the Ohio Revised Code, Carol Jean Thompson 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. Carol Jean Thompson requested a hearing; it was scheduled and continued. The May 24, 2012, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Carol Jean Thompson 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) Carol Jean Thompson did, on or about March 31, 2011, misbrand a drug, to wit: when Carol Jean Thompson received a prescription for metoprolol tartrate 25 mg, RX #193774, Carol Jean Thompson dispensed warfarin 10 mg, which had not been specifically prescribed by the physician. The patient also received a proper prescription for warfarin 10mg at the same time, ingested both prescriptions and was subsequently harmed. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

Carol Jean Thompson neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated May 24, 2012; 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, Carol Jean Thompson knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) Carol Jean Thompson 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.

(B) In addition, Carol Jean Thompson must obtain, within one year from the effective date of this Agreement, twelve hours of approved continuing pharmacy education (1.2 CEUs), six of which should be in patient safety and may not also be used for license renewal.

If, in the judgment of the Board, Carol Jean Thompson 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.

Carol Jean Thompson 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.

Carol Jean Thompson 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. Carol Jean Thompson 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.

_____ Carol Jean Thompson, R.Ph., Respondent	_____ 09/05/2012 Date of Signature
_____ Douglas E. Graff, Attorney for Respondent	_____ 09/05/2012 Date of Signature
_____ Brian M. Joyce, R.Ph., President Ohio State Board of Pharmacy	_____ 09/10/2012 Date of Signature
_____ Sean M. Culley, Ohio Assistant Attorney General	_____ 09/10/2012 Date of Signature

**1:35 p.m.** 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 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 Joyce as follows: Cain – *yes*; Huwer – *yes*; Gahm – *yes*; Kolezynski – *yes*; Mitchell – *yes*; Moné – *yes*; Yarosh – *yes*.

**1:45 p.m.** The Executive Session ended and the meeting was opened to the public.

**1:47 p.m.** The Board was joined by Assistant Attorney General Sean Culley to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Mark Mastramico** intern (06-0-06158), North Lima, Ohio.

**3:09 p.m.** The hearing ended and the record was closed.

Mr. Gahm moved that the Board recess in order to consider this quasi-judicial matter in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by

Mr. Moné and a roll-call vote was conducted by President Joyce as follows: Cain – *yes*; Huwer – *yes*; Gahm – *yes*; Kolezynski – *yes*; Mitchell – *yes*; Moné – *yes*; Yarosh – *yes*.

**3:36 p.m.**      The recess ended and the meeting was opened to the public.

**R-2013-039**      After votes were taken in public session, the Board adopted the following order in the matter of **Mark Mastramico**, intern (06-0-06158) North Lima, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**  
(Docket Number D-120524-254)

In The Matter Of:

**MARK ANTHONY MASTRAMICO, INTERN**  
1804 Mallard Lane  
North Lima, Ohio 44452  
(Intern Number 06-0-06158)

**INTRODUCTION**

The Matter of Mark Anthony Mastramico came for hearing on September 10, 2012, before the following members of the Board: Brian M. Joyce, R.Ph.; (presiding); Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Kevin J. Mitchell, R.Ph.; Michael A. Moné, R.Ph. and Kilee S. Yarosh, R.Ph.

Mark Anthony Mastramico was represented by David J. Betras. The State of Ohio was represented by Sean M. Culley, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

**State's Witnesses:**

1. James Reye, Ohio State Board of Pharmacy
2. Mark Anthony Mastramico, Respondent

**Respondent's Witnesses:**

None

**State's Exhibits:**

1. Notice of Opportunity for Hearing letter [05-24-12]  
1A-1C. Procedurals
2. Accountability Statement at Wal-Mart Pharmacy #10-2910 for hydrocodone/APAP various strengths [08-14-11]
3. Report of Theft or Loss of Controlled Substances [08-03-11]
4. Ohio Northern University College of Pharmacy Notice of Complaint

[08-29-11]

5. Written statement of Mark Mastramico [10-05-11]
6. Notarized written statement of Mark A. Mastramico [10-05-11]
7. Signed copy of "YOUR RIGHTS" [07-26-11]

Respondent's Exhibits:

- A. Judgment Entry, The State of Ohio vs Mark A. Mastramico, Court of Common Pleas Columbiana County, Ohio, Case No. 2012-CR-46 [08-28-12]
- B. Glenbeigh Discharge Summary for Mark Mastramico [05-04-12]
- C. On Demand Drug Testing [03-15-12]

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 Mark Anthony Mastramico was originally licensed as an Intern in the State of Ohio on August 1, 2006.

(2) Mark Anthony Mastramico is addicted to or abusing drugs or alcohol and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Mark Anthony Mastramico has admitted to stealing drugs from his employer for his own personal use on or around the timeframe of June 14, 2011 and July 26, 2011. Such conduct indicates that Mark Anthony Mastramico is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.

(3) Mark Anthony Mastramico did, between June 14, 2011 and July 26, 2011, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Wal-Mart Pharmacy #10-2910, beyond the express or implied consent of the owner, to wit: Mark Anthony Mastramico has admitted stealing hydrocodone/APAP 10/325 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(4) Mark Anthony Mastramico did, between June 14, 2011 and July 26, 2011, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Wal-Mart Pharmacy #10-2910, beyond the express or implied consent of the owner, to wit: Mark Anthony Mastramico has admitted stealing hydrocodone/APAP 10/650 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(5) Mark Anthony Mastramico did, between June 14, 2011 and July 26, 2011, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the

property of Wal-Mart Pharmacy #10-2910, beyond the express or implied consent of the owner, to wit: Mark Anthony Mastramico has admitted stealing hydrocodone/APAP 10/660 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(6) Mark Anthony Mastramico did, between June 14, 2011 and July 26, 2011, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Wal-Mart Pharmacy #10-2910, beyond the express or implied consent of the owner, to wit: Mark Anthony Mastramico has admitted stealing hydrocodone/APAP 5/325 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(7) Mark Anthony Mastramico did, between June 14, 2011 and July 26, 2011, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Wal-Mart Pharmacy #10-2910, beyond the express or implied consent of the owner, to wit: Mark Anthony Mastramico has admitted stealing hydrocodone/APAP 5/500 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(8) Mark Anthony Mastramico did, between June 14, 2011 and July 26, 2011, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Wal-Mart Pharmacy #10-2910, beyond the express or implied consent of the owner, to wit: Mark Anthony Mastramico has admitted stealing hydrocodone/APAP 7.5/750 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(9) You did, between June 14, 2011 and July 26, 2011, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Wal-Mart Pharmacy #10-2910, beyond the express or implied consent of the owner, to wit: you have admitted stealing hydrocodone/IBU 7.5/200 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

#### CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (3) through (9) of the Findings of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

(2) The State Board of Pharmacy concludes that paragraphs (3) through (9) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

(3) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.

(4) The State Board of Pharmacy concludes that paragraph (3) through (9) 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 2925. 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 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby Summarily Suspends the pharmacy intern identification card, number 06-0-06158, held by Mark Anthony Mastramico.

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 removes the summary suspension and indefinitely suspends the intern identification card, number 06-0-06158, held by Mark Anthony Mastramico and such suspension is effective as of the date of the mailing of this Order.

(A) Mark Anthony Mastramico, 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.

(B) Mark Anthony Mastramico, 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 three years from the effective date of this Board Order, the Board will consider any petition filed by Mark Anthony Mastramico for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the intern license if the following conditions have been met:

(A) Mark Anthony Mastramico 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) Attendance is required a minimum of three times per calendar week (Sunday through Saturday), at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(B) Mark Anthony Mastramico must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

(C) Mark Anthony Mastramico must provide, at the reinstatement petition hearing, documentation of the following:

(1) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug and alcohol screen reports, meeting attendance records, treatment program reports, etc.);

(2) Satisfactory documentation from a Board approved college of pharmacy demonstrating that college's intent to allow enrollment to take professional classes directly related to the practice of pharmacy once Mark Anthony Mastramico is licensed by the Board;

(3) Compliance with the terms of this Order.

(D) Upon such time as the Board may consider reinstatement, Mark Anthony Mastramico 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.

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

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

Troy Gahm moved for Action of the Board; Edward Cain seconded the motion. Motion passed (Aye-4/Nay-3).

---

**3:44 p.m.** The Board was joined by Assistant Attorney General Sean Culley to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Gary Evan Ingle, R.Ph. (03-3-21862)** Cleveland, Ohio.

**4:41 p.m.** The hearing ended and the record was closed.

Mr. Kolezynski moved that the Board recess in order to consider this quasi-judicial matter in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Huwer and a roll-call vote was conducted by President Joyce as follows: Cain – yes; Huwer – yes; Gahm – yes; Kolezynski – yes; Mitchell – yes; Moné – yes; Yarosh – yes.

**5:00 p.m.** The recess ended and the meeting was open to the public.

**R-2013-040** After votes were taken in public session, the Board adopted the following order in the matter of **Gary Evan Ingle, R.Ph. (03-3-21862)** Cleveland, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

(Docket Number D-090507-134)

In The Matter Of:

**GARY EVAN INGLE, R.Ph.**

3808 Brooklyn Avenue

Cleveland, Ohio 44109

(R.Ph. Number 03-3-21862)

**INTRODUCTION**

The Matter of Gary Evan Ingle came for hearing on September 10, 2012, before the following members of the Board: Brian M. Joyce, R.Ph.; (presiding); Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Kevin J. Mitchell, R.Ph.; Michael A. Moné, R.Ph. and Kilee S. Yarosh, R.Ph.

Gary Evan Ingle was represented by Elizabeth Y. Collis. The State of Ohio was represented by Sean M. Culley, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

None

Respondent's Witness:

Gary Evan Ingle, R.Ph., Respondent

State's Exhibits:

1. Reinstatement hearing request letter from Gary Evan Ingle, R.Ph. [08-16-12]  
1A-1B. Procedurals
2. Order of the State Board of Pharmacy in re Gary Evan Ingle, R.Ph. [09-17-09]

Respondent's Exhibits:

- A. Notice for Opportunity for hearing letter [05-07-09]
- B. Order of the State Board of Pharmacy in re Gary Evan Ingle, R.Ph. [09-17-09]
- C. Case Summary Sheet: Case No. CR-08-507518-A-Cuyahoga County Court of Common Pleas [02-26-08 to 05-24-10]
- D. Case Summary Sheet: Case No. 08TRC6151 – Berea Municipal Court [11-19-08]
- E. Case Summary Sheet: Case No. 07CRB01963 – Berea Municipal Court [11-26-07]
- F. Release from Probation/Community Control Supervision – Cuyahoga County Court of Common Pleas, Docket Number 507518 [06-03-10]
- G. Probation Order: Case No. 08TRC06151 – Berea Municipal Court [01-19-10]
- H. Probation Order Case No. 07CRB01963 – Berea Municipal Court [01-19-10]
- I. Laurelwood Discharge Letter [11-15-07]
- J. Oakview termination/Discharge Summaries and other records [03-20-08]
- K. Glenbeigh Inpatient Discharge Letter [05-01-08]
- L. AA Attendance Records [04-08-08 to 05-27-10]
- M. 2012 Continuing Education Record [various dates]

FINDING OF FACT

After having substantially 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 Gary Evan Ingle has substantially complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-090507-134, effective September 17, 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. 03-3-21862, held by Gary Evan Ingle to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

(A) Gary Evan Ingle must take and pass the NAPLEX examination or an equivalent examination acceptable to the Board before his pharmacist identification card is issued.

(B) Gary Evan Ingle 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) approved treatment provider or a treatment provider acceptable to the Board for a period of not less than five years submit a copy of the signed contract to the Board office before his pharmacist identification card is issued. The contract must provide that:

(1) Random, observed urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.

(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) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.

(c) Results of all drug and alcohol screens must be negative. Refusal of a urine screen or a diluted urine 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 (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.

(C) Gary Evan Ingle 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 Gary Evan Ingle's progress towards recovery and what Gary Evan Ingle has been doing during the previous three months.

(D) Other terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that Gary Evan Ingle'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) Gary Evan Ingle may not serve as a responsible pharmacist.

(3) Gary Evan Ingle may not destroy, assist in, or witness the destruction of controlled substances.

(4) Gary Evan Ingle must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.

(5) Gary Evan Ingle must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Gary Evan Ingle must abide by the rules of the State Board of Pharmacy.

(7) Gary Evan Ingle must comply with the terms of this Order.

(8) Gary Evan Ingle's license is deemed not in good standing until successful completion of the probationary period.

(E) 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.

Gary Evan Ingle 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.

Richard Kolezynski moved for Findings of Fact; Kilee Yarosh seconded the motion. Motion passed (Aye-7/Nay-0).

Troy Gahm moved for Action of the Board; Michael Moné seconded the motion. Motion passed (Aye-7/Nay-0).

---

5:05 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 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. Mitchell and a roll-call vote was conducted by President Joyce as follows: Cain – *yes*; Huwer – *yes*; Gahm – *yes*; Kolezynski – *yes*; Mitchell – *yes*; Moné – *yes*; Yarosh – *yes*.

5:50 p.m. The Executive Session ended and the meeting was opened to the public.

The Board recessed for the day.

Tuesday, September 11, 2012

10:02 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:

Brian M. Joyce, R.Ph., *President*; Kevin J. Mitchell, R.Ph., *Vice-President*; Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Michael A. Moné, R.Ph. and Kilee S. Yarosh, R.Ph.

Mr. Keeley presented the Legislative Report.

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

Mr. Gahm stated there was no Nursing Board CPG Committee Report.

There was no Medical Board PAPC Report.

Mr. Keeley stated there was no Technician Exam Report.

Ms. Little provided the Licensing Report.

Mr. Garner provided the IT report update.

R-2013-041 Mr. Keeley presented a request from pharmacy intern **Praneeta M. Dholakia** (06-0-09194) Hilliard, Ohio, for permission to extend her internship due to extraordinary circumstances pursuant to Rule 4729-3-04 (Pharmacy Intern Identification Card Renewal). After discussion, Mr. Moné moved that the Board deny **Ms. Dholakia's**

request. The motion was seconded by Mr. Kolezynski and denied by the Board:  
*Aye – 6; Nay – 1.*

**R-2013-042** Mr. Keeley presented a request from pharmacy intern **Borislav Stankov** (06-0-09617) Cincinnati, Ohio, for permission to extend his internship due to extraordinary circumstances pursuant to Rule 4729-3-04 (Pharmacy Intern Identification Card Renewal). After discussion, Mr. Moné moved that the Board approve **Mr. Stankov's** request. The motion was seconded by Mr. Mitchell and approved by the Board:  
*Aye – 7.*

**R-2013-043** Mr. Gahm moved that a request from **Akron General Medical Center** (02-0157900) Akron, Ohio, for an approval to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following site: **Edwin Shaw Rehab, LLC** (02-1529500) Cuyahoga Falls, Ohio, be approved. The motion was seconded by Ms. Huwer and approved by the Board: *Aye – 7.*

**R-2013-044** Mr. Moné moved that a request from **BioScrip Pharmacy** (01-1004000) Columbus, Ohio, for an approval to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for multiple locations on file, be approved. The motion was seconded by Ms. Yarosh and approved by the Board: *Aye – 7.*

**R-2013-045** Mr. Moné moved that a request from **Fresenius Medical Care North America** dialysis clinics (Multiple locations on file) North America, for an approval to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for multiple locations on file, be approved. The motion was seconded by Mr. Mitchell and approved by the Board: *Aye – 7.*

**R-2013-046** Mr. Moné moved that a request from **Kidney Services of West Central Ohio** (02-1907800, 02-1089700, 02-1-367100) Celina, Glandorf and Lima, Ohio for an approval to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following site: **Walgreens #11914** (02-1806600) Lima, Ohio, be approved. The motion was seconded by Mr. Kolezynski and approved by the Board: *Aye – 7.*

**R-2013-047** After discussion, the Board hereby recognizes the power and duty of the Executive Director to approve requests for Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station). Mr. Gahm moved to approve the recognition. The motion was seconded by Mr. Moné and approved by the Board: *Aye – 7.*

**10:55 a.m.** The Board recessed briefly.

**11:00 a.m.** The meeting reconvened in Room East B.

**R-2013-048** The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Ron Ferguson**, R.Ph. (03-1-17432) Loveland, Ohio, the

current responsible person for HealthWarehouse (02-1835150), also be the responsible person for the following pharmacy:

**Northmark Pharmacy, Ohio (To-Be-Issued)**

After discussion, Mr. Moné moved that the Board approve the request for a period of one year. The motion was seconded by Mr. Mitchell and approved by the Board:  
*Aye – 7.*

**R-2013-049** The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Richelle Huffman, R.Ph. (03-3-28792)** Milford, Ohio, the current responsible person for Fitzgerald Pharmacy (02-0102450), also be the responsible person for the following pharmacy:

**Fitzgerald Pharmacy Long Term Care, Williamsburg, Ohio (02-1967600)**

After discussion, Mr. Moné moved that the Board approve the request for a period of one year. The motion was seconded by Mr. Gahm and approved by the Board:  
*Aye – 7.*

**R-2013-050** The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Darrell Bryant, R.Ph. (03-3-25389)** Hilliard, Ohio, the current responsible person for Columbus Area Pharmacy (02-1765550), also be the responsible person for the following pharmacy:

**Health & Wellness Pharmacy, Columbus, Ohio (License pending)**

After discussion, Mr. Kolezynski moved that the Board approve the request for a period of 6 months. The motion was seconded by Mr. Gahm and approved by the Board: *Aye – 7.*

**R-2013-051** The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Jerome Kussman, R.Ph. (03-3-14257)** Cincinnati, Ohio, the current responsible person for Regency Hospital of Cincinnati (02-147015003), also be the responsible person for the following pharmacy:

**Select Specialty Hospital, Cincinnati, Ohio (02-1037900)**

After discussion, Mr. Moné moved that the Board approve the request for a period of 1 year. The motion was seconded by Ms. Huwer and approved by the Board: *Aye – 7.*

**R-2013-052** The Board received a request for permission to withdraw an application for certification as a pain-management clinic for the following site:

**Imagyn Medical Associates/Peter F. Foss, D.O., Columbus, Ohio (34-004089)**

After discussion, Mr. Gahm moved the Board approve the requests. The motion was seconded by Mr. Mitchell and approved by the Board: *Aye – 7.*

**R-2013-053** The Board received a request for permission to withdraw an application for certification as a pain-management clinic for the following site:

**Dharam Bir Batish, Inc./ Dharam B. Batish, M.D.,** East Liverpool, Ohio (35-040926)  
**Mohinder P. Singh, M.D.,** East Liverpool, Ohio (35-081432)

After discussion, Mr. Gahm moved the Board approve the requests. The motion was seconded by Ms. Yarosh and approved by the Board: *Aye – 7.*

**R-2013-054** President Joyce assigned board duties for FY 2013.

**BOARD RESPONSIBILITIES AS SET FOR FY 2013**

<b>Cain</b>	
<b>Gahm</b>	Nursing Board Committee on Prescriptive Governance
<b>Huwer</b>	Ad Hoc Advisory on Rule Review
<b>Joyce</b>	Ad Hoc Advisory on Rule Review
<b>Kolezynski</b>	Continuing Education
<b>Mitchell</b>	Administration/Probationary Reports
<b>Moné</b>	Medical Board P.A. Committee
<b>Yarosh</b>	Continuing Education
<b>Vacant</b>	

**12:00 p.m.** The Board recessed for lunch.

Mr. Gahm left for personal reasons.

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

Zarin R. Ahmed	West Virginia
Mazen Abdulla Ba-Isa	New Jersey
Michael Bauer	Missouri
Robert Brian Bonner	Indiana
Tyson L. Cromeens	Texas
Judith Joan Derrick	Pennsylvania
Doris E. Eldridge	Indiana
Amanda R. Fedorek	Pennsylvania
Jeffrey Steven Fletcher	Florida

Khalil Abdul Flowers	Tennessee
Leita C. Frey	West Virginia
Randall Keith Gainer	West Virginia
Michelle A. Gardiner	Michigan
Mark Hamm	Missouri
Holly Payne Ingram	West Virginia
Katie Lynn Kacmarik	West Virginia
Young Kang	Illinois
Jenna Marie Kast	Illinois
Leigh A. Keeton	Kentucky
Meghan Suplizio Kuebler	North Carolina
Barton Daniel Lemar	Indiana
Ian Chun-Ting Lin	Iowa
Ye Pan	New Jersey
Tim D. Smith	Iowa
Tracy Jo Tiede	Indiana
Jeffrey S. Turner	Oregon
Balasubramanian Vaitilingam	Indiana
Jay Trevor Wickre	South Dakota
Rhonda Yarzab	Maryland

**1:52 p.m.** The meeting reconvened in Room East B.

Ms. Nave provided legal training.

**3:12 p.m.** The Board recessed briefly.

**3:15 p.m.** The Board reconvened in Room East B.

**R-2013-055** Mr. Kolezynski moved that the Board minutes of August 6-8, 2012, be approved as amended if necessary. Mr. Moné seconded the motion and it was approved by the Board: *Aye* – 6.

**3:19 p.m.** Mr. Kolezynski moved that the Board recess to Executive Session for the purpose of discussing the employment of a public employee or official 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 Joyce as follows: Cain – *yes*; Huwer – *yes*; Kolezynski – *yes*; Mitchell – *yes*; Moné – *yes*; Yarosh – *yes*. *Aye* – 6.

**3:55 p.m.** The Executive Session ended and the meeting was opened to the public.

**3:56 p.m.** The Board recessed for the day.

### **Wednesday, September 12, 2012**

**9:04 a.m.** The Ohio State Board of Pharmacy convened in Room East B, 31<sup>st</sup> Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Brian M. Joyce, R.Ph., *President*; Margaret A. Huwer, R.Ph.; Troy A. Gahm, R.Ph.; Richard F. Kolezynski, R.Ph.; and Kilee S. Yarosh, R.Ph.

The Board discussed the meeting calendar for FY 2013 and FY 2014.

**9:16 a.m.** Mr. Cain joined the meeting

After discussion, the Board set the meeting calendar for FY 2013 and FY 2014.

**R-2013-056** Ms. Little presented a request from pharmacy intern **Maria Enriquez** (06-0-08213) Cincinnati, Ohio, for permission to extend her internship due to extraordinary circumstances pursuant to Rule 4729-3-04 (Pharmacy Intern Identification Card Renewal). After discussion, Mr. Gahm moved that the Board approve **Ms. Enriquez's** request for a period of one year with no further extensions. The motion was seconded by Mr. Kolezynski and approved by the Board: *Aye* – 5.

**R-2013-057** Ms. Little presented a request from pharmacy intern **Sangita Rajbhandari** (06-0-09292) Mason, Ohio, for permission to extend her internship due to extraordinary circumstances pursuant to Rule 4729-3-04 (Pharmacy Intern Identification Card Renewal). After discussion, Mr. Cain moved that the Board approve **Ms. Rajbhandari's** request for a period of one year with no further extensions. The motion was seconded by Ms. Huwer and approved by the Board: *Aye* – 3; *Nay* – 2. Mr. Mitchell abstained from the vote.

**9:36 a.m.** Mr. Mitchell joined the meeting.

**9:52 a.m.** The Board recessed briefly.

**10:35 a.m.** The meeting reconvened in Room East B.

**R-2013-058** Mr. Joyce announced the following Settlement Agreement has been signed by all parties and is now effective.

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**  
(Docket Number D-120524-253)

In The Matter Of:

**JON CHRISTOPHER FIELDS, R.Ph.**  
2007 Celestial Drive  
Warren, Ohio 44484  
(R.Ph. No. 03-3-16924)

This Settlement Agreement is entered into by and between Jon Christopher Fields 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.

Jon Christopher Fields 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. Jon Christopher Fields 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, 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, Jon Christopher Fields is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about May 24, 2012, pursuant to Chapter 119. of the Ohio Revised Code, Jon Christopher Fields 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. Jon Christopher Fields requested a hearing; it was scheduled and continued. The May 24, 2012, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Jon Christopher Fields was originally licensed in the State of Ohio on October 23, 1987, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Jon Christopher Fields did, on or around September 12, 2010, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Saint Christopher Health Center, beyond the express or implied consent of the owner, to wit: Jon Christopher Fields admitted labeling, dispensing and removing from the pharmacy more of a dangerous drug than was authorized by the legitimate prescription. Specifically, RX #196662, NovoLog insulin injection, authorized 7,200 total units or 8 boxes 10 ml x 100 units/ml, whereas Jon Christopher Fields labeled, dispensed and removed from the pharmacy 9 boxes 10 ml x 100 units/ml (9,000 total units). Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) Jon Christopher Fields did, on or around January 6, 2011, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Saint Christopher Health Center, beyond the express or implied consent of the owner, to wit: Jon Christopher Fields admitted labeling, dispensing and removing from the pharmacy more of a dangerous drug than was authorized by the legitimate prescription. Specifically, RX #196662, NovoLog insulin injection, authorized 7,200 total units or 8 boxes 10 ml x 100 units/ml, whereas Jon Christopher Fields labeled, dispensed and removed from the pharmacy 9 boxes 10 ml x 100 units/ml (9,000 total units). Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (4) Jon Christopher Fields did, on or around April 9, 2011, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Saint Christopher Health Center, beyond the express or implied consent of the owner, to wit: Jon Christopher Fields admitted to removing, RX #197416, Zocor 20 mg # 90 tablets, from the pharmacy without paying for same. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) Jon Christopher Fields did, on or around April 11, 2011, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Saint Christopher Health Center, beyond the express or implied consent of the owner, to wit: Jon Christopher Fields admitted to labeling, dispensing and removing from the pharmacy more of a dangerous drug than was authorized by the legitimate prescription. Specifically, RX #200325, NovoLog insulin injection, authorized 7,200 total units or 8 boxes 10 ml x 100 units/ml, whereas you labeled, dispensed and removed from the pharmacy 10 boxes 10 ml x 100 units/ml (10,000 total units). Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) Jon Christopher Fields did, on or around January 6, 2011, with purpose to deprive, knowingly obtain or exert control over the property of Saint Christopher Health Center, beyond the express or implied consent of the owner, to wit: Jon Christopher Fields labeled, dispensed and removed from the pharmacy RX #197418 without paying the required \$12.50 copay cost. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) Jon Christopher Fields did, on or around January 20, 2011, with purpose to deprive, knowingly obtain or exert control over the property of Saint Christopher Health Center, beyond the express or implied consent of the owner, to wit: Jon Christopher Fields labeled, dispensed and removed from the pharmacy RX #199734 without paying the required \$5.00 copay cost. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (8) Jon Christopher Fields did, on or around February 17, 2011, with purpose to deprive, knowingly obtain or exert control over the property of Saint Christopher Health Center, beyond the express or implied consent of the owner, to wit: Jon Christopher Fields labeled, dispensed and removed from the pharmacy RX #201741 without paying the required \$5.00 copay cost. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (9) Jon Christopher Fields did, on or around February 22, 2011, with purpose to deprive, knowingly obtain or exert control over the property of Saint Christopher Health Center, beyond the express or implied consent of the owner, to wit: Jon Christopher Fields labeled, dispensed and removed from the pharmacy RX #199736 without paying the required \$5.00 copay cost. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(10) Jon Christopher Fields did, on or around March 2, 2011, with purpose to deprive, knowingly obtain or exert control over the property of Saint Christopher Health Center, beyond the express or implied consent of the owner, to wit: Jon Christopher Fields labeled, dispensed and removed from the pharmacy RX #202157 without paying the required \$5.00 copay cost. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(11) Jon Christopher Fields did, on or around March 22, 2011, with purpose to deprive, knowingly obtain or exert control over the property of Saint Christopher Health Center, beyond the express or implied consent of the owner, to wit: Jon Christopher Fields labeled, dispensed and removed from the pharmacy RX #199734 without paying the required \$5.00 copay cost. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(12) Jon Christopher Fields did, on or around March 23, 2011, with purpose to deprive, knowingly obtain or exert control over the property of Saint Christopher Health Center, beyond the express or implied consent of the owner, to wit: Jon Christopher Fields labeled, dispensed and removed from the pharmacy RX #199736 without paying the required \$5.00 copay cost. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(13) Jon Christopher Fields did, on or around April 9, 2011, with purpose to deprive, knowingly obtain or exert control over the property of Saint Christopher Health Center, beyond the express or implied consent of the owner, to wit: Jon Christopher Fields labeled, dispensed and removed from the pharmacy RX #197416 without paying the required \$3.25 copay cost. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(14) Jon Christopher Fields did, on or around April 11, 2011, with purpose to deprive, knowingly obtain or exert control over the property of Saint Christopher Health Center, beyond the express or implied consent of the owner, to wit: Jon Christopher Fields labeled, dispensed and removed from the pharmacy RX #200325 without paying the required \$50.00 copay cost. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

Jon Christopher Fields neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated May 24, 2012; 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, Jon Christopher Fields knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) Jon Christopher Field's pharmacist identification card, No. 03-3-16924, will be placed on probation for a period of one year following the effective date of this Agreement. The terms of probation are as follows:

- (1) The State Board of pharmacy hereby declares that Jon Christopher Fields' 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) Jon Christopher Fields may not serve as a responsible pharmacist.
- (3) Jon Christopher Fields must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (4) Jon Christopher Fields must abide by the rules of the Ohio State Board of Pharmacy.
- (5) Jon Christopher Fields must comply with the terms of this Agreement.

(B) Jon Christopher Fields agrees to the imposition of a monetary penalty of three thousand dollars (\$3,000.00) 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, 17th Floor, Columbus, Ohio 43215.

(C) In addition, Jon Christopher Fields must obtain, within one year from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs), in Pharmacy Ethics, which may not also be used for license renewal.

If, in the judgment of the Board, Jon Christopher Fields 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.

Jon Christopher Fields 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.

Jon Christopher Fields 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. Jon Christopher Fields 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.

_____ Jon Christopher Fields, R.Ph., Respondent	_____ 09/15/2012 Date of Signature
_____ Brian M. Joyce, R.Ph., President Ohio State Board of Pharmacy	_____ 09/12/2012 Date of Signature
_____ Sean M. Culley, Ohio Assistant Attorney General	_____ 09/12/2012 Date of Signature

Mr. Joyce announced the following Settlement Agreement has been signed by all parties and is now effective.

**R-2013-059**

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

(Docket Number D-120524-252)

In The Matter Of:

**DORSEY SERGENT, R.Ph.**

10889 Gypsy Lane

Bowling Green, Ohio 43402

(R.Ph. No. 03-3-07460)

This Settlement Agreement is entered into by and between Dorsey Sergent 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.

Dorsey Sergent 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. Dorsey Sergent 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, 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, Dorsey Sergent is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about May 24, 2012, pursuant to Chapter 119. of the Ohio Revised Code, Dorsey Sergent 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. Dorsey Sergent requested a hearing; it was scheduled and continued.

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

Dorsey Sergent hereby agrees to surrender his license to practice pharmacy in the state of Ohio. In exchange for Dorsey Sergent's agreement to surrender his license, the Board will dismiss the allegations set forth in the Notice of Opportunity for Hearing issued on May 24, 2012 and hold the entire matter for naught. Dorsey Sergent's record before the Board will not reflect disciplinary matters.

Dorsey Sergent 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.

Dorsey Sergent 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. Dorsey Sergent 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, it SHALL NOT be considered disciplinary and will not be published by the Board. This Agreement shall become effective upon the date of the Board President's signature below.

\_\_\_\_\_  
Dorsey Sergent, R.Ph., Respondent

\_\_\_\_\_  
09/04/2012  
Date of Signature

\_\_\_\_\_  
Brian M. Joyce, R.Ph., President  
Ohio State Board of Pharmacy

\_\_\_\_\_  
09/12/2012  
Date of Signature

---

Sean M. Culley, Ohio Assistant Attorney General      09/12/2012  
Date of Signature

---

**10:35 a.m.**      The Board was joined by Assistant Attorney General Sean Culley to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Sandra Bowman** R.Ph. (03-3-12967) Clayton, Ohio.

**11:34 a.m.**      The hearing ended and the record was closed.

Mr. Gahm moved that the Board recess in order to consider this quasi-judicial matter in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by President Joyce as follows: Cain – yes; Huwer – yes; Gahm – yes; Kolezynski – yes; Mitchell – yes; Yarosh – yes.

**12:03 p.m.**      The recess ended and the meeting was opened to the public.

**R-2013-060**      After votes were taken in public session, the Board adopted the following order in the matter of **Sandra Bowman**, R.Ph. (03-3-12967) Clayton, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

(Docket Number D-120524-251)

In The Matter Of:

**SANDRA KAY BOWMAN, R.Ph.**

9082 Barnes Road  
Clayton, Ohio 45315  
(R.Ph. Number 03-3-12967)

**INTRODUCTION**

The Matter of Sandra Kay Bowman came for hearing on September 12, 2012, before the following members of the Board: Brian M. Joyce, R.Ph.; (presiding); Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Kevin J. Mitchell, R.Ph. and Kilee S. Yarosh, R.Ph.

Michael A. Moné, R.Ph., Absent.

Sandra Kay Bowman was not represented by counsel. The State of Ohio was represented by Sean M. Culley, Assistant Attorney General.

### SUMMARY OF EVIDENCE

#### State's Witness:

1. Betty Jones, R.Ph., Ohio State Board of Pharmacy

#### Respondent's Witness:

1. Sandra Kay Bowman, R.Ph., Respondent

#### State's Exhibits:

1. Notice of Opportunity for Hearing letter [05-24-12]  
1A-1C. Procedurals
2. Copy of RX #6813091 [01-17-12]
3. Connexus Pharmacy System 4Point Check Report [01-18-12]
4. Daily Med Explanation of Amitriptyline [03-26-12]
5. Dangerous Drug Distributor Inspection Report [01-23-12]
6. Connexus Pharmacy System 4Point Check Report [01-23-12]
7. Notarized Statement of Kimberly Brooks [01-23-12]
8. Statement of Sandra K. Bowman, R.Ph. [01-27-12]

#### Respondent's Exhibits:

- A. Copy of RX #6813091
- B. DUR Override Report [09-10-12]
- C. Activity Report [09-10-12]
- D. Third Party Signature Image Pick Up Report [09-10-12]
- E. Statement from PIC Daniel Huffman, R.Ph. [09-07-12]

### 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 Sandra Kay Bowman 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) Sandra Kay Bowman did, on or about January 17, 2012, misbrand a drug, to wit: when Sandra Kay Bowman received a prescription for amitriptyline 10 mg, RX #6813091, she dispensed amitriptyline 100mg, which had not been specifically prescribed by the physician. The patient ingested one dose and was subsequently harmed. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(3) Sandra Kay Bowman did, on or about January 17, 2012, prior to dispensing RX #6813091, fail to review the patient profile in order to conduct prospective drug utilization review, to wit: Sandra Kay Bowman failed to review the patient profile for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse. Specifically, Sandra Kay Bowman dispensed amitriptyline with directions to take 100-200 mg at bedtime for a 16 year old patient who had never been prescribed amitriptyline previously. Such dosing, 200 mg, would exceed initial starting doses of amitriptyline for an adolescent or adult. Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code.

#### CONCLUSIONS OF LAW

The State Board of Pharmacy concludes that paragraphs (2) through (3) 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 hereby publicly reprimands Sandra Kay Bowman for her actions in this matter.

In addition, Sandra Kay Bowman must submit to the Board, within thirty days from the effective date of this Board Order, three hours of approved continuing pharmacy education (0.3 CEUs), in medication errors, which may not also be used for license renewal.

Richard Kolezynski moved for Findings of Fact; Kilee Yarosh seconded the motion. Motion passed (Aye-6/Nay-0).

Troy Gahm moved for Conclusions of Law; Kevin Mitchell seconded the motion. Motion passed (Aye-5/Nay-1).

Troy Gahm moved for Action of the Board; Kilee Yarosh seconded the motion. Motion passed (Aye-4/Nay-3).

---

12:12 p.m.

The Board was joined by Assistant Attorney General Sean Culley to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Talon Compounding Pharmacy, C/O Christopher Good, R.Ph., San Antonio, Texas.**

12:34 a.m.

The hearing ended and the record was closed.

Mr. Kolezynski moved that the Board recess in order to consider this quasi-judicial matter in accordance with Chapter 119. of the Revised Code and the case precedent of

*Angerman v. State Medical Bd. (1990) 70 Ohio App.3d 346 and TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al. (1998) 81 Ohio St.3d 58.* The motion was seconded by Mr. Gahm and a roll-call vote was conducted by President Joyce as follows: Cain – *yes*; Huwer – *yes*; Gahm – *yes*; Kolezynski – *yes*; Mitchell – *yes*; Yarosh – *yes*.

**12:46 p.m.**      The recess ended and the meeting was opened to the public.

**R-2013-061**      After votes were taken in public session, the Board adopted the following order in the matter of **Talon Compounding Pharmacy, C/O Christopher Good, R.Ph., San Antonio, Texas.**

**ORDER OF THE STATE BOARD OF PHARMACY**

(Docket Number D-120524-247)

In The Matter Of:

**TALON COMPOUNDING PHARMACY**

**c/o CHRISTOPHER GOOD, R.Ph.**

2950 Thousand Oaks Drive #25

San Antonio, Texas 78247

**INTRODUCTION**

The Matter of Talon Compounding Pharmacy came for hearing on Wednesday, September 12, 2012, before the following members of the Board: Brian M. Joyce, R.Ph.; (presiding); Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Kevin J. Mitchell, R.Ph. and Kilee S. Yarosh, R.Ph.

Michael A. Moné, R.Ph., Absent.

Talon Compounding Pharmacy, c/o Christopher Good, R.Ph. was not present nor was Mr. Good or Talon Compounding Pharmacy represented by counsel. The State of Ohio was represented by Sean M. Culley, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

**State's Witness:**

Betty Jones, R.Ph., Ohio State Board of Pharmacy

**Respondent's Witnesses:**

None

**State's Exhibits:**

1. Copy of Proposal to Deny/Notice of Opportunity for Hearing letter [05-24-12]
- 1A. Procedural

2. Application for Registration as a Distributor of Dangerous Drugs [09-08-11]
3. Texas State Board of Pharmacy Licensure Status for Christopher Patrick Good, R.Ph.; Texas State Board of Pharmacy Licensure Status for Talon Compounding Pharmacy [09-23-11]
4. Texas Agreed Board Order #B-038-80 A [11-17-83]
5. Texas Agreed Board Order #B-038-80 A-1 [12-05-86]
6. Texas Agreed Board Order #G-98-005 [05-05-99]

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 on or about September 6, 2011, Christopher Good was the responsible person for Talon Compounding Pharmacy, 2950 Thousand Oaks Drive #25, San Antonio, Texas, and that on said date, Talon Compounding Pharmacy submitted an application for registration as a Terminal Distributor of Dangerous Drugs.

(2) Talon Compounding Pharmacy did, on or about September 6, 2011, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: the application indicated that the responsible pharmacist had not been charged or convicted of any crime when in fact the responsible pharmacist, Christopher Good, was charged and convicted of a criminal offense. Christopher Good admitted to an addiction to heroin that resulted in criminal charges and jail time. Mr. Good was released from jail on December 1, 1982. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

(3) Talon Compounding Pharmacy did, on or about September 6, 2011, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: the application indicated that the responsible pharmacist had not been the subject of any disciplinary action by any regulatory board when in fact the responsible pharmacist, Christopher Good, was twice disciplined by the Texas Board of Pharmacy. On or about November 17, 1983, Mr. Good was disciplined for heroin addiction and on May 5, 1999 he was disciplined again for a relapse of his addiction. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute having been found by the Board of Pharmacy of having been convicted of a felony as provided in paragraph (A)(1) of Rule 4729-9-19 of the Ohio Administrative Code.

(2) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute having been found by the Board of Pharmacy of having been convicted of violating any state or federal pharmacy or drug law as provided in paragraph (A)(2) of Rule 4729-9-19 of the Ohio Administrative Code.

(3) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute having been found by the Board of Pharmacy not to be of good moral character and habits as provided in paragraph (A)(3) of Rule 4729-9-19 of the Ohio Administrative Code.

(4) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs as provided in paragraph (A)(4) of Rule 4729-9-19 of the Ohio Administrative Code.

(5) The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute having been found by the Board of Pharmacy of being disciplined by any professional licensing board as provided in paragraph (A)(6) of Rule 4729-9-19 of the Ohio Administrative Code.

#### DECISION OF THE BOARD

Pursuant to Sections 3719.03 and 4729.53 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby refuses to license or register Talon Compounding Pharmacy and, therefore, denies the Application for a Terminal Distributor of Dangerous Drugs license submitted by Talon Compounding Pharmacy on September 6, 2011.

Kevin Mitchell moved for Findings of Fact; Richard Kolezynski seconded the motion. Motion passed (Aye-6/Nay-0).

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

Kevin Mitchell moved for Action of the Board; Edward Cain seconded the motion. Motion passed (Aye-6/Nay-0).

12:49 p.m.

Mr. Keeley presented letters regarding Mr. Gallagher's efforts in relation to "Matrix" and Ms. Abele's efforts in relation to going above and beyond the scope of her position at the Board.

R-2013-062

Mr. Kolezynski moved that the Board adopt the following recognitions for Ann Abele and David Gallagher, recognizing their outstanding service to the Board of Pharmacy. The motion was seconded by Mr. Cain and approved by the Board: *Aye – 6.*

**RESOLUTION of the BOARD**

**WHEREAS**, the administrative and investigative efforts of Ann Abele, R.Ph., Compliance Specialist with the Ohio State Board of Pharmacy, have directly led to the successful streamlining of License Department processes and forms; 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 Ann Abele for her tireless efforts during hours of service to the Board and to the people of Ohio in carrying out responsibilities in addition to those of her 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 Specialist Ann Abele, for her 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.

**RESOLUTION of the BOARD**

**WHEREAS**, the administrative and investigative efforts of David Gallagher, Compliance Agent 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 David Gallagher 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 David Gallagher, 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.

PER DIEM	8/30	9/10	9/11	9/12	Total
Cain	0	1	1	1	3
Gahm	0	1	1	1	3
Huwer	1	1	1	1	4
Joyce	0	1	1	1	2
Kolezynski	0	1	1	1	3
Mitchell	0	1	1	1	3
Moné	0	1	1	0	2
Yarosh	1	1	1	1	4

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

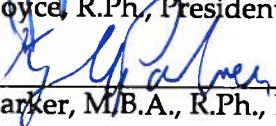
**12:53 p.m.**

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 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 Ms. Huwer and a roll-call vote was conducted by President Joyce as follows: Cain – *yes*; Huwer – *yes*; Gahm – *yes*; Kolezynski – *yes*; Mitchell – *yes*; Yarosh – *yes*.

**R-2013-064**

Mr. Kolezynski moved that the meeting be adjourned. The motion was seconded by Ms. Yarosh and approved by the Board: *Aye* – 6.

  
 \_\_\_\_\_ Date: 1-7-12  
 Brian M. Joyce, R.Ph., President

  
 \_\_\_\_\_ Date: 1-7-13  
 Kyle W. Parker, M.B.A., R.Ph., Executive Director