

Minutes of the October 10-11, 2012
Meeting of the Ohio State Board of Pharmacy

Wednesday, October 10, 2012

10:07 a.m. The Ohio State Board of Pharmacy convened in Room South B&C, 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, 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*.

10:09 a.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. Gahm 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.

10:15 a.m. The Executive Session ended and the meeting was opened to the public.

Mr. Keeley presented the Legislative Report.

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

Mr. Garner provided the IT report update.

Ms. Little provided the Licensing Report.

R-2013-069 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Ronald Rahe**, R.Ph. (03-3-14520) Stow, Ohio, the current responsible person for GE Pharmacy Services (02-0942250), also be the responsible person for the following pharmacy:

EHS Pharmacy Services, Hudson, Ohio (02-1143550)

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-2013-070 The Board received a request for permission to withdraw an application for certification as a pain-management clinic for the following site:

Pain Management Consortium of Ohio, Inc., Columbus, Ohio (02-1708252)

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

10:47 a.m. Mr. Parker presented the topic of patient safety and auto-fill, including: digoxin, the Ohio Academy of Family Physicians, retail pharmacy, the Ohio State Board of Medicine, Ohio State Board of Pharmacy Newsletter and an email blast.

11:00 a.m. Mr. Parker presented the topic of DEA's concern with pharmacists acting as physician Agents, including: Omnicare, the Ohio Pharmacists Association and form versus function/substance.

11:20 a.m. Mr. Gahm stated the Nursing Board CPG Committee Meeting will occur on 10/19/2012. He led a discussion on Vaccine Administration by pharmacists & record keeping requirements.

11:25 a.m. Mr. Mitchell provided the NABP Triathlon panelist presentation update.

There was no Medical Board PAPC Report.

Mr. Keeley stated there was no Technician Exam Report.

11:39 a.m. The Board recessed for lunch.

1:33 p.m. The meeting reconvened in Room South B&C.

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 **Kyle F. Higgins**, R.Ph. (03-1-17530), Amherst, Ohio.

2:33 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 Ms. Huwer and a roll-call vote was conducted by President Joyce as follows: Cain – *yes*; Huwer – *yes*; Gahm – *yes*; Mitchell – *yes*; Moné – *yes*; Yarosh – *yes*. Mr. Kolezynski recused himself from this vote.

2:45 p.m. The recess ended and the meeting was opened to the public.

R-2013-071 After votes were taken in public session, the Board adopted the following order in the matter of **Kyle F. Higgins**, R.Ph. (03-1-17530), Amherst, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-120229-240)

In The Matter Of:

KYLE FRANCIS HIGGINS, R.Ph.

890 Chestnut Lane

Amherst, Ohio 44001

(R.Ph. Number 03-2-17530)

INTRODUCTION

The Matter of Kyle Francis Higgins came for hearing on October 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.; Kevin J. Mitchell, R.Ph.; Michael A. Moné, R.Ph. and Kilee S. Yarosh, R.Ph.

Richard F. Kolezynski, R.Ph., Recused.

Kyle Francis Higgins was represented by Robert J. Garrity. The State of Ohio was represented by Sean M. Culley, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

None

Respondent's Witnesses:

1. Kyle Francis Higgins, R.Ph., Respondent
2. Jarrod Grossman, R.Ph., PRO, Inc.

State's Exhibits:

1. Reinstatement hearing request letter [02-23-12]
1A-1B. Procedurals
2. Order of the State Board of Pharmacy in re Kyle Francis Higgins, R.Ph. [09-17-10]

Respondent's Exhibits:

- A. Current PRO Contract [10-13-10]
- B. Completion of chemical dependency treatment documentation [02-03-11]
- C. Twelve Step meeting attendance verification [07-26-10 to 09-28-12]
- D. Urine drug screen results [01-05-10 to 09-13-12]
- E. Continuing Education [various dates]
- F. Letters of support [08-08-12 to 10-10-12]

FINDING 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 that Kyle Francis Higgins has substantially complied with the terms set forth in the Order of the State Board of Pharmacy, Docket Number D-091207-030, effective September 17, 2010.

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, Number 03-2-17530, held by Kyle Francis Higgins to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of November 1, 2012, with the following conditions:

(A) Kyle Francis Higgins 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 and submit a copy of the signed contract to the Board office before Kyle Francis Higgins' 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) Results of all drug 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.

(B) Kyle Francis Higgins 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 Kyle Francis Higgins' progress towards recovery and what Kyle Francis Higgins has been doing during the previous three months.

(C) Other terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that Kyle Francis Higgins' 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) Kyle Francis Higgins may not serve as a responsible pharmacist.

(3) Kyle Francis Higgins may not destroy, assist in, or witness the destruction of controlled substances.

(4) Kyle Francis Higgins must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.

(5) Kyle Francis Higgins must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Kyle Francis Higgins must abide by the rules of the State Board of Pharmacy.

(7) Kyle Francis Higgins must comply with the terms of this Order.

(8) Kyle Francis Higgins' license is deemed not in good standing until successful completion of the probationary period.

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

Kyle Francis Higgins 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.

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

Troy Gahm moved for Action of the Board; Kilee Yarosh seconded the motion. Motion passed (Aye-6/Nay-0).

2:50 p.m. Mr. Moné left the meeting for personal reasons.

The Board recessed briefly.

3:01 p.m. The meeting reconvened in Room South B&C.

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 **Kevin K. Sheets**, R.Ph. (03-3-311763), Portsmouth, Ohio.

3:48 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; Yarosh – yes.

4:21 p.m. The recess ended and the meeting was opened to the public.

R-2013-072 After votes were taken in public session, the Board adopted the following order in the matter of **Kevin K. Sheets**, R.Ph. (03-3-311763), Portsmouth, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY
(Docket Number D-120629-255)

In The Matter Of:

KEVIN KELLY SHEETS, R.Ph.
1063 29TH Street
Portsmouth, Ohio 45662
(R.Ph. Number 03-3-11763)

INTRODUCTION

The Matter of Kevin Kelly Sheets came for hearing on October 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. and Kilee S. Yarosh, R.Ph.

Michael A. Moné, R.Ph., Absent.

Kevin Kelly Sheets was not represented by counsel. The State of Ohio was represented by Sean M. Culley, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Robert Amiet, Jr., R.Ph., Ohio State Board of Pharmacy
2. Kevin Kelly Sheets, R.Ph., Respondent

Respondent's Witnesses:

None

State's Exhibits:

1. Copy of Notice of Opportunity for Hearing letter [06-29-12]
1A-1C. Procedurals
2. Copy of Settlement Agreement with The State Board of Pharmacy [11-06-07]
3. Copy of written prescription; Copy of RX #6410153-01600664 [06-20-11]
4. Computer generated prescription information [01-09-12]
5. Computer generated patient DUR information [01-09-12]
6. Dangerous Drug Distributor Inspection Report [01-09-12]
7. Kroger EasyFill Customer Statement Report [01-01-11 to 12-31-11]

Respondent's Exhibit:

- A. Letter to The Ohio State Board of Pharmacy from Kevin Kelly Sheets, R.Ph., Respondent [not dated]

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 Kevin Kelly Sheets was originally licensed in the State of Ohio on August 4, 1976, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio. Records further

reflect that Kevin Kelly Sheets entered into a settlement agreement with the Board on November 6, 2007, and is currently on probation pursuant to that settlement agreement.

- (2) Kevin Kelly Sheets did, on or about June 20, 2011, misbrand a drug, to wit: when Kevin Kelly Sheets received a prescription for prednisone 20 mg tablets, RX #6410152, he dispensed pravachol 20 mg tablets, which had not been specifically prescribed by the physician. The patient was subsequently harmed. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (3) Kevin Kelly Sheets did, on or about June 20, 2011, prior to dispensing RX #6410152, fail to review the patient profile in order to conduct prospective drug utilization review, to wit: Kevin Kelly Sheets overrode two major clinically significant DUR conflicts when he dispensed pravachol 20 mg, a drug used to control hyperlipidemia, instead of prednisone 20 mg, the drug prescribed for the patient. 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) and (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 imposes a monetary penalty of two hundred fifty (\$250.00) on Kevin Kelly Sheets and payment in full is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

In addition, Kevin Kelly Sheets must submit to the Board, within thirty days from the effective date of this Board Order, six hours of continuing pharmacy education (0.6 CEUs) in patient safety, which may not be used for license renewal.

Further, the State Board of Pharmacy places limits on Kevin Kelly Sheet's pharmacist license, in that he may not dispense drugs or engage in the practice of pharmacy as defined in Section 4729.01(B) of the Ohio Revised Code.

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

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

Kilee Yarosh moved for Action of the Board; Margaret Huwer seconded the motion. Motion passed (Aye-6/Nay-0).

4:22 p.m. The Board recessed briefly.

4:28 p.m. The meeting reconvened in Room South B&C.

4:28 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. Cain and a roll-call vote was conducted by President Joyce as follows: Cain – yes; Huwer – yes; Gahm – yes; Kolezynski – yes; Mitchell – yes; Yarosh – yes.

5:05 p.m. The Executive Session ended and the meeting was opened to the public.

Mr. Kolezynski moved that the Board go into Executive Session to discuss the employment of a public employee and matters required to be confidential by law pursuant to Section 121.22(G)(1), (2) & (5) of the Revised Code. 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.

5:40 p.m. The Executive Session ended and the meeting was opened to the public.

The Board recessed for the day.

Thursday, October 11, 2012

9:06 a.m. The Ohio State Board of Pharmacy convened in Room South B&C, 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. and Kilee S. Yarosh, R.Ph.

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 **Southgate Pharmacy, C/O Franklin Blackstone, R.Ph.** (02-2086500) Yellow Springs, Ohio.

9:40 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. Mitchell and a roll-call vote was conducted by President Joyce as follows: Cain – yes; Huwer – yes; Gahm – yes; Kolezynski – yes; Mitchell – yes; Yarosh – yes.

9:47 a.m. The recess ended and the meeting was opened to the public.

R-2013-073 After votes were taken in public session, the Board adopted the following order in the matter of **Southgate Pharmacy, C/O Franklin Blackstone, R.Ph.** (02-2086500) Yellow Springs, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-110211-167)

In The Matter Of:

SOUTHGATE PHARMCY
c/o FRANKLIN BLACKSTONE, R.Ph.
1496 Southgate Avenue
Yellow Springs, Ohio 45387

INTRODUCTION

The Matter of Southgate Pharmacy came for consideration on October 11, 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.

Southgate Pharmacy c/o Franklin Blackstone, R.Ph. was not represented by counsel nor was Franklin Blackstone present. The State of Ohio was represented by Sean M. Culley, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. Jesse Wimberly, Ohio State Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

1. Copy of Proposal to Deny/Notice of Opportunity for Hearing letter [02-11-11]
1A-1C. Procedurals
2. Application for Registration as a Distributor of Dangerous Drugs [10-01-10]
3. Dangerous Drug Distributor Inspection Report [11-05-10]

- 4-1 to 4-6. Photographs of facility [not dated]
5. Dangerous Drug Distributor Inspection Report [11-29-10]
6-1 to 6-17. Photographs of facility [not dated]

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 Board of Pharmacy indicate that on or about October 1, 2010, Franklin Blackstone was the responsible pharmacist for Southgate Pharmacy, 1496 Southgate Avenue, Yellow Springs, Ohio, and that on said date, Southgate Pharmacy submitted an Application for Registration as a Terminal Distributor of Dangerous Drugs.
- (2) Southgate Pharmacy has not furnished satisfactory proof to the Board that it is equipped as to land, buildings, and equipment to properly carry on the business of a Terminal Distributor of Dangerous Drugs, to wit: the proposed compounding area was not clean nor did it have an area for sterile compounding; security allowed for undetected entry by non-pharmacists; prescription filing was improper and inadequate; and the pharmacy had outdated legal and pharmaceutical resource materials, nor did it have internet access to such materials.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes failure to meet the qualifications set forth in Section 4729.55(A) of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes failure to meet the qualifications set forth in Section 4729.55(B) of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes failure to meet the qualifications set forth in Section 4729.55(C) of the Ohio Revised Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes failure to meet the qualifications set forth in Section 4729.55(D) of the Ohio Revised 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 Southgate Pharmacy and, therefore, denies the Application for a Terminal Distributor of Dangerous Drugs license submitted by Southgate Pharmacy c/o Franklin Blackstone, R.Ph. on October 1, 2010.

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

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

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

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

9:54 a.m. The meeting reconvened in Room South B&C.

R-2013-074 Mr. Gahm moved that the Board minutes of September 10-12, 2012, be approved as amended. Mr. Kolezynski seconded the motion and it was approved by the Board: *Aye - 6.*

R-2013-075 Mr. Kolezynski moved that the Conference Call Board minutes of September 14, 2012, be approved as written. Ms. Yarosh seconded the motion and it was approved by the Board: *Aye - 6.*

R-2013-076 Mr. Kolezynski moved that the Conference Call Board minutes of September 28, 2012, be approved as written. Mr. Gahm seconded the motion and it was approved by the Board: *Aye - 6.*

R-2013-077 Mr. Mitchell moved that the Conference Call Board minutes of October 9, 2012, be approved as written. Ms. Huwer seconded the motion and it was approved by the Board: *Aye - 6.*

R-2013-078 Mr. Gahm moved that the Board may approve each individual circumstance of a central pharmacy dispensing 30 day supplies of anti-psychotic/mental health drugs to inmates upon discharge. Mr. Kolezynski seconded the motion and it was approved by the Board: *Aye - 6.*

10:16 a.m. The Board recessed briefly.

10:33 a.m. The meeting reconvened in Room South B&C.

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 **John K. McLaughlin, R.Ph.** (03-1-27627) North Canton, Ohio.

11:24 a.m. The hearing ended and the record was continued to the afternoon.

Ms. Huwer 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.

11:48 a.m. The recess ended and the meeting was opened to the public.

11:50 a.m. The Board recessed for lunch.

1:15 p.m. The meeting reconvened in Room South B&C.

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 **John K. McLaughlin, R.Ph.** (03-1-27627) North Canton, Ohio.

1:21 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 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.

1:33 p.m. The recess ended and the meeting was opened to the public.

R-2013-079 After votes were taken in public session, the Board adopted the following order in the matter of **John K. McLaughlin, R.Ph.** (03-1-27627) North Canton, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY
(Docket Number D-100722-138)

In The Matter Of:

JOHN KENNETH MCLAUGHLIN, R.Ph.
213 Sycamore Drive, N.W.
North Canton, Ohio 44319
(R.Ph. Number 03-1-27627)

INTRODUCTION

The Matter of John Kenneth McLaughlin came for hearing on October 11, 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.

John Kenneth McLaughlin 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. John Kenneth McLaughlin, R.Ph., Respondent

Respondent's Witness:

1. Jarrod Grossman, R.Ph., PRO, Inc.

State's Exhibits:

1. Copy of reinstatement petition correspondence [07-17-12]
1A-1B. Procedurals
2. Ohio of the State Board of Pharmacy in re John Kenneth McLaughlin, R.Ph. [01-12-11]

Respondent's Exhibits:

- A. Glenbeigh Discharge Summary [08-13-10]
- B. Glenbeigh Discharge Plan [08-13-10]
- C. QUEST Recovery & Prevention Services – Intake Assessment [10-23-10]
- D. QUEST Recovery & Prevention Services – Certificate of Completion [01-11-12]
- E. PRO Pharmacist's Recovery Contract [12-16-10]
- F. Urine Drug Screens [12-29-10 to 09-13-12]
- G. Receipts for Restitution and Probation Fees [various dates]
- H. Letter of character reference from N/A sponsor [not dated]
- I. Letter of character reference from Joanne L. McLaughlin [not dated]
- J. Letter of character reference from Detective Randy Brink [not dated]
- K. Verification of Narcotics Anonymous and PRO Meeting Attendance [various dates]
- L. Court documents verifying house arrest and driver's license suspension [04-20-11 and 04-25-12]
- M. Continuing education credits and certificates [10-10-12]
- N. Support group meeting attendance [October 2012]
- O. Pharmacist Letter Statement of Credit [09-10-12 to 10-10-12]
- P. OHPRO Detailed Test History Report [04-15-11 to 04-19-11]

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 that

John Kenneth McLaughlin has substantially complied with the terms set forth in the Order of the State Board of Pharmacy, Docket Number D-100722-138, effective January 12, 2011.

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, Number 03-1-27627, held by John Kenneth McLaughlin to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of November 1, 2012 with the following conditions:

(A) John Kenneth McLaughlin 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 and 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) Results of all drug 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.

(B) John Kenneth McLaughlin 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 John Kenneth McLaughlin's progress towards recovery and what John Kenneth McLaughlin has been doing during the previous three months.

(C) Other terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that John Kenneth McLaughlin'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) John Kenneth McLaughlin may not serve as a responsible pharmacist.

(3) John Kenneth McLaughlin may not destroy, assist in, or witness the destruction of controlled substances.

(4) John Kenneth McLaughlin must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.

(5) John Kenneth McLaughlin must not violate the drug laws of Ohio, any other state, or the federal government.

(6) John Kenneth McLaughlin must abide by the rules of the State Board of Pharmacy.

(7) John Kenneth McLaughlin must comply with the terms of this Order.

(8) John Kenneth McLaughlin's license is deemed not in good standing until successful completion of the probationary period.

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

John Kenneth McLaughlin 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; Edward Cain seconded the motion. Motion passed (Aye-5/Nay-1).

Richard Kolezynski moved for Action of the Board; Kilee Yarosh seconded the motion. Motion passed (Aye-5/Nay-1).

2:02 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 **Lloyd N. Fisk**, R.Ph. (03-2-19476) Pickerington, Ohio.

4:11 p.m. The hearing ended and the record was closed.

Ms. Yarosh 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*; Yarosh – *yes*.

The Board recessed briefly.

4:16 p.m. The recess reconvened in Room South B&C.

4:50 p.m. The recess ended and the meeting was opened to the public.

R-2013-080 After votes were taken in public session, the Board adopted the following order in the matter of **Lloyd N. Fisk**, R.Ph. (03-2-19476) Pickerington, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-081211-037)

In The Matter Of:

LLOYD NEAL FISK, R.Ph.

3553 Lake Mead Drive

Grove City, Ohio 43123

(R.Ph. Number 03-2-19476)

INTRODUCTION

The Matter of Lloyd Neal Fisk came for hearing on Thursday, October 11, 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.

Lloyd Neal Fisk was represented by Daniel D. Connor. The State of Ohio was represented by Sean M. Culley, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. Christopher K. Reed, Ohio State Board of Pharmacy

Respondent's Witnesses:

1. Jarrod Grossman, R.Ph., PRO
2. Lloyd Neal Fisk, R.Ph., Respondent
3. Suzanne Fisk
4. Martha Fisher

State's Exhibits:

1. Copy of Summary Suspension Order/Notice of Opportunity for Hearing letter [07-11-12]
1A-1E. Procedurals
2. Copy of Order of the State Board of Pharmacy in re Lloyd Neal Fisk, R.Ph. [05-14-08]
3. Copy of Order of the State Board of Pharmacy in re Lloyd Neal Fisk, R.Ph. [06-17-09]
4. Correspondence from Jarrod Grossman, PRO [07-05-12]
5. Ohio Automated Rx Reporting System Report [07-08-12]
6. Copy of Pro Inc. Contract for Lloyd Neal Fisk [06-18-09]
7. Copy of notarized statement of Lloyd N. Fisk, R.Ph. [07-09-12]

Respondent's Exhibits:

- A. PRO Inc. Pharmacist's Recovery Contract for Lloyd Neal Fisk [06-18-09]
- B. Letter from Jarrod Grossman, R.Ph., Executive Director [07-26-12]
- C. Letter from Dr. John Johansen [07-30-12]
- D. Letter from Dr. James Popp [08-01-12]
- E. Meeting Attendance [03-24-09 to 09-28-12]
- F. Meeting Calendars [March 2009 through September 2012]
- G. Mt. Carmel Discharge Summary [08-19-11]
- H. Urine Screens [11-28-07 to 09-07-12]
- I. Letter from Dr. Francisco C. Buendia, Jr. [09-12-12]
- J. Continuing education credits and certificates [Various Dates]
- K. Letters of Advocacy [07-23-12 and 08-06-12]

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 Board of Pharmacy indicate that Lloyd Neal Fisk was originally licensed in the State of Ohio on July 30, 1992, pursuant to examination, and his license to practice pharmacy in Ohio was summarily suspended effective July 11, 2012. Records further reflect that Lloyd Neal Fisk was previously disciplined by the Board on May 14, 2008.
- (2) Lloyd Neal Fisk is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: in 2007, Lloyd Neal Fisk had admitted that he is addicted to oxycodone, an opiate. In April of 2008, the Board indefinitely suspended Lloyd Neal Fisk's license to practice pharmacy due in part to his addiction. In June of 2009, the Board reinstated Lloyd Neal Fisk's license with certain conditions. The Board's Order instituted a five (5) year probation during which Lloyd Neal Fisk is required to have random, observed drug screens, stating that "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." On June 22, 2012, Lloyd Neal Fisk admittedly tested positive for tramadol and pseudoephedrine without having an approved prescription.

CONCLUSIONS OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of gross immorality as provided in Division (A)(1) 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 removes the Summary Suspension issued to Lloyd Neal Fisk and places Lloyd Neal Fisk on probation for a period of five years from the effective date of November 1, 2012 with the following conditions.

(A) Lloyd Neal Fisk 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 for the duration of the contract.

(a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

(b) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

(2) The intervener/sponsor shall submit to the Board reports, 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.

(B) Lloyd Neal Fisk 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 Lloyd Neal Fisk's progress towards recovery and what Lloyd Neal Fisk has been doing during the previous three months.

(C) Other terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that Lloyd Neal Fisk'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) Lloyd Neal Fisk may not serve as a responsible pharmacist.

(3) Lloyd Neal Fisk may not destroy, assist in, or witness the destruction of controlled substances.

(4) Lloyd Neal Fisk must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.

(5) Lloyd Neal Fisk must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Lloyd Neal Fisk must abide by the rules of the State Board of Pharmacy.

(7) Lloyd Neal Fisk must comply with the terms of this Order.

(8) Lloyd Neal Fisk's license is deemed not in good standing until successful completion of the probationary period.

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

Lloyd Neal Fisk 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.

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

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

Kilee Yarosh moved for Action of the Board; Richard Kolezynski seconded the motion. Motion passed (Aye-5/Nay-1).

4:55 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 **Ryan M. Griffin**, intern (06-0-07537) Lancaster, Ohio.

5:52 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. Kolezynski and a roll-call vote was conducted by President Joyce as follows: Cain – *yes*; Huwer – *yes*; Gahm – *yes*; Kolezynski – *yes*; Mitchell – *yes*; Yarosh – *yes*.

6:14 p.m.

The recess ended and the meeting was opened to the public.

R-2013-081

After votes were taken in public session, the Board adopted the following order in the matter of **Ryan M. Griffin**, intern (06-0-07537) Lancaster, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-120914-265)

In The Matter Of:

RYAN MICHAEL GRIFFIN, INTERN

331 Orchard View Drive

Lancaster, Ohio 43130

(Intern Number 06-0-07537)

INTRODUCTION

The Matter of Ryan Michael Griffin came for hearing on October 11, 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.

Ryan Michael Griffin was represented by John M. Snider. The State of Ohio was represented by Sean M. Culley, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. Christopher K. Reed, Ohio State Board of Pharmacy

Respondent's Witnesses:

1. Jarrod Grossman, R.Ph., PRO, Inc.
2. Ryan Michael Griffin, Intern, Respondent

Joint Exhibit:

1. Agreed Stipulation [10-11-12]

State's Exhibits:

1. Copy of Summary Suspension Order/Notice of Opportunity for Hearing letter [09-14-12]
1A-1C. Procedurals
2. Copy of Order of the State Board of Pharmacy for Ryan Michael Griffin, Intern [06-15-11]
3. Copy of Order of the State Board of Pharmacy for Ryan Michael Griffin, Intern [04-03-12]
4. Copy of e-mail correspondence from Jarrod Grossman [08-10-12]

5. Copy of Pharmacists Rehabilitation Organization Inc. Contract for Ryan Griffin [06-21-11]
6. Copy of Notarized Statement of Ryan M. Griffin [09-11-12]

Respondent's Exhibits:

- A. PRO, Inc. contract [06-21-11]
- B. FirstLab OHPRO Chemical Testing Report history [04-14-11 to 09-26-12]
- C. FirstLab E-ETG test results [05-02-12, 05-08-12 and 07-10-12]
- D. Records of AA meeting attendance [January 2012 to September 2012]
- E. Ohio Northern University current Grade Transcript [not dated]
- F. Prescription and fill date for pseudoephedrine [08-29-11 and 09-03-12]
- G. Shepherd Hill After Care Completion Letter [04-17-12]
- H. Letter of recommendation [10-02-12]
- I. Letter from Thomas L. Kier, Associate Dean, Ohio Northern University [10-09-12]

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 Board of Pharmacy indicate that Ryan Michael Griffin was originally licensed as an intern in the State of Ohio on March 12, 2008 and Ryan Michael Griffin's license to practice pharmacy as an Intern in Ohio was summarily suspended effective September 14, 2012. Records further show that Ryan Michael Griffin was previously disciplined by the Board of Pharmacy on June 15, 2011.
- (2) Ryan Michael Griffin is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: in 2011, Ryan Michael Griffin had admitted that he is addicted to hydrocodone, an opiate. In January of 2011, the Board summarily suspended Ryan Michael Griffin's intern license due in part to his addiction. In June of 2011, the Board imposed an indefinite suspension of Ryan Michael Griffin's license with various monitoring conditions. In April of 2012 the Board reinstated Ryan Michael Griffin's license. The Board's Order required Ryan Michael Griffin to continue compliance with a treatment contract Ryan Michael Griffin had entered with an approved treatment provider. Such contract included random, observed urine drug screens conducted at least once each month for the first year and then at least once every three months thereafter. On July 27, 2012, while being on administrative probation with the Board and currently under a contract with PRO (the Pharmacist Rehabilitation Organization), Ryan Michael Griffin failed to provide a urine sample when notified via the laboratory's website to do so. As such, Ryan Michael Griffin falls within the ambit of Sections 3719.121 and 4729.16(A)(3) of the Ohio Revised Code. Ryan Michael Griffin also fall directly under the control of Ohio Administrative Code Section 4729-6-10(2) for Ryan Michael Griffin's failed compliance with his treatment contract from an approved treatment provider.

CONCLUSIONS OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitute being guilty of a gross immorality as provided in Division (A)(1) 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 removes the Summary Suspension Order issued to Ryan Michael Griffin on September 14, 2012 and reinstates Ryan Michael Griffin's intern license effective November 1, 2012.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby imposes a monetary penalty of two hundred fifty dollars (\$250.00) on Ryan Michael Griffin and payment in full is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

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

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

Kevin Mitchell moved for Action of the Board; Kilee Yarosh seconded the motion. Motion passed (Aye-4/Nay-2).

6:17 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*.

6:52 p.m.

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

R-2013-082

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

PER DIEM	10/10	10/11	Total
Cain	1	1	2
Gahm	1	1	2
Huwer	1	1	2
Joyce	1	1	2

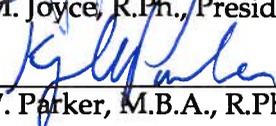
Kolezynski	1	1	2
Mitchell	1	1	2
Moné	1	0	1
Yarosh	1	1	2

Ms. Huwer seconded the motion and it was approved by the Board: *Aye* – 6.

R-2013-083 Mr. Kolezynski moved that the meeting be adjourned. The motion was seconded by Mr. Gahm and approved by the Board: *Aye* – 6.



Brian M. Joyce, R.Ph., President Date: 1/7/17



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