

Minutes of the February 4-5, 2013
Meeting of the Ohio State Board of Pharmacy

Monday, February 4, 2013

10:00 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

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*; Chad Garner, *Information Technology Administrator* and Sean Culley, *Assistant Attorney General*.

10:01 a.m. Ms. Huwer moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5). 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.

11:30 a.m. The Executive Session ended and the meeting was opened to the public.

The Board recessed briefly.

11:34 a.m. The meeting reconvened in Room East B.

R-2013-120 Mr. Gahm moved to deny the request to withdraw the application for a Terminal Distributor of Dangerous Drugs license for **The Compounding Center, Inc. c/o Joel Gomez**, Scottsdale, Arizona. The motion was seconded by Mr. Cain and approved by the Board: Aye – 5/Nay – 2.

R-2013-121 Mr. Moné moved to counter the settlement offer in the matter of **Gregory Martin Boccieri**, R.Ph., (03-1-22399) Canfield, Ohio, with 12 hours of Continued Education (1.2 CEUs) in Law and Patient Safety and a \$250.00 fine. The motion was seconded by Mr. Mitchell and approved by the Board: Aye – 7.

- R-2013-122** The Board received a request to withdrawal the Pain Management Clinic application of **Buckeye Family Medicine**, (02-1515050 and 02-2150050) Columbus, Ohio. Mr. Gahm moved that the request to withdrawal the application be accepted. The motion was seconded by Mr. Cain and approved by the Board: Aye – 7.
- R-2013-123** Mr. Gahm moved to counter the settlement offer in the matter of **Jordan Daniel Canady**, R.Ph., (03-2-28400) Coshocton, Ohio, with 12 hours of Continued Education (1.2 CEUs) in Law and Patient Safety and a \$250.00 fine. The motion was seconded by Mr. Moné and approved by the Board: Aye – 6/Nay – 1.
- R-2013-124** Mr. Keeley presented a request from **Cheryl Hutchins**, R.Ph. (03-2-16453) Cincinnati, Ohio, for permission to extend the maximum amount of time allowed for commencement and completion of the NAPLEX test. After discussion, Mr. Gahm moved that the Board approve Ms. Hutchins' request for a period of 86 days (until 4/30/2013) with no further extensions. The motion was seconded by Mr. Kolezynski and approved by the Board: Aye – 6/Nay – 1.
- 11:36 a.m.** Mr. Keeley presented the Legislative Report.
- Mr. Gahm presented the Nursing Board CPG Committee meeting report from January 14, 2013.
- Mr. Moné reported there were no pharmacy related issues at the most recently held Medical Board PAPC meeting, and there is currently no quorum for the next meeting scheduled for February 13, 2013.
- Ms. Droz presented the Ohio Automated Prescription Reporting System update.
- Ms. Little provided the Licensing Report.
- Mr. Garner provided the IT Report.
- R-2013-125** 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-120512-284)

In The Matter Of:

VIRGINIA ANN CHASTAIN, R.Ph.
2190 Smoky View Blvd.
Powell, Ohio 43065
(R.Ph. No. 03-2-16568)

This Settlement Agreement is entered into by and between Virginia Anne Chastain 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.

Virginia Anne Chastain 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. Virginia Anne Chastain 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, Virginia Anne Chastain is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about December 5, 2012, pursuant to Chapter 119. of the Ohio Revised Code, Virginia Anne Chastain 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. Virginia Anne Chastain requested a hearing; it was scheduled and continued. The December 5, 2012 Notice of Opportunity for Hearing contains the following allegations or charges:

(1) Records of the State Board of Pharmacy indicate that Virginia Anne Chastain was originally licensed in the State of Ohio on August 6, 1986, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.

(2) Virginia Anne Chastain did, on or about September 29, 2011, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Virginia Anne Chastain did not renew her license to practice pharmacy, Virginia Anne Chastain dispensed RX#2247517 for Adderall XR 10mg, and Virginia Anne Chastain performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

(3) Virginia Anne Chastain did, on or about October 5, 2011, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Virginia Anne Chastain did not renew her license to practice pharmacy, Virginia Anne Chastain dispensed RX#2247532 for oxycodone/APAP 5/325mg., and Virginia Anne Chastain performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

(4) Virginia Anne Chastain did, on or about November 17, 2011, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Virginia Anne Chastain did not renew her license to practice pharmacy, Virginia Anne Chastain dispensed RX#2270946 for Adderall XR 20mg, and Virginia Anne Chastain performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

(5) Virginia Anne Chastain did, on or about December 15, 2011, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Virginia Anne Chastain did not renew her license to practice pharmacy, Virginia Anne Chastain dispensed RX#2273847 for oxycodone/APAP 5/325mg, and Virginia Anne Chastain performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

(6) Virginia Anne Chastain did, on or about January 27, 2012, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Virginia Anne Chastain did not renew her license to practice pharmacy, Virginia Anne Chastain dispensed RX#2273847 for oxycodone/APAP 5/325mg, and Virginia Anne Chastain performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

(7) Virginia Anne Chastain did, on or about February 16, 2012, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Virginia Anne Chastain did not renew her license to practice pharmacy, Virginia Anne Chastain dispensed RX#2264186 for oxycodone/APAP 5/325mg, and Virginia Ann Chastain performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

(8) Virginia Anne Chastain did, on or about March 12, 2012, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Virginia Anne Chastain did not renew her license to practice pharmacy, Virginia Ann Chastain dispensed RX#2278640 for oxycodone/APAP 5/325mg, and Virginia Ann Chastain performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

(9) Virginia Anne Chastain did, on or about April 10, 2012, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Virginia Anne Chastain did not renew her license to practice pharmacy, Virginia Anne Chastain dispensed RX#2261649 for oxycodone 5mg, and Virginia Anne Chastain performed

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

Virginia Anne Chastain neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated December 5, 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, Virginia Anne Chastain knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) Virginia Anne Chastain agrees to the imposition of a monetary penalty of two thousand dollars (\$2,000.00). The first required payment will be due within 30 days of the effective date of this agreement. All subsequent payments will be due on or before the 25th day of each month with the entire balance of \$2,000.00 to be paid within 10 months of the effective date. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed forms to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

If, in the judgment of the Board, Virginia Anne Chastain 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.

Virginia Anne Chastain 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.

Virginia Anne Chastain 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. Virginia Anne Chastain 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.

Virginia Anne Chastain, R.Ph., Respondent

01/28/2013
Date of Signature

_____	<u>01/28/2013</u>
James J. Leo, Attorney for Respondent	Date of Signature

_____	<u>02/04/2013</u>
Brian M. Joyce, R.Ph., President, Ohio State Board of Pharmacy	Date of Signature

_____	<u>02/04/2013</u>
Sean M. Culley, Ohio Assistant Attorney General	Date of Signature

R-2013-126

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-120828-263)

In The Matter Of:

BRENDA H. CORBETT, R.Ph.

8025 Green Lake Drive
Liberty Township, Ohio 45044
(R.Ph. No. 03-3-14233)

This Settlement Agreement is entered into by and between Brenda H. Corbett 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.

Brenda H. Corbett 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. Brenda H. Corbett 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, Brenda H. Corbett is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about August 28, 2012, pursuant to Chapter 119. of the Ohio Revised Code, Brenda H. Corbett 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.

Brenda H. Corbett requested a hearing; it was scheduled and continued. The August 28, 2012 Notice of Opportunity for Hearing contains the following allegations or charges:

(1) Records of the State Board of Pharmacy indicate that Brenda H. Corbett was originally licensed in the State of Ohio on July 31 1981, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.

(2) Brenda H. Corbett did, between August 5, 2011 and September 5, 2011, intentionally create and/or knowingly possess a false or forged prescription, to wit: Brenda H. Corbett created 56 forged prescriptions for Afluria injections, a dangerous drug, at Rite Aid Pharmacy #119. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(3) Brenda H. Corbett did, between August 5, 2011 and September 5, 2011, intentionally create and/or knowingly possess a false or forged prescription, to wit: Brenda H. Corbett created nine forged prescriptions for Fluzone injections, a dangerous drug, at Rite Aid Pharmacy #119. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(4) Brenda H. Corbett did, between August 5, 2011 and September 5, 2011, intentionally create and/or knowingly possess a false or forged prescription, to wit: Brenda H. Corbett created two forged prescriptions for two Pneumovax 23 injections, a dangerous drug, at Rite Aid Pharmacy #119. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

Brenda H. Corbett neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 28, 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, Brenda H. Corbett knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) Brenda H. Corbett agrees to the imposition of a monetary penalty of one thousand five hundred dollars (\$1,500.00) 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, Brenda H. Corbett must obtain, within thirty days from the effective date of this Agreement, a total of ten hours of approved continuing pharmacy education (1.0 CEUs) in Law/Ethics, Fraud, Waste and Abuse, which may not also be used for license renewal.

(C) After consideration of the record as a whole, the State Board of Pharmacy hereby reprimands Brenda H. Corbett for her actions in this matter.

If, in the judgment of the Board, Brenda H. Corbett 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.

Brenda H. Corbett 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.

Brenda H. Corbett 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. Brenda H. Corbett waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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

_____	<u>01/18/2013</u>
Brenda H. Corbett, R.Ph., Respondent	Date of Signature
_____	<u>01/22/2013</u>
James McGovern, Attorney for Respondent	Date of Signature
_____	<u>02/04/2013</u>
Brian M. Joyce, R.Ph., President, Ohio State Board of Pharmacy	Date of Signature
_____	<u>02/04/2013</u>
Sean M. Culley, Ohio Assistant Attorney General	Date of Signature

R-2013-127 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-120824-260)

In The Matter Of:

RICHARD ALAN MADER, R.Ph.

454 Sycamore Street
Tiffin, Ohio 44883
(R.Ph. No. 03-3-10260)

This Settlement Agreement is entered into by and between Richard Alan Mader 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.

Richard Alan Mader 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. Richard Alan Mader 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, Richard Alan Mader is licensed to practice pharmacy in the State of Ohio.

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

(1) Records of the State Board of Pharmacy indicate that Richard Alan Mader was originally licensed in the State of Ohio on July 20, 1972, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect that Richard Alan Mader was previously disciplined by the Board on November 1, 2010 for an error in dispensing resulting in patient harm.

(2) Richard Alan Mader did, on or about March 25, 2011, misbrand a drug, to wit: when Richard Alan Mader received a refill prescription for bumetanide 2mg, RX # 6418143, Richard Alan Mader dispensed doxazosin 2mg, which had not been specifically prescribed by the physician. The patient ingested doxazosin and was subsequently harmed. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

Richard Alan Mader neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 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, Richard Alan Mader knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) Richard Alan Mader agrees to the imposition of a monetary penalty of one thousand dollars (\$1,000.00) 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, Room 1702, Columbus, Ohio 43215-6126.

(B) In addition, Richard Alan Mader must obtain, within one year from the effective date of this Agreement, fifteen hours of approved continuing pharmacy education (1.5 CEUs), in compounding and/or medication errors which may not also be used for license renewal.

If, in the judgment of the Board, Richard Alan Mader 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.

Richard Alan Mader 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.

Richard Alan Mader 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. Richard Alan Mader 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.

_____ Richard Alan Mader, R.Ph., Respondent	01/07/2013 _____ Date of Signature
_____ David Thomas, Attorney for Respondent	01/08/2013 _____ Date of Signature
_____	02/04/2013 _____

Brian M. Joyce, R.Ph., President, Ohio State Board of Pharmacy Date of Signature

02/04/2013

Sean M. Culley, Ohio Assistant Attorney General Date of Signature

R-2013-128 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Richard Adams**, R.Ph. (03-1-17765) Steubenville, Ohio, be the responsible person for the following pharmacies:

Harrison Community Hospital, Cadiz, Ohio (02-034450)

Health Connection Pharmacy, Cadiz, Ohio (02-0560300)

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

R-2013-129 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Susan Smith**, R.Ph. (MO-041807) Kansas City, Missouri, be the responsible person for the following pharmacies:

Shared Solutions Pharmacy, Missouri (02-1541550)

Shared Solutions Pharmacy, Kansas (license pending)

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

R-2013-130 The Board received requests to withdraw the Pain Management Clinic application of **Shyamala Ganti**, M.D., M.P.H., F.A.C.P., Dayton, Ohio, and to refund the Pain Management Clinic application fee. After discussion, Mr. Gahm moved that the Board approve the application withdrawal request and deny the request for a refund of the application fee. The motion was seconded by Ms. Huwer and approved by the Board: Aye – 7.

11:55 a.m. Mr. Gahm moved that the Board go into Executive Session to discuss the employment of a public employee, the purchase of property and matters required to be confidential by law pursuant to Section 121.22 (G)(1), (2) & (5). 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.

12:39 p.m. The Executive Session ended and the meeting was opened to the public.

The Board recessed for lunch.

1:37 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 **Risa Jo Gethers**, R.Ph. (03-3-27085) West Chester, Ohio.

2:38 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 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.

2:50 p.m. The recess ended and the meeting was opened to the public.

R-2013-131 After votes were taken in public session, the Board adopted the following order in the matter of **Risa Jo Gethers**, R.Ph. (03-3-27085) West Chester, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY
(Docket Number D-110114-160)

In The Matter Of:

RISA JO GETHERS, R.Ph.
5287 Fieldstone Court
West Chester, Ohio 45069
(R.Ph. Number 03-3-27085)

INTRODUCTION

The Matter of Risa Jo Gethers came for hearing on February 4, 2013, 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.

Risa Jo Gethers was represented by Eric J. Plinke. The State of Ohio was represented by Sean M. Culley, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

None

Respondent's Witnesses:

1. Risa Jo Gethers, R.Ph., Respondent
2. James Liebetrau, R.Ph.
3. Jarrod Grossman, R.Ph.

State's Exhibits:

1. Reinstatement Hearing Request Letter [05-07-12]
1A-1C. Procedurals
2. Order of the State Board of Pharmacy in re Risa Jo Gethers, R.Ph. [07-15-11]
3. Order of the State Board of Pharmacy in re Risa Jo Gethers, R.Ph. [12-09-10]
4. Order of the State Board of Pharmacy in re Risa Jo Gethers, R.Ph. [04-09-09]

Respondent's Exhibits:

- A. Ohio State Board of Pharmacy Order in re Risa Jo Gethers, R.Ph. [07-15-11]
- B. PRO Pharmacist's Recovery Contract [08-10-11]
- C. Statement of Compliance [01-15-13]
- D. OHPRO Test History Report [04-24-09 to 01-02-13]
- E. Support Group Meeting Attendance Sheets and Calendars [February 2011 to December 2012]
- E1. Support Group Meeting Attendance Sheet [Jan 2013]
- F1. Dismissal Entry, The State of Ohio vs. Risa Gethers, Case No. CRI 2008-5338, Court of Common Pleas, Clinton County, Ohio [07-06-10]
- F2. Certificate of Completion [06-16-10]
- F3. Progress Report, New Direction Treatment Services [09-09-10]
- F4. Progress Report, New Direction Treatment Services [02-22-11]
- F5. Letter from James F. Liebetrau, R.Ph. [01-09-13]
- F6. Letter from Jarrod Grossman, PharmD, R.Ph. [01-15-13]
- F7. Letter from Donna Butlter, LICDC, LSW [01-31-13]
- G. Continuing Education Credits and Certificates [various dates]

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

Risa Jo Gethers has substantially complied with the terms set forth in the Order with the State Board of Pharmacy, Docket Number D-110114-160, effective July 15, 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 03-3-27085, held by Risa Jo Gethers to practice pharmacy in Ohio subject to a period of probation for eight years beginning on the effective date of this Order, with the following conditions:

(A) Risa Jo Gethers 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 eight years and submit a copy of the signed contract to the Board office before her 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 seven 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) Risa Jo Gethers 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 Risa Jo Gethers' progress towards recovery and what Risa Jo Gethers 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 Risa Jo Gethers' 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) Risa Jo Gethers may not serve as a responsible pharmacist.

(3) Risa Jo Gethers may not destroy, assist in, or witness the destruction of controlled substances.

(4) Risa Jo Gethers must abide by the contract with her treatment provider and must immediately report any violation of the contract to the Board.

(5) Risa Jo Gethers must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Risa Jo Gethers must abide by the rules of the State Board of Pharmacy.

(7) Risa Jo Gethers must comply with the terms of this Order.

(8) Risa Jo Gethers' 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.

Risa Jo Gethers 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.

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

Richard Kolezynski moved for Action of the Board; Kevin Mitchell seconded the motion. Motion passed (Aye-7/Nay-0).

2:52 p.m. The Board recessed for the day.

Tuesday, February 5, 2013

8:11 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.; Richard F. Kolezynski, R.Ph.; Michael A. Moné, R.Ph. and Kilee S. Yarosh, R.Ph.

R-2013-132 Mr. Kolezynski moved that the Board minutes of January 7-8, 2013, be approved as amended. Ms. Yarosh seconded the motion and it was approved by the Board: Aye – 6.

R-2013-133 Mr. Gahm moved that the Conference Call Board minutes of January 28, 2013, be approved as written. Mr. Moné seconded the motion and it was approved by the Board: Aye – 6.

Mr. Mitchell directed a discussion with the Board regarding the DEA, electronic prescriptions and Surescripts®.

The Board Members and staff introduced themselves to the audience, and the audience members introduced themselves to the Board.

8:24 a.m. The Board recessed.

8:30 a.m. Ms. Huwer joined the meeting.

9:00 a.m. The Board reconvened in room East B.

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 **Albert David Fischer**, R.Ph. (03-2-08016) Broadview Heights, Ohio.

9:59 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; Moné – yes; Yarosh – yes.

10:23 a.m. The recess ended and the meeting was opened to the public.

R-2013-134 After votes were taken in public session, the Board adopted the following order in the matter of **Albert David Fischer, R.Ph.** (03-2-08016) Broadview Heights, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-120524-249)

In The Matter Of:

ALBERT DAVID FISCHER, R.Ph.

8901 Stoneybrook Drive
Broadview Heights, Ohio 44147
(R.Ph. Number 03-2-08016)

INTRODUCTION

The Matter of Albert David Fischer came for hearing on February 5, 2013, 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.

Albert David Fischer was represented by James Lindon. The State of Ohio was represented by Sean M. Culley, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. Paul Kover, R.Ph., Ohio State Board of Pharmacy

Respondent's Witness:

1. Albert David Fischer, R.Ph., Respondent

State's Exhibits:

1. Notice of Opportunity for Hearing [05-24-12]
- 1A-1E. Procedurals
2. Discount Drug Mart Medication Error Alert [02-16-11]
3. Notarized Written Statement of Larissa Venditti [10-05-11]
4. Notarized Written Statement of Michele Golob [10-05-11]
5. Notarized Statement of Tom Nameth [10-03-11]
6. Letter from Albert D. Fischer, R.Ph. [09-26-11]
7. Letter from Albert D. Fischer, R.Ph. [10-10-11]

8. Dangerous Drug Distributor Inspection Report [10-05-11]
9. Copy of RX #998367 with Attachments [various dates]
10. Copy of RX #1000956 with Attachments [various dates]
11. Copy of RX #998606 with Attachments [various dates]
12. Copy of RX #1004541 with Attachments [various dates]
13. Copy of RX #1013271 with Attachments [various dates]
14. Copy of RX #1012771 with Attachments [various dates]
15. Copy of RX #1020226 with Attachments [various dates]
16. Copy of RX #1022613 with Attachments [various dates]
17. Copy of RX #1009572 with Attachments [various dates]
18. Copy of RX #1036625 with Attachments [various dates]
19. Copy of RX #1040667 with Attachments [various dates]
20. Copy of RX #1042703 with Attachments [various dates]
21. Copy of RX #1042637 with Attachments [various dates]
22. Copy of RX #1034975 with Attachments [various dates]
23. Copy of RX #C1044947 with Attachments [various dates]
24. Copy of RX #C1048767 with Attachments [various dates]
25. Copy of RX #1037244 with Attachments [various dates]
26. Copy of RX #C1067477 with Attachments [various dates]
27. Copy of RX #1064832 with Attachments [various dates]
28. Copy of RX #1064061 with Attachments [various dates]

Respondent's Exhibits:

None

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 Albert David Fischer originally licensed in the State of Ohio on August 19, 1963, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Albert David Fischer did, on or about November 17, 2009, misbrand a drug, to wit: when he received a prescription for oxycodone IR 30mg, RX #998367, Albert David Fischer dispensed OxyContin 30mg, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (3) Albert David Fischer did, on or about December 14, 2009, misbrand a drug, to wit: when he received a prescription for Coumadin 1mg, take three tablets a day, RX #1000956, Albert David Fischer dispensed Coumadin 5mg, take three tablets a day, 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.

(4) Albert David Fischer did, on or about January 11, 2010, misbrand a drug, to wit: when he received a prescription for Synthroid 0.112mcg, RX #998606, Albert David Fischer dispensed Soma, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(5) Albert David Fischer did, on or about February 13, 2010, misbrand a drug, to wit: when he received a prescription for Simvastatin 40mg, RX #1004541, Albert David Fischer dispensed lovastatin 40mg, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(6) Albert David Fischer did, on or about April 15, 2010, misbrand a drug, to wit: when he received a prescription for hydrochlorothiazide 12.5mg RX #1013271, Albert David Fischer dispensed hydrochlorothiazide 25mg, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(7) Albert David Fischer did, on or about May 17, 2010, misbrand a drug, to wit: when he received a prescription for metoprolol tartrate 25mg, RX #1012771, Albert David Fischer dispensed metoprolol succinate 25mg, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(8) Albert David Fischer did, on or about June 24, 2010, misbrand a drug, to wit: when he received a prescription for methadone 5mg, RX #1020226, Albert David Fischer dispensed methadone 10mg, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(9) Albert David Fischer did, on or about July 21, 2010, misbrand a drug, to wit: when he received a prescription, RX #1022613, for a patient but labeled and dispensed it to another patient for whom it had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(10) Albert David Fischer did, on or about August 9, 2010, misbrand a drug, to wit: when he received a prescription for Novolin R, RX #1009572, Albert David Fischer dispensed Novolin N, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(11) Albert David Fischer did, on or about December 5, 2010, misbrand a drug, to wit: when he received a prescription for Lantus Insulin with five refills, RX #1036625, Albert David Fischer dispensed Lantus Insulin with no refills, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(12) Albert David Fischer did, on or about January 6, 2011, misbrand a drug, to wit: when Albert David he, Albert David Fischer dispensed desoximetasone 0.05% cream, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(13) Albert David Fischer did, on or about January 25, 2011 and March 6, 2011, misbrand a drug, to wit: when he received a prescription for Ortho Tri-Cyclen 28, RX #1042703, Albert David Fischer dispensed Ortho Tri-Cyclen Lo, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(14) Albert David Fischer did, on or about January 25, 2011, misbrand a drug, to wit: when he received a prescription for methocarbamol 500mg, RX #1042637, Albert David Fischer dispensed methocarbamol 750mg, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code

(15) Albert David Fischer did, on or about February 12, 2011, misbrand a drug, to wit: when he received a prescription for Nasacort AQ, RX #1034975, Albert David Fischer dispensed Nasonex, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(16) Albert David Fischer did, on or about February 12, 2011, misbrand a drug, to wit: when he received a prescription for lorazepam 0.5mg for a patient with a date of birth of 3/3/1966, RX #1044947, Albert David Fischer dispensed lorazepam 0.5mg for a patient with the same name but a date of birth of 12/18/1992, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(17) Albert David Fischer did, on or about March 13, 2011, misbrand a drug, to wit: when he received prescriptions for Vicodin 5mg, RX # 1048767, and Bactrim DS, RX #1048768, Albert David Fischer dispensed the prescriptions with the labels on the wrong vials. The patient took the Vicodin 5mg thinking it was the Bactrim DS. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(18) Albert David Fischer did, on or about April 5, 2011, misbrand a drug, to wit: when he received a prescription for losartan 100mg, RX #1037244, Albert David Fischer dispensed losartan 25mg, which had not been specifically prescribed by the

physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(19) Albert David Fischer did, on or about August 14, 2011, misbrand a drug, to wit: when he received a prescription for Lyrica 200mg, RX #1067477, Albert David Fischer dispensed Lyrica 100mg, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(20) Albert David Fischer did, on or about August 18, 2011, misbrand a drug, to wit: when he received a prescription for benazepril 20mg, RX #1064832, Albert David Fischer dispensed Triphro capsules, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(21) Albert David Fischer did, on or about October 4, 2011, misbrand a drug, to wit: when he received a prescription for lisinopril/hydrochlorothiazide 20/12.5 mg, RX #1064061, Albert David Fischer dispensed lovastatin 40mg, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) through (21) of the Findings of Fact constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

(2) The State Board of Pharmacy concludes that paragraphs (2) through (21) 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 Sections 3715.52 of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

(3) The State Board of Pharmacy concludes that paragraphs (2) through (21) of the Findings of Fact constitute being guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy as provided in Division (A)6 of Section 4729.16 of the Ohio Revised Code. As a result of the Respondent's admission, during his testimony, that technicians were charged with performing DUR and would routinely override DUR, the Board finds that Mr. Fischer knowingly allowed someone other than a pharmacist or pharmacist intern to practice pharmacy. DUR is a central facet of pharmacy practice and an act to be performed by the licensed pharmacist or pharmacist intern.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Albert David Fischer as follows:

(A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby places Albert David Fischer on probation for twelve months from the effective date of this Order. The terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that Albert David Fischer'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) Albert David Fischer may not serve as a responsible pharmacist.

(3) Albert David Fischer may not work as the only pharmacist on duty at any given time.

(4) Albert David Fischer must report Errors in Dispensing whether internal or external to the Board within 7 days from the date of error.

(5) Albert David Fischer must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Albert David Fischer must abide by the rules of the State Board of Pharmacy.

(7) Albert David Fischer must comply with the terms of this Order.

(7) Albert David Fischer's license is deemed to be not in good standing until successful completion of the probationary period.

(8) 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.

(B) Albert David Fischer must obtain, within ninety days from the effective date of this Order, twelve (12 CEUs) of approved continuing pharmacy education in Jurisprudence and Patient Safety which may not also be used for license renewal. If proof of successful completion is not submitted to the Board office before the end of the probation period, Albert David Fischer will remain on probation until this condition is achieved.

(C) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of five hundred dollars (\$500.00) on Albert David Fischer 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.

Albert David Fischer 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; Michael Moné seconded the motion. Motion passed (Aye-7/Nay-0).

Michael Moné moved for Conclusions of Law; Margaret Huwer seconded the motion. Motion passed (Aye-7/Nay-0).

Michael Moné moved for Action of the Board; Richard Kolezynski seconded the motion. Motion passed (Aye-4/Nay-3).

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 **The Compounding Center, Inc., c/o Joel Gomez** (application pending for wholesale license) Scottsdale, Arizona.

11:21 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 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.

12:00 p.m. The recess ended and the meeting was opened to the public.

R-2013-135 After votes were taken in public session, the Board adopted the following order in the matter of **The Compounding Center, Inc., c/o Joel Gomez** (application pending for wholesale license) Scottsdale, Arizona.

ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-121114-273)

In The Matter Of:

THE COMPOUNDING CENTER, INC.

c/o Joel Gomez
33777 N. Scottsdale Road #125
Scottsdale, Arizona 85266

INTRODUCTION

The Matter of The Compounding Center, Inc. came for hearing on February 5, 2013, 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.

The Compounding Center, Inc. was represented by Jeffrey J. Jurca. 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. Sean Shaffer

State's Exhibits:

1. Copy of Proposal to Deny/Notice of Opportunity for Hearing letter [11-14-12]
- 1A-1C. Procedurals
2. Application for Registration as a Distributor of Dangerous Drugs [08-17-11]
3. Wholesale Distributor of Dangerous Drugs Renewals [03-27-06 and 04-15-07]
4. Wholesale Distributor of Dangerous Drugs Renewal [05-10-05]; Letter from the Ohio State Board of Pharmacy to The Compounding Ctr. Wholesale Div. [05-17-05]
5. Application for Registration as a Distributor of Dangerous Drugs [03-15-04]
6. Judgment, United States of America vs. Sean Shaffer, Case No. CR 09-00717-001-PHX-ROS, United States District Court, District of Arizona [02-08-11]

7. Suspension of Sentence, State of Arizona v. Sean Shaffer, Case No. CR2003-014265-003 DT, Superior Court of Arizona, Maricopa County [11-23-04]
8. Letter from The Compounding Center, Inc. [not dated]

Respondent's Exhibits:

- A. Standard Operating Procedures of The Compounding Center, Inc. [not dated]
- B. Response to Charges [not dated]
- C. Email Chain with the Ohio State Board of Pharmacy Staff [05-30-12 to 11-27-12]
- D. Order, State of Arizona vs. Sean Shaffer, Case No. CR2003-014265-003, Superior Court of Arizona, Maricopa County [11-13-12]
- E. Termination of Supervision and Probation in Case No. 09CR00717-001-PHX-ROS [12-07-12 and 12-11-12]
- F. State of Missouri Drug Distributor License Application [04-27-11]
- G. Application for Idaho License for Wholesale of Prescription and Controlled Substances Drugs [10-01-13]

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 on or about October 24, 2011, Joel Gomez was the Operations Manager for The Compounding Center, Inc., located at 33777 N. Scottsdale Road, Suite 125, Scottsdale, Arizona 85266 and that on October 24, 2011, The Compounding Center, Inc. applied for registration as a Wholesale Distributor of Dangerous Drugs and licensure as a Wholesaler of Controlled Substances.

(2) The applicant did, on or about August 17, 2011, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: the application indicated that no owners had "charges pending or have a conviction of a felony or misdemeanor other than a minor traffic violation" when in fact the owner was convicted on November 23, 2004 of Facilitation of Fraudulent Schemes and Artifices by Maricopa County Court. *See State of Arizona v. Sean Shaffer*, Superior Ct. of AZ. No. CR2003-014265-003 DT. Further, the owner pled guilty on October 13, 2010, in the United States District Court, District of Arizona, to Misbranding of a Drug in Interstate Commerce. *See United States of America v. Sean Shaffer*, U.S. Dist. Ct. No. CR 09-00717-001-PHX-ROS. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

(3) The applicant did, between 2005 and 2010, knowingly make multiple false statements with purpose to secure the issuance of a license or registration, to wit: the application indicated that no owners agents or employees of the applicant had

"charges pending or have a conviction of a felony or misdemeanor other than a minor traffic violation" when in fact Sean Shaffer was an employee of the facility at all relevant times. The pending charges and subsequent conviction on November 23, 2004 of Facilitation of Fraudulent Schemes and Artifices by Maricopa County Court was required to be reported first in the 2005 application and referenced in 2006 and 2010 renewal. *See State of Arizona v. Sean Shaffer*, Superior Ct. of AZ. No. CR2003-014265-003 DT. 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 constitutes having been convicted of violating any state or federal pharmacy or drug law as provided in Division (A)(2) 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 constitutes not being of good moral character and habits as provided in Division (A)(3) 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 The Compounding Center, Inc.. and, therefore, denies the Application for a Terminal Distributor of Dangerous Drugs license submitted by Joel Gomez on August 17, 2011.

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

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

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

12:03 p.m. The Board recessed for lunch.

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.

Whitney Adams

Indiana

Ryan Matthew Besecker	Texas
Janelle M. Cone	Michigan
Kenneth Brian Cook	Pennsylvania
Daniel Neal Cornett	Kentucky
Kathryn Elizabeth Davis	Florida
Matthew J. Foltz	Kentucky
Jason Alan Frederick	Arizona
Brian Michael Karhoff	Florida
Jimica Kerwin	Illinois
Tai Alyson Kidwell	Kentucky
Igor Kleyner	Michigan
Dawn Marie Lockwood	Colorado
Ryan Randall Manuszak	Indiana
John B. Mowery	West Virginia
Megha Parikh	Michigan
Dharaben Patel	Pennsylvania
Allen Jack Perkins, II	Kentucky
Dana Marie Roman	Pennsylvania
Mark V. Sluss	Kentucky
Eliza J. Smoker	Indiana
Katherine Therese Twomey	Missouri
Jeremy Duane Vanhoose	Kentucky
Patricia Ann Warren	Massachusetts
Nathan Young	Pennsylvania

2:00 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 **Jeremy Drew Webster** (06-0-09330) Findlay, Ohio.

2:40 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; Moné – yes; Yarosh – yes.

2:50 p.m. The recess ended and the meeting was opened to the public.

R-2013-136 After votes were taken in public session, the Board adopted the following order in the matter of **Jeremy Drew Webster** (06-0-09330) Findlay, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY
(Case Number 2012-1582)

In The Matter Of:

JEREMY DREW WEBSTER, INTERN
833 Summit Street
Findlay, Ohio 45840
(Intern License Number 06-0-09330)

INTRODUCTION

The Matter of Jeremy Drew Webster came for hearing on February 5, 2013, 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.

Jeremy Drew Webster was represented by Douglas Graff. The State of Ohio was represented by Sean M. Culley, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. Todd Knauss, Ohio State Board of Pharmacy

Respondent's Witness:

1. Jeremy Drew Webster, Intern, Respondent

State's Exhibits:

1. Copy of Notice of Opportunity for Hearing letter [01-17-13]
1A-1D. Procedurals
2. Pharmacy Intern Renewal Notice [09-26-12]
3. Letter from Jeremy Webster [not dated]
4. Entry of Expungement, City of Findlay -vs- Jeremy Webster, Case No. 12CRB00103, Municipal Court, Findlay, Ohio [07-02-12]; Personal Recognizance, City of Findlay/State of Ohio -vs- Jeremy D. Webster, Case No. 12CRB00103, Municipal Court, Findlay, Ohio [not dated]

Respondent's Exhibits:

- A. Copy of Notice of Opportunity for Hearing [01-17-13]
- B. Entry of Expungement, City of Findlay -vs- Jeremy Webster, Case No. 12CRB00103, Municipal Court, Findlay, Ohio [07-02-12]; Personal Recognizance, City of Findlay/State of Ohio -vs- Jeremy D. Webster, Case No. 12CRB00103, Municipal Court, Findlay, Ohio [not dated]; Letter Granting Diversion Program

- [02-29-12]; Payment of Court Costs [06-26-12]; Community Service Program Time Sheet [03-28-12 to 04-30-12]
- C. Letter from Michael D. Schafer, Ph.D., LICIC [02-27-12]
 - D. Letter from Thomas L. Kier [02-01-13]; Unofficial Transcript from Ohio Northern University [not dated]
 - E. Academic Honors [various dates]
 - F. Letter from Anneka P. Collins [02-01-13]; Letter from Sherri Beatty [01-25-13]

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 Jeremy Drew Webster was originally licensed as an Intern in the State of Ohio on April 19, 2010.
- (2) On January 24, 2012, Jeremy Drew Webster was charged with Petty Theft, a violation of Revised Code Section 2913.02 and Possessing Criminal Tools, a violation of Revised Code Section 2923.24 in the Findlay Municipal Court for theft of printer cartridges at Wal-Mart, in Hancock County, Ohio.

CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.

DECISION OF THE BOARD

After consideration of the record as a whole, the State Board of Pharmacy hereby reprimands Jeremy Drew Webster for his actions in this matter.

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

Michael Moné moved for Conclusions of Law; Richard Kolezynski seconded the motion. Motion passed (Aye-4/Nay-3).

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

2:55 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 **Pharmfinders, LLC** (license pending) Tulsa, Oklahoma.

3:06 p.m. The hearing ended and the record was closed.

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 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.

3:17 p.m. The recess ended and the meeting was opened to the public.

R-2013-137 After votes were taken in public session, the Board adopted the following order in the matter of **Pharmfinders, LLC** (license pending) Tulsa, Oklahoma.

ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-120512-280)

In The Matter Of:

PHARMFINDERS, LLC
c/o Ryan B. Hackler
427 S. Boston Avenue, Suite 1044
Tulsa, OK 74103

INTRODUCTION

The Matter of Pharmfinders, LLC came for consideration on February 5, 2013, 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.

Pharmfinders, LLC was not present nor represented by counsel. The State of Ohio was represented by Sean M. Culley, Assistant Attorney General.

SUMMARY OF EVIDENCEState's Witness:

1. Todd Knauss

Respondent's Witnesses:

None

State's Exhibits:

1. Copy of Proposal to Deny/Notice of Opportunity for Hearing letter [12-05-12]
- 1A. Procedural
2. Application for a Wholesale Distributor Certificate [05-24-12]
3. Letter from Ryan B. Hackler [08-27-12]
4. Docket, State of Oklahoma vs. Hackler Ryan Bradford, Case No. CM-1994-791, District Court, Cleveland County, Oklahoma
5. Oklahoma State Board of Pharmacy Certified License Verification with Attached Documentation [06-18-12]

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 May 25, 2012, Ryan B. Hackler was the Chief Operations Officer, for Pharmfinders, LLC, 427 S. Boston Avenue, Suite 1044, Tulsa, OK 74103 and that on May 25, 2012, Pharmfinders, LLC applied for registration as a Wholesale Distributor of Dangerous Drugs.
- (2) Ryan B. Hackler did, on or about May 24, 2012, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: the application indicated that the owners had not been convicted of crimes when in fact Ryan B. Hackler - the Chief Operations Officer, owner and responsible person - plead guilty to Operating a Motor Vehicle While Under the Influence of Intoxicating Liquor on January 13, 1995. *Oklahoma v. Hackler*, CM-94-791. 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 paragraph (2) of the Findings of Fact constitutes not being of good moral character and habits as provided in Division (A)(3) 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 approves to license or register Pharmfinders, LLC and, therefore, approves the Application for a Wholesale Distributor of Dangerous Drugs license submitted by Ryan B. Hackler on May 25, 2012.

Further, after consideration of the record as a whole, the State Board of Pharmacy hereby reprimands Ryan B. Hackler his actions in this matter.

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

Kevin Mitchell moved for Conclusions of Law; Troy Gahm seconded the motion. Motion passed (Aye-6/Nay-1).

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

3:21 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 **Bryan Dennis Bowman** (03-1-24786) Mason , Ohio.

4:02 p.m. The hearing ended and the record was closed.

Ms. 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; Moné – yes; Yarosh – yes.

4:25 p.m. The recess ended and the meeting was opened to the public.

R-2013-138 After votes were taken in public session, the Board adopted the following order in the matter of **Bryan Dennis Bowman** (03-1-24786) Mason, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY
(Docket Number D-120512-282)

In The Matter Of:

BRYAN DENNIS BOWMAN, R.Ph.
4249 Westminister Way
Mason, Ohio 45040
(R.Ph. Number 03-1-24786)

INTRODUCTION

The Matter of Bryan Dennis Bowman came for hearing on February 5, 2013, 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.

Bryan Dennis Bowman was represented by Harry B. Plotnick. The State of Ohio was represented by Sean M. Culley, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. Richard Haun, Ohio State Board of Pharmacy

Respondent's Witness:

1. Bryan Dennis Bowman, R.Ph., Respondent

State's Exhibits:

1. Copy of Notice of Opportunity for Hearing letter [12-05-12]
1A-1C. Procedurals
2. Copy of RX #6116202 [05-03-12]
3. Copy of RX #6116305 [05-03-12]
4. Copy of RX #6116306 [05-03-12]
5. Copy of RX #6113035 [04-14-12]
6. Copy of RX #6050923 [03-13-11]
7. Copy of RX #6055440 [04-12-11]
8. Copy of RX #6849570 [02-06-10]
9. Copy of RX #6013910 [06-21-10]
10. Copy of RX #6013910 [07-06-10]
11. Copy of RX #6021540 [08-19-10]
12. Copy of RX #6023296 [09-01-10]
13. Copy of RX #6023926 [09-16-10]
14. Copy of RX #6023296 [09-29-10]
15. Copy of RX #6023296 [10-27-10]

16. Copy of RX #6023296 [11-09-10]
17. Copy of RX #6043055 [01-20-11]
18. Copy of RX #6043055 [02-03-11]
19. Copy of RX #6061423 [05-24-11]
20. Copy of RX #6061423 [06-09-11]
21. Copy of RX #6061423 [06-28-11]
22. Copy of RX #6086799 [11-12-11]
23. Copy of RX #6086799 [12-04-11]
24. Copy of RX #6096508 [01-12-12]

Respondent's Exhibits:

None

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 Bryan Dennis Bowman was originally licensed in the State of Ohio on July 23, 2001 pursuant to Examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Bryan Dennis Bowman did, on or around May 3, 2012, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX#6116202 for 1 fluconazole 150mg tablet, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (3) Bryan Dennis Bowman did, on or around May 3, 2012, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6116305 for 10 losartan-hydrochlorothiazide 50-12.5mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (4) Bryan Dennis Bowman did, on or around May 3, 2012, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6116306 for 10 lansoprazole tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(5) Bryan Dennis Bowman did, on or around April 14, 2012, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6113035 for 60 valacyclovir HCl tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(6) Bryan Dennis Bowman did, on or around March 13, 2011, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6050923 for 30 clonidine HCl 0.2mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(7) Bryan Dennis Bowman did, on or around April 12, 2011, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6055440 for 30 clonidine HCl 0.2mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(8) Bryan Dennis Bowman did, on or around February 6, 2010, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6849570 (the unauthorized refill from RX #6842805) for 50 prednisone 10mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(9) Bryan Dennis Bowman did, on or around June 21, 2010, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6013910 (the unauthorized refill from RX #6840085) for 42 prednisone 20mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(10) Bryan Dennis Bowman did, on or around July 6, 2010, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6013910 (the unauthorized refill from RX #6840085) for 42 prednisone 20mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(11) Bryan Dennis Bowman did, on or around August 19, 2010, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6021540 (the unauthorized refill from RX #6840085) for 42 prednisone 20mg tablets, a dangerous drug, without

authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(12) Bryan Dennis Bowman did, on or around September 1, 2010, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6023296 (the unauthorized refill from RX #6840085) for 42 prednisone 20mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(13) Bryan Dennis Bowman did, on or around September 16, 2010, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6023296 (the unauthorized refill from RX #6840085) for 42 prednisone 20mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(14) Bryan Dennis Bowman did, on or around September 29, 2010, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman you created a forged prescription for RX #6023296 (the unauthorized refill from RX #6840085) for 42 prednisone 20mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(15) Bryan Dennis Bowman did, on or around October 27, 2010, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6023296 (the unauthorized refill from RX #6840085) for 42 prednisone 20mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(16) Bryan Dennis Bowman did, on or around November 9, 2010, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6023296 (the unauthorized refill from RX #6840085) for 42 prednisone 20mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(17) Bryan Dennis Bowman did, on or around January 20, 2011, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6043055 for 42 prednisone 20mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(18) Bryan Dennis Bowman did, on or around February 3, 2011, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6043055 (refill of fraudulent called in prescription) for 42 prednisone 20mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(19) Bryan Dennis Bowman did, on or around May 24, 2010, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6061423 (refill of fraudulent called in prescription) for 42 prednisone 20mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(20) Bryan Dennis Bowman did, on or around June 9, 2011, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6061423 (refill of fraudulent called in prescription) for 42 prednisone 20mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(21) Bryan Dennis Bowman did, on or around June 28, 2011, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6061423 (refill of fraudulent called in prescription) for 42 prednisone 20mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(22) Bryan Dennis Bowman did, on or around November 12, 2011, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6086799 for 42 prednisone 20mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(23) Bryan Dennis Bowman did, on or around December 4, 2011, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6086799 for 42 prednisone 20mg tablets, a dangerous drug, without authorization from the patient's physician, at Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(24) Bryan Dennis Bowman did, on or around January 12, 2011, intentionally create and/or knowingly possess a false or forged prescription, to wit: Bryan Dennis Bowman created a forged prescription for RX #6096508 for 42 prednisone 20mg tablets, a dangerous drug, without authorization from the patient's physician, at

Kroger Pharmacy #335. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) and (5) through (24) of the Findings of Fact constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

(2) The State Board of Pharmacy concludes that paragraphs (2) and (5) through (24) 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

Bryan Dennis Bowman must obtain, within ninety days from the effective date of this Order, six (0.6 CEUs) of approved continuing pharmacy education in Jurisprudence/Ethics and six (0.6 CEUs) of approved continuing pharmacy education in Patient Safety, which may not be used for license renewal.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby imposes a monetary penalty of two thousand dollars (\$2,000.00) on Bryan Dennis Bowman 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.

After consideration of the record as a whole, the State Board of Pharmacy hereby reprimands Bryan Dennis Bowman for his actions in this matter.

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

Kevin Mitchell moved for Conclusions of Law; Edward Cain seconded the motion. Motion passed (Aye-6/Nay-1).

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

4:27 p.m.

The Board recessed briefly

4:33 p.m.

The Board reconvened in room East B.

Mr. Moné moved that the Board go into Executive Session to discuss the employment of a public employee, the purchase of property and matters required to be confidential by law, to consider the investigation of charges or complaints against a licensee and to confer with Board counsel regarding a pending or imminent court action pursuant to Ohio Revised Code Section 121.22 (G)(1), (2), (3) & (5). 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.

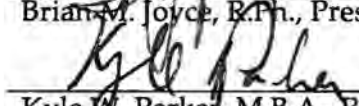
5:45 p.m. The Executive Session ended and the meeting was opened to the public.

R-2013-139 Mr. Kolezynski moved that the Board receive Per Diem as follows:

PER DIEM	1/14	1/27	1/29	2/4	2/5	Total
Cain	0	0	0	1	1	2
Gahm	1	0	0	1	1	3
Huwer	0	0	0	1	1	2
Joyce	0	0	0	1	1	2
Kolezynski	0	0	0	1	1	2
Mitchell	0	1	1	1	1	4
Moné	0	0	0	1	1	2
Yarosh	0	0	0	1	1	2

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

R-2013-140 Mr. Gahm moved that the meeting be adjourned. The motion was seconded by Mr. Kolezynski and approved by the Board: Aye – 7.

 _____ Brian M. Joyce, R.Ph., President	Date: <u>4/9/11</u>
 _____ Kyle W. Parker, M.B.A., R.Ph., Executive Director	Date: <u>4-9-13</u>