

Minutes of the April 8-9, 2013
Meeting of the Ohio State Board of Pharmacy

Monday, April 8, 2013

9:30 a.m. The Ohio State Board of Pharmacy convened in the Conference Theater of the Ohio State University Fawcett Center, 2400 Olentangy River Road, 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* and Eric Griffin, *Compliance Supervisor*; Lynn Mudra, *Compliance Agent*; Alan Schwepe, *Assistant Attorney General*; Linda Pennington, *Legal Assistant*; Brad Essex, *Legal Assistant* and Ashley Hood, *Executive Assistant*.

The Board Members and staff introduced themselves to the audience, and Mr. Parker and Ms. Nave introduced the proceedings.

9:57 a.m. The Board recessed briefly.

10:04 a.m. The meeting reconvened in the Conference Theater.

The Board was joined by Assistant Attorney General Alan Schwepe to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Marilyn Jean Sloban**, Fairview Park, Ohio.

11:30 a.m. The hearing ended and the record was closed.

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

11:45 a.m. The recess ended and the meeting was opened to the public.

R-2013-153 After votes were taken in public session, the Board adopted the following order in the matter of **Marilyn Jean Sloban**, Fairview Park, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-120512-281)

In The Matter Of:

MARILYN JEAN SLOBAN

3882 W. 226th Street
Fairview Park, Ohio 44126

INTRODUCTION

The Matter of Marilyn Jean Sloban came for hearing on April 8, 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.

Marilyn Jean Sloban was not represented by counsel. The State of Ohio was represented by Alan P. Schwepe, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. Lynn Mudra, Ohio State Board of Pharmacy

Respondent's Witnesses:

1. William David Hipp, R.Ph., Pro Advocate
2. Marilyn Jean Sloban, Respondent

State's Exhibits:

1. Proposal to Deny/Notice of Opportunity for Hearing [12-05-12]
1A-1E. Procedurals
2. Judgment Entry, Wby vs. Sloban, Case No. 02-TRC-11664-A, Willoughby Municipal Court, Lake County, Ohio [12-19-02]; Judgment Entry, Wby vs. Sloban, Case No. 02-TRC-11664-B, Willoughby Municipal Court, Lake County, Ohio [12-19-02]; Complaint and Judgment Entry, State of Ohio vs. Marilyn J. Sloban, Case No. 03CRA01286, Willoughby Municipal Court, Lake County, Ohio [04-08-02]; Complaint and Judgment Entry, City of Willoughby vs. Marilyn J. Sloban, Case No. 04CRB01436-A, Willoughby Municipal Court, Lake County, Ohio [04-22-02]; Complaint and Judgment Entry, City of Willoughby vs. Marilyn J. Sloban, Case No. 04CRB01436-B, Willoughby Municipal Court, Lake County, Ohio [04-22-02]
3. Journal, State of Ohio/City of Cleveland vs. Sloban, Marilyn J. Case No. 2007 CRB 003638, Cleveland Municipal Court, Cleveland, Ohio [12-12-11]
4. Notarized Written Statement of Marilyn J. Sloban, Pharm.D. [05-16-12]

Respondent's Exhibits:

- A. Pharmacist Rehabilitation Recovery Contract [07-15-12]
- B. FirstLab Test History Report [08-03-12 to 02-14-13]
- C. List of Past and Present Medication [04-04-13]
- D. PRO Meeting Attendance Sheets [05-09-12 to 04-14-13]
- E. Three PRO Advocacy Letters [various dates]
- F. Judgment Entry, Wby vs. Sloban, Case No. 02-TRC-11664-A, Willoughby Municipal Court, Lake County, Ohio [12-19-02]
- G. Complaint and Judgment Entry, State of Ohio vs. Marilyn J. Sloban, Case No. 03CRA01286, Willoughby Municipal Court, Lake County, Ohio [04-22-02]; Judgment Entry, Wby vs. Sloban, Case No. 02-TRC11644-B, Willoughby Municipal Court, Lake County, Ohio [12-19-02]
- H. Complaint and Judgment Entry, City of Willoughby vs. Marilyn J. Sloban, Case No. 04CRB01436-A, Willoughby Municipal Court, Lake County, Ohio [04-22-02]; Complaint and Judgment Entry, City of Willoughby vs. Marilyn J. Sloban, Case No. 04CRB01436-B, Willoughby Municipal Court, Lake County, Ohio [04-22-02]
- I. Journal, State of Ohio/City of Cleveland vs. Sloban, Marilyn J., Case No. 2007 CRB 003638, Cleveland Municipal Court, Cleveland, Ohio [12-12-11]
- J. The Edna House for Woman Progress Notes[07-11-07 to 09-03-08]
- K. The Edna House for Woman Resident File Summary [not dated]
- L. The Edna House for Woman Meeting Verifications [09-08-07 to 07-18-08]
- M. The Edna House for Woman Discharge Plan for Sober Living [not dated]
- N. Letter from Debi Ortgies, Executive Director, Edna House [04-12-12]; Letter from Charlene hall, Resident Coordinator, Edna House [03-16-12]
- O. Gap, Inc. Performance Reviews [07-01-09 to 06-30-12]
- P. Letter from Carrie Artim, Store Manager, Gap, Inc. [03-31-12]
- Q. Awards and Certificates [various dates]
- R. Continuing Education Credits and Certificates [various dates]
- S. Letter from Rebecca J. Widener [02-08-12]

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 Marilyn Jean Sloban submitted an application for examination as a pharmacist on or about April 20, 2012.
- (2) Marilyn Jean Sloban was arrested for Driving Under the Influence and Possession of Drugs in Willoughby, Ohio on November 28, 2002. The suspicious substance that resulted in her Possession of Drugs charge tested positive for psychedelic mushroom alkaloid. You were convicted of DUI and convicted of a lesser offense of Disorderly Conduct in connection with the Possession of Drugs

charge. Such conviction is in violation of Rule 4729-5-04 of the Ohio Administrative Code.

(3) Marilyn Jean Sloban was arrested for Disorderly Conduct Intoxication in Cleveland, Ohio on February 4, 2007. Marilyn Jean Sloban was convicted Disorderly Conduct Intoxication. Such conviction is in violation of Rule 4729-5-04 of the Ohio Administrative Code.

DECISION OF THE BOARD

Pursuant to Section 4729.07 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the Application for Examination as a Pharmacist submitted by Marilyn Jean Sloban.

Further, Marilyn Jean Sloban must enter into a new contract, signed and dated within thirty days after the effective date of licensure 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 upon signing, mail a copy of the contract to the Board office. The contract must provide that:

(1) Random, observed urine drug screens shall be conducted at least once each month.

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

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

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

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

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

(B) Marilyn Jean Sloban must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of the contract) that include:

(1) The written report and documentation provided by the treatment program pursuant to the contract, and

(2) A written description of Marilyn Jean Sloban's progress towards recovery and what she has been doing during the previous three months.

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

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

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

The floor was opened for questions from the audience, which were answered by the Board Members and staff.

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

1:05 p.m. The meeting reconvened in the Conference Theater.

The Board Members and staff introduced themselves to the audience, and Mr. Parker and Ms. Nave introduced the proceedings.

The floor was opened for questions from the audience, which were answered by the Board Members and staff.

1:33 p.m. The Board was joined by Assistant Attorney General Alan Schwepe to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **William David Hipp**, R.Ph. (03-1-14925) Seven Hills, Ohio.

3:15 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; Moné – yes; Yarosh – yes.

3:25 p.m. The recess ended and the meeting was opened to the public.

R-2013-154 After votes were taken in public session, the Board adopted the following order in the matter of **William David Hipp**, R.Ph. (03-1-14925) Seven Hills, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY
(Docket Number D-120309-241)

In The Matter Of:

WILLIAM DAVID HIPPI, R.Ph.
4700 Main Hill Drive
Seven Hills, Ohio 44131
(R.Ph. Number 03-1-14925)

INTRODUCTION

The Matter of William David Hipp came for hearing on April 8, 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.

William David Hipp was represented by Daniel D. Connor. The State of Ohio was represented by Alan P. Schwepe, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

None

Respondent's Witnesses:

1. William David Hipp, R.Ph., Respondent
2. Tamara Hipp
3. Ken Hale

State's Exhibits:

1. Reinstatement Hearing Request Letter [07-19-12]
1A-1C. Procedurals
2. Ohio State Board of Pharmacy Board Order in re William David Hipp, R.Ph. [07-11-12]

Respondent's Exhibits:

- A. PRO Pharmacist's Rehabilitation Organization, Inc. Contract [07-24-12]

- B. FirstLab Test History Report [11-30-11 to 03-26-13]
- C. Support Group Meeting Attendance Sheets [06-30-12 to 04-03-13]
- D. Meeting Attendance Calendar and Key [September 2011 to March 2013]
- E. Glenbeigh Certificate of Competition [10-10-12]; Letter from Ruthanne Anderson, MA, LICDC, LPCC [03-15-13]
- F. Letter from Gregory A. Gentile, Esq. [03-12-13]
- G. Letter from Molly W. Krueger, Probation Officer [03-11-13]
- H. Cleveland Clinic Impaired Professionals Contract [10-11-11]; E-mail from Nichole Capitanio, LISW-S CEAP [03-27-13]
- I. Cleveland Clinic Performance Review [03-25-2013]
- J. Continuing Education Credits and Certificates [various dates]
- K. Support Letter from Niki Cromes, MBA [03-19-13]; Support Letter from Sheri Benton [03-11-13]
- L. Support Letter from John Rohal, R.Ph. [03-11-13]; Support Letter from David Merk, R.Ph. [03-12-13]
- M. Support Letter from Tamara Hipp [03-27-13]; Support Letter from Thomas Kraynak [05-21-13]

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 William David Hipp has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket Number D-120309-241, effective July 11, 2012.

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 03-1-14925, held by William David Hipp to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

(A) William David Hipp 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) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.
- (c) Results of all drug and alcohol screens must be negative. Refusal of a urine screen or a diluted urine screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
- (2) The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
- (3) Attendance is required a minimum of three times per calendar week (Sunday through Saturday), at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
- (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) William David Hipp 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 William David Hipp's progress towards recovery and what he 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 William David Hipp'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) William David Hipp may not serve as a responsible pharmacist.

(3) William David Hipp may not destroy, assist in, or witness the destruction of controlled substances.

(4) William David Hipp must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.

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

(6) William David Hipp must abide by the rules of the State Board of Pharmacy.

(7) William David Hipp must comply with the terms of this Order.

(8) William David Hipp'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.

William David Hipp 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; Troy Gahm seconded the motion. Motion passed (Aye-7/Nay-0).

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

The Board was joined by Assistant Attorney General Alan Schwepe to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Jamie Raymond Kuhn**, R.Ph. (03-2-22939) Columbus, Ohio.

As Mr. Kuhn was unable to attend, the Board continued the hearing (date to be determined).

3:31 p.m.

The Board was joined by Assistant Attorney General Alan Schwepe to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Penny Anne Coons**, R.Ph. (03-3-18462) Worthington, Ohio. Ms. Huwer recused herself from this vote.

5:00 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. Mitchell and a roll-call vote was conducted by President Joyce as follows: Cain – yes; Gahm – yes; Kolezynski – yes; Mitchell – yes; Moné – yes; Yarosh – yes.

5:12 p.m. The recess ended and the meeting was opened to the public.

R-2013-155 After votes were taken in public session, the Board adopted the following order in the matter of **Penny Anne Coons**, R.Ph. (03-3-18462) Worthington, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-120515-246)

In The Matter Of:

PENNY ANNE COONS, R.Ph.

866 Loch Lomond
Worthington, Ohio 43085
(R.Ph. Number 03-3-18462)

INTRODUCTION

The Matter of Penny Anne Coons came for hearing on April 8, 2013, before the following members of the Board: Brian M. Joyce, R.Ph.; (presiding); Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Richard F. Kolezynski, R.Ph.; Kevin J. Mitchell, R.Ph.; Michael A. Moné, R.Ph. and Kilee S. Yarosh, R.Ph.

Margaret A. Huwer, R.Ph., Board Member, Recused.

Penny Anne Coons was represented by E. Scott Shaw. The State of Ohio was represented by Alan P. Schwepe, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. Christopher Reed, Ohio State Board of Pharmacy

Respondent's Witnesses:

1. Lameika Robinson
2. Penny Anne Coons, R.Ph., Respondent
3. Nicole DiSabato, R.Ph.

State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity for Hearing [05-15-12]
1A-1C. Procedurals
1D. Addendum Notice [10-30-12]
1E-1H. Procedurals
2. Ohio State Board of Pharmacy Order in re Penny Anne Coons, R.Ph. [08-04-95]
3. Video Surveillance Equipment Permission for Installation [04-10-12]
4. General Document (1103) [not dated]
5. Surveillance Camera Pictures [04-16-12]
6. Notarized Written Statement of Penny A. Coons, R.Ph. [05-07-12]
7. Accountability Statements [04-10-12]

Respondent's Exhibits:

- A. Indictment, State of Ohio, Franklin County, Case No. 12CR 06 2817, Court of Common Pleas, Franklin County, Ohio [06-06-12]
- B. Motion for Intervention in Lieu of Conviction, State of Ohio vs. Penny A. Coons, Case No. 12 CR 2817, Court of Common Pleas, Franklin County, Ohio [08-20-12]
- C. Netcare Forensic Center Report [11-30-12]
- D. Entry, State of Ohio -vs- Penny Coons, Case No. 12CR-2817, Court of Common Pleas, Franklin County, Ohio [12-07-12]
- E. Franklin County Adult Probation Services Terms and Conditions [various dates]
- F. Franklin County Adult Probation Services Progress Notes and Summary [03-25-13]
- G. Pharmacists Rehabilitation Organization, Inc. Contract [08-26-12]
- H. Cornerstone of Recovery Discharge Documentation [08-10-12]
- I. Urine Screen Forms [various dates]
- J. Meeting Attendance Calendars and Records [August 2012 to March 2013]
- K. Letter from Penny Coons [03-06-13]
- L. Letter from Kenneth M. Winegate, R.Ph. [not dated]
- M. Letter from Pete Johnson, R.Ph. [03-30-13]
- N. Letter from Craig Brasmer, President PC GUYS LLC [03-03-13]
- O. Letter from Jessica Coons [03-29-13]
- P. Letter from Jarrod Grossman, PharmD, R.Ph. [04-04-13]
- Q. Meeting Attendance Sheet [04-01-13 to 04-04-13]
- R. Drug Screen Collection Form [illegible]
- S. Continuing Education Credits and Certificates [various dates]

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 Penny Anne Coons was originally licensed in the State of Ohio on July 30, 1990, pursuant to examination, and Penny Anne Coons' license to practice pharmacy in the State of Ohio was summarily

suspended effective May 15, 2012. Records further reflect that Penny Anne Coons was previously disciplined by the Board on August 4, 1995.

(2) Penny Anne Coons is addicted to or abusing drugs or alcohol and/or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Penny Anne Coons has admitted that she is addicted to the use of controlled substances. Penny Anne Coons has admitted to stealing drugs from her employer and had been observed engaging in such acts on at least ten different occasions on or around the timeframe of April 16, 2012 to May 7, 2012. Such conduct indicates that Penny Anne Coons falls within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.

(3) Penny Anne Coons did, on or around April 16, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing hydrocodone polistirex/chlorpheniramine suspension, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(4) Penny Anne Coons did, on or around April 16, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing carisoprodol 350 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(5) Penny Anne Coons did, on or around April 17, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(6) Penny Anne Coons did, on or around April 18, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(7) Penny Anne Coons did, on or around April 18, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing hydrocodone/APAP 10/325 mg. tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(8) Penny Anne Coons did, on or around April 23, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing hydrocodone polistirex/chlorpheniramine suspension, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(9) Penny Anne Coons did, on or around April 25, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(10) Penny Anne Coons did, on or around April 30, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(11) Penny Anne Coons did, on or around May 1, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing hydrocodone/homatropine syrup, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(12) Penny Anne Coons did, on or around May 1, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the express or implied consent of the owner, to wit: Penny Anne Coons admitted to and was observed stealing carisoprodol 350 mg tablets, a controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(13) Penny Anne Coons did, from July 3, 2011 through April 10, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the scope of consent of the owner, to wit: Penny Anne Coons stole hydrocodone/homatropine syrup from her pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(14) Penny Anne Coons did, from July 3, 2011 through April 10, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the scope of consent of the owner, to wit: Penny Anne Coons stole hydrocodone polistirex/chlorpheniramine suspension

from her pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(15) Penny Anne Coons did, from July 3, 2011 through April 10, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy N-819, beyond the scope of consent of the owner, to wit: Penny Anne Coons stole hydrocodone/APAP 10/325 mg tablets from her pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (3) through (15) of the Findings of Fact constitute being guilty of a felony as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

(2) The State Board of Pharmacy concludes that paragraphs (3) through (15) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

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

(4) The State Board of Pharmacy concludes that paragraphs (3) and (15) 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 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Penny Anne Coons on May 5, 2012.

Further, after eighteen months from the effective date of this Order, the Board will consider any petition filed by Penny Anne Coons for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

(A) Penny Anne Coons 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, upon signing, mail a copy of the contract to the Board office. The contract must provide that:

(1) Random, observed urine drug screens shall be conducted at least once each month.

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

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

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

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

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

(B) Penny Anne Coons must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

(C) Penny Anne Coons must provide, at the reinstatement petition hearing, documentation of the following:

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

(2) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;

(3) Compliance with the terms of this Order.

(D) If reinstatement is not accomplished within three years of the effective date of this Order, Penny Anne Coons must also show successful completion of the NAPLEX and MPJE examinations or equivalent examinations approved by the Board.

Upon such time as the Board may consider reinstatement, Penny Anne Coons will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

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

Kilee Yarosh moved for Conclusions of Law; Richard Kolezynski 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-3).

5:20 p.m. The Board recessed for the day.

Tuesday, April 9, 2013

9:03 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

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

Mr. Gahm stated there was no Nursing Board CPG Committee meeting report and that the next meeting will be held on May 13, 2013.

Mr. Moné stated that there was no Medical Board PAPC report.

Mr. Keeley presented the Legislative Report, including updates about Mr. Parker's meeting with Representative Johnson regarding possible schedule V controlled substance exemptions from the Ohio Automated Rx Reporting System program. This issue was not supported by Mr. Parker or the Board.

Ms. Nave gave an update on the interested party meeting related to the expiration dates of drugs utilized by Emergency Medical Services.

Lora Miller, representing the Ohio Council of Retail Merchants and the Ohio Pharmacists Association, presented information from the Centers for Disease Control regarding the practice (in states outside of Ohio) of pharmacists and pharmacy interns performing immunizations. This data was presented in support of the pharmacist's role.

Mr. Parker presented the Licensing Report.

Mr. Garner provided the IT Report.

- R-2013-156** The Board received a request for permission to withdraw an application for certification as a pain-management clinic, from Kevin Olson, D.O., for the following site:

Columbus Health Professionals, Inc., Columbus, Ohio (02-1249650)

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

- R-2013-157** The Board received a request for permission to withdraw an application for certification as a pain-management clinic, from Usman A. Siddiqui, M.D., for the following site:

Neurology & Neurodiagnostic Clinic, Lawrenceburg, Indiana (02-2146550)

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

- R-2013-158** The Board received a request for permission to withdraw an application for certification as a pain-management clinic for the following site:

Dr. John J. Vargo, Inc., Youngstown, Ohio (02-1848550)

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

- R-2013-159** Mr. Kolezynski moved that the Board minutes of March 4-5, 2013, be approved as amended. Mr. Mitchell seconded the motion and it was approved by the Board: Aye – 5/Nay – 0/Abstain – 2.

- R-2013-160** Mr. Gahm moved that the Board minutes of March 14, 2013, be approved as written. Mr. Moné seconded the motion and it was approved by the Board: Aye – 5/Nay – 0/Abstain – 2.

10:13 a.m. The Board recessed briefly.

10:20 a.m. The meeting reconvened in Room East B.

R-2013-161 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-120512-278)

In The Matter Of:

Gregory Martin Bocchieri, R.Ph.
8135 Caymen Ct.
Canfield, OH 44406
(R.Ph. No. 03-1-22399)

This Settlement Agreement is entered into by and between Gregory Martin Bocchieri 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.

Gregory Martin Bocchieri 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. Gregory Martin Bocchieri 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, Gregory Martin Bocchieri 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, Gregory Martin Bocchieri 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. Gregory Martin Bocchieri 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 Gregory Martin Bocchieri was originally licensed in the State of Ohio on July 16, 1997, pursuant to Examination, and is currently licensed to practice pharmacy in the State of Ohio.

(2) Gregory Martin Bocchieri did, on or about November 20, 2011, sell RX#544047 for fluoxetine 20mg, and RX#538363 for lisinopril 20mg, to the wrong patient - a patient with a similar name but different address. The patient that received the prescriptions should have received RX#558970 for zolpidem 10mg.

Gregory Martin Bocchieri 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, Gregory Martin Bocchieri knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) Gregory Martin Bocchieri agrees to the imposition of a monetary penalty of Two Hundred Fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed forms to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

(B) In addition, Gregory Martin Bocchieri must obtain, within 30 days from the effective date of this Agreement, 12 hours of approved continuing pharmacy education (1.2 CEUs) on the subjects of jurisprudence and patient safety, which may not also be used for license renewal.

If, in the judgment of the Board, Gregory Martin Bocchieri 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.

Gregory Martin Bocchieri 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.

Gregory Martin Bocchieri 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. Gregory Martin Bocchieri 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.

_____ Gregory Martin Bocchieri, Respondent	<u>02/25/2013</u> Date of Signature
_____ Levi J. Tkach, Attorney for Respondent	<u>02/27/2013</u> Date of Signature
_____ Brian M. Joyce, R.Ph., President Ohio State Board of Pharmacy	<u>04/09/2013</u> Date of Signature
_____ Alan P. Schwepe, Ohio Assistant Attorney General	<u>04/09/2013</u> Date of Signature

R-2013-162

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-120512-279)

In The Matter Of:

Jordan Daniel Canady, R.Ph.
2140 Fulton Drive
Coshocton, OH, 43812
(R.Ph. No. 03-2-28400)

This Settlement Agreement is entered into by and between Jordan Daniel Canady 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.

Jordan Daniel Canady 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. Jordan Daniel Canady 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, Jordan Daniel Canady 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, Jordan Daniel Canady, R.Ph. 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. Jordan Daniel Canady, R.Ph. 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 Jordan Daniel Canady was originally licensed in the State of Ohio on January 17, 2008, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.

(2) Jordan Daniel Canady did, on or around May 9, 2012, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS Pharmacy #3455, beyond the express or implied consent of the owner, to wit: Jordan Daniel Canady admitted removing from the pharmacy a dangerous drug that was not authorized by a legitimate prescription. Specifically, 20 capsules of doxycycline 100mg, a dangerous drug. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(3) Jordan Daniel Canady did, on or around May 9, 2012, knowingly practice medicine without the appropriate licensure, to wit: based solely on information provided by the wife of a customer, Jordan Daniel Canady concluded that the customer, who had no patient profile in the pharmacy and Jordan Daniel Canady had never personally seen, had the medical ailment bronchitis, and sold 20 capsules of the dangerous drug doxycycline 100mg to treat the ailment. Such conduct is in violation of Section 4731.41 of the Ohio Revised Code.

(4) Jordan Daniel Canady did, on or around May 9, 2012, knowingly sell or offer to sell a dangerous drug when the conduct was not in accordance with Chapters 2925., 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Jordan Daniel Canady admittedly provided 20 capsules of doxycycline 100mg, a dangerous drug, to the wife of a customer Jordan Daniel Canady had never seen without a legitimate prescription. Such conduct is in violation of Section 4729.51(C) of the Ohio Revised Code.

Jordan Daniel Canady 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, Jordan Daniel Canady knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) Jordan Daniel Canady, R.Ph. agrees to the imposition of a monetary penalty of Seven Hundred Fifty dollars (\$750.00) 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, Jordan Daniel Canady, R.Ph. must obtain, within 30 days from the effective date of this Agreement, 12 hours of approved continuing pharmacy education (1.2 CEUs) on the subjects of jurisprudence and patient safety, which may not also be used for license renewal.

If, in the judgment of the Board, Jordan Daniel Canady 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.

Jordan Daniel Canady 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.

Jordan Daniel Canady 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. Jordan Daniel Canady 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.

02/26/2013

Jordan Daniel Canady, R.Ph., Respondent

Date of Signature

02/27/2013

Zachary Swisher, Attorney for Respondent

Date of Signature

04/09/2013

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

Date of Signature

04/09/2013

Alan P. Schwepe, Ohio Assistant Attorney General

Date of Signature

10:24 a.m.

Mr. Gahm moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, to confer with Board counsel regarding pending or imminent court action and to discuss matters required to be confidential by law and the employment of a public employee or the purchase of property pursuant to Section 121.22(G)(1), (2), (3) & (5) of the Ohio Revised Code. The motion was seconded by Mr. Kolezynski and a roll-call vote was conducted by President Joyce as follows: Cain – yes; Huwer – yes; Gahm – yes; Kolezynski – yes; Mitchell – yes; Moné – yes; Yarosh – yes.

11:30 a.m.

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

R-2013-163

Mr. Gahm moved that the Board adopt the following recognition for Nancy Little, R.Ph. recognizing her outstanding service to the Board of Pharmacy. The motion was seconded by Mr. Kolezynski and approved by the Board: Aye – 7.

RESOLUTION of the BOARD

WHEREAS, the Licensing Administrator Nancy L. Little has been with the Board since March of 1983, giving of herself great dedication and personal sacrifice to the benefit of the Board and the citizens of the State of Ohio for 30 years;

WHEREAS, her efforts have significantly contributed to the ongoing operation of this Board, enabling this Board to serve its constituents effectively and efficiently;

WHEREAS, the Board recognizes that, upon her retirement this April 30, 2013, her daily presence in the Board office will be greatly missed;

BE IT RESOLVED that we, the Members of the Ohio State Board of Pharmacy, in the Board's one hundred twenty-ninth year, do hereby express our profound appreciation to Nancy L. Little for her dedication and service to the Board and to the citizens of Ohio; and

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

11:35 a.m. Mr. Gahm moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, to confer with Board counsel regarding pending or imminent court action and to discuss matters required to be confidential by law and the employment of a public employee or the purchase of property pursuant to Section 121.22(G)(1), (2), (3) & (5) 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; Moné – yes; Yarosh – yes.

12:10 p.m. The Board recessed briefly.

12:12 p.m. The meeting reconvened in Room East B.

12:45 p.m. The Executive Session ended and the meeting was opened to the public.

The Board recessed for lunch.

1:15 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 Mr. Rob Amiet, *Compliance Specialist* and the Board.

Adrryl Shnord Addison	Georgia
Zinkeng Asonganyi	Indiana
Eniko Balassa	Michigan
Michael B. Bitar	Arkansas
Gay Ann Carless	Michigan
Mariam Fouad	Indiana
Theresa Marie Gnjatovich	Pennsylvania
Rhonda Sue Hatheway	Pennsylvania
Hania A. Itawi	Michigan
Simona Lazureanu	South Carolina
John McComas	Kentucky
Nicholas Andrew Mihalik	Virginia
Nathan Thomas Radicella	Florida
Przemyslaw B. Radwanski	Utah
Meghan Sluka	Missouri
George Anthony Thomas	Pennsylvania
Courtney Diane Watson	Georgia
Arnold Scott Woodfin	Tennessee
Alicia Kejia Zhu	Pennsylvania
Jonathan A. Zircher	Indiana

R-2013-164 Mr. Moné moved that the settlement offer in the matter of **Allied Pain Treatment Center, Inc.** c/o **Thomas Ranieri, M.D.** (02-2187450 & 02-1752300) Columbus &

Boardman, Ohio be denied. The motion was seconded by Mr. Mitchell and approved by the Board: Aye – 7.

R-2013-165 Mr. Gahm moved to counter the settlement offer in the matter of **William Perry, R.Ph.**, (03-2-25382) St. Clairsville, Ohio, with 6 hours of Continued Education (0.6 CEUs) in Law and Patient Safety and a \$500.00 fine. The motion was seconded by Mr. Moné and approved by the Board: Aye – 6/Nay – 1.

R-2013-166 Mr. Kolezynski moved that the settlement offer in the matter of **Mark Steingass, R.Ph.** (03-2-18175) Miamisburg, Ohio be denied. The motion was seconded by Mr. Cain and approved by the Board: Aye – 4/Nay – 3.

R-2013-167 Mr. Moné moved that the settlement offer in the matter of **Sanford Horvat, R.Ph.**, (03-2-07604) Mayfield Heights, Ohio, be accepted as amended by the Board. The Board's acceptance of a settlement would be contingent on the respondent agreeing to the changes made by the Board. The motion was seconded by Mr. Gahm and approved by the Board: Aye – 5/Nay – 2.

1:52 p.m. Mr. Gahm moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee and to confer with Board counsel regarding pending or imminent court action pursuant to Section 121.22(G)(1) & (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; Moné – yes; Yarosh – yes.

2:05 p.m. The Executive Session ended and the meeting was opened to the public.

R-2013-168 Mr. Moné moved to counter the settlement offer in the matter of **Wal-Mart Pharmacy 10-2350 (02-0850200) C/O Bryan Ballard, R.Ph.** (03-2-17920), Bentonville, Arkansas, with a \$500.00 fine. The motion was seconded by Mr. Mitchell and approved by the Board: Aye – 7.

2:09 p.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 pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. 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.

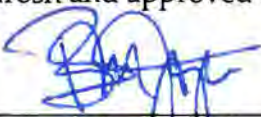
3:17 p.m. The Executive Session ended and the meeting was opened to the public.

R-2013-169 Mr. Gahm moved that the Board receive Per Diem as follows:

PER DIEM	4/8	4/9	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	1	2
Yarosh	1	1	2

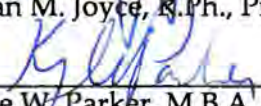
Ms. Yarosh seconded the motion and it was approved by the Board: Aye – 7.

R-2013-170 Mr. Gahm moved that the meeting be adjourned. The motion was seconded by Ms. Yarosh and approved by the Board: Aye – 7.



Brian M. Joyce, R.Ph., President

Date: 5/7/13



Kyle W. Parker, M.B.A., R.Ph., Executive Director

Date: 5-7-13