

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

Monday, November 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:

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

Also present were Kyle Parker, *Executive Director*; Tracy Nave, *Director of Legal Affairs*; Eric Griffin, *Interim Vice-Executive Director and Compliance Supervisor*; Jennifer Utterdyke, *Director of Internship and Licensing* and Chad Garner, *Information Technology and OARRS Administrator*.

Mr. Parker provided the Nursing Board CPG Committee meeting update, and reintroduced the need for a new volunteer Pharmacy Board Member representative at the Nursing Board CPG Committee.

Ms. Huwer stated there was no PAPC Committee meeting Report and the November 2013 meeting has been canceled.

Ms. Nave presented the Legislative Report.

Mr. Griffin presented the Compliance Report.

The Board memorialized the following 2013 Fall Staff Meeting recognitions, related to the October 2013 Board Resolution R-2014-059, in the November 2013 Board Meeting Minutes.

RESOLUTION of the BOARD

WHEREAS, the Board's Compliance Secretary Supervisor Yolanda A. Freeman has been with the Board since July 18, 1988, giving of herself great dedication and personal sacrifice to the benefit of the Board and the citizens of the State of Ohio for over 25 years;

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

BE IT RESOLVED that we, the undersigned Members of the Ohio State Board of Pharmacy, in the Board's one hundred twenty-ninth year, do hereby express our

profound appreciation to Yolanda A. Freeman for her dedication and service to the Board and to the citizens of Ohio; and thereby awards Yolanda A. Freeman the first annual President's Award for outstanding performance; and

BE IT FURTHER RESOLVED that this resolution be spread upon the permanent minutes of the Ohio State Board of Pharmacy and a copy presented to:

Yolanda A. Freeman

RESOLUTION of the BOARD

WHEREAS, the Board's Executive Office Coordinator, Ashley N. Hood has been with the Board since January 3, 2010, giving of herself great dedication and personal sacrifice to the benefit of the Board and the citizens of the State of Ohio for over 3 years;

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

BE IT RESOLVED that we, the undersigned Members of the Ohio State Board of Pharmacy, in the Board's one hundred twenty-ninth year, do hereby express our profound appreciation to Ashley N. Hood for her dedication and service to the Board and to the citizens of Ohio; and thereby awards Ashley N. Hood the first annual Outstanding Customer Service award; and

BE IT FURTHER RESOLVED that this resolution be spread upon the permanent minutes of the Ohio State Board of Pharmacy and a copy presented to:

Ashley N. Hood

RESOLUTION of the BOARD

WHEREAS, the Board's Compliance Agent, William T. Edwards has been with the Board since November 24, 2008, giving of himself great dedication and personal sacrifice to the benefit of the Board and the citizens of the State of Ohio for over 4 years;

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

BE IT RESOLVED that we, the undersigned Members of the Ohio State Board of Pharmacy, in the Board's one hundred twenty-ninth year, do hereby express our profound appreciation to William T. Edwards for his dedication and service to the Board and to the citizens of Ohio; and thereby awards William T. Edwards the first annual Investigator of the Year award; and

BE IT FURTHER RESOLVED that this resolution be spread upon the permanent minutes of the Ohio State Board of Pharmacy and a copy presented to:

William T. Edwards

Ms. Utterdyke provided the Licensing Update.

Mr. Garner presented the OARRS and I.T. Report.

R-2014-066 Ms. Utterdyke presented a request from pharmacy intern **Santosh Phillips**, (06-0-12269) Indianapolis, Indiana, for permission to approve his internship hours due to extraordinary circumstances pursuant to Rule 4729-3-06 (Statement of Preceptor and Practical Experience Affidavit). After discussion, Mr. Moné moved that the Board approve Mr. Phillips' request. The motion was seconded by Mr. Kolezynski and approved by the Board: Aye – 5.

R-2014-067 John Sisto, R.Ph., Sr. Director of Regulatory Affairs and Andrew Wilhelm, R.Ph., *Express Scripts, Inc.* (formerly known as *Medco*) of Mason, Ohio, presented a request to approve the Mason, Ohio **Express Scripts/Medco** facility to operate under and be held to the same "work from home" model conditions as were previously approved by the Board for Medco. Mr. Moné moved that the Board approve the request. The motion was seconded by Ms. Huwer and approved by the Board: Aye – 5.

R-2014-068 Dennis Newsom, R.Ph., *The Pharmacy Counter, LLC*, Bryan Coehrs, Pharm.D., R.Ph., *The Pharmacy Counter, LLC*, and Phillip Burgess, R.Ph., *Asteres* presented a request to install a Script Center employee prescription dispensing machine at **Promedica St. Luke's Hospital** in Maumee, Ohio, for a six month trial, additionally allowing for prescriptions to be loaded from the front of the unit by a Pharmacy Technician with Hospital Security staff present. After discussion, Mr. Moné moved that the Board approve the request with the requirement of monthly Quality Assurance Report submissions and a follow up presentation at the end of the six month trial. The motion was seconded by Mr. Cain and approved by the Board: Aye – 5.

11:10 a.m. The Board recessed briefly.

11:25 a.m. The meeting reconvened in room East B.

Mr. Griffin presented information on the Board's new proprietary "S.P.I.D.R." case - information deconfliction tool.

11:39 a.m. Mr. Kolezynski 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) of the Ohio Revised Code.

The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by President Mitchell as follows: Cain – yes; Huwer – yes; Kolezynski – yes; Moné – yes and Yarosh – yes.

12:18 p.m. The Executive Session ended and the meeting was opened to the public.

The Board recessed for lunch.

1:30 p.m. The meeting 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 pursuant to Section 121.22(G)(1), (2) & (5) of the Ohio Revised Code. The motion was seconded by Mr. Kolezynski and a roll-call vote was conducted by President Mitchell as follows: Cain – yes; Huwer – yes; Kolezynski – yes; Moné – yes and Yarosh – yes.

2:17 p.m. The Executive Session ended and the meeting was opened to the public.

2:20 p.m. Dean G. Makricostas, attorney representing John M. Boyd, R.Ph., provided the Board with a verbal presentation for an Offer of Settlement.

2:30 p.m. Mr. Kolezynski moved that the Board recess in order to consider a quasi-judicial matter in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Mr. Moné and a roll-call vote was conducted by President Mitchell as follows: Cain – yes; Huwer – yes; Kolezynski – yes; Moné – yes; Yarosh – yes.

2:58 p.m. The Executive Session ended and the meeting was opened to the public.

R-2014-069 Mr. Cain moved that the Offer of Settlement presented by Mr. Makricostas be denied. The motion was seconded by Mr. Kolezynski and approved by the Board: Aye – 5.

The Board recessed briefly.

3:07 p.m. The meeting reconvened in room East B.

The Board was joined by Assistant Attorney General Charissa Payer to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729, in the matter of **John M. Boyd, R.Ph.** (03-1-19120) New Cumberland, West Virginia.

4:33 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. Kolezynski and a roll-call vote was conducted by President Mitchell as follows: Cain – yes; Huwer – yes; Kolezynski – yes; Moné – yes; Yarosh – yes.

4:44 p.m. The recess ended and the hearing was opened to the public.

R-2014-070 After votes were taken in public session, the Board adopted the following order in the matter of **John M. Boyd, R.Ph.** (03-1-19120) New Cumberland, West Virginia.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2013-1475)

In The Matter Of:

JOHN M. BOYD, R.Ph.
991 Wylie Bridge Road
New Cumberland, WV 26047
(R.Ph. Number 03-1-19120)

INTRODUCTION

The Matter of John M. Boyd came for hearing on November 4, 2013, before the following members of the Board: Kevin J. Mitchell, R.Ph.; (presiding); Edward T. Cain, Public Member; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; R.Ph.; Michael A. Moné, R.Ph.; and Kilee S. Yarosh, R.Ph.

John M. Boyd was represented by Dean G. Makricostas. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. John M. Boyd, R.Ph., Respondent
2. Jon Bonish, Ohio State Board of Pharmacy

Respondent's Witness:

1. John M. Boyd, R.Ph., Respondent

State's Exhibits:

1. Copy of Summary Suspension Order/Notice of Opportunity for Hearing [06-14-13]
1A-1B. Procedurals

2. Copy of Amended Summary Suspension Order/Notice of Opportunity for Hearing [06-28-13]
- 2A-D. Procedurals
3. Notarized Statement of John Boyd [06-10-13]
- 4-18. Drug Accountability Statements for K-Mart No. 3951 [09-03-13]
19. Cardinal Health Invoice #6135027 [05-31-13]
20. Cardinal Health Invoice #6075780 [05-23-13]
21. Cardinal Health Invoice #5402637 [02-28-13]
- 22-51. Photographs of pharmacy and Respondent [05-23-13 to 06-02-13]

Respondent's Exhibits:

- A. Correspondence from Dean G. Makricostas, Esq. [08-27-13]
- B. Correspondence from John M. Boyd, Respondent To West Virginia Board of Pharmacy [not dated]
- C. Glenbeigh Treatment Facility and Outpatient Discharge Plan for John Boyd [07-11-13 to 07-15-13]
- D. E-Mail correspondence from David Newton-Gatts of Glenbeigh to John Boyd [08-22-13]
- E. Correspondence from GatewayGenesis [08-22-13]
- F. West Virginia Pharmacist Recovery Network Voluntary Agreement for John M. Boyd [07-10-13]
- G. Correspondence from Mike Brown of WVPRN Pharmacy Recovery Network [08-22-13]
- H. Correspondence from Charles Morinello of GatewayGenesis [09-12-13]
- I. Support Group Attendance Records [07-12-13 to 10-24-13]
- J. Correspondence from Charles Morinello of GatewayGenesis regarding negative results of drug screens [10-29-13]
- K. Correspondence from Mike Brown of WVPRN [10-28-13]
- L. Letters of Support [08-22-13 to 09-05-13]
- M. Correspondence from Gary A. Hanson, M.D. [08-22-13]

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 John M. Boyd was originally licensed in the State of Ohio on August 6, 1991, pursuant to reciprocity, and his license to practice pharmacy in the State of Ohio was summary suspended effective June 14, 2013.
- (2) John M. Boyd is abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: while practicing pharmacy, John M. Boyd was observed stealing and consuming hydrocodone/homatropine 5-1.5/5

syrup and other controlled substances; John M. Boyd has admitted to doing this routinely; and, John M. Boyd has admitted to beginning to engage in this activity approximately two (2) years ago. Such conduct, indicates that John M. Boyd falls within the ambit of Sections 3719.121(A) and Section 4729.16(A)(3) of the Ohio Revised Code.

(3) John M. Boyd did, on or about June 6, 2013, knowingly possess a controlled substance when the conduct was not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: John M. Boyd possessed seven (7) tablets of hydrocodone 7.5/750mg, a Controlled Substance, without a legitimate prescription for same. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

(4) John M. Boyd did, on or about June 6, 2013, knowingly possess a controlled substance when the conduct was not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: John M. Boyd possessed one (1) tablet of hydrocodone 5/500mg, a Controlled Substance, without a legitimate prescription for same. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

(5) John M. Boyd did, on or about June 6, 2013, knowingly possess a controlled substance when the conduct was not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: John M. Boyd possessed 15 tablets of diphenoxylate/atropine .025-2.5 mg, a Controlled Substance, without a legitimate prescription for same. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

(6) John M. Boyd did, on or about June 6, 2013, knowingly possess a controlled substance when the conduct was not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: John M. Boyd possessed one (1) tablet of hydrocodone 5/500mg, a Controlled Substance, without a legitimate prescription for same. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

(7) John M. Boyd did, on or about June 6, 2013, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of K-Mart Pharmacy #3951, beyond the scope of consent of the owner, to wit: John M. Boyd stole seven (7) tablets of hydrocodone 7.5/750 mg from his pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(8) John M. Boyd did, on or about June 6, 2013, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of K-Mart Pharmacy #3951, beyond the scope of consent of the owner, to wit: John M. Boyd stole one (1) tablet of hydrocodone 5/500mg from his pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(9) John M. Boyd did, on or about June 6, 2013, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of K-Mart Pharmacy #3951, beyond the scope of consent of the owner, to wit: John M. Boyd stole 15 tablets of

diphenoxylate/atropine .025-2.5mg from his pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(10) John M. Boyd did, between May 23, 2013 and June 2, 2013, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of K-Mart Pharmacy #3951, beyond the scope of consent of the owner, to wit: John M. Boyd stole two (2) pints of hydrocodone/homatropine 5-1.5/5 syrup from his pharmacy employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

(11) John M. Boyd did, between February 27, 2013 and June 6, 2013, knowing that he had no privilege to do so, and with purpose to defraud, tamper with drug records, to wit: John M. Boyd removed or concealed wholesale controlled substance purchase invoice 5402637 dated February 27, 2013, from K-Mart Pharmacy #3951. Such conduct is in violation of Section 2913.42 of the Ohio Revised Code.

(12) John M. Boyd did, between February 27, 2013 and June 6, 2013, knowing that he had no privilege to do so, and with purpose to defraud, tamper with drug records, to wit: John M. Boyd removed or concealed wholesale controlled substance purchase invoice 6075780 dated May 22, 2013, from K-Mart Pharmacy #3951. Such conduct is in violation of Section 2913.42 of the Ohio Revised Code.

(13) John M. Boyd did, between February 27, 2013 and June 6, 2013, knowing that he had no privilege to do so, and with purpose to defraud, tamper with drug records, to wit: John M. Boyd removed or concealed wholesale controlled substance purchase invoice 6135027 dated May 30, 2013, from K-Mart Pharmacy #3951. Such conduct is in violation of Section 2913.42 of the Ohio Revised Code.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (3) through (13) of the Findings of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

(2) The State Board of Pharmacy concludes that paragraphs (3) through (13) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

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

(4) Further, as a result of the evidence and testimony presented, the State Board of Pharmacy concludes that paragraphs (3) through (6) 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 Chapters 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 John M. Boyd on June 14, 2013.

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 suspends indefinitely the pharmacist identification card, No. 03-1-19120, held by John M. Boyd and such suspension is effective as of the date of the mailing of this Order.

(A) John M. Boyd, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

(B) John M. Boyd, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his license to practice (pocket ID card) and registration (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after one year from the effective date of this Order, the Board will consider any petition filed by John M. Boyd 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) John M. Boyd must enter into a new contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:

(1) Random, observed urine drug screens shall be conducted at least once each month with an additional two screens each year.

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

(2) The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

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

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

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

(C) John M. Boyd must provide, at the reinstatement petition hearing, documentation of the following:

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

(2) 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, John M. Boyd must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board.

(E) Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.

Upon such time as the Board may consider reinstatement, John M. Boyd 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.

Kilee Yarosh moved for Findings of Fact; Michael Moné seconded the motion. Motion passed (Aye-5/Nay-0).

Michael Moné moved for Conclusions of Law; Richard Kolezynski seconded the motion. Motion passed (Aye-5/Nay-0).

Michael Moné moved for Action of the Board; Richard Kolezynski seconded the motion. Motion passed (Aye-5/Nay-0).

4:50 p.m. The Board recessed briefly.

4:55 p.m. The meeting reconvened in room East B.

The Board was joined by Assistant Attorney General Charissa Payer to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Ashley Huyen Devine, R.Ph. (03-3-24059)** Ladera, California.

5:10 p.m. The hearing ended and the record was closed.

Mr. Mitchell announced that the Board will hear the cases of **Harrison County Emergency Service, Scio Emergency Squad #103, C/O Russell Lee-Wood, M.D. (02-0349966)** and **John B. Beyer, M.D., C/O John B. Beyer, M.D.**

The Board was joined by Assistant Attorney General Charissa Payer to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Harrison County Emergency Service, Scio Emergency Squad #103, C/O Russell Lee-Wood, M.D. (02-0349966)** Barnesville, Ohio.

R-2014-071 Due to Dr. Lee-Wood's current active military service, Mr. Moné moved to continue the adjudication hearing of **Harrison County Emergency Service, Scio Emergency Squad #103, C/O Russell Lee-Wood, M.D. (02-0349966)** Barnesville, Ohio until Dr. Lee-Wood is available to testify or provides written documentation of when he will be available to testify on his own behalf. The motion was seconded by Mr. Kolezynski and approved by the Board: Aye – 5.

5:20 p.m. The Board was joined by Assistant Attorney General Charissa Payer to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **John B. Beyer, M.D., C/O John B. Beyer, M.D.,** Columbus, Ohio.

5:29 p.m. The hearing ended and the record was closed.

Ms. Huwer moved that the Board recess in order to consider the quasi-judicial matters of **Ashley Huyen Devine, R.Ph. (03-3-24059)** Ladera, California and **John B. Beyer, M.D., C/O John B. Beyer, M.D.**, Columbus, Ohio 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 Mitchell as follows: Cain – yes; Huwer – yes; Kolezynski – yes; Moné – yes; Yarosh – yes.

5:45 p.m. The recess ended and the hearing was opened to the public.

R-2014-072 After votes were taken in public session, the Board adopted the following order in the matter of **John B. Beyer, M.D., C/O John B. Beyer, M.D.**, Columbus, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2012-1509)

In The Matter Of:

**JOHN B. BEYER, M.D.
C/O JOHN B. BEYER, M.D.**

3974 Karl Road
Columbus, Ohio 43224

INTRODUCTION

The Matter of John B. Beyer, M.D. came for consideration on November 4, 2013, before the following members of the Board: Kevin J. Mitchell, R.Ph.; (presiding); Edward T. Cain, Public Member; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Michael A. Moné, R.Ph.; and Kilee S. Yarosh, R.Ph.

John B. Beyer, M.D. was not present nor was he represented by Counsel. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

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

Respondent's Witnesses:

None

State's Exhibits:

1. Proposal to Deny/Notice of Opportunity for Hearing [04-29-13]
1A-1B. Procedurals
2. Pain Management Clinic License Application [06-27-11]
3. Medical Board Certification and Entry of Order [02-19-13]
4. Medical Board Permanent Surrender of Certificate to Practice Medicine and Surgery [02-08-13]

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 June 27, 2011, John B. Beyer, M.D., was the Responsible Person and Owner for John B. Beyer, M.D. 3974 Karl Rd., Columbus, OH 43224, and that on June 27, 2011, John B. Beyer, M.D. applied for registration as a Terminal Distributor of Dangerous Drugs with a Pain Management Clinic classification.
- (2) The Owner and sole operator of the offices of John B. Beyer, M.D. has failed to furnish satisfactory proof to the Board that he shall be in control of the facility that is owned and operated solely by one or more physicians authorized under Chapter 4731. Of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. Specifically, on or around February 13, 2013 Mr. Beyer permanently surrendered his certificate to practice medicine and surgery in the State of Ohio, such surrender to become effective March 16, 2013. Such conduct is contrary to Sections 4729.55 and 4729.552 of the Ohio Revised Code, effective May 20, 2011, and Emergency Rule 4731-29-01 and Rule 4729-0-10 of the Ohio Administrative Code.

CONCLUSIONS OF LAW

Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes failure to meet the qualifications set forth in Section 4729.552(B)(1) of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Sections 3719.03 and 4729.53 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby refuses to license or register John B. Beyer, M.D. and, therefore, denies the Application for a Terminal Distributor of Dangerous Drugs license submitted by John B. Beyer, M.D. on June 27, 2011.

Michael Moné moved for Findings of Fact; Kilee Yarosh seconded the motion. Motion passed (Aye-5/Nay-0).

Michael Moné moved for Conclusions of Law; Richard Kolezynski seconded the motion. Motion passed (Aye-5/Nay-0).

Margaret Huwer moved for Action of the Board; Kilee Yarosh seconded the motion. Motion passed (Aye-5/Nay-0).

R-2014-073

After votes were taken in public session, the Board adopted the following order in the matter of **Ashley Huyen Devine**, R.Ph. (03-3-24059) Ladera, California.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2012-1880)

In The Matter Of:

ASHLEY HUYEN DEVINE, R.Ph.

6 Delphinium St.
Ladera, CA 92694
(R.Ph. 03-3-24059)

INTRODUCTION

The Matter of Ashley Huyen Devine came for consideration on November 4, 2013, before the following members of the Board: Kevin J. Mitchell, R.Ph.; (presiding); Edward T. Cain, Public Member; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Michael A. Moné, R.Ph.; and Kilee S. Yarosh, R.Ph.

Ashley Huyen Devine was not present nor was she represented by Counsel. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. Sheri Zapadka, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity for Hearing [05-10-13]
- 1A. Procedural
2. Letter from Ashely Huyen Devine and Copy of Renewal [10-07-12]
3. California Board of Pharmacy Accusation Against Ashley Huyen Devine [10-25-12]
4. Court Document, Notice to Defendant [01-25-12]
5. Copies of California State Board of Pharmacy Disciplinary Records [11-01-13]

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 Ashley Huyen Devine was originally licensed in the State of Ohio on July 19, 2000, pursuant to examination, and her license to practice pharmacy in the State of Ohio was Summarily Suspended effective May 10, 2013.

(2) Ashley Huyen Devine 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: Ashley Huyen Devine has admitted that she is addicted to the use of controlled substances. Ashley Huyen Devine has admitted to stealing drugs from her employer. Further, Ashley Huyen Devine has discipline pending by the California State Board of Pharmacy for Unprofessional Conduct, Violation of Drug Laws and Violation of Pharmacy Law in connection with her knowing, repeated and voluntary diversion of hundreds of tablets of hydrocodone/ibuprofen 7.5/200 mg. See California Board of Pharmacy Case No. 4256. Likewise, Ashley Huyen Devine was criminally charged with Unlawful Possession of Controlled Substances, Theft by Employee under \$400.00 and Possession of Controlled Substances Without a Prescription by the Santa Ana Police Department. Ashley Huyen Devine subsequently plead guilty to possession of controlled substances, a felony. See Orange County Superior Court of California Case

No. 11CF2223. Such conduct indicates that Ashley Huyen Devine is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes 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 Ashley Huyen Devine unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (5) Further, as a result of the evidence and testimony presented, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes 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 Ashley Huyen Devine on May 10, 2013.

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 suspends indefinitely the pharmacist identification card, No. 03-3-24059, held by Ashley Huyen Devine and such suspension is effective as of the date of the mailing of this Order.

(A) Ashley Huyen Devine, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

(B) Ashley Huyen Devine, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after either three (3) years from the effective date of this Order or such time as The California State Board of Pharmacy reinstates Ashley Huyen Devine's license to practice pharmacy, whichever time is greater, the Board will consider any petition filed by Ashley Huyen Devine 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:

Ashley Huyen Devine must also show successful completion of the Multistate Pharmacy Jurisprudence Examination (MPJE) and the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board.

(A) Ashley Huyen Devine must enter into a new contract, signed one year prior to the petition for reinstatement, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than one year and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:

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

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

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

(2) 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) Ashley Huyen Devine must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.

(C) Ashley Huyen Devine must provide, at the reinstatement petition hearing, documentation of the following:

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

(2) 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.

Kilee Yarosh moved for Findings of Fact; Richard Kolezynski seconded the motion. Motion passed (Aye-5/Nay-0).

Kilee Yarosh moved for Conclusions of Law; Michael Moné seconded the motion. Motion passed (Aye-5/Nay-0).

Michael A. Moné moved for Action of the Board; Richard Kolezynski seconded the motion. Motion passed (Aye-5/Nay-0).

5:51 p.m. The Board recessed for the day.

Tuesday, November 5, 2013

8:00 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:

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

R-2014-074 Mr. Kolezynski moved that the Board Minutes of October 7-9, 2013, be approved as amended. Ms. Yarosh seconded the motion and it was approved by the Board: Aye – 5.

R-2014-075 Mr. Kolezynski moved that the Board Minutes of October 28, 2013, be approved as written. Ms. Huwer seconded the motion and it was approved by the Board: Aye – 5.

8:10 a.m. The Board discussed the presentation by Absolute Pharmacy.

R-2014-076 Ms. Yarosh moved that the October 9, 2013 automated dispensing system request from Absolute Pharmacy be denied as presented. The system described fails to provide

security for controlled substances and other dangerous drugs from tampering and diversion. Consequently the system cannot be approved under the current system requirements described in the presentation. Examples of concerns include, but are not limited to, security, access to the system, loading and refilling, and non-tamperproof. Mr. Kolezynski seconded the motion and it was approved by the Board: Aye – 5.

8:37 a.m. Mr. Mitchell announced that the CPG Candidate and Alternate Candidate decision discussion will be tabled until the December 2013 Board Meeting.

Ms. Nave provided an update on personnel hiring, rules review, and the upcoming December 17, 2013 Interested Party Meeting regarding automation.

8:46 a.m. Mr. Mitchell announced that the discussion regarding various ways to assist Veterans will be tabled until the Board receives further instruction from the Governor's office.

The Board recessed briefly.

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

The Board was joined by Assistant Attorney General Charissa Payer to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Prime Health Medical Services, Inc., C/O Laila Gomaa, M.D.,** Dayton, Ohio.

9:14 a.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 Mitchell as follows: Cain – yes; Huwer – yes; Kolezynski – yes; Moné – yes; Yarosh – yes.

9:16 a.m. The recess ended and the hearing was opened to the public.

R-2014-077 After votes were taken in public session, the Board adopted the following order in the matter of **Prime Health Medical Services, Inc., C/O Laila Gomaa, M.D.,** Dayton, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2012-1388)

In The Matter Of:

PRIME HEALTH MEDICAL SERVICES, INC.

C/O LAILA GOMAA, M.D.

8120 Garner Dr.

Dayton, Ohio 45458

INTRODUCTION

The Matter of Prime Health Medical Services, Inc. came for consideration on November 5, 2013, before the following members of the Board: Kevin J. Mitchell, R.Ph.; (presiding); Edward T. Cain, Public Member; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Michael A. Moné, R.Ph.; and Kilee S. Yarosh, R.Ph.

Prime Health Medical Services, Inc. c/o Laila Gomaa, M.D. was not present nor were they represented by Counsel. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. Jesse Wimberly, Ohio State Board of Pharmacy

Respondent's Witnesses:

None.

State's Exhibits:

1. Copy of Proposal to Deny/Notice of Opportunity for Hearing letter [06-05-13]
 - 1A. Procedural
2. Application for Registration as a Terminal Distributor of Dangerous Drugs with a Pain Management Clinic Classification [06-14-11]
3. State Medical Board of Ohio Permanent Surrender of Certificate to Practice for Laila Ibrahim Gomaa, M.D. [06-12-12]
4. Entry of No Contest Plea, Franklin Co. Common Pleas Court regarding Laila I. Gomaa [09-27-10]
5. State Medical Board of Ohio Notice of Opportunity for Hearing for Laila Ibrahim Gomaa, M.D. [03-09-11]

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 June 14, 2011, Laila Gomaa, M.D. was the Responsible Person, for Prime Health Medical Services, Inc., and that on June 14, 2011, Prime Health Medical Services, Inc. applied for registration as a Terminal Distributor of Dangerous Drugs with a Pain Management Clinic Classification.

(2) The Owner and President of Prime Health Medical Services, Laila I. Gomaa, M.D., has failed to furnish satisfactory proof to the Board that she shall be in control of the facility that is owned and operated solely by one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. Specifically, Health Maintenance Partners, Inc. is owned by Laila I. Gomaa, M.D. On June 21, 2012, Ms. Gomaa permanently surrendered her certificate to practice medicine and surgery in the State of Ohio. Such is contrary to Sections 4729.55 and 4729.552 of the Ohio Revised Code, and Sections 4731-29-01 and 4729-9-19 of the Ohio Administrative Code.

CONCLUSION OF LAW

Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes failure to meet the qualifications set forth in Section 4729.552(B)(1) of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Sections 3719.03 and 4729.53 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby refuses to license or register Prime Health Medical Services, Inc. c/o Laila Gomaa, M.D., and, therefore, denies the Application for a Terminal Distributor of Dangerous Drugs with a Pain Management Clinic Classification license submitted by Prime Health Medical Services, Inc. on June 14, 2011.

Moné Moné moved for Findings of Fact; Kilee Yarosh seconded the motion. Motion passed (Aye-5/Nay-0).

Michael Moné moved for Conclusions of Law; Richard Kolezynski seconded the motion. Motion passed (Aye-5/Nay-0).

Kylie Yarosh moved for Action of the Board; Margaret Huwer seconded the motion. Motion passed (Aye-5/Nay-0).

- 9:22 a.m.** The Board was joined by Assistant Attorney General Charissa Payer to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Charles R. Willson, R.Ph.** (03-3-15794) Berlin Center, Ohio.
- 9:43 a.m.** Mr. Moné 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 Mitchell as follows: Cain – yes; Huwer – yes; Kolezynski – yes; Moné – yes; Yarosh – yes.
- 9:55 a.m.** The recess ended and the hearing was opened to the public.
- 10:09 a.m.** The hearing recessed 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 Mr. Kolezynski and a roll-call vote was conducted by President Mitchell as follows: Cain – yes; Huwer – yes; Kolezynski – yes; Moné – yes; Yarosh – yes.
- 10:15 a.m.** The recess ended and the meeting was opened to the public.
- R-2014-078** After votes were taken in public session, the Board adopted the following order in the matter of **Charles R. Willson, R.Ph.** (03-3-15794) Berlin Center, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY
(Docket Number 010313-047 Case Number 2001-1330)

In The Matter Of:

CHARLES R. WILLSON, R.Ph.
13804 Leffingwell Road
Berlin Center, Ohio 44401
(R.Ph. Number 03-3-15794)

INTRODUCTION

The Matter of Charles R. Willson came for hearing on November 5, 2013, before the following members of the Board: Kevin J. Mitchell, R.Ph.; (presiding); Edward T. Cain, Public Member; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Michael A. Moné, R.Ph.; and Kilee S. Yarosh, R.Ph.

Charles R. Willson was not represented by Counsel. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. Charles R. Willson, R.Ph., Respondent

Respondent's Witnesses:

None

State's Exhibits:

1. Reinstatement hearing request letter [12-20-12]
- 1A-1C. Procedurals
2. Order of the State Board of Pharmacy in re Charles R. Willson [09-19-02]
3. Correspondence from Charles Raymond Willson, MBA [09-30-06]
4. Correspondence from The Board to Charles Willson [10-04-06]
5. NABP Candidate Score Report in re Charles Raymond Willson [05-31-13]
6. Monetary Penalty Transmittal Forms in re Charles R. Willson, R.Ph. [12-12-02 to 10-21-02]

Respondent's Exhibits:

- A. Continuing Education Record [05-20-12 to 09-12-13]
- B. Letters of Reinstatement for Federal Payors [06-21-10 to 08-04-10]
- C. Documentation of hours worked [03-04-12 to 12-09-12]

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 that Charles R. Willson complied with the terms set forth in the Order of the State Board of Pharmacy, Docket Number D-010313-047, effective September 19, 2002.

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 03-3-15794, held by Charles R. Willson 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:

Charles R. Willson must comply with the terms and conditions stated in his State Board of Pharmacy Order of September 19, 2002.

(A) Upon reinstatement, the Board hereby places Charles R. Willson's license on probation for ten (10) years effective as of the date Mr. Willson's identification card to practice pharmacy is issued. The terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that Charles R. Willson'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) Charles R. Willson may not work alone in the pharmacy.

(3) Charles R. Willson may not serve as a responsible pharmacist.

(4) Charles R. Willson may not destroy, assist in, or witness the destruction of controlled substances.

(5) Charles R. Willson must not violate the drug laws of the state of Ohio, any other state, or the federal government.

(6) Charles R. Willson must abide by the rules of the State Board of Pharmacy.

(7) Charles R. Willson must comply with the terms of this Order.

Charles R. Willson 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; Edward Cain seconded the motion. Motion passed (Aye-5/Nay-0).

Michael Moné moved for Action of the Board; Edward Cain seconded the motion. Motion passed (Aye-5/Nay-0).

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

10:25 a.m. The meeting reconvened in room East B.

The audience introduced themselves to the Board, and the Board provided the audience with an opportunity to ask questions.

10:27 a.m. Mr. Kolezynski 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) of the Ohio Revised Code. The motion was seconded by Ms. Huwer and a roll-call vote was conducted by President Mitchell as follows: Cain – yes; Huwer – yes; Kolezynski – yes; Moné – yes and Yarosh – yes.

11:08 a.m. The Executive Session ended and the meeting was opened to the public.

R-2014-079 Mr. Kolezynski moved that the Board receive Per Diem as follows:

PER DIEM	11/4	11/5	Total
Cain	1	1	2
Huwer	1	1	2
Kolezynski	1	1	2
Mitchell	1	1	2
Moné	1	1	2
Yarosh	1	1	2

Mr. Moné seconded the motion and it was approved by the Board: Aye – 5.

R-2014-080 Mr. Moné moved that the meeting be adjourned after completion of the Reciprocity discussion. The motion was seconded by Ms. Huwer and approved by the Board: Aye – 5.

The Board recessed for lunch.

1:30 p.m. In Room South A, 31st Floor of the Vern Riffe Center for Government and the Arts, the following candidates for licensure by reciprocity participated in a discussion of pharmacy laws and rules with Ms. Terri Ghitman, *OARRS Pharmacist*:

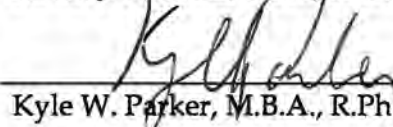
Miriam Adjoa Ansong	Illinois
Matthew Budzyn	South Carolina
Kathryn Elaine Barnes Carroll	Alabama
Howard L. Cobb	Iowa
Natalia Dougher	Florida
Shaina N. Dunaway	Mississippi
Jennifer Jane Faber	Nebraska
Timothy Lee Finley	Kentucky
Stacy Wolter Fitzgibbon	Illinois
Heather D. Hall	West Virginia
Amanda Colquitt Hansen	Virginia
Wesley John Hartman	North Carolina
Michael Travis Holbrook	Virginia
Sarah Mazen Housman	Florida
Myrcheryl Boswell Jackson	Alabama

Jasmine Igozi Tucker Jones	Michigan
Jay Joshi	Wisconsin
Manar O. Lashkar	Arizona
Brad David Newell	West Virginia
Amanda Anne Oman	Minnesota
Emi Onuki	Florida
Kalleen A. Orlando	Pennsylvania
John Brian Porter	Kentucky
Malerie Elyse Porter	Florida
Marcin Puto	Minnesota
Carmen Hendrix Riley	Mississippi
Elizabeth Catlin Staton	Alabama
Josiah Christian Streitman	Colorado
Jennifer Marie Trenkamp	Kentucky
Julie K. Vandaveer	Oklahoma
Tyler C. Weisel	West Virginia
Amy M. Whittom	Iowa
Benjamin M. Willis	Florida



Kevin J. Mitchell, R.Ph., President

Date: 4 Dec 13



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

Date: 12-4-13