

Minutes of the October 5-7, 2015
Meeting of the Ohio State Board of Pharmacy

Monday, October 5, 2015

10:07 a.m. The Ohio State Board of Pharmacy convened in Room South B&C, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Kilee S. Yarosh, R.Ph., *President*; Edward T. Cain, *Public Member*; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Also present were Steven Schierholt, *Executive Director*; Kevin Mitchell, *Assistant Executive Director*; David Ingram, *Associate Legal Counsel*; Chad Garner, *Director of OARRS*; and Cameron McNamee, *Director of Policies and Communications*.

10:09 a.m. The Board was joined by Assistant Attorney General Matthew Lampke to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **South German Village Medical Center**, Columbus, Ohio.

10:26 a.m. The hearing ended and the record was closed.

Mr. Moné moved that the Board recess in order to consider the 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. Passafume and a roll-call vote was conducted by President Yarosh as follows: Cain – yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

10:30 a.m. The recess ended and the hearing was opened to the public.

R-2016-071 After votes were taken in public session, the Board adopted the following order in the matter of **South German Village Medical Center**, Columbus, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2012-1379)

In The Matter Of:

South German Village Medical Center

1763 South High Street

Columbus, Ohio 43207

(PMC 02-2146400 *Pending*)

INTRODUCTION

The Matter of South German Village Medical Center came for hearing on October 5, 2015, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

South German Village Medical Center was not present nor represented by Counsel. The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Kevin Flaharty, State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|----|---|------------|
| 1. | Notice of Opportunity for hearing | 06-23-2015 |
| 2. | Credential View Screen | 08-26-2015 |
| 3. | Terminal Distributor of Dangerous Drugs Application | 06-14-2011 |
| 4. | Medical Board Order | 04-13-2011 |
| 5. | Common Pleas Court of Franklin County Judgement Entry | 07-29-2013 |

Respondent's Exhibits:

None

DECISION OF THE BOARD

Pursuant to Sections 3719.03, 4729.55 and 4729.57 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 South German Village Medical Center and, therefore, denies the Application for a Terminal Distributor of Dangerous Drugs with a Pain Management Clinic Classification license submitted by South German Village Medical Center on June 14, 2011.

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

SO ORDERED.

R-2016-072 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Monica Ohliger, R.Ph.** (03-3-19954) North Olmstead, Ohio, be the responsible person for the following pharmacies:

Ohliger Drug of North Olmstead, North Olmstead (02-0122900)
Ohliger Drug Long Term Care, North Olmstead (02-1637400)

After discussion, Mr. Weaver moved that the Board approve the request for a period of one year. The motion was seconded by Mr. Cain and approved by the Board: Aye –6.

R-2016-073 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Ronald Rahe, R.Ph.** (03-3-14520) Stow, Ohio, be the responsible person for the following pharmacies:

EHS Pharmacy Services, Hudson (02-1143550)
GEM Edwards Pharmacy, Hudson (02-0942250)

After discussion, Mr. Wilt moved that the Board approve the request for a period of one year. The motion was seconded by Mr. Passafume and approved by the Board: Aye –6.

R-2016-074 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Craig Baughman, R.Ph.** (03-3-19943) Avon Lake, Ohio, be the responsible person for the following pharmacies:

Accuscripts Pharmacy, Westlake (02-2339700)
Accuscripts Pharmacy, Westlake (02-2433300)

After discussion, Mr. Passafume moved that the Board approve the request for a period of one year. The motion was seconded by Ms. Marchal and approved by the Board: Aye –6.

R-2016-075 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Dale Erickson, R.Ph.** (03-1-14704) Cincinnati, Ohio, be the responsible person for the following pharmacies:

Sardinia Pharmacy, Sardinia (02-0761350)
Ohio Veterans Home Pharmacy-Georgetown, Sardinia (02-1416750)

After discussion, Mr. Passafume moved that the Board approve the request for a period of one year. The motion was seconded by Ms. Marchal and approved by the Board: Aye –6.

R-2016-076 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Cyril Marshall, M.D.** (35.03440) Cleveland, Ohio, be the responsible person for the following pain management clinics:

Cleveland Orthopedic Associates, Inc., Garfield Heights (02-2144150)
Cleveland Orthopedic Associates, Inc., Northfield (02-2144151)

After discussion, Mr. Moné moved that the Board approve the request for a period of 60 days. The motion was seconded by Mr. Cain and approved by the Board: Aye –6.

R-2016-077 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Amol Sooin, M.D.** (35.090518) Dayton, Ohio, be the responsible person for the following pain management clinics:

Ohio Pain Clinic, LLC, Dayton (02-2140850)
Ohio Pain Clinic, LLC, Beavercreek (02-2140750)

After discussion, Mr. Moné moved that the Board approve the request for a period of one year. The motion was seconded by Mr. Cain and approved by the Board: Aye –6.

R-2016-078 The Board received a request from John Stanovich, R.Ph., University of Findlay, for an exemption to Ohio Administrative Code Rule 4729-3-01. Mr. Moné moved that the Board approve the specific request. The motion was seconded by Mr. Cain and approved the Board: Aye – 6

10:52 a.m. Mr. Moné 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. The motion was seconded by Mr. Wilt and a roll-call vote was conducted by President Yarosh as follows: Cain– yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

11:45 a.m. The meeting reconvened in Room South B&C.

The Board recessed for lunch.

1:10 p.m. The meeting reconvened in Room South B&C.

Ms. Marchal provided the CPG and PAPC Committee updates.

Mr. Mitchell provided the licensing report.

Mr. Schierholt provided the Compliance and Enforcement Report

1:30 p.m. Mr. McNamee provided the Legislative update.

R-2016-079 Mr. Weaver moved that rules 4729-5-10, 4729-9-29, and 4729-9-28 be approved for filing with JCARR. The motion was seconded by Ms. Marchal and approved by the Board: Aye – 6.

R-2016-080 Mr. Weaver moved that rules 4729-16-07, 4729-16-03, 4729-15-03, 4729-16-12 and 4729-16-08 be approved for filing with JCARR. The motion was seconded by Ms. Marchal and approved by the Board: Aye – 6.

2:00 p.m. **Eric Hauser, R.Ph.,** *Rite Aid*, gave a presentation to the Board regarding HealthSpot Systems.

2:41 p.m. Mr. Moné 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. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Yarosh as follows: Cain– yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

2:48 p.m. The meeting reconvened in Room South B&C.

R-2016-081 The Board received an application for the Continuing Education Provider Status of **Cristal Exline, R.Ph.** (03-3-25378) North Olmstead, Ohio. Mr. Wilt moved that the Continuing Education Provider Status be approved. The motion was seconded by Mr. Passafume and approved by the Board: Aye – 6.

2:50 p.m. Mr. Garner provided the OARRS update.

3:35 p.m. Mr. Moné 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. The motion was seconded by Mr. Passafume and a roll-call vote was conducted by President Yarosh as follows: Cain– yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

4:35 p.m. The meeting reconvened in Room South B&C.

The Board recessed for the day.

Tuesday, October 6, 2015

8:39 a.m. The Ohio State Board of Pharmacy convened in Room South B&C, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Kilee S. Yarosh, R.Ph., *President*; Edward T. Cain, *Public Member*; Megan E. Marchal, R.Ph.; Michael A. Moné R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Mr. McNamee led a discussion regarding treatment of acute pain guidelines.

R-2016-082 Mr. Wilt moved to approve the Ohio Guidelines for the Management of Acute Pain Outside Emergency Departments. The motion was seconded by Mr. Weaver and approved by the Board: Aye – 5.

R-2016-083 Ms. Yarosh announced that the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:
CASE NO. 2015-1433**

Donald Jon Lawrence, R.Ph.
8226 St. Patrick Avenue, N.W.
North Canton, OH 44720
(License No. 03-2-12820)

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

This Settlement Agreement (Agreement) is entered into by the Ohio State Board of Pharmacy (OSBP) and Donald Jon Lawrence for the purpose of resolving all issues between the parties relating to the audit conducted by OSBP of Donald Jon Lawrence for continuing education units. Together, OSBP and Donald Jon Lawrence are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Donald Jon Lawrence is a licensed pharmacist in the state of Ohio. Your renewal is set to expire September 15, 2015.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Donald Jon Lawrence pharmacist license number 03-2-12820. The audit showed you failed to complete the required hours.
2. On or about May 20, 2015, the OSBP sent a Request for Evidence of Completion of Continuing Education letter to Donald Jon Lawrence, which outlined the allegations

and provided a form to submit evidence of completion. You returned the notarized form indicating that you have not completed the required continuing education units.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Donald Jon Lawrence neither admits nor denies the allegations stated in the Request for Evidence of Completion of Continuing Education letter dated May 20, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. The Ohio State Board of Pharmacy hereby reprimands Donald Jon Lawrence.
4. Donald Jon Lawrence agrees to pay to the OSBP the amount of \$250.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
5. Donald Jon Lawrence must obtain six hours of approved continuing pharmacy education (0.6 CEUs) in **Board approved jurisprudence**, which may not also be used for license renewal. These units must be completed no later than 90 days from the effective date of this Agreement.
6. Donald Jon Lawrence agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Donald Jon Lawrence understands that she has the right to be represented by counsel for review and execution of this agreement.
8. Donald Jon Lawrence agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.

9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

R-2016-084

Ms. Yarosh announced that the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:
CASE NO. 2015-1430**

Carlos Keyes, R.Ph
4485 North State Route 376, N.W.
McConnelsville, OH 43756
(License No. 03-2-13818)

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

This Settlement Agreement (Agreement) is entered into by the Ohio State Board of Pharmacy (OSBP) and Carlos Keyes for the purpose of resolving all issues between the parties relating to the audit conducted by OSBP of Carlos Keyes for continuing education units. Together, OSBP and Carlos Keyes are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.

2. Carlos Keyes is a licensed pharmacist in the state of Ohio. Your renewal is set to expire September 15, 2015.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Carlos Keyes pharmacist license number 03-2-13818. The audit showed you failed to complete the required hours.

2. On or about May 20, 2015, the OSBP sent a Request for Evidence of Completion of Continuing Education letter to Carlos Keyes, which outlined the allegations and provided a form to submit evidence of completion. You returned the notarized form indicating that you have not completed the required continuing education units.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Carlos Keyes neither admits nor denies the allegations stated in the Request for Evidence of Completion of Continuing Education letter dated May 20, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. The Ohio State Board of Pharmacy hereby reprimands Carlos Keyes.
4. Carlos Keyes agrees to pay to the OSBP the amount of \$250.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
5. Carlos Keyes must obtain two hours of approved continuing pharmacy education (0.2 CEUs) in **Board approved jurisprudence**, which may not also be used for license renewal. These units must be completed no later than 90 days from the effective date of this Agreement.
6. Carlos Keyes agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Carlos Keyes understands that she has the right to be represented by counsel for review and execution of this agreement.
8. Carlos Keyes agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.

9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

R-2016-085 Ms. Yarosh announced that the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:
CASE NO. 2014-1754**

Eric Hamon, R.Ph.
165 E. Michigan Avenue
Seabring, OH 44672
(License No. **03-2-23513**)

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Eric Hamon, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Eric Hamon being impaired physically or mentally to such degree that renders him unfit to practice pharmacy. Together, OSBP and Eric Hamon are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in intern in the state of Ohio.

2. Eric Hamon is a licensed pharmacist under license number 03-2-23513.

FACTS

1. On or about July 29, 2014, the OSBP initiated an investigation of Eric Hamon, pharmacist license number 03-2-23513, related to Eric Hamon's impairment that renders him unfit to practice pharmacy.

2. On or about February 17, 2015, the OSBP sent a Notice of Opportunity for Hearing to Eric Hamon, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

3. On or about March 17, 2015, Eric Hamon timely requested an administrative hearing, which was subsequently scheduled for August 4, 2015, then continued to October 7, 2015.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.

2. Eric Hamon neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated February 17, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.

3. Eric Hamon PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE BOARD OF PHARMACY HIS LICENSE AND REGISTRATION TO PRACTICE PHARMACY, LICENSE NO. 03-2-23513.

4. Eric Hamon agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

5. Eric Hamon understands that it has the right to be represented by counsel for review and execution of this agreement.

6. Eric Hamon agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which they currently hold a professional license, including to the OSBP on renewal applications or applications for a new license.

7. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

8. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

9. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

R-2016-086

Ms. Yarosh announced that the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:
CASE NO. 2015-1439**

Robert Blythe, R.Ph
1520 Brookfield Lane
Troy, OH 45373
(License No. 03-2-11490)

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

This Settlement Agreement (Agreement) is entered into by the Ohio State Board of Pharmacy (OSBP) and Robert Blythe for the purpose of resolving all issues between the parties relating to the audit conducted by OSBP of Robert Blythe for continuing education units. Together, OSBP and Robert Blythe are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Robert Blythe is a licensed pharmacist in the state of Ohio. Your renewal is set to expire September 15, 2015.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Robert Blythe pharmacist license number 03-2-11490. The audit showed you failed to complete the required hours.
2. On or about May 20, 2015, the OSBP sent a Request for Evidence of Completion of Continuing Education letter to Robert Blythe, which outlined the allegations and provided a form to submit evidence of completion. You returned the notarized form indicating that you have not completed the required continuing education units.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Robert Blythe neither admits nor denies the allegations stated in the Request for Evidence of Completion of Continuing Education letter dated May 20, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. The Ohio State Board of Pharmacy hereby reprimands Robert Blythe.
4. Robert Blythe agrees to pay to the OSBP the amount of \$250.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
5. Robert Blythe must obtain six hours of approved continuing pharmacy education (0.6 CEUs), which may not also be used for license renewal. These units must be completed no later than 90 days from the effective date of this Agreement.
6. Robert Blythe agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Robert Blythe understands that she has the right to be represented by counsel for review and execution of this agreement.
8. Robert Blythe agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

R-2016-087

Ms. Yarosh announced that the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:
CASE NO. 2013-1553**

**Tri-State Pharmacy
c/o Megan Pietro and/or
c/o John Bernabei
651 Colliers Way, Suite 204
Weirton, WV 26062
(TDDD License No. 02-2327850)**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Tri-State Pharmacy, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Tri-State Pharmacy selling and delivering non-patient specific medications in Ohio without obtaining an Ohio TDDD license. Together, OSBP and Tri-State Pharmacy are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.55 of the Ohio Revised Code to practice pharmacy the state of Ohio.
2. Tri-State Pharmacy applied for a Terminal Distributor of Dangerous Drugs under pending license number 02-2327850 on or about January 6, 2015.

FACTS

1. On or about June 17, 2013, the OSBP initiated an investigation of Tri-State Pharmacy, pending Terminal Distributor of Dangerous Drugs license number 02-2327850, related to Tri-State Pharmacy selling and delivering non-patient specific medications in Ohio without obtaining an Ohio TDDD license.
2. On or about June 25, 2015, the OSBP sent a Notice of Opportunity for Hearing to Tri-State Pharmacy, which outlined the allegations and provided notice of their right to a hearing, their rights in such hearing, and their right to submit contentions in writing.
3. On or about July 10, 2015, Tri-State Pharmacy timely requested an administrative hearing, which was subsequently scheduled for September 2, 2015.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Tri-State Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 25, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. Tri-State Pharmacy agrees to pay to the OSBP the amount of \$5,000.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. The application submitted by Tri-State Pharmacy on January 6, 2015, for a Category III Terminal Distributor of Dangerous Drugs license is hereby approved.
5. Tri-State Pharmacy and John Bernabei, or any subsequent responsible person, agree and acknowledge that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which Tri-State Pharmacy currently hold a professional license, including the OSBP on renewal applications or applications for a new license.
6. Tri-State Pharmacy agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Tri-State Pharmacy of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Tri-State Pharmacy by the OSBP and will NOT discharge Tri-State Pharmacy from any obligation under the terms of this Agreement.
7. Tri-State Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Tri-State Pharmacy understands that it has the right to be represented by counsel for review and execution of this agreement.

9. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Tri-State Pharmacy will operate.

10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

R-2016-088

Ms. Yarosh announced that the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:
CASE NO. 2015-1437**

Melissa Weisfelder, R.Ph
10059 Lincoln Road
Camp Denison, OH 45111
(License No. 03-2-21050)

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

This Settlement Agreement (Agreement) is entered into by the Ohio State Board of Pharmacy (OSBP) and Melissa Weisfelder for the purpose of resolving all issues between the parties relating to the audit conducted by OSBP of Melissa Weisfelder for continuing education units. Together, OSBP and Melissa Weisfelder are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.

2. Melissa Weisfelder is a licensed pharmacist in the state of Ohio. Your renewal is set to expire September 15, 2015.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Melissa Weisfelder pharmacist license number 03-2-21050. The audit showed you failed to complete the required hours.

2. On or about May 20, 2015, the OSBP sent a Request for Evidence of Completion of Continuing Education letter to Melissa Weisfelder, which outlined the allegations and provided a form to submit evidence of completion. You returned the notarized form indicating that you have not completed the required continuing education units.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.

2. Melissa Weisfelder neither admits nor denies the allegations stated in the Request for Evidence of Completion of Continuing Education letter dated May 20, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.

3. The Ohio State Board of Pharmacy hereby reprimands Melissa Weisfelder.

4. Melissa Weisfelder agrees to pay to the OSBP the amount of \$250.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.

5. Melissa Weisfelder must obtain one hour of approved continuing pharmacy education (0.1 CEUs) in **Board approved jurisprudence**, which may not also be used for license renewal. These units must be completed no later than 90 days from the effective date of this Agreement.

6. Melissa Weisfelder agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

7. Melissa Weisfelder understands that she has the right to be represented by counsel for review and execution of this agreement.

8. Melissa Weisfelder agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which

she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.

9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

R-2016-089

Ms. Yarosh announced that the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:
CASE NO. 2014-1889**

Anthony Gamm, R.Ph.
3331 Tournament Court
Greenwood, IN 46143
(License No. **03-1-17366**)

SETTLEMENT AGREEMENT WITH THE OHIO STATE BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the Ohio State Board of Pharmacy (Board) and Anthony Gamm, for the purpose of resolving all issues between the parties relating to the Board investigation of Anthony Gamm's guilty plea of Count 1 Theft and Count 2 Possession of a Controlled Substances and enrollment in the Hancock County Drug Court Program. Together, the Board and Anthony Gamm are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in intern in the state of Ohio.

2. Anthony Gamm is a licensed pharmacist in Ohio under license number 03-1-17366.

FACTS

1. On or about September 17, 2014, the Board initiated an investigation of Anthony Gamm, pharmacy license number 03-1-17366, related to Anthony Gamm's positive answer to the legal question "have you ever been convicted of a felony or misdemeanor" on his pharmacist license renewal.
2. On or about May 4, 2015, the OSBP sent a Notice of Opportunity for Hearing to Anthony Gamm, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about May 29, 2015, Anthony Gamm timely requested an administrative hearing, which was subsequently scheduled for August 5, 2015.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Anthony Gamm neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated May 4, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. **ANTHONY GAMM PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE BOARD OF PHARMACY HIS LICENSE AND REGISTRATION TO PRACTICE PHARMACY, LICENSE NO. 03-1-17366, WITH DISCIPLINARY ACTION PENDING.**
4. **Anthony Gamm agrees to not reapply for licensure in Ohio as a pharmacist.**
5. Anthony Gamm, 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.
6. Anthony Gamm agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Anthony Gamm understands that he has the right to be represented by counsel for review and execution of this agreement.

8. Anthony Gamm agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license or attempts to obtain a license.

9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

9:00 a.m.

The Board recessed for the Public Rules Hearing.

The Public Rules Hearing concerning the proposed new and amended rules was held in Room South A, 31st Floor of the Riffe Center, with the following members in attendance:

Kilee S. Yarosh, R.Ph., *President*; Edward T. Cain, *Public Member*; Megan E. Marchal, R.Ph.; Michael A. Moné R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

9:34 a.m.

The Public Rules Hearing ended and the meeting reconvened in Room South B&C.

9:39 a.m.

The Board was joined by Assistant Attorney General Matthew Lampke to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Douglas Trubiano, D.O.**, Tiltonsville, Ohio.

9:59 a.m.

The hearing ended and the record was closed.

Mr. Weaver moved that the Board recess in order to consider the 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 Yarosh as follows: Cain – yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

10:14 a.m.

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

R-2016-090

After votes were taken in public session, the Board adopted the following order in the matter of **Douglas Trubiano, D.O.**, Tiltonsville, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2014-1286)

In The Matter Of:

Douglas Trubiano, D.O.

342 Jefferson Street

Tiltonsville, Ohio 43963

(TDDD License No. 02-1734550)

INTRODUCTION

The Matter of Douglas Trubiano, D.O. came for hearing on October 6, 2015, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Douglas Trubiano was not present nor represented by counsel. The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. John Bonish, State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|-----|---|------------|
| 1. | Notice of Opportunity for Hearing | 06-12-2015 |
| 2. | Notice of Hearing Date | 06-13-2015 |
| 3. | Credential View Screen | 08-26-2015 |
| 4. | Terminal Distributor of Dangerous Drugs License | 01-03-2014 |
| 5. | Judgement Entry of Conviction | 12-17-2014 |
| 6. | Ohio Medical Board Order | 11-05-2014 |
| 7. | Voluntary Surrender of DEA Registration | 08-08-2014 |
| 8. | Copies of Prescriptions dated 8/4/14, 8/13/14 and 8/15/14 | Various |
| 9. | Statement of Patient 3 | 08-18-2014 |
| 10. | Statement of Patient 4 | 08-18-2014 |
| 11. | Statement of Patient 5 | 08-26-2014 |
| 12. | Confidential Patient Key (Filed Under Seal) | No Date |

Respondent's Exhibits:

None

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the Board finds the following to be fact:

1. On or about December 17, 2014, Dr. Trubiano plead guilty to Trafficking in drugs, in violation of Sections 2925.03(A)(1) and 2925.03(C)(1)(a) of the ORC, a felony of the fourth degree punishable by a maximum fine of \$5,000. Although this offense was reduced pursuant to a plea agreement, the actual acts committed constituted a felony of the third degree, punishable by a fine of up to \$10,000.
2. On or about December 17, 2014, Dr. Trubiano plead guilty to Trafficking in drugs, in violation of Sections 2925.03(A)(1) and 2925.03(C)(1)(a) of the ORC, a felony of the fourth degree punishable by a maximum fine of \$5,000. Although this offense was reduced pursuant to a plea agreement, the actual acts committed constituted a felony of the third degree, punishable by a fine of up to \$10,000.
3. On or about December 17, 2014, Dr. Trubiano plead guilty to Illegal processing of drug documents, in violation of Sections 2925.23(A) and 2925.23(F)(2) of the ORC, a felony of the fifth degree punishable by a maximum fine of \$2,500. Although this offense was reduced pursuant to a plea agreement, the actual acts committed constituted a felony of the fourth degree, punishable by a fine of up to \$5,000.
4. On or about December 17, 2014, Dr. Trubiano plead guilty to Trafficking in drugs, in violation of Sections 2925.03(A)(1) and 2925.03(C)(1)(a) of the ORC, a felony of the fourth degree punishable by a maximum fine of \$5,000. Although this offense was reduced pursuant to a plea agreement, the actual acts committed constituted a felony of the third degree, punishable by a fine of up to \$10,000.
5. On or about December 17, 2014, Dr. Trubiano plead guilty to Trafficking in drugs, in violation of Sections 2925.03(A)(1) and 2925.03(C)(1)(a) of the ORC, a felony of the fourth degree punishable by a maximum fine of \$5,000. Although this offense was reduced pursuant to a plea agreement, the actual acts committed constituted a felony of the third degree, punishable by a fine of up to \$10,000.
6. On or about December 17, 2014, Dr. Trubiano plead guilty to Trafficking in drugs, in violation of Sections 2925.03(A)(1) and 2925.03(C)(1)(a) of the ORC, a felony of the fourth degree punishable by a maximum fine of \$5,000. Although this offense was

reduced pursuant to a plea agreement, the actual acts committed constituted a felony of the third degree, punishable by a fine of up to \$10,000.

7. These criminal convictions stemmed, in part, from the following conduct:

a. On or about August 4, 2014, Dr. Trubiano prescribed an increased amount of oxycodone, 15 milligram, by a quantity of 30 tablets to Controlled Informant-2 in agreement for the exchange of sexual favors.

b. On or about August 15, 2014, Dr. Trubiano prescribed a quantity of 100 Percocet, 5-325 milligram tablets to an undercover OSBP Agent for no legitimate medical purpose and for the agreement to exchange sexual favors.

c. On or about August 13, 2014, Dr. Trubiano wrote and issued a false prescription for a Z-Pak (Zithromax) to Controlled Informant-2. This prescription was provided after Dr. Trubiano advised Controlled Informant-2 to lie and tell office staff of the Tiltonsville Clinic that Controlled Informant-2 had a sore throat for purposes of coming in for an appointment with the doctor as a means to introduce a friend who Dr. Trubiano thought would engage in sexual favors for the exchange of controlled substances.

d. On or about April 30, 2014, Dr. Trubiano prescribed an additional 90 tablets of alprazolam 1 milligram (total of 180) RX#776375, for no legitimate purpose after unlawful and inappropriate sexual contact with patient ABO.

e. Between April 2013, and July 2014, Dr. Trubiano did prescribe, for no legitimate medical purpose, increased quantities of clonazepam 2mg (increased by 180 tablets) and hydrocodone/APAP 10-660mg (increased by 20 tablets) to patient D.L. Between September 2013, and July 2014, Dr. Trubiano also prescribed a new monthly therapy of 100 tablets of oxycodone/APAP 10-325 to patient D.L. Dr. Trubiano provided these increased quantities and added oxycodone/APAP in exchange for a house key and use of a spare bedroom contained within patient D.L.'s residence, located in close proximity to the Tiltonsville Clinic.

f. Between April 2013, and July 2014, Dr. Trubiano did prescribe, for no legitimate medical purpose, increased quantities of hydrocodone/APAP 10-660mg (increased by 20 tablets) to patient J.L. Between September 2013, and July 2014, Dr. Trubiano also prescribed a new monthly therapy of 100 tablets of oxycodone/APAP 10-325 to patient J.L.. Dr. Trubiano provided these increased quantities and added oxycodone/APAP in exchange for a house key and use of a spare bedroom contained within patient J.L.'s residence (same residence as patient D.L. identified in paragraph 7(e)), located in close proximity to the Tiltonsville Clinic.

8. Additionally, by Order of the State Medical Board of Ohio dated November 5, 2014, Dr. Trubiano executed a Surrender of his license to practice osteopathic medicine and surgery in Ohio with consent to permanent revocation.

CONCLUSIONS OF LAW

1. The State Board of Pharmacy concludes that paragraphs (1) through (8) of the Findings of Fact constitute a violation of paragraph (A)(2) of Rule 4729-9-19 of the Ohio Administrative Code.
2. The State Board of Pharmacy concludes that paragraphs (1) through (8) of the Findings of Fact constitute a violation of paragraph (A)(3) of Rule 4729-9-19 of the Ohio Administrative Code.
3. The State Board of Pharmacy concludes that paragraphs (1) through (8) of the Findings of Fact constitute a violation of paragraph (A)(4) of Rule 4729-9-19 of the Ohio Administrative Code.
4. The State Board of Pharmacy concludes that paragraphs (1) through (8) of the Findings of Fact constitute a violation of paragraph (A)(7) of Rule 4729-9-19 of the Ohio Administrative Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and pursuant to Section 4729-9-01(E) of the Ohio Administrative Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Douglas Trubiano as follows:

1. On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs License, No. 02-1734550, held by Douglas Trubiano effective as of the date of the mailing of this Order.
2. On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs License, No. 02-1734550, held by Douglas Trubiano effective as of the date of the mailing of this Order.
3. On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs License, No. 02-1734550, held by Douglas Trubiano effective as of the date of the mailing of this Order.
4. On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs License, No. 02-1734550, held by Douglas Trubiano effective as of the date of the mailing of this Order.

5. Douglas Trubiano is permanently prohibited to be a Responsible Person at any facility licensed by the State of Ohio Board of Pharmacy.

6. Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby imposes a monetary penalty of \$11,000 on Douglas Trubiano and payment in full is due no later than thirty days from the effective date of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

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

Mr. Moné moved for Conclusions of Law; Ms. Marchal seconded the motion. Motion passed (Aye-6/Nay-0).

Ms. Marchal moved for Action of the Board; Mr. Cain seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

10:15 a.m. The Board recessed briefly.

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

R-2016-091 Mr. Passafume moved to approve Rules 4729-16-11 and 4729-16-04 as amended. The motion was seconded by Mr. Moné and approved by the Board: Aye – 6.

R-2016-092 Mr. Moné moved to approve the Fentanyl Pharmacophore Rule. The motion was seconded by Mr. Passafume and approved by the Board: Aye – 6.

10:41 a.m. Mr. Moné 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. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Yarosh as follows: Cain– yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

11:22 a.m. The meeting reconvened in Room South B&C.

The Board recessed for lunch.

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

NICOLE AVANT	OKLAHOMA
JANE MICHELLE BORNE	MINNESOTA
REBECCA L. CLARKE	PENNSYLVANIA
VINJAY SHANKERRAO DALVI	INDIANA
NIPPA PARESH DOSHI	PENNSYLVANIA
BRANDON KEMP FUGATE	KENTUCKY
KRISTIN ELAINE FURLONG	INDIANA
BETTYE HANKS	KENTUCKY
LAVANYA KARNATI	MINNESOTA
RAJBIR KAUR	MASSACHUSETTS
CHRISTOPHER J. LECOMTE	ALABAMA
PRIYA MAHESHWARI	TEXAS
DONNA DOWD MATTY	PENNSYLVANIA
RYAN JAMES MILLER	GEORGIA
AMTUL MOGHNEE	TEXAS
DAVID LEMUEL MYER	MISSISSIPPI
CHANCE NEWCOMER	NEVADA
CHRISTOPHER JOSEPH NUGENT	NEW YORK
PUJA B. PATEL	INDIANA
KATHRINE PAVLIDAKY	ALABAMA
TODD ANTHONY PENN	MICHIGAN
KARRAH B. PRICHARD	WEST VIRGINIA
ERIKA NANCY MARIA ANN QUEEN	PENNSYLVANIA
TANIA NATALIE RAWAS	FLORIDA
KARHLA M. SANTIAGO	GEORGIA
CHRISTOPHER DAVID SOFRANKO	MICHIGAN
NICOLE LEE SORFANKO	MICHIGAN
ALANNA PEI-LIANSUN	CALIFORNIA
JITE VOKE URHIE	WEST VIRGINIA
KAYLA N. WARE	WEST VIRGINIA
CONNIE HYELIM YOON	MARYLAND
FILIZ YUCEBAY	ILLINOIS

1:51 p.m. The meeting reconvened in Room South B&C.

Mr. Moné 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. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Yarosh as follows: Cain– yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

2:15 p.m. The meeting reconvened in Room South B&C.

Pursuant to Section 4729.16 of the Ohio Revised Code, the Board considered summary suspensions as required by Section 3719.121 of the Ohio Revised Code with the following members participating:

Kilee S. Yarosh, R.Ph., *President*; Edward T. Cain, *Public Member*; Megan E. Marchal, R.Ph.; Michael A. Moné R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

R-2016-093 After hearing Mr. Ingram discuss the significant facts regarding the activities of the individual, Mr. Moné moved that the Board summarily suspended the license to practice pharmacy belonging to **Thomas Ohliger, R.Ph.** (03-1-16123) Westlake, Ohio, pursuant to Ohio Revised Code 3719.121(B). The motion was seconded by Mr. Cain and approved by the Board: Aye – 6.

R-2016-094 After hearing Mr. Ingram discuss the significant facts regarding the activities of the individual, Mr. Moné moved that the Board summarily suspended the license to practice pharmacy, as an intern, belonging to **Jennifer Daley** (06-012613) Columbia Station, Ohio, pursuant to Ohio Revised Code 3719.121(B). The motion was seconded by Ms. Marchal and approved by the Board: Aye – 6.

2:17 p.m. Mr. McNamee and the Board discussed the testimony presented at the Public Rules Hearing.

3:07 p.m. The Board recessed briefly.

3:17 p.m. The meeting reconvened in Room South B&C.

R-2016-095 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **James Lutz, M.D.** (35.057139) Cincinnati, Ohio, be the responsible person for the following pain management clinics:

James Lutz, MD & Associates, Inc. (02-2138800)
James Lutz, MD & Associates, Inc. (02-2377050)

After discussion, Mr. Weaver moved that the Board deny the request. The motion was seconded by Ms. Marchal and approved by the Board: Aye –5.

3:29 p.m. Mr. Moné 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. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Yarosh as follows: Cain– yes; Marchal – yes; Moné – yes; Weaver – yes; and Wilt – yes.

4:13 p.m. The meeting reconvened in Room South B&C.

The Board recessed for the day.

Wednesday, October 7, 2015

9:03 a.m. The Ohio State Board of Pharmacy convened in the Events Room of the Stevens Student Center at Cedarville University, 251 North Main Street, Cedarville, Ohio, with the following members present:

Kilee S. Yarosh, R.Ph., *President*; Edward T. Cain, *Public Member*; Megan E. Marchal, R.Ph.; Michael A. Moné R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

The Board was joined by Assistant Attorney General Matthew Lampke to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Keysource Medical Center, Inc.**, Cincinnati, Ohio.

10:13 a.m. The hearing ended and the record was closed.

Mr. Weaver moved that the Board recess in order to consider the quasi-judicial matters 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. Passafume and a roll-call vote was conducted by President Yarosh as follows: Cain – yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

10:56 a.m. The recess ended and the hearing was opened to the public. The matter of Keysource Medical, Inc. was continued to November 2, 2015.

10:59 a.m. The Board was joined by Assistant Attorney General Matthew Lampke to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Connor Trushel, Intern**, Bethel Park, Pennsylvania.

11:10 a.m. The hearing ended and the record was closed.

The Board was joined by Assistant Attorney General Matthew Lampke to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Jeffrey Palmer, R.Ph.**, Decatur, Alabama.

11:20 a.m. The hearing ended and the record was closed.

The Board was joined by Assistant Attorney General Matthew Lampke to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Creighton Chole, Intern**, Credo, West Virginia.

11:48 a.m. The hearing ended and the record was closed.

The Board recessed for Lunch.

12:57 p.m. The meeting reconvened in the Events Room.

Mr. Moné moved that the Board recess in order to consider the quasi-judicial matters 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. Passafume and a roll-call vote was conducted by President Yarosh as follows: Cain – yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

1:31 p.m. The recess ended and the hearing was opened to the public.

R-2016-096 After votes were taken in public session, the Board adopted the following order in the matter of **Connor Trushel, Intern**, Bethel Park, Pennsylvania.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2015-1408)

In The Matter Of:

Connor Trushel

3242 Elderwood Drive

Bethel Park, PA 15102

(Intern No. 06-013819 *Pending*)

INTRODUCTION

The Matter of Connor Trushel came for consideration on October 7, 2015, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Connor Trushel was not present nor represented by Counsel. The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Richard Haun, State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|----|-----------------------------------|------------|
| 1. | Notice of Opportunity for Hearing | 06-23-2015 |
| 2. | Letter of Connor Trushel | 07-23-2015 |
| 3. | E-License Credential View Screen | 08-26-2015 |
| 4. | Pharmacy Intern Application | 03-24-2015 |

Respondent's Exhibits:

None

DECISION OF THE BOARD

The State Board of Pharmacy hereby approves Connor Trushel to withdraw his application for registration as a pharmacy intern submitted on March 24, 2015.

Mr. Weaver moved for Action of the Board; Ms. Marchal seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2016-097

After votes were taken in public session, the Board adopted the following order in the matter of **Jeffrey Palmer, R.Ph.**, Decatur, Alabama.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2014-1710)

In The Matter Of:

Jeffrey Kent Palmer, R.Ph.

912 7th Avenue SE

Decatur, AL 35601

(Pharmacist No. 03-2-34120 *Pending*)

INTRODUCTION

The Matter of Jeffrey Palmer came for consideration on October 7, 2015, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Jeffrey Palmer was not present nor represented by Counsel. The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Kevin Kinneer, State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|----|---|------------|
| 1. | Notice of Opportunity for Hearing | 03-26-2015 |
| 2. | Notice of Opportunity for Hearing | 06-19-2015 |
| 3. | Credential View Screen | 08-26-2015 |
| 4. | Reciprocity Application | 05-14-2014 |
| 5. | Domestic Violence Arrest, Williamson County, TN | 08-15-2008 |
| 6. | Statement of Jeffrey Palmer | No Date |

Respondent's Exhibits:

None

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the Board finds the following to be fact:

1. On the application you completed on May 14, 2014, you answered "No" to question 4 which inquires whether you have ever been charged or convicted of a felony or misdemeanor. However, you plead guilty to Domestic Assault on or about October 1, 2008 in Williamson County, Tennessee. As a result of your conviction you received a suspended sentence, were on probation less than a year, completed anger management and were required to pay \$200 to a local program.
 - a. Failure to disclose this conviction on your application constitutes a violation of Section 2921.13(A)(5) of the Ohio Revised Code, falsification, a misdemeanor of the first degree, punishable by a maximum fine of up to \$1,000.
 - b. Additionally, the conduct set forth in paragraph 1 of this section, if proven, constitutes not being of good moral character and habits within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.
 - c. Such conduct, if proven, also constitutes being guilty of gross immorality within the meaning of Section 4729.16(A)(1) of the Revised Code.

d. Furthermore, such conduct, if proven, constitutes being guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16(A)(2) of the Ohio Revised Code.

CONCLUSIONS OF LAW

1. The State Board of Pharmacy concludes that paragraph (1) of the Findings of Fact constitutes a violation of Section 2921.13(A)(5) of the Ohio Revised Code.
2. The State Board of Pharmacy concludes that paragraph (1) Findings of Fact constitutes a violation of Section 4729.16(A)(2) of the Ohio Revised Code.

DECISION OF THE BOARD

On the basis of the Findings of Fact set forth above and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the application for reciprocity submitted by Jeffrey Palmer.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby imposes a monetary penalty of \$1000 on Jeffrey Palmer and payment in full is due no later than thirty days from the effective date of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

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

Mr. Moné moved for Conclusions of Law; Mr. Passafume seconded the motion. Motion passed (Aye-6/Nay-0).

Mr. Moné moved for Action of the Board; Mr. Passafume seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2016-098 After votes were taken in public session, the Board adopted the following order in the matter of **Creighton Chole, Intern**, Credo, West Virginia.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2014-1985)

In The Matter Of:

Creighton Chole

PO Box 1422

Credo, WV 25507

(Intern No. 06-013281)

INTRODUCTION

The Matter of Creighton Chole came for consideration on October 7, 2015, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Creighton Chole was not present nor represented by Counsel. The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Michael Poe, State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|-----|--|------------|
| 1. | Notice of Opportunity for Hearing | 06-25-2015 |
| 2. | Notice of Opportunity for Hearing | 07-31-2015 |
| 3. | Credential View Screen | 09-09-2015 |
| 4. | Pharmacy Intern Registration Application | 08-18-2014 |
| 5. | Mesa Municipal Court Disposition Report | 12-16-2014 |
| 6. | Mesa, Maricopa County Traffic Complaint | 03-08-2002 |
| 7. | Mesa Police Department DUI Report | 08-24-2002 |
| 8. | Mesa Police Department DUI Report | 01-14-2000 |
| 9. | Mesa, Maricopa County Traffic Complaint | 05-15-2000 |
| 10. | Mesa Police Department Shoplifting Report Form | 03-27-1997 |

Respondent's Exhibits:

None

DECISION OF THE BOARD

1. Pursuant to Section 4729.16(E) of the Ohio Revised Code, Creighton Chole must submit an ethanol dependency evaluation by an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider.
2. Creighton Chole must appear before the Board within 6 months from the effective date of this order with the results from the ethanol dependency evaluation.
3. If Creighton Chole does not appear before the Board within 6 months from the effective date of this order, the application for Pharmacy Intern Registration will be denied.

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

SO ORDERED.

- R-2016-099** Mr. Moné moved that the Board Minutes of August 31, 2015-September 2, 2015, be approved as amended. The motion was seconded by Ms. Marchal and approved by the Board: Aye -6.
- R-2016-100** Mr. Moné moved that the Board Conference Call Minutes of September 1, 2015, be approved as written. The motion was seconded by Mr. Wilt and approved by the Board: Aye -6.
- R-2016-101** Mr. Moné moved that the Board Conference Call Minutes of September 22, 2015, be approved as written. The motion was seconded by Mr. Weaver and approved by the Board: Aye -6.
- R-2016-102** Mr. Moné moved that the Board Conference Call Minutes of September 25, 2015, be approved as written. The motion was seconded by Mr. Wilt and approved by the Board: Aye -6.
- 1:40 p.m.** The floor was opened for a Q&A session for Cedarville students and the Board.
- 2:26 p.m.** The meeting was adjourned.

Wednesday, October 7, 2015

RECORD OF THE PROCEEDINGS

FY 2015

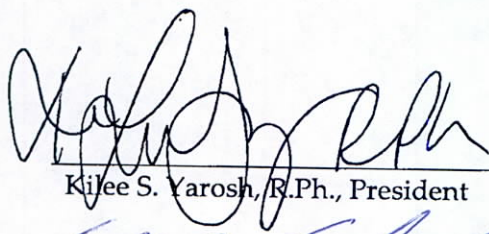
108

R-2016-101 Mr. Moné moved that the Board Conference Call Minutes of September 22, 2015, be approved as written. The motion was seconded by Mr. Weaver and approved by the Board: Aye -6.

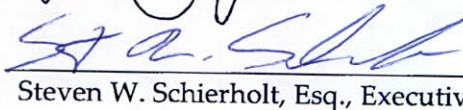
R-2016-102 Mr. Moné moved that the Board Conference Call Minutes of September 25, 2015, be approved as written. The motion was seconded by Mr. Wilt and approved by the Board: Aye -6.

1:40 p.m. The floor was opened for a Q&A session for Cedarville students and the Board.

2:26 p.m. The meeting was adjourned.


Kilee S. Yarosh, R.Ph., President

Date: Nov 9, 2015


Steven W. Schierholt, Esq., Executive Director

Date: 11/9/15