

Minutes of the April 6-8, 2015
Meeting of the Ohio State Board of Pharmacy

Monday, April 6, 2015

10:00 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:

Michael A. Moné, R.Ph., *President*; Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph. and Fred M. Weaver, R.Ph.

Also present were Steven Schierholt, *Executive Director*; Kevin Mitchell, *Assistant Executive Director*; Jesse Wimberly, *Regional Compliance and Enforcement Supervisor*; and Nicole Dehner, *Chief Legal Counsel*.

10:03 a.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 **Amerix Nutra-Pharmaceutical**, Lima, Ohio.

10:15 a.m. The hearing ended and the record was closed.

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 **Healthridge Medical Center**, Campbell, Ohio.

10:35 a.m. The hearing ended and the record was closed.

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 **Advanced Homecare Pharmacy**, Redford, Michigan.

11:04 a.m. The hearing ended and the record was closed.

Mr. Kolezynski 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 Ms. Huwer and a roll-call vote was conducted by President Moné as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski –yes; Marchal – yes; and Weaver – yes.

11:47 a.m. The recess ended and the hearing was opened to the public.

R-2015-276 After votes were taken in public session, the Board adopted the following order in the matter of **Amerix Nutra-Pharmaceutical**, Lima, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY
(Case Number 2014-1255)

In The Matter Of:

Amerix Nutra-Pharmaceutical
c/o Babatunde Onamusi
904 N. Cable Road
Lima, Ohio 45805

INTRODUCTION

The Matter of Amerix Nutra-Pharmaceutical came for consideration on April 6, 2015, before the following members of the Board: Michael A. Moné, R.Ph. (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph.; Fred Weaver, R.Ph.

Kilee S. Yarosh, R.Ph.; Absent.

Amerix Nutra-Pharmaceutical was not present nor represented by counsel. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. Todd Knauss, Ohio State Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|-----|--|----------|
| 1. | Notice of Opportunity for Hearing | 07-16-14 |
| 1A. | Procedural | |
| 2. | Wholesale Distributor of Dangerous Drugs Application | 03-11-15 |
| 3. | Information RE: Compass Self Storage | 03-20-14 |

Respondent's Exhibits:

None

FINDINGS OF FACT

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

(1) Records of the Board of Pharmacy indicate that on or about June 12, 2013 Babatunde T. Onamusi, M.D. was the Responsible Person for Amerix Nutra-Pharmaceutical, 904 N. Cable Road, Lima, Ohio 45805, and that on June 12, 2013, Amerix Nutra-Pharmaceutical applied for registration as a Wholesale Distributor of Dangerous Drugs.

(2) Amerix Nutra-Pharmaceutical/Babatunde Onamusi, M.D. (owner/CEO) did, between May 2013 through March 6, 2014, fail to provide satisfactory proof of meeting the qualifications for registration as a wholesale distributor of dangerous drugs under Section 4729.53 of the Ohio Revised Code, to wit: on or around March 6, 2014, Dr. Onamusi admitted to an Ohio State Board of Pharmacy Agent that he did not have any prior dangerous drug wholesale experience, and that the license application he submitted was for his office located at 904 North Cable Road, Lima, Ohio; not the drug storage location located in Cincinnati, Ohio. Dr. Onamusi further admitted to the Board Agent that his proposed storage location at Compass Self Storage located at 4700 Wilmer Court, Cincinnati, Ohio, is not licensed by the Ohio State Board of Pharmacy and, therefore, has not been inspected and approved.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes failure to meet the requirements of a Wholesale Distributor of Dangerous Drugs as required in Chapter 4729.53 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 denies license and/or certificate of registration to Amerix Nutra-Pharmaceutical and, therefore, denies the Application for a Wholesale Distributor of Dangerous Drugs license submitted by Amerix Nutra-Pharmaceutical on June 12, 2013.

Ms. Huwer moved for Findings of Fact; Ms. Marchal seconded the motion. Motion passed (Aye-6/Nay-0).

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

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

SO ORDERED.

R-2015-277 After votes were taken in public session, the Board adopted the following order in the matter of **Healthridge Medical Center**, Campbell, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2013-1637)

In The Matter Of:

Healthridge Medical Center, Inc.

c/o Michael W. Shultz, DO

315 Struthers-Liberty Road

Campbell, Ohio 44405

INTRODUCTION

The Matter of Healthridge Medical Center, Inc. came for consideration on April 6, 2015, before the following members of the Board: Michael A. Moné, R.Ph. (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph.; Fred Weaver, R.Ph.

Kilee S. Yarosh, R.Ph.; Absent.

Healthridge Medical Center was not present nor represented by counsel. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. James Amend, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|-----|---|----------|
| 1. | Notice of Opportunity for Hearing | 01-24-14 |
| 1A. | Procedural | |
| 2. | Dangerous Drugs Distributor Inspection Report
w/Response to Pink Sheet | 03-11-14 |

3. Packing Slip Showing Compounded Drugs Purchased and Possessed by Healthridge Medical Center, Inc. from Main Street Family Pharmacy Various
4. Invoices Showing Compounded Drugs Purchased by Healthridge Medical Center, Inc. from Civic Center Pharmacy Various

Respondent's Exhibits:

None

FINDINGS OF FACT

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

- (1) Records of the Board of Pharmacy indicate that Healthridge Medical Center, Inc. is licensed with the State Board of Pharmacy as a Terminal Distributor of Dangerous Drugs. Records further reflect during the relevant time periods stated herein, Michael W. Shultz was the Responsible Person pursuant to Rule 4729-5-11 of the Ohio Administrative Code and Sections 4729.27 and 4729.55 of the Ohio Revised Code.
- (2) Healthridge Medical Center, Inc. did, on or before August 23, 2012 through May 20, 2013, purchase and possess an illegally compounded drug from Main Street Family Pharmacy and administered the same to patients, that drug being: Human chorionic gonadotropin (HCG) 11,000 units. Such drugs were illegally compounded by Main Street Family Pharmacy because there was no valid patient specific prescription for the drug, nor was there any other permissible reason to legally compound and sell the drug.
- (3) Healthridge Medical Center, Inc. did, on or before August 23, 2012 through May 20, 2013, purchase and possess an illegally manufactured drug from Main Street Pharmacy and administered the same to patients, that drug being: Human chorionic gonadotropin (HCG) 11,000 units.
- (4) Healthridge Medical Center, Inc. did, on or before January 16, 2012 through January 17, 2013, purchase and possess an illegally compounded drug from Civic Center Pharmacy and administered the same to patients, that drug being: Medroxyprogesterone 150mg/ml injection. Such drugs were illegally compounded by Civic Center Pharmacy because there was no valid patient specific prescription for the drug, nor was there any other permissible reason to legally compound and sell the drug.
- (5) Healthridge Medical Center, Inc. did, on or before January 16, 2012 through January 17, 2013, purchase and possess an illegally manufactured drug from Civic

Center Pharmacy and administered the same to patients, that drug being: Medroxyprogesterone 150mg/ml injection.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) through (5) of the Findings of Fact each constitute a violation of Chapter 21, Section 353a of the United States Code.

(2) The State Board of Pharmacy concludes that paragraphs (2) through (5) of the Findings of Fact each constitute a violation of Section 4729-9-21 of the Ohio Administrative Code.

(3) The State Board of Pharmacy concludes that paragraphs (2) through (5) of the Findings of Fact each constitute a violation of Section 4729-9-25 of the Ohio Administrative Code.

(4) The State Board of Pharmacy concludes that paragraphs (2) through (5) of the Findings of Fact each constitute a violation of Section 4731.22(B)(2) of the Ohio Revised Code.

(5) The State Board of Pharmacy concludes that paragraphs (2) through (5) of the Findings of Fact each constitute a violation of Section 3715.52 of the Ohio Revised Code.

(6) The State Board of Pharmacy concludes that paragraphs (2) through (5) of the Findings of Fact each constitute a violation of Section 3715.63 of the Ohio Revised Code.

DECISION OF THE BOARD

(1) 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 \$8000 on Healthridge Medical Center 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.

(2) 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 places on probation for 3 years the Terminal Distributor of Dangerous Drugs License, No. 02-1241100, held by Healthridge Medical Center effective as of the date of the mailing of this Order. The terms of probation are as follows:

(A) Healthridge Medical Center must submit quarterly reports to the Ohio State Board of Pharmacy, to the attention of Niki Dillon, of all compounded dangerous drugs. The report shall include wholesaler licensure information regarding good standing.

(B) Healthridge Medical Center must abide by the rules of the State Board of Pharmacy.

(C) Healthridge Medical Center must comply with the terms of this Order.

(D) Healthridge Medical Center's license is deemed to be not in good standing until successful completion of the probationary period.

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

Healthridge Medical Center 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.

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

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

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

SO ORDERED.

R-2015-278

After votes were taken in public session, the Board adopted the following order in the matter of **Advanced Homecare Pharmacy**, Redford, Michigan.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2013-1776)

In The Matter Of:

Advanced Homecare Pharmacy
c/o Heidi Sheedy, R.Ph.
12699 Farley Street
Redford, MI 48239

TDDD No. 02-2348350

INTRODUCTION

The Matter of Advanced Homecare Pharmacy came for consideration on April 6, 2015, before the following members of the Board: Michael A. Moné, R.Ph. (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph.; Fred Weaver, R.Ph.

Kilee S. Yarosh, R.Ph.; Absent.

Advanced Homecare Pharmacy not present nor represented by Counsel. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. Homer Chapa, Ohio State Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|-----|---|----------|
| 1. | Notice of Opportunity for Hearing | 05-19-14 |
| 1A. | Procedural | |
| 2. | Terminal Distributor of Dangerous Drugs Application | 05-09-14 |
| 3. | Certified Documents RE: In the Matter of Heidi Sheedy, R.Ph.
Michigan State Board of Pharmacy No. 53-10-116994 | 04-13-11 |
| 4. | Certified Copy of Judgement of Sentence, People of Township
Of Canton v. Heidi Sheedy, Case No. 05C254440A OD | 07-25-05 |
| 5. | Certified Copy of Judgement Sentence, People v. Heidi Sheedy
Case No. 07-001764-SD-9 | 04-04-07 |
| 6. | Certified Copy of Judgement Sentence, City of Westland
v. Sheedy, Case No. 07-142408 D01 OM | 01-28-08 |
| 7. | Letter of Explanation from Heidi Sheedy to OSBP | 10-17-13 |
| 8. | Terminal Distributor of Dangerous Drugs Application | 11-05-13 |

Respondent's Exhibits:

None

FINDINGS OF FACT

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

(1) Records of the Board of Pharmacy indicate that Advanced Homecare Pharmacy is licensed with the State Board of Pharmacy as a Terminal Distributor of Dangerous Drugs. Records further reflect during the relevant time periods stated herein, Heidi M. Sheedy was the Responsible Pharmacist pursuant to Rule 4729-5-11 of the Ohio Administrative Code and Sections 4729.27 and 4729.55 of the Ohio Revised Code.

(2) On or around July 12, 2013, Advanced Homecare Pharmacy knowingly made a false statement with purpose to secure the issuance of a license or registration, to wit: Advanced Homecare Pharmacy answered “no” on its Terminal Distributor of Dangerous Drugs licensure application to the question: “[h]as the applicant, owner(s), Responsible Person, any agent, or any employee of the location being licensed, or any officer of the corporation, ever been the subject of disciplinary action by any state or federal agency?” However, a background investigation conducted by an Ohio State Board of Pharmacy Agent revealed disciplinary action by the Michigan State Board of Pharmacy against the license of Responsible Person, Heidi Martha Sheedy, R.Ph.. Specifically, the Michigan State Board of Pharmacy ordered the summary suspension of Ms. Sheedy’s Michigan pharmacist’s license based on allegations contained in an administrative complaint that between on or about 2005 through 2008 she incurred three alcohol-related misdemeanor convictions, and admitted to having a chemical dependency problem with a history of relapse. In the Matter of Heidi Martha Sheedy, R.Ph., Michigan State Board of Pharmacy, No. 53-10-116994, Order of Summary Suspension and Administrative Complaint, (Oct. 7, 2010). Ms. Sheedy entered into a Consent Order and Stipulation with the Michigan Board of Pharmacy that became effective on April 13, 2011, in which she agreed to have her pharmacist’s license suspended for one day for each violation of the Public Health Code of the State of Michigan, and she agreed to participate in the Health Professional Recovery Program (HPRP). In the Matter of Heidi Martha Sheedy, R.Ph., Michigan State Board of Pharmacy, No. 53-10-116994, Consent Order, (March 18, 2011). In a letter to an Ohio State Board of Pharmacy Agent dated October 17, 2012 (sic), Ms. Sheedy admitted that she entered into the HPRP on June 8, 2011, and signed a three year contract. Her letter states that her Michigan pharmacist’s license was reinstated once she enrolled in the HPRP and signed the monitoring program contract. As part of her HPRP contract, Ms. Sheedy stated that she must follow a number of conditions, including but not limited to attending at least three AA meetings weekly.

(3) On or around July 12, 2013, Advanced Homecare Pharmacy knowingly made a false statement with purpose to secure the issuance of a license or registration, to wit: Advanced Homecare Pharmacy answered “no” on its Terminal Distributor of Dangerous Drugs licensure application to the question: “[d]oes the applicant, owner(s),

Responsible Person, any agent, or any employee of the location being licensed, or any officer of the corporation, have charges pending or have a conviction of a felony or a misdemeanor other than a minor traffic violation (even if expunged or sealed)?” However, a background investigation conducted by an Ohio State Board of Pharmacy Agent revealed that Responsible Person, Heidi Martha Sheedy, R.Ph., has three misdemeanor convictions between 2005 and 2008 in the State of Michigan. Specifically, Ms. Sheedy pled guilty on July 28, 2005, to operating a vehicle while impaired by liquor. People of the Township of Canton v. Sheedy, 35th Judicial Dist. MI, No. 05-C254440A D01 OD, (July 25, 2005). The basis for the cited 2005 case stems from Ms. Sheedy’s arrest on June 6, 2005. She was sentenced to 26 days confinement in jail – no credit given, ordered to pay a fine and costs totaling \$1,523, her driver’s license was restricted, and 12 months of probation was imposed. On April 4, 2007, Ms. Sheedy pled guilty to a 2nd offense of operating a vehicle while impaired by liquor. People of the State of Michigan v. Sheedy, 5201 Judicial Dist. MI, No. 07-001764-SD-09 (C001), (April 4, 2007). The basis for the cited 2007 case stems from Ms. Sheedy’s arrest on February 24, 2007, after she was pulled over for operating a vehicle on a highway while under the influence of alcohol. She was sentenced to 5 days in jail – credit given for 1 day, intensive outpatient substance abuse counseling, probation for 24 months with specified terms, and ordered to pay fines and costs totaling \$2,255. On January 8, 2008, Ms. Sheedy pled nolo contendere to disorderly person – intoxicated. City of Westland v. Sheedy, 18th Judicial Dist. MI, No. 07-142408 D01 OM, (January 8, 2008). The basis for the cited 2008 case against Ms. Sheedy stems from her arrest on July 7, 2007. She was sentenced to one year of probation, and ordered to pay fines and costs totaling \$1,160.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (1) through (3) each of the Findings of Fact constitute a violation of 4729.57(A)(1) of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (1) through (3) of the Findings of Fact each constitute a violation of 4729.57(A)(2) of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraphs (1) through (3) of the Findings of Fact each constitute a violation of 4729.57(A)(3) of the Ohio Revised Code.
- (4) The State Board of Pharmacy concludes that paragraphs (1) through (3) of the Findings of Fact each constitute a violation of 4729.57(A)(7) of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.57 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 Advanced Homecare Pharmacy 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. 02-2348350, held by Advanced Homecare Pharmacy 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. 02-2348350, held by Advanced Homecare Pharmacy 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. 02-2348350, held by Advanced Homecare Pharmacy 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. 02-2348350, held by Advanced Homecare Pharmacy effective as of the date of the mailing of this Order.

Ms. Ferris moved for Findings of Fact; Ms. Huwer seconded the motion. Motion passed (Aye-6/Nay-0).

Ms. Huwer moved for Conclusions of Law; Ms. Ferris 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.

11:53 a.m. The Board recessed for lunch.

1:06 p.m. The meeting reconvened in Room South B&C.

Ms. Ferris provided the Nursing Board CPG meeting report.

Ms. Huwer provided the PAPC meeting report.

Mr. Mitchell provided the Licensing update.

Mr. Wimberly provided the Compliance and Enforcement update.

Mr. Schierholt provided the OARRS/I.T. report.

Ms. Payer provided the AG report.

Ms. Dehner provided the Legal report.

R-2015-279 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Michael R. Stretanski, D.O.** (34.007293) Sunbury, Ohio, be the responsible person for the following pain management clinics:

Interventional Spine & Pain Rehabilitation Center (PMC), Mansfield (02-2146850)
Saturday Spine Clinic (PMC), Columbus (02-2138650)

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

R-2015-280 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Tony Ghassan Lababidi, D.O.** (34.008085) Richfield, Ohio, be the responsible person for the following pain management clinics:

Comprehensive Pain Management Specialists (PMC), Uniontown (02-2145300)
Comprehensive Pain Management Specialists (PMC), Fairlawn (02-2145330)

After discussion, Ms. Marchal moved that the Board deny the specific request. The motion was seconded by Mr. Cain and approved by the Board: Aye – 6.

1:36 p.m. Mr. Schierholt provided the Executive Director's report.

1:48 p.m. Mark Keeley, R.Ph., *Regional Compliance Supervisor* and Betty Jones, R.Ph., *Compliance specialist*, gave a presentation regarding the new sterile compounding inspection form.

2:24 p.m. The board recessed briefly.

2:32 p.m. The meeting reconvened in Room South B&C.

R-2015-281 Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

IN THE MATTER OF:

CASE NO. 2013-1218
KHN Pharmacy - Huber
c/o Rachael Nicole Schlechty, R.Ph.
8701 Troy Pike
Huber Heights, Ohio 45424
TDDD License No. 02-1382950

SETTLEMENT AGREEMENT WITH THE OHIO STATE BOARD OF PHARMACY

This Settlement Agreement ("Agreement") is entered into by the Ohio State Board of Pharmacy ("OSBP") and KHN Pharmacy - Huber, for the purpose of resolving all issues between the parties relating to the OSBP investigation of ceasing to satisfy the qualifications of a Terminal Distributor of Dangerous Drugs. Together, OSBP and KHN Pharmacy - Huber 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. KHN Pharmacy - Huber is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1382950.

FACTS

1. On or about March 6, 2013, the OSBP initiated an investigation of KHN Pharmacy - Huber, Terminal Distributor of Dangerous Drugs license number 02-1382950, related to KHN Pharmacy - Huber ceasing to satisfy the qualifications of a Terminal Distributor of Dangerous Drugs.
2. On or about November 19, 2014 the OSBP sent a Notice of Opportunity for Hearing to KHN Pharmacy - Huber, which outlined the allegations and provided notice of right to a hearing, rights in such hearing, and right to submit contentions in writing.
3. On or about January 6, 2015, KHN Pharmacy - Huber timely requested an administrative hearing, which was subsequently scheduled for April 8, 2015.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced investigation 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. KHN Pharmacy - Huber neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated November 19, 2014; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.

3. KHN Pharmacy - Huber 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, within thirty days from the signed and effective date of this Agreement.

4. KHN Pharmacy - Huber's Terminal Distributor of Dangerous Drugs license, License No. 02-1382950, will be placed on probation for a period of two years from the effective date of this Agreement. Terms of probation will include semi-annual reporting as follows:

- a) Wholesaler receiving reports;
- b) Inventory reports to include physical counts, these reports may either be computer-generated or handwritten; and
- c) Perpetual inventory reports of all Controlled Substances designated as a Schedule II, as well as, codeine and tramadol products.
- d) If a discrepancy appears on any of the above reports, a subsequent report must be submitted to explain variances, along with action taken to resolve those variances.

Each report in 4 a through c, inclusive, will initially be due six months from the date of the effective date of this Agreement; and subsequently, every 6 months thereafter.

5. KHN Pharmacy - Huber agrees that if there is a change in Responsible Person, it will be immediately reported to OSBP.

6. KHN Pharmacy - Huber agrees to immediately notify OSBP if any of KHN's inventory passwords or access ID's have been compromised.

7. KHN Pharmacy - Huber also 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 in Ohio or elsewhere.

8. KHN Pharmacy - Huber 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 KHN Pharmacy - Huber 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 KHN Pharmacy - Huber by the

OSBP and will NOT discharge KHN Pharmacy - Huber from any obligation under the terms of this Agreement.

9. KHN Pharmacy - Huber agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

10. KHN Pharmacy - Huber understands that it has the right to be represented by counsel for review and execution of this agreement.

11. 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 KHN Pharmacy - Huber will operate.

12. 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.

13. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43. KHN Pharmacy - Huber understands the entirety of this action constitutes discipline by the OSBP , which will be publically listed on a license search of the pharmacy.

14. 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-2015-282

Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

IN THE MATTER OF:

CASE NO. 2013-1482

Casey T. Foster

88 Daleview Drive

Westerville, Ohio 43081

Intern License No. 06-008769

SETTLEMENT AGREEMENT WITH THE OHIO STATE BOARD OF PHARMACY

This Settlement Agreement ("Agreement") is entered into by the Ohio State Board of Pharmacy (OSBP) and Casey T. Foster, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Casey T. Foster being addicted to or abusing alcohol and/or impaired physically or mentally to such degree as to render him unfit to practice pharmacy. Together, OSBP and Casey T. Foster 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 4729.11 of the Ohio Revised Code to practice pharmacy as in intern in the state of Ohio.
2. Casey T. Foster held a pharmacy intern license under license number 06-008769.

FACTS

1. On or about May 24, 2013, the OSBP initiated an investigation of Casey T. Foster, pharmacy intern license number 06-008769, related to Casey T. Foster being addicted to or abusing alcohol and/or impaired physically or mentally to such degree as to render him unfit to practice pharmacy.
2. On or about April 24, 2014, the OSBP sent a Notice of Opportunity for Hearing to Casey T. Foster, which outlined the allegations and provided notice of right to a hearing, rights in such hearing, and right to submit contentions in writing.
3. On or about September 11, 2014, Casey T. Foster timely requested an administrative hearing, which was subsequently scheduled for March 3, 2015. Casey T. Foster presented a settlement offer to the OSBP prior to the scheduled hearing date.

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. Casey T. Foster neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated April 24, 2014; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. **CASEY T. FOSTER PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE BOARD OF PHARMACY HIS LICENSE AND REGISTRATION TO PRACTICE PHARMACY AS AN INTERN, LICENSE NO. 06-008769.**

4. Casey T. Foster acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
 5. Casey T. Foster agrees to pay all reasonable costs associated with the prosecution of any violation of this Agreement.
 6. Casey T. Foster understands that he has the right to be represented by counsel for review and execution of this agreement.
 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-2015-283

Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

IN THE MATTER OF:

CASE NO. 2014-1457

Julia Kristine Polz, R.Ph.

1419 Woodpath Court

Hudson, Ohio 44236

Pharmacist License No. 03-2-28086

SETTLEMENT AGREEMENT WITH THE OHIO STATE BOARD OF PHARMACY

This Settlement Agreement ("Agreement") is entered into by the Ohio State Board of Pharmacy ("OSBP") and Julia Kristine Polz, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Ms. Polz's failure to execute corresponding responsibility as a pharmacist as required by Rule 4729-5-21 of the Ohio Administrative Code. Together, OSBP and Julia Kristine Polz 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 impose a monetary penalty, suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Julia Kristine Polz is a licensed pharmacist under license number 03-2-28086.

FACTS

1. On or about May 1, 2014, the OSBP initiated an investigation of Julia Kristine Polz, pharmacist license number 03-2-28086, related to Julia Kristine Polz's failure to execute corresponding responsibility as a pharmacist as required by Rule 4729-5-21 of the Ohio Administrative Code.
2. On January 16, 2015, the OSBP sent a Notice of Opportunity for Hearing to Julia Kristine Polz, which outlined the allegations and provided notice of right to a hearing, rights in such hearing, and right to submit contentions in writing.
3. On or about February 11, 2015, Julia Kristine Polz timely requested an administrative hearing, which was subsequently scheduled for May 4, 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. Julia Kristine Polz neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated January 16, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. Julia Kristine Polz 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, within 30 days from the signed and effective Agreement.
4. Julia Kristine Polz must obtain, within 90 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs) in medication errors, which may not also be used for license renewal.

5. Julia Kristine Polz agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 6. Julia Kristine Polz understands that it has the right to be represented by counsel for review and execution of this agreement.
 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-2015-284

Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

IN THE MATTER OF:

CASE NO. 2013-1811
Source Products, LTD.
c/o Charles Scheetz, MGPT
561 Andrews Avenue
Youngstown, Ohio 44505
WDDD License No. 01-0858050

SETTLEMENT AGREEMENT WITH THE OHIO STATE BOARD OF PHARMACY

This Settlement Agreement ("Agreement") is entered into by the Ohio State Board of Pharmacy ("OSBP") and Source Products, LTD., and Charles Scheetz, for the purpose of resolving all issues between the parties relating to the OSBP investigation of illegally compounded drugs purchased/possessed from Main Street Family Pharmacy and the administration of those drugs to patients. Together, OSBP and Source Products, LTD. are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.56 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 4729.52 and 4729.53 of the Ohio Revised Code to practice pharmacy as a Wholesale Distributor of Dangerous Drugs in the state of Ohio.

2. Source Products, LTD. is a licensed Wholesale Distributor of Dangerous Drugs under license number 01-0858050.

FACTS

1. On or about September 16, 2013, the OSBP initiated an investigation of Source Products, LTD., Wholesale Distributor of Dangerous Drugs license number 01-0858050, related to Source Products, LTD. illegally compounded drugs purchased/possessed from Main Street Family Pharmacy and the administration of those drugs to patients.
2. On or about July 16, 2014 the OSBP sent a Notice of Opportunity for Hearing to Source Products, LTD., which outlined the allegations and provided notice of right to a hearing, rights in such hearing, and right to submit contentions in writing.
3. On or about August 8, 2014, Source Products, LTD. timely requested an administrative hearing, which was subsequently scheduled for March 4, 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. Source Products, LTD. neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated July 16, 2014; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. Source Products, LTD. agrees to pay to the OSBP the amount of \$6,000.00, 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 thirty days from the effective date of this Agreement.
4. Source Products, LTD. must successfully pass an unannounced inspection by the OSBP.
5. Source Products, LTD. license No. 01-0858050 will be placed on probation for a period of one year from the effective date of this Agreement.
6. Source Products, LTD. agrees to comply with all federal and state requirements related to Wholesale 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 Source Products, LTD. 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 Source Products, LTD. by the OSBP and will NOT discharge Source Products, LTD. from any obligation under the terms of this Agreement.

7. Source Products, LTD. agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

8. Source Products, LTD. 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 Source Products, LTD. 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-2015-285

Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

IN THE MATTER OF:

CASE NO. 2014-1046

M.T.B. Oxygen & Equipment Co.

c/o Thomas B. Crawford

P.O. Box 23006

Toledo, Ohio 43623

WDDD License No. 01-1553700

SETTLEMENT AGREEMENT WITH THE OHIO STATE BOARD OF PHARMACY

This Settlement Agreement ("Agreement") is entered into by the Ohio State Board of Pharmacy (OSBP) and M.T.B. Oxygen & Equipment Co. (M.T.B.) for the purpose of resolving all issues between the parties relating to the OSBP investigation of failing to timely renew its Wholesale Distributor of Dangerous Drugs license. Together, OSBP and M.T.B. are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.56 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 4729.52 and 4729.53 of the Ohio Revised Code to practice as a wholesale distributor of dangerous drugs the state of Ohio.
2. M.T.B. is a licensed Wholesale Distributor of Dangerous Drugs under license number 01-1553700.

FACTS

1. On or about January 13, 2014, the OSBP initiated an investigation of M.T.B. Wholesale Distributor of Dangerous Drugs license number 01-1553700, related to M.T.B.'s failure to timely renew its Wholesale Distributor of Dangerous Drugs license.
2. On or about July 2, 2014 the OSBP sent a Notice of Opportunity for Hearing to M.T.B. which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about July 28, 2014, M.T.B. timely requested an administrative hearing, which was subsequently scheduled for March 3, 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. M.T.B. neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated July 2, 2014; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.

3. M.T.B. agrees to probation for a period of two years from the effective date of this signed Agreement.
4. M.T.B. agrees and acknowledge 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.
5. M.T.B. agrees to comply with all federal and state requirements related to Wholesale 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 M.T.B. 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 M.T.B. by the OSBP and will NOT discharge M.T.B. from any obligation under the terms of this Agreement.
6. M.T.B. agrees to pay all reasonable costs associated with the prosecution of any violation of this Agreement.
7. M.T.B. understands that it has the right to be represented by counsel for review and execution of this agreement.
8. 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 M.T.B. will operate.
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-2015-286

Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

IN THE MATTER OF:

CASE NO. 2012-1924

Advanced Compounding Pharmacy

c/o Tanaz Kohan, R.Ph.

7225 Fulton Avenue

North Hollywood, CA 91605

TDDD License No. 02-1913600

SETTLEMENT AGREEMENT WITH THE OHIO STATE BOARD OF PHARMACY

This Settlement Agreement (“Agreement”) is entered into by the Ohio State Board of Pharmacy (“OSBP”) and Advanced Compounding Pharmacy, for the purpose of resolving all issues between the parties relating to the OSBP investigation of ceasing to satisfy the qualifications of a Terminal Distributor of Dangerous Drugs. Together, OSBP and Advanced Compounding 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. Advanced Compounding Pharmacy is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1913600.

FACTS

1. On or about December 28, 2012, the OSBP initiated an investigation of Advanced Compounding Pharmacy, Terminal Distributor of Dangerous Drugs license number 02-1913600, related to Advanced Compounding Pharmacy’s ceasing to satisfy the qualifications of a Terminal Distributor of Dangerous Drugs. Tanaz Kohan, R.Ph. was the named Responsible Person as of March, 2014. Natalie Behfarin, R.Ph. was the named Responsible Person from January of 2012 until March of 2014.
2. On or about November 5, 2014, the OSBP sent a Notice of Opportunity for Hearing to Advanced Compounding Pharmacy, which outlined the allegations and provided notice of right to a hearing, rights in such hearing, and right to submit contentions in writing.
3. On or about January 16, 2015, Advanced Compounding Pharmacy timely requested an administrative hearing, which was subsequently scheduled for June 2, 2015. Advanced Compounding Pharmacy submitted a settlement proposal for the Board’s consideration.

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. Advanced Compounding Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated November 5, 2014; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. **ADVANCED COMPOUNDING PHARMACY PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE OHIO STATE BOARD OF PHARMACY LICENSE NO. 02-1913600, INCLUDING REGISTRATION TO SELL, DELIVER OR DISTRIBUTE DANGEROUS DRUGS.**
4. Advanced Compounding Pharmacy agrees to never reapply for registration as a Terminal Distributor of Dangerous Drugs in the State of Ohio.
5. Advanced Compounding 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 Advanced Compounding 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 Advanced Compounding Pharmacy by the OSBP and will NOT discharge Advanced Compounding Pharmacy from any obligation under the terms of this Agreement.
6. Advanced Compounding Pharmacy agrees to pay all reasonable costs associated with the prosecution of any violation of this Agreement.
7. Advanced Compounding Pharmacy understands that it has the right to be represented by counsel for review and execution of this agreement.
8. 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 Advanced Compounding Pharmacy will operate.

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-2015-287

Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

IN THE MATTER OF:

CASE NO. 2014-2160

Eyob Debebe Adane, R.Ph.

1725 Foraker Avenue

Findlay, Ohio 45840

Pharmacist License No. 03-3-34376 *Pending*

SETTLEMENT AGREEMENT WITH THE OHIO STATE BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the Ohio State Board of Pharmacy (OSBP) and Eyob Adane, for the purpose of resolving all issues between the parties relating to the OSBP investigation of making a false statement with purpose to secure the issuance by a government agency of a license or registration. Together, OSBP and Eyob Adane 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 Sections 4729.08 and 4729.09 of the Revised Code to practice pharmacy as in the state of Ohio.

2. Eyob Adane submitted an application for reciprocity on or about November 21, 2014.

FACTS

1. On or about December 17, 2014, the OSBP initiated an investigation of Eyob Adane, related to Eyob Adane’s false statement with purpose to secure the issuance by a government agency of a license or registration.

2. On or about March 6, 2015, the OSBP sent a Notice of Opportunity for Hearing to Eyob Adane, 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 11, 2015, Eyob Adane timely requested an administrative hearing, which was subsequently scheduled for April 8, 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 Agreement as though fully set forth herein.

2. Eyob Adane neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated March 6, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.

3. Eyob Adane's application for reciprocity is hereby approved and OSBP directs Mr. Adane to attend a Reciprocity Review Session.

4. Eyob Adane agrees to pay a monetary penalty 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. Eyob Adane must obtain, within 90 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs) in law and ethics, which may not also be used for license renewal.

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

7. Eyob Adane understands that he has the right to be represented by counsel for review and execution of this agreement.

8. Eyob Adane agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he 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-2015-288

Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

IN THE MATTER OF:

CASE NO. 2013-2099
Pediatric Center, Inc.
c/o Eva Hansen, M.D.
3740 West Sylvania Avenue
Toledo, Ohio 43616
TDDD License No. 02-1831950

SETTLEMENT AGREEMENT WITH THE OHIO STATE BOARD OF PHARMACY

This Settlement Agreement ("Agreement") is entered into by the Ohio State Board of Pharmacy (OSBP) and Pediatric Center, Inc. and Dr. Eva Hansen, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Responsible Person, Eva Hansen's disciplinary action by the State Medical Board of Ohio. Together, OSBP, Pediatric Center, Inc., and Dr. Eva Hansen 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 4729.54 and 4729.55 of the Ohio Revised Code to practice pharmacy the state of Ohio.

2. Pediatric Center, Inc. is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1831950.

FACTS

1. On or about December 17, 2013, the OSBP initiated an investigation of Pediatric Center, Inc., Terminal Distributor of Dangerous Drugs license number 02-1831950, related to Pediatric Center, Inc.'s Responsible Person, Dr. Eva Hansen, who was disciplined by the State Medical Board of Ohio.

2. On or about January 29, 2015 the OSBP sent a Notice of Opportunity for Hearing to Pediatric Center, Inc., which outlined the allegations and provided notice of right to a hearing, rights in such hearing, and right to submit contentions in writing.

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. The OSBP has evidence sufficient to sustain the allegations stated in the Notice of Opportunity for Hearing letter dated January 29, 2015 and hereby adjudicates the same.

3. Pediatric Center, Inc. agrees to pay to the OSBP the amount of \$1,000.00, 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 thirty days from the effective date of this Agreement.

4. The OSBP will grant Pediatric Center, Inc. a Category II Terminal Distributor of Dangerous Drugs License limited only to conducting business related to Dangerous Drugs as defined in Section 4729.01(F) of the Revised Code and limited by the Category II Terminal Distributor License restrictions, which are set forth in Section 4729.54(A)(2).

a. Pediatric Center, Inc. shall not transact business related to any controlled substance.

b. Pediatric Center, Inc. MUST appear before the OSBP to request any change to the scope of its license.

5. Pediatric Care Center, Inc. and Dr. Hansen also acknowledge 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 in Ohio or elsewhere.

6. Pediatric Center, Inc. and Dr. Hansen agree 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 Pediatric Center, Inc. or Dr. Hansen 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 Pediatric Center, Inc. or Dr. Hansen by the OSBP and will NOT discharge Pediatric Center, Inc. nor Dr. Hansen from any obligation under the terms of this Agreement.

7. Pediatric Center, Inc. and Dr. Hansen agree to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

8. Pediatric Center, Inc. and Dr. Hansen 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 Pediatric Center, Inc. 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-2015-289

Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

IN THE MATTER OF:

CASE NO. 2014-1498

Advanced Pain Management

c/o Jing Xuan Chen, M.D.

598-A Office Parkway

Westerville, Ohio 43082

TDDD Application No. 02-2154750

SETTLEMENT AGREEMENT WITH THE OHIO STATE BOARD OF PHARMACY

This Settlement Agreement ("Agreement") is entered into by the Ohio State Board of Pharmacy ("OSBP") and Advanced Pain Management and Dr. Jing Xuan Chen, for the purpose of resolving all issues between the parties relating to the OSBP investigation of making a false material statement. Together, OSBP and Advanced Pain Management 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 as a Terminal Distributor of Dangerous Drugs in the state of Ohio.
2. Advanced Pain Management applied for a Terminal Distributor of Dangerous Drugs license on June 17, 2011.

FACTS

1. On or about May 13, 2014, the OSBP initiated an investigation of Advanced Pain Management, pending Terminal Distributor of Dangerous Drugs license number 02-2154750, related to Advanced Pain Management's false material statement in its application dated June 17, 2011. The application was signed by Dr. Jing Xuan Chen as Responsible Person and failed to note Dr. Chen's previous discipline by the State Medical Board of Ohio.
2. On or about January 21, 2015, the OSBP sent a Notice of Opportunity for Hearing to Advanced Pain Management and Dr. Chen, which outlined the allegations and provided notice of right to a hearing, rights in such hearing, and right to submit contentions in writing.
3. On or about January 28, 2015, Advanced Pain Management timely requested an administrative hearing, which was subsequently scheduled for April 8, 2015. In advance of the hearing, Advanced Pain Management and Dr. Chen submitted a request for settlement to the OSBP.

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. Advanced Pain Management neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated January 21, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. Advanced Pain Management agrees to pay to the OSBP the amount of \$2,500.00, 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 thirty days from the effective date of this Agreement.
4. Advanced Pain Management's Terminal Distributor of Dangerous Drugs license with a Pain Management Clinic Classification will be issued upon completion of a successful OSBP inspection.
5. Advanced Pain Management and Dr. Chen agree and acknowledge 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.
6. Advanced Pain Management 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 Advanced Pain Management 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 Advanced Pain Management by the OSBP and will NOT discharge Advanced Pain Management from any obligation under the terms of this Agreement.
7. Advanced Pain Management agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Advanced Pain Management 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 Advanced Pain Management 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-2015-290

Mr. Weaver moved that the following resolution be adopted by the Board and memorialized in the Minutes of this meeting:

A Resolution for Brenda E. Gouhin

WHEREAS, the Board's Dangerous Drugs Coordinator, Brenda E. Gouhin, has been with the Board since August of 1997, giving of herself great dedication to the benefit of the Board and the interest of the public for over seventeen years;

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

WHEREAS, the Board recognizes that, upon her retirement this May 31, 2015, her daily presence in the Board office will be greatly missed;

BE IT RESOLVED that we, the undersigned Members of the Ohio State Board of Pharmacy, in the Board's one hundred thirty-first year, do hereby express our profound appreciation to Brenda E. Gouhin for her dedication and service to the Board and to the citizens of Ohio; and

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

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

R-2015-291

Mr. Weaver moved that the following resolution be adopted by the Board and memorialized in the Minutes of this meeting:

A Resolution for Debbie K. Gatto

WHEREAS, the Board's Intern Coordinator Deborah K. Gatto has been with the Board since June of 1995, giving of herself great dedication to the benefit of the Board and the citizens of the State of Ohio for over 19 years;

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

WHEREAS, the Board recognizes that, upon her retirement this April 30, 2015, her daily presence in the Board office will be greatly missed;

BE IT RESOLVED that we, the undersigned Members of the Ohio State Board of Pharmacy, in the Board's one hundred thirty-first year, do hereby express our profound appreciation to Deborah K. Gatto for her dedication and service to the Board and to the citizens of Ohio; and

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

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

2:40 p.m. Mr. Schierholt continued the Executive Director Report.

2:53 p.m. Ms. Ferris 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 Mr. Weaver and a roll-call vote was conducted by President Moné as follows: Cain – yes ; Ferris – yes; Huwer – yes; Kolezynski –yes; Marchal – yes; and Weaver – yes.

3:05 p.m. The meeting reconvened in Room South B&C.

3:10 p.m. Steve Cashman, CEO, *Healthspot, Inc.*, gave a presentation to the Board.

3:27 p.m. Ms. Marchal 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 Moné as follows: Cain – yes ; Ferris – yes; Huwer – yes; Kolezynski –yes; Marchal – yes; and Weaver – yes.

4:58 p.m. The meeting reconvened in Room South B&C.

The Board recessed for the day.

Tuesday, April 7, 2015

8:33 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:

Michael A. Moné, R.Ph., *President*; Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph. and Fred M. Weaver, R.Ph.

8:34 a.m. Mr. McNamee provided the Legislative Update.

R-2015-292 After discussion Ms. Huwer moved that the adoption of the Rules packet be approved for CSI and filing with JCARR. The motion was seconded by Mr. Kolezynski and approved by the Board: Aye – 6.

8:56 a.m. The Board recessed for the Public Rules Hearing.

The public hearing concerning the proposed new and amended rules began in Room South A, 31st Floor of the Riffe Center, with the following members in attendance:

Michael A. Moné, R.Ph., *President*; Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph. and Fred M. Weaver, R.Ph.

9:05 a.m. The public rules hearing ended.

The meeting reconvened in Room South B&C.

9:08 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 **John Boyd, R.Ph.** (03-1-19120) New Cumberland, Ohio.

9:56 a.m. The hearing ended and the record was closed.

Mr. Kolezynski 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 Ms. Ferris and a roll-call vote was conducted by President Moné as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski –yes; Marchal – yes; and Weaver – yes.

10:17 a.m. The recess ended and the hearing was opened to the public.

R-2015-293 After votes were taken in public session, the Board adopted the following order in the matter of **John Boyd, R.Ph.** (03-1-19120) New Cumberland, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2013-1475)

In The Matter Of:

John M. Boyd, R.Ph.
991 Wylie Ridge Road
New Cumberland, WV 26047
R.Ph. License No. 03-1-19120

INTRODUCTION

The Matter of John M. Boyd came for hearing on April 7, 2015, before the following members of the Board: Michael A. Moné, R.Ph. (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph.; Fred Weaver, R.Ph.

Kilee S. Yarosh, R.Ph.; Absent.

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

SUMMARY OF EVIDENCE

State's Witnesses:

None

Respondent's Witness:

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

State's Exhibits:

- | | | |
|-------|--|----------|
| 1. | Petition for Reinstatement from John M. Boyd, R.Ph. | 09-05-14 |
| 1A-D. | Procedurals | |
| 2. | Order of the Ohio State Board of Pharmacy
RE: John M. Boyd, R.Ph. | 12-05-13 |

Respondent's Exhibits:

- | | | |
|----|---|----------|
| A. | West Virginia Pharmacist Recover Network Agreement | 12-23-13 |
| B. | Urine Screens | Various |
| C. | Meeting Attendance Sheets | Various |
| D. | Jefferson Co. Court of Common Pleas Sealed Records Order
RE: John Boyd; Case No. 14-CR-004 | 03-24-15 |
| E. | Continuing Education Certificates | Various |
| F. | Gateway Genesis Letter of Completion of NIOP Program | 02-18-14 |

- | | | |
|----|---|----------|
| G. | Letter of Successful Completion of Probation with Jefferson Co. | 09-04-14 |
| H. | Letter from Cassis Therapy Associates | 09-22-14 |

FINDING 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 John M. Boyd has complied with the terms set forth in the Board Order of the Ohio State Board of Pharmacy, Case No. 2013-1475.

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 Boyd on June 14, 2013.

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, Number 03-1-19120, held by John Boyd to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

(A) John 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) approved treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office before his pharmacist identification card is issued. The contract must provide that:

(1) **Random, observed** urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.

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

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

(2) The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely

fashion. Actual copies of drug screens shall be made available to the Board upon request.

(3) Attendance is required a minimum of three separate days 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 Boyd must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:

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

(2) A written description of John Boyd's progress towards recovery and what he has been doing during the previous three months.

(C) Other terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that John Boyd's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.

(2) John Boyd may not serve as a responsible pharmacist.

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

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

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

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

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

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

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

John Boyd 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.

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

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

SO ORDERED.

10:21 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 **Bloomington Volunteer Fire Department** (02-1435650) Bloomington, Ohio.

10:45 a.m. The hearing ended and the record was closed.

Ms. Marchal 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. Weaver and a roll-call vote was conducted by President Moné as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski –yes; Marchal – yes; and Weaver – yes.

11:01 a.m. The recess ended and the hearing was opened to the public.

R-2015-294 After votes were taken in public session, the Board adopted the following order in the matter of **Bloomington Volunteer Fire Department** (02-1435650) Bloomington, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY
(Case Number 2013-1137)

In The Matter Of:

Bloomington Volunteer Fire Department
c/o David Cercone, D.O.
103 Cadiz Street
Bloomington, Ohio 43910
TDDD License No. 02-1435650

INTRODUCTION

The Matter of Bloomingdale Volunteer Fire Department came for consideration on April 7, 2015, before the following members of the Board: Michael A. Moné, R.Ph. (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph.; Fred Weaver, R.Ph.

Kilee S. Yarosh, R.Ph.; Absent.

Bloomingdale Volunteer Fire Department was not present nor represented by counsel. A hearing had been requested by Jeffrey Bonecutter; however the morning of the hearing a fax was received from Mr. Bonecutter indicating he was too ill to attend the hearing and requesting a continuance. The Board considered whether Mr. Bonecutter had standing to request a hearing and/or continuance on behalf of Bloomingdale Volunteer Fire and determined that Mr. Bonecutter did not have the authority to request either. The Board reviewed the Articles of Incorporation as well as the evidence presented at the hearing in making its determination to proceed without granting a continuance for the presence of Mr. Bonecutter.

The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness:

1. John Bonish, Ohio State Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|-------|--|----------|
| 1. | Notice of Opportunity for Hearing | 04-25-14 |
| 1A-D. | Procedurals | |
| 2. | Dangerous Drugs Distribution Inspection Report | 02-07-13 |
| 3. | Dangerous Drugs Distribution Inspection Report | 03-18-13 |
| 4. | Photos Taken by OSBP Agent at Bloomingdale Fire Department | No Date |
| 5. | Notarized Statement of Joseph Marietti | 02-07-13 |
| 6. | Jefferson County Sheriff's Office, Incident/Offense Report | 02-12-13 |
| 7. | Run Reports Verifying Bloomingdale Fire Department was Operating with a Lapsed License | Various |
| 8. | Statement of David Cercone | 3-26-15 |

Respondent's Exhibits:

None

FINDINGS OF FACT

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

(1) Records of the Board of Pharmacy indicate that Bloomingdale Volunteer Fire Department (BVFD) was licensed with the State Board of Pharmacy as a Terminal Distributor of Dangerous Drugs. Records further reflect during the relevant time periods stated herein, David J. Cercone, D.O. was the Responsible Person pursuant to Rule 4729-5-11 of the Ohio Administrative Code and Sections 4729.27 and 4729.55 of the Ohio Revised Code.

(2) BVFD did, on or about December 31, 2011, fail to maintain licensure as a Terminal Distributor of Dangerous Drugs with the Ohio State Board of Pharmacy, to wit: BVFD failed to renew its TDDD license with the State Board of Pharmacy as required under rule 4729-33-02(A) of the Ohio Administrative Code and section 4729.54(I) of the Ohio Revised Code.

(3) BVFD did, between December 31, 2011 through February 7, 2013, distribute or deliver dangerous drugs when not in accordance with Chapter 4729.51(C)(1) and (C)(3) of the Ohio Revised Code, to wit: while without an active license, BVFD continued to make emergency runs and possess and administer dangerous drug stocks.

(4) BVFD did, between October 2012 and February 7, 2013, fail to provide and maintain supervision and effective and approved controls and to deter and detect theft and diversion of dangerous drugs as required by Rules 4729-9-11 and 4729-0-05(A) of the Ohio Administrative Code, to wit: theft or loss of the BVFD's EMT drug box of dangerous drug stocks was reported to the Jefferson County Sheriff's Office on February 12, 2013, Report #10-0001907, yet no theft or loss of the drug box was report to the State Board of Pharmacy until the Board Agent directed BVFD do to so.

(5) BVFD did, between October 2012 and February 7, 2013, fail to notify the State Board of Pharmacy by telephone immediately upon the discovery of the theft or significant loss of dangerous drugs or controlled substances, to wit: theft or loss of the BVFD drug box was reported to the Jefferson County Sheriff's Office on February 12, 2013, Report #10-0001907, yet this theft/loss was not reported to the State Board of Pharmacy until a Board Agent instructed BVFD to do so.

(6) BVFD did, on or about February 2011 through February 2013, fail to keep records of dangerous drug administration and/or positive identification of the EMT's administering the dangerous drugs, at the place where the dangerous drugs are located, and without first sending a written request to the State Board of Pharmacy, as required by Rules 4729-9-22(B) and (E), and 4729-5-01(N) of the Ohio Administrative Code, to wit:

the BVFD was keeping its records of accountability (run sheets) at BVFD Captain Gaffney's private, unlicensed residence located at 103 West Steubenville, Bloomingdale, Ohio.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (6) of the Findings of Fact each constitute a violation of 4729.57(A)(2) of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (2) through (6) of the Findings of Fact each constitute a violation of 4729.57(A)(3) of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraphs (2) through (6) of the Findings of Fact each constitute a violation of 4729.57(A)(4) of the Ohio Revised Code.
- (4) The State Board of Pharmacy concludes that paragraphs (2) through (6) of the Findings of Fact each constitute a violation of 4729.57(A)(7) of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.57 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 Bloomingdale Volunteer Fire Department 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. 02-1435650, Bloomingdale Volunteer Fire Department 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. 02-1435650, held by Bloomingdale Volunteer Fire Department 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. 02-1435650, held by Bloomingdale Volunteer Fire Department 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. 02-1435650, held by Bloomingdale Volunteer Fire Department effective as of the date of the mailing of this Order.

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

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

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

SO ORDERED.

11:03 a.m. Mr. Kolezynski 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), (3) & (5) of the Ohio Revised Code. The motion was seconded by Ms. Marchal and a roll-call vote was conducted by President Moné as follows: Cain– yes; Ferris – yes; Huwer – yes; Kolezynski –yes; Marchal – yes; and Weaver – yes.

11:37 a.m. The meeting reconvened in Room South B&C.

11:40 a.m. The Board recessed for lunch.

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

Maryann Awosika	Kentucky
James A. Barclay	Michigan
Brett Mitchell Barnette	West Virginia
Ashley Marie Bartell	Illinois
Nicole Alyce Blackford	Colorado
Frederick Josef Bonchosky	Pennsylvania
Anthony James Bursic	Florida
Lindsey Marie Bursic	Florida
Marissa Kay Campbell	West Virginia
Yangnae Cho	California
Samantha K. Christie	Indiana
Tricia L. Coulter	Pennsylvania
Malathi Visswanathan Crossley	Tennessee
David Robert Engstrom	Nevada
Tammy E. Epperly	West Virginia
William M. Fugate	North Dakota
Danielle Lynn Gill	Pennsylvania

John Edward Hombosky	Pennsylvania
Amanda Jacobs	New York
Stacey Marie Kennedy	Michigan
Morgan Traci Kidd	Tennessee
Janie Lynn Kuddes	Illinois
Jessica Leigh Kuivinen	North Carolina
Anna Lampignano	Illinois
Alicia Beth Lichvar	Pennsylvania
James William Marr	Indiana
Benjamin Mathew	New York
Selina Mullins	Kentucky
Debbie Litteral Napier	Kentucky
Edward Thomas Olszewski	Alabama
Brian Peifer	Georgia
Derrick Scott Robrecht	West Virginia
Heather Ashley Rodman	Pennsylvania
Jacqueline Hollon Slone	Kentucky
Nuri Ali Tawwab	Arizona
Jonathan P. Troup	Virginia
Karen Hsiao-Ling Wang	West Virginia
Austin Neil Wengler	West Virginia
Kristina Lynn Westcott	Tennessee

1:50 p.m. The meeting reconvened in Room South B&C.

1:51 p.m. Mr. Kolezynski 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), (3) & (5) of the Ohio Revised Code. The motion was seconded by Ms. Marchal and a roll-call vote was conducted by President Moné as follows: Cain– yes; Ferris – yes; Huwer – yes; Kolezynski –yes; Marchal – yes; and Weaver – yes.

2:27 p.m. The meeting reconvened in Room South B&C.

R-2015-295 Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

IN THE MATTER OF:

CASE NO. 2013-1497

The Metabolic Weight Loss Clinic, LLC

c/o John A. Ross, MD

7531 Patriot Drive

Findlay, OH 45840

TDDD License No. **02-1903250**

SETTLEMENT AGREEMENT WITH THE OHIO STATE BOARD OF PHARMACY

This Settlement Agreement ("Agreement") is entered into by the Ohio State Board of Pharmacy (OSBP) and The Metabolic Weight Loss Clinic, LLC, (MWLC) and Dr. John A. Ross, (Dr. Ross) for the purpose of resolving all issues between the parties relating to the OSBP investigation of illegally compounded drugs purchased/possessed from Civic Center Pharmacy, NW Pharmacy & Compounding, and Complete Pharmacy & Medical Solutions and administration of the same to patients. Together, OSBP and The Metabolic Weight Loss Clinic and Dr. Ross 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 impose a monetary penalty on, 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. MWLC is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1903250.

FACTS

1. On or about May 29, 2013, the OSBP initiated an investigation of MWLC, Terminal Distributor of Dangerous Drugs license number 02-1903250, related to MWLC's illegally compounded drugs purchased/possessed from Civic Center Pharmacy, NW Pharmacy & Compounding, and Complete Pharmacy & Medical Solutions and administration of those drugs to patients. Dr. John A. Ross was the Responsible Person at the time these activities occurred.
2. On or about January 24, 2014, the OSBP sent a Notice of Opportunity for Hearing to MWLC and Dr. Ross, which outlined the allegations and provided notice of right to a hearing, rights in such hearing, and right to submit contentions in writing.
3. On or about February 19, 2014, MWLC timely requested an administrative hearing, which was subsequently scheduled for March 3, 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. MWLC and Dr. Ross neither admit nor deny the allegations stated in the Notice of Opportunity for hearing letter dated January 24, 2014; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. MWLC agree that neither MWLC nor Dr. John A. Ross will engage in any further handling, compounding or dispensing of any drugs (HCG, B12 or any other drugs) prescribed to MWLC patients.
4. MWLC and Dr. Ross agree that they will only submit prescriptions for their patients to pharmacies who are licensed by the state of Ohio.
5. MWLC agrees to pay to the OSBP the amount of \$1,000.00, 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 thirty days from the effective date of this Agreement.
6. MWLC and Dr. Ross agree 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 MWLC or Dr. Ross 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 MWLC or Dr. Ross by the OSBP and will NOT discharge MWLC or Dr. Ross from any obligation under the terms of this Agreement.
7. MWLC agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. MWLC 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 MWLC 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.

2:30 p.m. The Board had a discussion regarding the specific request of Healthspot, Inc.

3:20 p.m. The Board recessed for the day.

Wednesday, April 8, 2015

8:50 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:

Michael A. Moné, R.Ph., *President*; Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph. and Fred M. Weaver, R.Ph.

R-2015-296 Mr. Kolezynski moved that the Board Conference Call Minutes of March 11, 2015, be approved as written. Ms. Ferris seconded the motion and it was approved by the Board: Aye – 6.

R-2015-297 Ms. Ferris moved that the Board Minutes of March 2-4, 2015, be approved as amended. Ms. Marchal seconded the motion and it was approved by the Board: Aye – 6.

9:00 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 **Ayman Fathi Yahya, R.Ph.** (03-1-24746) Mason, Ohio.

10:20 a.m. The Board recessed briefly.

10:25 a.m. The meeting reconvened in Room South B&C.

11:46 a.m. The hearing ended and the record was closed.

Ms. Huwer 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

Ms. Marchal and a roll-call vote was conducted by President Moné as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski –yes; Marchal – yes; and Weaver – yes.

1:25 p.m. The recess ended and the hearing was opened to the public.

R-2015-298 After votes were taken in public session, the Board adopted the following order in the matter of **Ayman Fathi Yahya, R.Ph.** (03-1-24746) Mason, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2013-1983)

In The Matter Of:

Ayman Fathi Yahya, R.Ph.

3769 Wild Cherry
Mason, Ohio 45040

INTRODUCTION

The Matter of Ayman Yahya came for hearing on April 8, 2015, before the following members of the Board: Michael A. Moné, R.Ph. (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph.; Fred Weaver, R.Ph.

Kilee S. Yarosh, R.Ph.; Absent.

Ayman Yahya was represented by Zachary Swisher. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Ayman Yahya, R.Ph., Respondent
2. Donald Root, Kettering Police Department
3. Jesse Wimberly, Ohio State Board of Pharmacy

Respondent's Witnesses:

1. Anne Staup, Co-worker of Respondent
2. Jeffrey Pope, Co-worker of Respondent

State's Exhibits:

- | | | |
|-------|--|----------|
| 1. | Notice of Opportunity for Hearing | 06-26-14 |
| 1A-C. | Procedurals | |
| 2. | Summary Suspension/Notice of Opportunity for Hearing | 08-22-14 |
| 2A-E. | Procedurals | |

3.	Meijer Incident Report w/ Attachments	11-06-13
4.	Kettering Police Department, Control No. K100024430 Incident Report	11-06-13
5.	Statement of Ayman Yahya	11-13-13
6.	Statement of James E. Foster, M.D.	11-13-13
7.	RX#2325 But/APAP/CAF TAB #60, Ayman Yahya w/Attachments	11-06-13
8.	Miami Valley Regional Crime Laboratory Report w/Attachments	02-06-14
9.	Photo of Phentermine Bottle	No Date
10.	Court Documents in the State of Ohio v. Ayman Yahya Case No. 2014 CR 01284, CCP Montgomery Co., Ohio	08-11-14
11.	Physical Evidence- Phentermine Bottle	No Date
11A.	OSBP Evidence Chain of Custody Form	12-04-14
12.	Kettering Police Department Physical Evidence Bag	No Date

Respondent's Exhibits:

A.	Resume of Dr. Peter Rogers	No Date
B.	Report and Letter from Dr. Peter Rogers	01-12-15
C.	CE Statements of Credit	Various
D.	Letters of Support and Recommendation	Various
E.	Letter of Geneva Ann Staup and Jeff Pope RE: Phentermine Court	09-09-14
F.	Prescriptions of Ayman Yahya	11-11-14
G.	Drug Test of Ayman Yahya	12-05-13
H.	Deposit Receipt	11-06-13
I.	Documents Pertaining to Intervention in Lieu of Conviction	08-11-14
J.	Letters of Accommodation and Awards for Ayman Yahya	Various
K.	Performance Management Reports, Rite Aid	04-26-11
N.*	Notice of Opportunity for Hearing	06-26-14
O.	Summary Suspension order/Notice of Opportunity for Hearing	08-22-14

*Note: Counsel for Respondent, Zachary Swisher, voluntarily withdrew exhibits that had been marked as "L" and "M" from the Board's consideration. Neither L nor M were viewed by or used by the Board.

FINDINGS OF FACT

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

(1) Records of the State Board of Pharmacy indicate that Ayman Yahya was originally licensed in the State of Ohio on June 5, 2001, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect that

during the relevant time period stated herein that Ayman Yahya was the Responsible Pharmacist at Wellness I Pharmacy pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Section 4729-5-11 of the Ohio Administrative Code.

(2) Between October 2013, through November 13, 2013, Ayman Yahya did, knowingly commit theft within the meaning of Section 2913.02(A)(2) of the Revised Code, to wit: he diverted 91 butalbital/APAP/Caffeine 50/325/40mg tablets, a dangerous drug, from the pharmacy he owns and works at as a pharmacist, Wellness I Pharmacy, located at 2420 South Smithville Road, Kettering, Ohio 45420, without a legitimate prescription. He admitted this conduct to an Ohio State Board of Pharmacy Agent in a written statement dated November 11, 2013.

(3) Between November 6, 2013, through November 21, 2013, Ayman Yahya did, knowingly commit theft within the meaning of Section 2913.02(A)(2), to wit: He diverted 1 phentermine 37.5mg tablet, a Schedule IV controlled substance, from the pharmacy he owns and works at as a pharmacist, Wellness I Pharmacy, located at 2420 South Smithville Road, Kettering, Ohio 45420, without a legitimate prescription. He admitted this conduct to an Ohio State Board of Pharmacy Agent in a written statement dated November 11, 2013.

(4) On or about November 6, 2013, Ayman Yahya did, knowingly possess a dangerous drug within the meaning of Section 2925.11(A)(C)(2)(a) of the Revised Code, to wit: He was found in possession of 1 butalbital/APAP/Caffeine 50/325/40mg tablet, a dangerous drug, subsequent to his arrest by the Kettering Police Department for Petty Theft from Meijer Store #102. The butalbital/APAP/Caffeine 50/325/40mg tablet was discovered on his person while his property was being inventoried at the Kettering Police station. Ayman Yahya did not have a legitimate prescription for butalbital/APAP/Caffeine 50/325/40mg tablets. Kettering Police Report #2013-56277 indicates that he told the police that the 1 butalbital/APAP/Caffeine 50/325/40mg tablet was an over the counter pain reliever such as Advil or Motrin. *See* Kettering Police Report #2013-56277. When the tablet was tested by the Miami Valley Regional Crime Laboratory, the analysis was positive as containing Acetaminophen, Butalbital, and Caffeine (Rx). *See* Miami Valley Regional Crime Laboratory, Laboratory Report, February 6, 2014.

(5) On or about November 6, 2013, Ayman Yahya did, knowingly possess a dangerous drug within the meaning of Section 2925.11 (A)(C)(2)(a), to wit: He was found in possession of 1 phentermine 37.5mg tablet, a Schedule IV controlled substance, subsequent to his arrest by the Kettering Police Department for Petty Theft from Meijer Store #102. The phentermine 37.5mg tablet was discovered on his person while his property was being inventoried at the Kettering Police station. He did not have a legitimate prescription for phentermine 37.5mg tablets. The discovery of 1 phentermine 37.5mg tablet on his person at the police station is documented in Kettering Police Report #2013-56277. Kettering Police Report #2013-56277 indicates that he told the police that the 1 phentermine 37.5mg tablet was a breath mint. *See* Kettering Police

Report #2013-56277. When tested by the Miami Valley Regional Crime Laboratory, the analysis was positive for phentermine. See Miami Valley Regional Crime Laboratory, Laboratory Report, February 6, 2014.

(6) On or about November 6, 2013, Ayman Yahya did, knowingly engage in illegal processing of a drug document within the meaning of Section 2925.23(B)(1) of the Revised Code, to wit: He forged a prescription, RX #2325, for 60 butalbital/APAP/Caffeine 50/325/40mg tablets, a dangerous drug, and processed the prescription at the pharmacy that you own and work as a pharmacist at, Wellness 1 Pharmacy. He wrote RX #2325 for himself upon returning to his pharmacy, subsequent to being released on bond, following his arrest by the Kettering Police Department for Petty Theft from Meijer Store #102. He admitted this conduct to an Ohio State Board of Pharmacy Agent in a written statement dated November 11, 2013.

(7) A physical count of the phentermine 37.5mg tablets, done by an Agent from the Ohio State Board of Pharmacy, in the bottle on November 13, 2013, revealed 49 tablets, however, a count of the same phentermine 37.5mg manufacturer's bottle on November 21, 2013, revealed that the manufacturer's bottle contained 99 tablets.

(8) On or about December 3, 2014, Ayman Yahya was convicted of an amended charge of Disorderly Conduct within the meaning of Section 2917.11 of the Revised Code, to wit: His arrest on November 6, 2013, for Petty Theft resulted in an amended charge of Disorderly Conduct, a minor misdemeanor, for which the Kettering Municipal Court fined you \$100. *Montgomery County Sheriff-City of Kettering v. Ayman F. Yahya*, Case No. 13CRB02336, Judgment Entry, December 3, 2013. He was arrested for removing 2 bottles of Children's Nyquil, two boxes of Dimetapp, and a small chocolate cake, from Meijer Store #102 without payment.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs two, three and six of the Findings of Fact each constitutes being guilty of acts constituting a felony and each constitutes 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 two through seven of the Findings of Fact each constitute being guilty of dishonesty and each also constitute unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

(3) Further, as a result of the evidence and testimony presented, the State Board of Pharmacy concludes that paragraphs two through seven of the Findings of Fact each constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

(1) Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Ayman Yahya on August 22, 2014.

(2) 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 for 1 year from the August 22, 2104 Summary Suspension Order/Notice of Opportunity for Hearing the pharmacist identification card, No. 03-1-24746, held by Ayman Yahya and such suspension is effective as of the date of the mailing of this Order.

(A) Ayman Yahya, 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) Ayman Yahya, 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.

(3) Further, once suspension is complete on August 23, 2015, pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy hereby places on probation for 5 years the pharmacist identification card, No. 03-1-24746, held by Ayman Yahya effective as of the date of the mailing of this Order. The terms of probation are as follows:

(A) Ayman Yahya must not violate the drug laws of Ohio, any other state, or the federal government.

(B) Ayman Yahya must abide by the rules of the State Board of Pharmacy.

(C) Ayman Yahya must comply with the terms of this Order.

(D) Ayman Yahya's license is deemed to be not in good standing until successful completion of the probationary period.

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

Ayman Yahya 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.

(4) 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 \$6000 on Ayman Yahya 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.

(5) Ayman Yahya must obtain, within 6 months from the effective date of this Order, 10 hours of approved continuing pharmacy education (1.0 CEUs) in law and ethics, which may not be used to count for license renewal.

(6) Throughout the period of his suspension and probation, Ayman Yahya shall not fill nor dispense any prescriptions for himself or members of his family at any pharmacy where he is employed or has an ownership interest.

(7) No pharmacy where Ayman Yahya is employed or where he has an ownership interest shall fill nor dispense Ayman Yahya's family members' prescriptions throughout the duration of Ayman Yahya's suspension and probation.

Ms. Huwer moved for Findings of Fact; Ms. Ferris seconded the motion. Motion passed (Aye-6/Nay-0).

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

Ms. Huwer moved for Action of the Board; Ms. Marchal seconded the motion. Motion passed (Aye-5/Nay-1).

SO ORDERED.

R-2015-299

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

PER DIEM	3/10	4/6	4/7	4/8	Total
Cain	0	1	1	1	3
Ferris	0	1	1	1	3
Huwer	1	1	1	1	4
Kolezynski	0	1	1	1	3
Marchal	0	1	1	1	3
Moné	0	1	1	1	3
Weaver	0	1	1	1	3
Yarosh	0	0	0	0	0

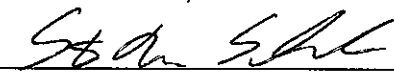
Mr. Weaver seconded the motion and it was approved by the Board: Aye – 6.

R-2015-300 Mr. Kolezynski moved that the meeting be adjourned. The motion was seconded by Ms. Ferris and approved by the Board: Aye – 6.



Michael A. Moné, R.Ph., President

Date: 5/6/15



Steven W. Schierholt, Esq., Executive Director

Date: 5/7/15