

Minutes of the February 1-3, 2016
Meeting of the Ohio State Board of Pharmacy

Monday, February 1, 2016

10:08 a.m. The Ohio State Board of Pharmacy convened in Room South B&C, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

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

Also present were Steven Schierholt, *Executive Director*; Kevin Mitchell, *Assistant Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Eric Griffin, *Director of Compliance and Enforcement*; David Ingram, *Associate Legal Counsel*; and Chad Garner, *Director of OARRS*.

10:09 a.m. The Board was joined by Assistant Attorney General Matthew Lampke to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Michael Carter, R.Ph.**, Columbus, Ohio.

10:24 a.m. The hearing ended and the record was closed.

The Board was joined by Assistant Attorney General Matthew Lampke to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Midwest Veterinary Supply, Inc.**, Lakeville, Minnesota.

10:41 a.m. The hearing ended and the record was closed.

The Board was joined by Assistant Attorney General Matthew Lampke to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Marilyn Sloban, Intern**, Cleveland, Ohio.

10:52 a.m. The hearing ended and the record was closed.

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

11:40 a.m. The recess ended and the hearing was opened to the public.

R-2016-194 After votes were taken in public session, the Board adopted the following order in the matter of **Michael Carter, R.Ph.**, Columbus, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2014-2151)

In The Matter Of:

Michael Carter, R.Ph.

730 S. Sixth St.

Columbus, Ohio 43206

(R.Ph. No. 03-3-30911)

INTRODUCTION

The Matter of Michael Carter came for consideration on February 1, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Michael A. Moné, R.Ph.; Absent.

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

SUMMARY OF EVIDENCE

State's Witnesses:

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

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|----|-----------------------------------|------------|
| 1. | Notice of Opportunity for Hearing | 08-13-2015 |
| 2. | Letter of Michael Carter | 09-15-2015 |
| 3. | Board Complaint | 12-12-2014 |
| 4. | RX#287495 | 02-10-2014 |
| 5. | Statement of Michael Carter | 12-31-2014 |
| 6. | Lab Results | 12-06-2014 |
| 7. | Physician Office Visit Notes | 12-10-2014 |

Respondent's Exhibits:

None

FINDINGS OF FACT

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

1. On October 27, 2014, RPh Michael Carter misbranded a drug within the meaning of ORC 3715.64, to wit: when he received a prescription label to fill an "owed" quantity of 80 tablets of warfarin 6 mg tablets for Rx# 287495, which was initially partially dispensed on 10-21-14 with 10 tablets containing the correct 6 mg dose, he instead dispensed warfarin 10 mg tablets which was not specifically prescribed by the physician. As a result, the patient ingested warfarin 10 mg tablets for 24 days and had a high INR (International Normalized Ratio) of 12.68 (normal INR range is 2-3). INR is a blood test used to monitor the effects of anticoagulants on the clotting system.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraphs (1) of the Findings of Fact constitutes a violation of Section 3715.52(A)(2) of the ORC.

2. Similarly, such conduct, as set forth in paragraphs (1) of the Findings of Fact constitutes a violation of Section 3715.64(A)(1) of the ORC.

3. Additionally, such conduct, as set forth in paragraphs (1) of the Findings of Fact constitutes a violation of each of the following Sections of the ORC:

a. Being guilty of unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2); and

b. Being guilty of willfully violating, any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provision; ORC Section 4729.16(A)(5).

4. Finally, such conduct, as set forth in paragraphs (1) of the Findings of Fact constitutes a violation of the following Ohio Administrative Code (OAC): having committed acts that, if convicted, constitute a violation of any state or federal pharmacy or drug law, OAC Rule 4729-5-04(B).

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 \$1000 on Michael Carter 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, 17th Floor, Columbus, Ohio 43215-6126.

2. Michael Carter must obtain, within 90 days from the effective date of this Order, 6 hours of approved continuing pharmacy education (0.6 CEUs) in medication errors and/or patient safety, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov within 90 days from the effective date of this Order.

Mr. Wilt moved for Findings of Fact; Ms. Marchal seconded the motion. Motion passed (Aye-5/Nay-0).

Mr. Weaver moved for Conclusions of Law; Mr. Passafume seconded the motion. Motion passed (Aye-5/Nay-0).

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

SO ORDERED.

R-2016-195

After votes were taken in public session, the Board adopted the following order in the matter of **Midwest Veterinary Supply, Inc.**, Lakeville, Minnesota.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2014-2067)

In The Matter Of:

Midwest Veterinary Supply, Inc.

c/o Guy Flickinger

21467 Holyoke Avenue

Lakeville, MN

(WDDD No. 01-0726150)

INTRODUCTION

The Matter of Midwest Veterinary Supply, Inc. came for consideration on February 1, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Michael A. Moné, R.Ph.; Absent.

Midwest Veterinary Supply, Inc. was not present nor represented by Counsel. The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. John West, State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|----|---|------------|
| 1. | Notice of Opportunity for Hearing | 08-10-2015 |
| 2. | Credential View Screen | 01-21-2015 |
| 3. | Midwest Veterinary Supply, Inc. Response and Invoices | Various |
| 4. | Inspection Report | 09-10-2014 |
| 5. | Olentangy Animal Hospital's TDDD Application | 09-12-2014 |
| 6. | Midwest Veterinary Supply Invoice | 08-28-2014 |

Respondent's Exhibits:

None

FINDINGS OF FACT

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

1. On or about August 20, 2014, Midwest Veterinary Supply, Inc. located at 21467 Holyoke Avenue Lakeville, Minnesota sold one (1) 10 ml bottle of diazepam 5 mg/ml to Animus, Inc., Olentangy Animal Hospital located at 7206 Gooding Boulevard, Delaware, Ohio 43015. Animus, Inc., Olentangy Animal Hospital did not have a Terminal Distributor of Dangerous Drug (TDDD) license and did not qualify for exempt status at the time of sale.
2. On or about August 28, 2014, Midwest Veterinary Supply, Inc. located at 21467 Holyoke Avenue Lakeville, Minnesota sold two (2) 10 ml bottles of diazepam 5 mg/ml to Animus, Inc., Olentangy Animal Hospital located at 7206 Gooding Boulevard, Delaware, Ohio 43015. Animus, Inc., Olentangy Animal Hospital did not have a Terminal Distributor of Dangerous Drug (TDDD) license and did not qualify for exempt status at the time of sale.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraph (1) of the Findings of Fact constitute the following:

- a. Such conduct constitutes a violation of Section 4729.51 of the Ohio Revised Code (ORC), sale/distribution at wholesale of dangerous drugs without a license.
 - b. Such conduct also constitutes a violation of Section 4729.60(A) of the ORC, failure to obtain certificates prior to transactions.
 - c. Such conduct also constitutes a violation of Section 4729.56(A)(2) of the ORC, violating any federal, state, or local drug law; any provision of this chapter or Chapter 2925., 3715., or 3719. of the Revised Code; any rule of the board.
 - d. Such conduct also constitutes a violation of Section 4729-9-12(A)(2) of the Ohio Administrative Code (OAC), failure to verify a license or exempt status of a provider .
2. Such conduct as set forth in paragraph (1) of the Findings of Fact constitute the following:
 - a. Such conduct constitutes a violation of Section 4729.51 of the ORC, sale/distribution at wholesale of dangerous drugs without a license.
 - b. Such conduct also constitutes a violation of Section 4729.60(A) of the ORC, failure to obtain certificates prior to transactions.
 - c. Such conduct also constitutes a violation of Section 4729.56(A)(2) of the ORC, violating any federal, state, or local drug law; any provision of this chapter or Chapter 2925., 3715., or 3719. of the Revised Code; any rule of the board.
 - d. Such conduct also constitutes a violation of Section 4729-9-12(A)(2) of the OAC, failure to verify a license or exempt status of a provider .

DECISION OF THE BOARD

Pursuant to Section 4729.56 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 \$5000 on Midwest Veterinary Supply, Inc. 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 Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126.

Ms. Marchal moved for Findings of Fact; Mr. Passafume seconded the motion. Motion passed (Aye-5/Nay-0).

Mr. Weaver moved for Conclusions of Law; Ms. Marchal seconded the motion. Motion passed (Aye-5/Nay-0).

Mr. Weaver moved for Action of the Board; Mr. Passafume seconded the motion. Motion passed (Aye-5/Nay-0).

SO ORDERED.

R-2016-196 After votes were taken in public session, the Board adopted the following order in the matter of **Marilyn Sloban, Intern**, Cleveland, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2014-1873)

In The Matter Of:

Marilyn Sloban

3494 West 155th Street
Cleveland, Ohio 43615
(Intern Number 06-003281)

INTRODUCTION

The Matter of Marilyn Sloban came for consideration on February 1, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Michael A. Moné, R.Ph.; Absent.

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

SUMMARY OF EVIDENCE

State's Witnesses:

1. Don Newton, State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|----|------------------------------------|------------|
| 1. | Notice of Opportunity for Hearing | 07-28-2015 |
| 2. | Statement of Marilyn Sloban | 01-26-2015 |
| 3. | Evidence of Urine Screen Violation | 08-19-2014 |
| 4. | Order of the Board | 04-08-2013 |

Respondent's Exhibits:

None

FINDINGS OF FACT

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

1. On or about September 11, 2014, Jarrod Grossman, RPh., Executive Director of PRO Inc., notified the Board that Marilyn Sloban had four diluted urine screens in a six month period, a violation of term (1)(c) and (C) of the Board Order's Order dated May 23, 2013.

CONCLUSIONS OF LAW

1. Such conduct, as set forth in paragraph (1) of the Findings of Fact constitutes a violation of the Board's Order dated May 23, 2012 and subjects Marilyn Sloban to further sanction up to and including revocation of her license to practice as a pharmacist or pharmacy intern in the state of Ohio.
2. Such conduct, as set forth in paragraph (1) of the Findings of Fact constitutes the following violations of the ORC:
 - a. Guilty of a felony or gross immorality, ORC Section 4729.16(A)(1); and
 - b. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2); and
 - c. Guilty of willfully violating...any rule adopted by the board, ORC Section 4729.16(A)(5).
3. Finally, such conduct, as set forth in paragraph (1) of the Findings of Fact constitutes the following violations of the OAC:
 - a. Not being of good moral character and habits, 4729-5-04(C)
 - b. Having been disciplined by the Ohio state board of pharmacy pursuant to section 4729.16 of the Revised Code, 4729-5-04.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code and after consideration of the record as a whole, Marilyn Sloban may never reapply for a future State of Ohio Board of Pharmacy license of any kind.

Mr. Wilt moved for Findings of Fact; Ms. Marchal seconded the motion. Motion passed (Aye-5/Nay-0).

Mr. Wilt moved for Conclusions of Law; Ms. Marchal seconded the motion. Motion passed (Aye-5/Nay-0).

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

SO ORDERED.

11:45 a.m. The Board recessed for lunch.

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

Mr. Passafume provided the CPG update.

Ms. Marchal provided the PAPC update.

Mr. Mitchell provided the Licensing update.

R-2016-197 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Amy Schwan, R.Ph.** (03-2-23448) Castalia, Ohio, be the responsible person for the following pharmacies:

The Medicine Shoppe, Bellevue (02-0676450)
Bellevue Home Medical, Bellevue (02-0721200)

After discussion, Mr. Passafume moved that the Board approve the request for a period of one year. The motion was seconded by Mr. Weaver and approved by the Board: Aye -5.

R-2016-198 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Tim Chowdhury, M.D.** (35.080788) Dublin, Ohio, be the responsible person for the following pain management clinics:

Ortho Spine Rehabilitation Center, Dublin (02-1690700)
Ortho Spine Rehabilitation Center, Marion (02-2322800)

After discussion, Mr. Wilt moved that the Board approve the specific request until such time the business model changes. The motion was seconded by Mr. Passafume and approved by the Board: Aye -5.

R-2016-199 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Sarah Blake, M.D.** (35.082586) Columbus, Ohio, be the responsible person for the following pain management clinics:

Capital City Pain Care, Columbus (02-2147000)
Capital City Pain Care, Mansfield (02-2248050)

After discussion, Ms. Marchal moved that the Board approve the specific request until such time the business model changes. The motion was seconded by Mr. Passafume and approved by the Board: Aye –5.

R-2016-200 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Ricard Buenaventura, M.D.** (35.069740) Beavercreek, Ohio, be the responsible person for the following pain management clinics:

Ortho Spine Rehabilitation Center, Dublin (02-1690700)
Ortho Spine Rehabilitation Center, Marion (02-2322800)

After discussion, Ms. Marchal moved that the Board approve the specific request until such time the business model changes. The motion was seconded by Mr. Wilt and approved by the Board: Aye –5.

R-2016-201 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Stacie Rusk, R.Ph.** (03-1-18837) West Chester, Ohio, be the responsible person for the following pharmacies:

Bethesda Hospital Butler County, Hamilton (02-2192600)
Bethesda Hospital Butler County Outpatient, Hamilton (02-2547850)

After discussion, Mr. Weaver moved that the Board approve the request for a period of six months. The motion was seconded by Mr. Passafume and approved by the Board: Aye –5.

R-2016-202 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **George Andrews, M.D.** (35.090324) Warren, Ohio, be the responsible person for the following pain management clinics:

St. Cyril Pain Clinic, Warren (02-2193650)
St. Cyril Pain Clinic, Youngstown (02-2141550)

After discussion, Mr. Weaver moved that the Board approve the specific request until such time the business model changes. The motion was seconded by Mr. Passafume and approved by the Board: Aye –5.

1:42 p.m. Mr. Garner provided the OARRS update.

2:05 p.m. Mr. Griffin provided the Compliance & Enforcement report.

2:09 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. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Yarosh as follows: Cain – yes; Marchal – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

4:41 p.m. The meeting reconvened in Room East B.

The Board recessed for the day.

Tuesday, February 2, 2016

9:05 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

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

Mr. McNamee provided the Legislative report.

R-2016-203 Mr. Weaver moved to approve the presented list of candidates for the 2016 Pro Ad Hoc Rules Review Committee. The motion was seconded by Mr. Wilt and approved by the Board: Aye –5.

R-2016-204 Mr. Wilt moved that Rules 4729-5-17; 4729-1701; 4729-504; 4729-9-01; and 4729-9-11 be approved as amended for filing with JCARR. The motion was seconded by Mr. Passafume and approved by the Board: Aye –5.

R-2016-205 Mr. Passafume moved that Rules 4729-5-39 and 4729-9-10 be approved for filing with CSI and JCARR. The motion was seconded by Ms. Marchal and approved by the Board: Aye –5.

R-2016-206 Mr. Weaver moved to approve the amendment of Rule 4729-30-02 to include “all dangerous drugs”. The motion was seconded by Ms. Passafume and approved by the Board: Aye –5.

9:47 a.m. Mr. McNamee led a discussion regarding a legal FAQ document for license renewal applications.

10:00 a.m. The Board recessed briefly.

10:06 a.m. The meeting reconvened in Room South B&C.

The Board was joined by Assistant Attorney General Matthew Lampke to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Ryan Griffin, R.Ph.**, Columbus, Ohio.

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

11:21 a.m. The Board recessed briefly.

11:29 a.m. The meeting reconvened in Room South B&C.

The Board was joined by Assistant Attorney General Matthew Lampke to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Ryan Griffin, R.Ph.**, Columbus, Ohio.

12:33 p.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. Passafume and a roll-call vote was conducted by President Yarosh as follows: Cain– yes; Marchal – yes; Moné – yes; Weaver – yes; and Wilt – yes.

2:10 p.m. The recess ended and the hearing was opened to the public.

R-2016-207 After votes were taken in public session, the Board adopted the following order in the matter of **Ryan Griffin, R.Ph.**, Columbus, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2015-1994)

In The Matter Of:

Ryan Griffin, R.Ph.
2823 Bexley Park Road
Columbus, Ohio 43209
(R.Ph. No. 03-2-32602)

INTRODUCTION

The Matter of Ryan Griffin came for hearing on February 2, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Michael A. Moné, R.Ph.; Absent.

Ryan Griffin was represented by Levi Tkach. The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. John West, State of Ohio Board of Pharmacy

Respondent's Witnesses:

1. Ryan Griffin, R.Ph., Respondent

State's Exhibits:

- | | | |
|-----|--|------------|
| 1. | Summary Suspension/Notice of Opportunity for Hearing | 12-09-2015 |
| 2. | Request for Hearing | 12-18-2015 |
| 3. | Notice of Hearing | 12-21-2015 |
| 4. | PRO Report | 11-29-2015 |
| 5. | Statement of Ryan Griffin | 11-30-2015 |
| 6. | CVS Pharmacy Receipt and Patient Profile | 04-29-2015 |
| 7. | Drugs.com Report-Cheratussin AC | No Date |
| 8. | Order of the Board | 05-03-2011 |
| 9. | Order of the Board | 03-05-2012 |
| 10. | PRO Contract | 06-21-2011 |

Respondent's Exhibits:

- | | | |
|----|-----------------------------------|------------|
| A. | CV of Ryan Griffin | No Date |
| B. | Motion to Stipulate | 01-29-2016 |
| C. | Hearing Scheduling Letter | 12-04-2015 |
| D. | 2012 Board Order | 12-07-2012 |
| E. | PRO, Inc. Contract | 06-21-2011 |
| F. | 2015-2016 Meeting Attendance Logs | Various |
| G. | First Lab Results | Various |
| H. | CPE Hours Summary | 01-31-2016 |
| I. | Letters of Support | Various |
| J. | Letter of Sam Long | 01-26-2016 |

FINDINGS OF FACT

The State of Ohio and Respondent, by and through counsel, stipulate to the following Findings of Fact, which are accepted and adopted by the Board:

1. Ryan Griffin is addicted to the use of controlled substances in violation of Section 3719.121(A) of the O.R.C. and/or there is clear and convincing evidence that continuation of his professional practice or method of prescribing or personally

furnishing controlled substances presents a danger of immediate and serious harm to others as set forth in Section 3719.121(B) of the O.R.C., to wit:

- a. On November 17, 2015 Ryan Griffin tested positive for morphine.
- b. He admitted to the executive Director of PRO that he received and filled a prescription for codeine cough syrup without first getting approval from PRO as required by his contract.
- c. He ingested the codeine cough syrup.
- d. He admitted to an agent of the Board that he took the codeine cough syrup in part due to the fact that he was "terrified" about a Board investigation related to a prescription that he allegedly miss-filled.
- e. He indicated that the question of whether he was addicted to cough syrup was very tough and that it was not a yes or no answer but that he would not say no, he was not addicted.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraphs 1a through 1e of the Findings of Fact, constitutes a violation of Section 4729.16 of the O.R.C.:
 1. Guilty of gross immorality, O.R.C. 4729.16(A)(1); and
 2. Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, O.R.C. 4729.16(A)(3).
2. Such conduct as set forth in paragraphs 1a through 1e of the Findings of Fact, also constitutes a violation of Chapter 4729-5 of the Ohio Administrative Code (O.A.C.), which allows the Board to consider as evidence of a person not meeting the requirements provided for licensure in the Revised Code:
 1. Not being of good moral character and habits, O.A.C. Rule 4729-5-04(C); and
 2. Being addicted to or abusing liquor or drugs, O.A.C. Rule 4729-5-04(D); and
 3. Having been disciplined by the Ohio state board of pharmacy pursuant to section 4729.16 of the Revised Code; O.A.C. Rule 4729-5-04(E).
3. Such conduct, as set forth in paragraphs 1a through 1e of the Findings of Fact, constitutes a violation of Respondent's PRO, Inc. Contract. This is the second violation of Respondent's PRO, Inc. Contract.

DECISION OF THE BOARD

The Board finds Ryan Griffin did not provide reliable or credible testimony with respect to the violations.

1. Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Ryan Griffin on December 9, 2015.

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

3.

On the basis of the Findings of Fact and section (1) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-2-32602, held by Ryan Griffin effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (2) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-2-32602, held by Ryan Griffin effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (3) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-2-32602, held by Ryan Griffin effective as of the date of the mailing of this Order.

4. Further, the board will stay the revocation and suspend indefinitely the Pharmacist license, No. 03-2-32602, held by Ryan Griffin, only if he meets the following requirements:

- a) Ryan Griffin must attend 90 Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting in 90 consecutive days;
- b) Attendance at the meetings described in 3(a) must begin on the effective date of the Order;
- c) A minimum of one meeting must be attended each day for 90 consecutive days;
- d) Ryan Griffin must submit evidence of meeting attendance to legal@pharmacy.ohio.gov no later than the 92nd day from the effective date of this Order.

5. If satisfactory evidence of compliance with the 90 meetings in 90 consecutive days is timely submitted to the Board, the Board will stay the revocation and suspend indefinitely the pharmacist license of Ryan Griffin, such suspension is effective as of the date of this Order.

6. If evidence of compliance with the 90 meetings in 90 consecutive days is not timely submitted and/or is deemed not to meet the Board's requirements herein, the revocation of Ryan Griffin's license will take effect by operation of law.

7. Ryan Griffin, 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.

8. Ryan Griffin, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his pharmacist identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board

office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Requirements for Reinstatement

Further, after March 1, 2019, the Board will consider a petition filed by Ryan Griffin for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if Ryan Griffin personally appears before the Board and demonstrates the following conditions have been met:

1. Respondent must maintain a current address with the Board throughout the duration of the suspension.
2. Respondent must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:
 - a. **Random, observed** urine drug screens shall be conducted at least once each month.
 - b. 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.
 - c. Alcohol and Ethyl Glucoronide (ETG) must be added to the standard urine drug screen.
 - d. Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
 - e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Respondent in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.
 - f. 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.
 - g. **After completion of the 90 meetings in 90 days**, attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate

days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

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

3. Respondent shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the Board's Order and request Respondent reappear before the Board for possible additional sanctions, including and up to revocation of license.

4. Ryan Griffin shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of suspension. The Board shall treat any such refusal as a violation of the Board's Orders and request Ryan Griffin reappear before the Board for possible additional sanctions, including and up to revocation of license.

5. Ryan Griffin must immediately report any violation of the terms of this suspension to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Ryan Griffin to possible additional sanctions, including and up to revocation of license.

6. Ryan Griffin must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

7. Ryan Griffin must provide, in the reinstatement petition, documentation of the following:

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

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

c. Compliance with the terms of this Order.

8. If reinstatement is not accomplished within three years of the effective date of this Order, Respondent may need to apply for and successfully complete the North American Pharmacist Licensure Examination (NAPLEX) and/or Multistate Pharmacy Jurisprudence Examination (MPJE) or an equivalent examination approved by the Board.

9. If Ryan Griffin's employment is related to the practice of pharmacy, Ryan Griffin must notify employer of the terms of Ryan Griffin's suspension and this Board's Order.

10. Violation of any term of suspension, including but not limited to any violation of the contract signed with the ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of your pharmacy intern license.

11. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state or federal law will be considered a violation of this Order resulting in a hearing before the Board and may also result in criminal and/or administrative charges.

12. Failure to complete the terms set forth in the Board's Order, and/or to petition for reinstatement within five years of the date of this Order, will result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Ryan Griffin's License.

Mr. Wilt moved for Findings of Fact; Mr. Passafume seconded the motion. Motion passed (Aye-5/Nay-0).

Ms. Marchal moved for Conclusions of Law; Mr. Weaver seconded the motion. Motion passed (Aye-5/Nay-0).

Ms. Marchal moved for Action of the Board; Mr. Passafume seconded the motion. Motion passed (Aye-5/Nay-0).

SO ORDERED.

R-2016-208

After votes were taken in public session, the Board adopted the following order in the matter of **Ryan Griffin, R.Ph.**, Columbus, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY
(Case Number 2014-2033)

In The Matter Of:

Ryan Griffin, R.Ph.
2823 Bexley Park Road
Columbus, Ohio 43209
(R.Ph. No. 03-2-32602)

INTRODUCTION

The Matter of Ryan Griffin came for hearing on February 2, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Michael A. Moné, R.Ph.; Absent.

Ryan Griffin was represented by Levi Tkach . The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Chandra Galante, R.Ph., State of Ohio Board of Pharmacy

Respondent's Witnesses:

1. Ryan Griffin, R.Ph., Respondent

State's Exhibits:

- | | | |
|----|---------------------------------------|------------|
| 1. | Notice of Opportunity for Hearing | 11-09-2015 |
| 2. | Request for Hearing | 12-03-2015 |
| 3. | Notice of Hearing | 12-04-2015 |
| 4. | Vancomycin Documents | 11-01-2014 |
| 5. | Vancomycin Policy and STATREF | No Date |
| 6. | Potassium Chloride Documents | 11-01-2014 |
| 7. | Potassium Chloride Policy and STATREF | No Date |

Respondent's Exhibits:

- | | | |
|----|-----------------------------------|------------|
| A. | CV of Ryan Griffin | No Date |
| B. | Motion to Stipulate | 01-29-2016 |
| C. | Hearing Scheduling Letter | 12-04-2015 |
| D. | 2012 Board Order | 12-07-2012 |
| E. | PRO, Inc. Contract | 06-21-2011 |
| F. | 2015-2016 Meeting Attendance Logs | Various |
| G. | First Lab Results | Various |
| H. | CPE Hours Summary | 01-31-2016 |
| I. | Letters of Support | Various |
| J. | Letter of Sam Long | 01-26-2016 |

FINDINGS OF FACT

The State of Ohio and Ryan Griffin, by and through counsel, stipulate to the following Findings of Fact, which are accepted and adopted by the Board:

1. During an investigation by the Board, it was discovered that on or about October 31, 2014, Ryan Griffin made an error in dispensing and misbranded a drug when he received an order for vancomycin 2gram IV. The order was filled for vancomycin 2 gram/500ml in Sodium Chloride 0.9%; however, he dispensed vancomycin 2gram/250ml in Sodium Chloride 0.9%.
2. During an investigation by an Agent of the Board, it was discovered that on or about October 31, 2014, Ryan Griffin made an error in dispensing and misbranded a drug when he received an order for Potassium Chloride 40mEq/100ml IV solution; however, he dispensed Potassium Chloride 40mEq/100ml IV solution to be administered at 150ml/hr. Such conduct falls below the acceptable and prevailing standard of care that requires the solution to be administered at a max rate of 20mEq/hr (50ml/hr=2hour) if the patient is on an EKG or max rate of 10mEq/hr (25ml/hr=4hrs) if not on EKG.

CONCLUSIONS OF LAW

The State of Ohio and respondent, by and through counsel, stipulate to the following Conclusions of Law, which are accepted and adopted by the Board:

1. Such conduct, as set forth in paragraphs (1) and (2) of the Findings of Fact section constitutes a violation of section 3715.52(A)(2) of the ORC.
2. Such conduct, as set forth in paragraphs (1) and (2) of the Findings of Fact section constitutes a violation of section 3715.64(A)(1) of the ORC.
3. Additionally, such conduct, as set forth in paragraphs (1) and (2) of the Findings of Fact section constitutes a violation of 4729.16(A)(2) of the ORC.
4. Finally, such conduct, as set forth in paragraphs (1) and (2), of the Findings of Fact section constitutes a violation of 4729-5-04 (C) of the OAC.

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 \$250 on Ryan Griffin 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, 17th Floor, Columbus, Ohio 43215-6126.

2. Ryan Griffin must obtain, within 90 days from the effective date of this Order, 6 hours of approved continuing pharmacy education (0.6 CEUs) in patient safety in medication errors in an acute hospital setting, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov within 90 days from the effective date of this Order.

Ms. Marchal moved for Findings of Fact; Mr. Cain seconded the motion. Motion passed (Aye-5/Nay-0).

Mr. Wilt moved for Conclusions of Law; Mr. Passafume seconded the motion. Motion passed (Aye-5/Nay-0).

Mr. Wilt moved for Action of the Board; Mr. Passafume seconded the motion. Motion passed (Aye-4/Nay-1).

SO ORDERED.

2:17 p.m.

Mr. Wilt moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law. The motion was seconded by Ms. Marchal and a roll-call vote was conducted by President Yarosh as follows: Cain– yes; Marchal – yes; Moné – yes; Weaver – yes; and Wilt – yes.

2:23 p.m.

The meeting reconvened in Room South B&C.

2:30 p.m.

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

AMY AREUM KANG	MASSACHUSETTS
KIM BALLER	WEST VIRGINIA
ERICA BARTOLOWITS	PENNSYLVANIA
ENITAN EKWOTAFIA	FLORIDA
LESLIE DAWN HURST	KENTUCKY
JAESUNG LEE	MICHIGAN
JOSEPH LUCIOW	MICHIGAN
KATHERINE LYNDAKER	NEW YORK
NORAH C. MAHONEY	NEW JERSEY
MADIHA Z. QUADRI	ILLINOIS
CHASE TYLER SAUDER	KENTUCKY
MALLORY ANNE SCHMOLL	KENTUCKY
NATALIE MARIE SMITH	FLORIDA
ROBERT TAMUKONG	MINNESOTA
SHIMUL VASA	NORTH CAROLINA
AMY AREUM KANG	MASSACHUSETTS
KIM BALLER	WEST VIRGINIA

ERICA BARTOLOWITS
ENITAN EKWOTAFIA
LESLIE DAWN HURST
JAESUNG LEE
JOSEPH LUCIOW

PENNSYLVANIA
FLORIDA
KENTUCKY
MICHIGAN
MICHIGAN

R-2016-209 Ms. Yarosh announced that the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:
CASE NO. 2014-2145**

Courtney Tidjani, R.Ph.
636 Grove Avenue
Cincinnati, Ohio 45215
License No. 03-3-20010

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Courtney Tidjani, for the purpose of resolving all issues between the parties relating to the OSBP investigation of the misbrand of RX#0723997. Together, OSBP and Courtney Tidjani are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Courtney Tidjani is a licensed pharmacist under license number 03-3-20010.

FACTS

1. On or about December 12, 2014, the OSBP initiated an investigation of Courtney Tidjani, pharmacist license number 03-3-20010, related to Courtney Tidjani’s misbrand of RX#0723997.
2. On or about December 16, 2015, the OSBP sent a Notice of Opportunity for Hearing to Courtney Tidjani, 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.

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. Courtney Tidjani neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 16, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. Courtney Tidjani must obtain, within 90 days from the effective date of this Agreement, 3 hours of approved continuing pharmacy education (0.3 CEUs) in patient safety, which may not also be used for license renewal.
4. Courtney Tidjani agrees to pay to the OSBP the amount of \$750.00, 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, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
5. Courtney Tidjani agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Courtney Tidjani understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Courtney Tidjani agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
8. 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.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

R-2016-210 Ms. Yarosh announced that the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:
CASE NO. 2014-2195-B**

Ryan Bane
1207 Garvins Lane
Wheeling, WV 26003
License No. 03-2-30921

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Ryan Bane, for the purpose of resolving all issues between the parties relating to the OSBP investigation of the misbrand of RX#7058206. Together, OSBP and Ryan Bane are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Ryan Bane is a licensed pharmacist under license number 03-2-30921.

FACTS

1. On or about March 16, 2015, the OSBP initiated an investigation of Ryan Bane, pharmacist license number 03-2-30921, related to Ryan Bane’s misbrand of RX#7058206.
2. On or about December 16, 2015, the OSBP sent a Notice of Opportunity for Hearing to Ryan Bane, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her 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. Ryan Bane neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 16, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. Ryan Bane agrees to pay to the OSBP the amount of \$750.00, 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, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. Ryan Bane must obtain, within 90 days from the effective date of this Agreement, 6 hours of approved continuing pharmacy education (0.6 CEUs) in medication errors and/or patient safety, which may not also be used for license renewal.
5. Ryan Bane agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Ryan Bane understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Ryan Bane 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.
8. 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.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

R-2016-211

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

**IN THE MATTER OF:
CASE NO. 2014-2195-B**

Patricia Greco
21 Walnut Avenue
Wheeling, WV 26003
License No. 03-3-18545

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Patricia Greco, for the purpose of resolving all issues between the parties relating to the OSBP investigation of the misbrand of RX#7058206. Together, OSBP and Patricia Greco are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Patricia Greco is a licensed pharmacist under license number 03-3-18545.

FACTS

1. On or about March 16, 2015, the OSBP initiated an investigation of Patricia Greco, pharmacist license number 03-3-18545, related to Patricia Greco’s misbrand of RX#7058206.
2. On or about December 16, 2015, the OSBP sent a Notice of Opportunity for Hearing to Patricia Greco, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her 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. Patricia Greco neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 16, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
 3. Patricia Greco agrees to pay to the OSBP the amount of \$750.00, 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, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
 4. Patricia Greco must obtain, within 90 days from the effective date of this Agreement, 6 hours of approved continuing pharmacy education (0.6 CEUs) in medication errors and/or patient safety, which may not also be used for license renewal.
 5. Patricia Greco agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 6. Patricia Greco understands that she has the right to be represented by counsel for review and execution of this agreement.
 7. Patricia Greco agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
 8. 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.
 9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 10. 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.
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R-2016-212

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

**IN THE MATTER OF:
CASE NO. 2014-1946-C**

Ronda Jenkins

3509 State Route 522
Wheelersburg, Ohio 45694
License No. 03-1-17641

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Ronda Jenkins, for the purpose of resolving all issues between the parties relating to the OSBP investigation of failure to conduct a proper drug utilization review prior to dispensing RX#1909346. Together, OSBP and Ronda Jenkins are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Ronda Jenkins is a licensed pharmacist under license number 03-1-17641.

FACTS

1. On or about October 6, 2014, the OSBP initiated an investigation of Ronda Jenkins, pharmacist license number 03-1-17641, related to Ronda Jenkins's failure to conduct a proper drug utilization review prior to dispensing RX#1909346.
2. On or about June 25, 2015, the OSBP sent a Notice of Opportunity for Hearing to Ronda Jenkins, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. On or about July 9, 2015, Ronda Jenkins timely requested an administrative hearing, which was subsequently scheduled for September 1, 2015 and ultimately continued to December 9, 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. Ronda Jenkins neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 25, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
 3. Ronda Jenkins 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, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
 4. Ronda Jenkins must obtain, within 90 days from the effective date of this Agreement, 6 hours of approved continuing pharmacy education (0.6 CEUs) in medication errors, which may not also be used for license renewal.
 5. Ronda Jenkins agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 6. Ronda Jenkins understands that she has the right to be represented by counsel for review and execution of this agreement.
 7. Ronda Jenkins agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
 8. 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.
 9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 10. 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.
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R-2016-213

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

**IN THE MATTER OF:
CASE NO. 2014-1946-B**

Christina Reynolds
1514 Meridian Street
Portsmouth, Ohio 45662
License No. 03-2-21151

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Christina Reynolds, for the purpose of resolving all issues between the parties relating to the OSBP investigation of the misbrand of RX#1909346. Together, OSBP and Christina Reynolds are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Christina Reynolds is a licensed pharmacist under license number 03-2-21151.

FACTS

1. On or about October 6, 2014, the OSBP initiated an investigation of Christina Reynolds, pharmacist license number 03-2-21151, related to Christina Reynolds’s misbrand of RX#1909346.
2. On or about June 25, 2015, the OSBP sent a Notice of Opportunity for Hearing to Christina Reynolds, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. On or about July 9, 2015, Christina Reynolds timely requested an administrative hearing, which was subsequently scheduled for September 1, 2015 then continued to December 9, 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. Christina Reynolds neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 25, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. Christina Reynolds 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, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. Christina Reynolds must obtain, within 90 days from the effective date of this Agreement, 6 hours of approved continuing pharmacy education (0.6 CEUs) in medication errors, which may not also be used for license renewal.
5. Christina Reynolds agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Christina Reynolds understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Christina Reynolds agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
8. 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.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

R-2016-214

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

**IN THE MATTER OF:
CASE NO. 2015-2245**

Jonah Fox, R.Ph.

712 Franklin Avenue
P.O. Box 741
Belpre, Ohio 45714
License No. 03-2-21187

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Jonah Fox, for the purpose of resolving all issues between the parties relating to the Board investigation of illegal processing of drug documents. Together, the Board and Jonah Fox are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in intern in the state of Ohio.
2. Jonah Fox is a licensed pharmacist under license number 03-2-21187.

FACTS

1. On or about December 17, 2015, the Board initiated an investigation of Jonah Fox, pharmacist license number 03-2-21187, related to Jonah Fox’s illegal processing of drug documents.
2. On or about January 11, 2016, the Board received Jonah Fox’s pharmacist wall certificate, ID card and statement of intent to surrender his pharmacist license.
3. On or about January 13, 2016, the Board sent a Notice of Opportunity for Hearing to Jonah Fox, 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.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. JONAH FOX PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HIS LICENSE AND REGISTRATION TO PRACTICE PHARMACY, LICENSE NO. 03-2-21187, WITH DISCIPLINE PENDING.

3. Jonah Fox agrees to never apply for a pharmacist license in the state of Ohio.

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

5. Jonah Fox understands that he has the right to be represented by counsel for review and execution of this agreement.

6. Jonah Fox agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, to the extent required by law.

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

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

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

R-2016-215 Ms. Yarosh announced that the following Settlement Agreement has been signed by all parties and is now effective.

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

Brenan Heaps
6322 Cleveland-Massillon Road
New Franklin, OH 44216
License No. 03-2-25367

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

This Settlement Agreement (Agreement) is entered into by the Ohio State Board of Pharmacy (OSBP) and Brenan Heaps for the purpose of resolving all issues between the

parties relating to the audit conducted by OSBP of Brenan Heaps for continuing education units. Together, OSBP and Brenan Heaps are referred to hereinafter as “the parties.”

JURISDICTION

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

2. Brenan Heaps is a licensed pharmacist in the state of Ohio. Your renewal is set to expire September 15, 2016.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Brenan Heaps, pharmacist license number 03225367. The audit showed you failed to complete the required hours.

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

3. On or about December 15, 2015, the OSBP sent a Notice of Opportunity for Hearing to Brenan Heaps, 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.

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. Brenan Heaps neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing dated December 15, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.

3. The Ohio State Board of Pharmacy hereby reprimands Brenan Heaps.

4. Brenan Heaps 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, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
 5. Brenan Heaps must obtain, within 90 days from the effective date of this agreement, 5 hours of approved continuing pharmacy education (0.5 CEU's), which may not also be used for license renewal.
 6. Brenan Heaps agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Brenan Heaps understands that he has the right to be represented by counsel for review and execution of this agreement.
 8. Brenan Heaps 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-2016-216

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

**IN THE MATTER OF:
CASE NO. 2014-1191**

Town & Country Compounding Consultation
c/o John Herr
106 Prospect Street
Ridgewood, NJ 07450
License No. 02-2390600 *Pending*

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Town & Country Compounding Consultation, for the purpose of resolving all issues between the parties relating to the OSBP investigation of the false answer to the legal question on their TDDD application. Together, OSBP and Town & Country Compounding Consultation 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. Town & Country Compounding Consultation submitted a Terminal Distributor of Dangerous Drugs application on October 30, 2013, pending license number 02-2390600.

FACTS

1. On or about February 20, 2014, the OSBP initiated an investigation of Town & Country Compounding Consultation, Terminal Distributor of Dangerous Drugs pending license number 02-2390600, related to Town & Country Compounding Consultation’s false answer to the legal question on their TDDD application.
2. On or about December 17, 2015, the OSBP sent a Notice of Opportunity for Hearing to Town & Country Compounding Consultation, which outlined the allegations and provided notice of their right to a hearing, their rights in such hearing, and their right to submit contentions in writing.

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. Town & Country Compounding Consultation neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 17, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.

3. Town & Country Compounding Consultation agrees to pay to the OSBP the amount of \$1,500.00, 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, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. Town & Country Compounding Consultation must submit a corrected application and pay the application fee.
5. Town & Country Compounding Consultation and John Herr 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 the OSBP on renewal applications or applications for a new license.
6. Town & Country Compounding Consultation 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 Town & Country Compounding Consultation 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 Town & Country Compounding Consultation by the OSBP and will NOT discharge Town & Country Compounding Consultation from any obligation under the terms of this Agreement.
7. Town & Country Compounding Consultation agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Town & Country Compounding Consultation 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 Town & Country Compounding Consultation will operate.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

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

R-2016-217 Ms. Yarosh announced that the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:
CASE NO. 2014-1883**

Paul Jirles, R.Ph.
P.O. Box 21
180 Main Street
Lore City, Ohio 43755
License No. 03-2-17939

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Paul Jirles, for the purpose of resolving all issues between the parties relating to the OSBP investigation of the misbrand of RX#936096. Together, OSBP and Paul Jirles are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Paul Jirles is a licensed pharmacist under license number 03-2-17939.

FACTS

1. On or about September 16, 2014, the OSBP initiated an investigation of Paul Jirles, pharmacist license number 03-2-17939, related to Paul Jirles's misbrand of RX#936096.
2. On or about December 16, 2015, the OSBP sent a Notice of Opportunity for Hearing to Paul Jirles, 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.

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. Paul Jirles neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 16, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
 3. Paul Jirles must obtain, within 90 days from the effective date of this Agreement, 3 hours of approved continuing pharmacy education (0.3 CEUs) in patient safety, which may not also be used for license renewal.
 4. Paul Jirles agrees to pay to the OSBP the amount of \$750.00, 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, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
 5. Paul Jirles agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 6. Paul Jirles understands that he has the right to be represented by counsel for review and execution of this agreement.
 7. Paul Jirles 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.
 8. 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.
 9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
-

R-2016-218 Ms. Yarosh announced that the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:
CASE NO. 2012-1849**

Raymond Fankell, R.Ph.
2678 Dogwood Ridge Rd.
Wheelersburg, Ohio 45694
License No. 03-2-13152

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Raymond Fankell, for the purpose of resolving all issues between the parties relating to the Board investigation of the D.E.A. action against Medi-Mart Pharmacy and owner Raymond Fankell. Together, the Board and Raymond Fankell are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in intern in the state of Ohio.
2. Raymond Fankell is a licensed pharmacist under license number 03-2-13152.

FACTS

1. On or about December 04, 2012, the OSBP initiated an investigation of Raymond Fankell, pharmacist license number 03-2-13152, related to Raymond Fankell’s D.E.A. action.

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. **RAYMOND FANKELL PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HIS LICENSE AND REGISTRATION TO PRACTICE PHARMACY, LICENSE NO. 03-2-13152, WITH DISCIPLINE PENDING.**
 3. Raymond Fankell agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 4. Raymond Fankell understands that he has the right to be represented by counsel for review and execution of this agreement.
 5. Raymond Fankell agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
 6. 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.
 7. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 8. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
-

R-2016-219

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

**IN THE MATTER OF:
CASE NO 2015-1436**

Matthew Edward Erick
782 Tim Tam Avenue
Gahanna, OH 43230
License No. 03-2-19632

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

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

JURISDICTION

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

FACTS

1. The OSBP initiated an audit of continuing education units completed by Matthew Erick, pharmacist license number 03219632. The audit showed you failed to complete the required hours.
2. On or about May 20, 2015, the Board sent a Request for Evidence of Completion of Continuing Education letter to Matthew Erick, which outlined the allegations and provided a form to submit evidence of completion. He failed to complete and return the form to the Board.

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. Matthew Erick neither admits nor denies the allegations stated in the Request for Evidence of Completion of Continuing Education letter dated May 20, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. The Ohio State Board of Pharmacy hereby reprimands Matthew Erick.
4. Matthew Erick agrees to pay to the OSBP the amount of \$250.00, by means of a cashier's check made payable to “Treasurer, State of Ohio,” mailed with the enclosed

form to the OSBP, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.

5. Matthew Erick must obtain, within 90 days from the effective date of this agreement, 120 hours of approved continuing pharmacy education (12.0 CEUs), which may not also be used for license renewal.

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

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

8. Matthew Erick 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-2016-220 Ms. Yarosh announced that the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:
CASE NO. 2014-1946-A**

**Smith Drug Co., Inc.
c/o Michael Sturgill, R.Ph.
741 2nd Street
Portsmouth, Ohio 45662
License No. 02-0117250**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Smith Drug Co., Inc., for the purpose of resolving all issues between the parties relating to the OSBP investigation of adequate safeguards to allow pharmacists and pharmacy interns to practice pharmacy in a safe and effective manner. Together, OSBP and Smith Drug Co., Inc. 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. Smith Drug Co., Inc. is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0117250.

FACTS

1. On or about October 6, 2014, the OSBP initiated an investigation of Smith Drug Co., Inc., Terminal Distributor of Dangerous Drugs license number 02-0117250, related to Smith Drug Co., Inc.’s adequate safeguards to allow pharmacists and pharmacy interns to practice pharmacy in a safe and effective manner.
2. On or about June 25, 2015, the OSBP sent a Notice of Opportunity for Hearing to Smith Drug Co., Inc., which outlined the allegations and provided notice of their right to a hearing, their rights in such hearing, and their right to submit contentions in writing.
3. On or about July 9, 2015, Smith Drug Co., Inc. timely requested an administrative hearing, which was subsequently scheduled for September 1, 2015 and then was continued to December 9, 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. Smith Drug Co., Inc. neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 25, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.

3. Smith Drug Co., 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, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
 4. Smith Drug Co., Inc. and Michael Sturgill 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 the OSBP on renewal applications or applications for a new license.
 5. Smith Drug Co., Inc. 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 Smith Drug Co., Inc. 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 Smith Drug Co., Inc. by the OSBP and will NOT discharge Smith Drug Co., Inc. from any obligation under the terms of this Agreement.
 6. Smith Drug Co., Inc. agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Smith Drug Co., Inc. 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 Smith Drug Co., Inc. 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.
-

3:14 p.m.

The Board recessed for the day.

Wednesday, February 3, 2016

9:05 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

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

The Board was joined by Assistant Attorney General Matthew Lampke to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **James Coll, III, R.Ph.**, Ravenna, Ohio.

9:45 a.m. The hearing ended and the record was closed.

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

9:52 a.m. The recess ended and the hearing was opened to the public.

R-2016-221 After votes were taken in public session, the Board adopted the following order in the matter of **James Coll, III, R.Ph.**, Ravenna, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2014-1002)

In The Matter Of:

James Coll, III, R.Ph.
465 Rosedale Street
Ravenna, Ohio 44266
(R.Ph. Number 03-1-13584)

INTRODUCTION

The Matter of James Coll, III came for hearing on February 3, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Michael A.

Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

James Coll, III was represented by Zachary Swisher. The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

None

Petitioner's Witnesses:

1. James Coll, III, Petitioner

State's Exhibits:

- | | | |
|----|---------------------|------------|
| 1. | Request for Hearing | 12-09-2015 |
| 2. | Notice of Hearing | 12-11-2015 |
| 3. | Order of the Board | 03-04-2015 |

Respondent's Exhibits:

- | | | |
|----|--|------------|
| A. | CPE Monitor Transcript | 01-10-2016 |
| B. | Records of Meeting Attendance | Various |
| C. | Drug Screens | Various |
| D. | Certificates of Completion | Various |
| E. | Journal Entry, Portage Co. Court of Common Pleas | 10-20-2015 |

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the Board finds that James Coll, III has substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case No. 2014-1002, dated March 4, 2015.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-1-13584, held by James Coll, III 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:

1. James Coll, III must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider or a treatment provider acceptable to the Board

for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:

- i. Random, **observed** urine drug screens shall be conducted at least once each month.
- j. 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.
- k. Alcohol and Ethyl Glucoronide (ETG) must be added to the standard urine drug screen.
- l. Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
- m. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the James Coll, III in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.
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.
 - a. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - b. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
3. James Coll, III shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the Board's Order and request James Coll, III reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. James Coll, III shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of probation. The Board shall treat any such refusal as a violation of the Board's Order and request James Coll, III reappear before

the Board for possible additional sanctions, including and up to revocation of license.

5. James Coll, III 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:

a. The written report and documentation provided by the treatment program pursuant to the contract, and

b. A written description of James Coll, III's progress towards recovery and what James Coll, III has been doing during the previous three months.

6. Other terms of probation are as follows:

a. The State Board of Pharmacy hereby declares that James Coll, III'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.

b. James Coll, III may not serve as a responsible pharmacist.

c. James Coll, III may not destroy, assist in, or witness the destruction of controlled substances.

d. James Coll, III may not work in a pharmacy more than 40 hours per week or 80 hours over a two week period.

e. James Coll, III must not violate the drug laws of Ohio, any other state, or the federal government.

f. James Coll, III must abide by the rules of the State of Ohio Board of Pharmacy.

g. James Coll, III must comply with the terms of this Order.

h. James Coll, III's license is deemed not in good standing until successful completion of the probationary period.

7. James Coll, III must immediately report any violation of the terms of this probation to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject James Coll, III to possible additional sanctions, including and up to revocation of license.

8. Any violation of probation or this Board's Order may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code, including and up to revocation of James Coll, III's license.

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

Mr. Weaver moved for Action of the Board; Mr. Passafume seconded the motion. Motion passed (Aye-5/Nay-0).

SO ORDERED.

10:00 a.m. The Board was joined by Assistant Attorney General Matthew Lampke to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Mark Mastramico, Intern**, North Lima, Ohio.

10:48 a.m. The hearing ended and the record was closed.

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

10:59 a.m. The recess ended and the hearing was opened to the public.

R-2016-222 After votes were taken in public session, the Board adopted the following order in the matter of **Mark Mastramico, Intern**, North Lima, Ohio.

ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

(Case Number 2011-1494)

In The Matter Of:

Mark Mastramico
1804 Mallard Lane
North Lima, Ohio 44452
(Intern Number 06-006158)

INTRODUCTION

The Matter of Mark Mastramico came for hearing on February 3, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Mark Mastramico was not represented by Counsel. The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

None

Petitioner's Witnesses:

1. Mark Mastramico, Petitioner

State's Exhibits:

- | | | |
|----|---------------------|------------|
| 1. | Request for Hearing | 09-30-2015 |
| 2. | Notice of Hearing | 10-01-2015 |
| 3. | Order of the Board | 09-10-2012 |
| 4. | Letter from ONU | 01-27-2016 |

Respondent's Exhibits:

- | | | |
|----|--|------------|
| A. | Discharge Summary from Glenbeigh | 05-04-2012 |
| B. | Columbiana Co. Court Expungement Judgement Entry | 08-20-2015 |
| C. | AA Meeting Attendance Records | Various |
| D. | First Lab Urine Screens | Various |
| E. | Verification of Restitution | 01-19-2016 |
| F. | Letters of Recommendation | Various |
| G. | PRO Contract | 10-25-2012 |

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witness, considered the evidence, and weighed the credibility of each, the State of Ohio Board of Pharmacy finds that Mark Mastramico has complied with the terms set forth in the Order of the State of Ohio Board of Pharmacy, Case No. 2011-1494, dated September 10, 2012.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby determines Mark Mastramico is eligible to apply for an intern license upon admission to a Board approved school of pharmacy. Should Mark Mastramico meet all other intern qualifications, the Board shall issue the intern license subject to a period of probation for five years beginning on the effective date of this Order or the approval of his intern license, whichever is later. Should Mark Mastramico successfully obtain a license to practice pharmacy in the State of Ohio prior to the conclusion of the 5 years of probation of his intern license, Mark Mastramico's pharmacist license will be subject to the remainder of the five year probation period. The intern license and pharmacist license probation terms shall be subject to the following terms and conditions:

1. Mark Mastramico must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:

n. **Random, observed** urine drug screens shall be conducted at least once each month.

o. 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.

p. Alcohol and Ethyl Glucoronide (ETG) must be added to the standard urine drug screen.

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

r. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Mark Mastramico in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.

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.

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

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

3. Mark Mastramico shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the Board's Order and request Mark Mastramico reappear before the Board for possible additional sanctions, including and up to revocation of license.

4. Mark Mastramico shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of probation. The Board shall treat any such refusal as a violation of the Board's Order and request Mark Mastramico reappear before the Board for possible additional sanctions, including and up to revocation of license.

5. Mark Mastramico 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:

c. The written report and documentation provided by the treatment program pursuant to the contract, and

d. A written description of Mark Mastramico's progress towards recovery and what Mark Mastramico has been doing during the previous three months.

6. Other terms of probation are as follows:

i. The State Board of Pharmacy hereby declares that Mark Mastramico's intern identification card is not in good standing.

j. Mark Mastramico may not destroy, assist in, or witness the destruction of controlled substances.

k. Mark Mastramico may not work in a pharmacy more than 40 hours per week or 80 hours over a two week period.

l. Mark Mastramico must not violate the drug laws of Ohio, any other state, or the federal government.

m. Mark Mastramico must abide by the rules of the State of Ohio Board of Pharmacy.

n. Mark Mastramico must comply with the terms of this Order.

o. Mark Mastramico's license is deemed not in good standing until successful completion of the probationary period.

7. Mark Mastramico must immediately report any violation of the terms of this probation to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Mark Mastramico to possible additional sanctions, including and up to revocation of license.

8. Any violation of probation or this Board's Order may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code, including and up to revocation of Mark Mastramico's license.

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

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

SO ORDERED.

11:08 a.m. The Board was joined by Assistant Attorney General Matthew Lampke to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Jerry Lilistedt, R.Ph.**, Akron, Ohio.

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

Mr. Passafume 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 Yarosh as follows: Cain – yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

11:42 a.m. The recess ended and the hearing was opened to the public.

R-2016-223 After votes were taken in public session, the Board adopted the following order in the matter of **Jerry Lilistedt, R.Ph.**, Akron, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2014-1976)

In The Matter Of:

Jerry Liliestedt, R.Ph.
643 Rotunda Avenue
Akron, Ohio 44333
(R.Ph. Number 03-1-24428)

INTRODUCTION

The Matter of Jerry Liliestedt came for hearing on February 3, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; and Shawn C. Wilt, R.Ph.

Fred M. Weaver, R.Ph.; Recused.

Jerry Liliestedt was not represented by Counsel. The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Jerry Liliestedt, R.Ph., Respondent

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|----|---|------------|
| 1. | Notice of Opportunity for Hearing | 09-30-2015 |
| 2. | Request for Hearing | 10-06-2015 |
| 3. | Notice of Hearing | 10-09-2015 |
| 4. | TDDD Applications; Devon Oaks, Eliza Jennings,
The Renaissance Health Center | 09-15-2014 |
| 5. | Conviction and Arrest Record | 03-11-2015 |
| 6. | Statement of Jerry Liliestedt | 10-23-2014 |

Respondent's Exhibits:

None

FINDINGS OF FACT

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

1. Jerry Liliestedt submitted three (3) applications for a Terminal Distributor of Dangerous Drugs License on September 15, 2014.
 - a. Absolute Pharmacy, Inc. dba Devon Oaks Assisted Living, 2345 Crocker Road Westlake, OH 44145, license number 022455650;
 - b. Absolute Pharmacy, Inc. dba Eliza Jennings 10603 Detroit Avenue Cleveland, OH 44102, license number 022455550;
 - c. Absolute Pharmacy, Inc. dba The Renaissance Health Center 26376 John Road Olmstead Falls, OH 44138, license number 022455600
2. On the applications submitted on or about September 15, 2014, Jerry Liliestedt falsely answered "No" to the question inquiring whether, within the last 18 months, the responsible person or owner(s), or any agent or any employee of the location being licensed, or any officer of the corporation, have a record of arrest or criminal charges pending or have a conviction of a felony, misdemeanor, or traffic violation (even if sealed or expunged).
3. Upon further investigation by an Agent of the Board, it was discovered:
 - a. On or about September 6, 2014, Jerry Liliestedt was arrested and charged with "Resisting Arrest," "Disorderly Conduct," and "Failure to Comply."
 - b. On or about March 11, 2015, Jerry Liliestedt was convicted of "Disorderly Conduct," a misdemeanor in the fourth degree by the Franklin County Municipal Court. The accompanying criminal charges were dismissed as a result of the plea. Case Number 2014CRB22587.
 - c. On or about October 23, 2014, Jerry Liliestedt was interviewed by an Agent of the Board and confirmed knowledge of the pending criminal charges and the submission of the applications after he was charged.

CONCLUSIONS OF LAW

1. Such conduct, as set forth in paragraph (1) through (3) of the Findings of Fact constitutes the following violations of the ORC:
 - a. Guilty of dishonesty and unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2); and
 - b. Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter, ORC Section 4729.16(A)(10)

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 Board hereby imposes a monetary penalty of \$900 on Jerry Liliestedt 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, 17th Floor, Columbus, Ohio 43215-6126.

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

Mr. Wilt moved for Conclusions of Law; Mr. Passafume seconded the motion. Motion passed (Aye-5/Nay-0).

Ms. Marchal moved for Action of the Board; Mr. Passafume seconded the motion. Motion passed (Aye-5/Nay-0).

SO ORDERED.

12:00 p.m. Mr. Cain left the meeting.

R-2016-224 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Nicholas V. Landry, D.O.** (34.006760) Wellston, Ohio, be the responsible person for the following pain management clinics:

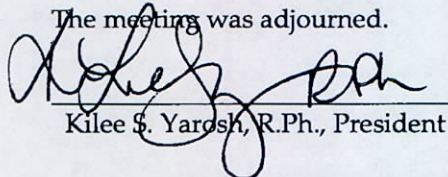
Gallia Family Practice, Gallipolis (02-2143400)
Wellston Family Practice, Wellston (02-2143250)

After discussion, Ms. Marchal moved that the Board table the request. The motion was seconded by Mr. Wilt and approved by the Board: Aye -5.

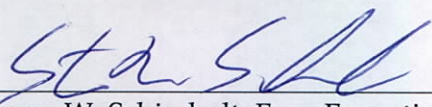
R-2016-225 Ms. Marchal moved that the Board Conference Call Minutes of January 22, 2016, be approved as written. The motion was seconded by Mr. Moné and approved by the Board: Aye - 5.

R-2016-226 Mr. Passfume moved that the Board Minutes of January 11-12, 2016, be approved as amended. The motion was seconded by Ms. Marchal and approved by the Board: Aye - 5.

12:41 p.m. The meeting was adjourned.


Kilee S. Yarosh, R.Ph., President

Date: 3/3/16



Steven W. Schierholt, Esq., Executive Director

Date:

3/8/16