



MINUTES OF THE OCTOBER 3, 2016
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, October 3, 2016

10:02 a.m. The Ohio State Board of Pharmacy convened in the Ralph Regula Conference Center at NEOMED University, 4209 State Route 44, Rootstown, Ohio, with the following members present:

Michael A. Moné, RPh, *President*; Timothy J. Bechtold, *Public Member*; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh; and Kilee S. Yarosh, RPh

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; David Ingram, *Associate Legal Counsel*; Eric Griffin, *Director of Compliance and Enforcement*; Chandra Galante, *Director of Licensing*; Matthew Lampke, *Assistant Attorney General* and Cameron McNamee, *Director of Policy and Communications*.

Mr. Moné administered the Oath of Office to new member, Timothy Bechtold.

Oath of New Member

I, Timothy Bechtold, as a Member of the State of Ohio Board of Pharmacy do solemnly swear to uphold the Constitution of the United States and the state of Ohio; to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the state of Ohio; and carry out the responsibilities of the Board as mandated by the laws of the state of Ohio without bias or prejudice, so help me God.

10:05 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 **Sheri Rose**, Troy, Ohio.

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

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

11:05 a.m. The recess ended and the hearing was opened to the public.



R-2017-111 After votes were taken in public session, the Board adopted the following order in the matter of **Sheri Rose**, Troy, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2015-1353)

In The Matter Of:

Sheri Rose, R.Ph.

1023 Laurel Tree Court, Apt. B

Troy, Ohio 45373

(RPh No. 03-1-31666)

INTRODUCTION

The Matter of Sheri Rose came for consideration on October 3, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Michael A. Moné, R.Ph., *Presiding*; Timothy J. Bechtold, *Public Member*; Joshua M. Cox, R.Ph.; Megan E. Marchal, R.Ph.; Jennifer M. Rudell, R.Ph.; Fred M. Weaver, R.Ph.; Shawn C. Wilt, R.Ph. and Kilee S. Yarosh, R.Ph.

Curtis L. Passafume, Jr., R.Ph.; Absent.

Sheri Rose 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. | Summary Suspension/
Notice of Opportunity for Hearings | 05-27-2015/12-29-2015/08-22-2016 |
| 2. | Request for Hearing | 01-20-2016 |
| 3. | Notices of Hearing Date | 01-22-2016 |
| 4. | Indictment and Entry of Conviction | Various |
| 5. | Investigation and Statements | Various |
| 6. | Investigation and Prescriptions | Various |
| 7. | Indictment and Entry of Conviction | Various |
| 8. | Investigation of Second Criminal Charge | Various |

Respondent's Exhibits:

None

FINDINGS OF FACT

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

1. On or about January 16, 2014, Sheri Rose intentionally made a false prescription in her name under prescription number, CVS #704704, without authorization from Dr. Michael Stark, for twenty (20) tablets of hydrocodone-APAP 5/500mg, a Schedule III controlled substance.
2. On or about June 25, 2014, Sheri Rose intentionally made a false prescription using patient name, T.M., under prescription number, CVS #434618, without authorization from Dr. Julio Soto, for sixty (60) tablets of hydrocodone-APAP 10/325mg, a Schedule III controlled substance.
3. On or about July 17, 2014, Sheri Rose intentionally made a false prescription under prescription number, CVS #439209, without authorization from Dr. Michael Stark, for ten (10) tablets of hydrocodone-APAP 5/325mg, a Schedule III controlled substance.
4. On or about August 6, 2014, Sheri Rose intentionally made a false prescription using patient name, T.M.M., under prescription number, CVS #442953, without authorization from Dr. Julio C. Soto, for ninety (90) tablets of acetaminophen-Codeine 30/300mg.
5. On or about August 23, 2014, Sheri Rose intentionally made a false prescription using patient name, T.M.M., under prescription number, CVS #446137, without authorization from Dr. David Mesker, for sixty (60) tablets of hydrocodone-APAP 10/325mg, a Schedule III controlled substance.
6. On or about September 8, 2014, Sheri Rose intentionally made a false prescription using patient name, J.R., under prescription number, CVS #449258, without authorization from Dr. David Mesker, for one-hundred and twenty (120) tablets of hydrocodone-APAP 10/325mg, a Schedule III controlled substance.
7. On or about September 26, 2014, Sheri Rose intentionally made a false prescription using patient name, T.M.M., under prescription number, CVS #453195, without authorization from Dr. David Mesker, for one-hundred and twenty (120) tablets of hydrocodone-APAP 10/325mg, a Schedule III controlled substance.
8. On or about October 15, 2014, Sheri Rose intentionally made a false prescription using patient name, J.R., under prescription number, CVS #457573, without authorization from Dr. David Mesker, for sixty (60) tablets of alprazolam 0.5mg.
9. On or about October 16, 2014, Sheri Rose intentionally made a false prescription in Hername under prescription number, CVS #457998, without authorization from Dr. Usman Khan, for 2% clindamycin cream.
10. On or about October 18, 2014, Sheri Rose intentionally made a false prescription under prescription number, CVS #458262, without authorization from Dr. Usman Khan, for venlafaxine HCL ER 37.5mg.

11. On or about October 30, 2014, Sheri Rose intentionally made a false prescription using patient name, J.R., under prescription number, CVS #461057, without authorization from Dr. David Mesker, for sixty (60) tablets of alprazolam 1mg.
12. On or about October 30, 2014, Sheri Rose intentionally made a false prescription using patient name, T.M.M., under prescription number, CVS #461058, without authorization from Dr. David Mesker, for #120 tablets of hydrocodone-APAP 10/325mg, a Schedule II controlled substance.
13. On or about November 4, 2014, Sheri Rose intentionally made a false prescription using patient name, J.R., under the prescription number, CVS #462088, without authorization from Dr. David Mesker, for one-hundred and twenty (120) tablets of hydrocodone-APAP 10/325mg, a Schedule II controlled substance.
14. On or about November 20, 2014, Sheri Rose intentionally made a false prescription in Hername under prescription number, CVS #465434, without authorization from Dr. Usman Khan, for fluconazole 150mg.
15. On or about November 20, 2014, Sheri Rose intentionally made a false prescription in Hername under prescription number, CVS #465435, without authorization from Dr. Usman Khan, for clotrimazole-betamethasone cream.
16. On or about December 1, 2014, Sheri Rose intentionally made a false prescription using patient name, J.R., under prescription number, CVS #467102, without authorization from Dr. David Mesker, for sixty (60) tablets of hydrocodone-APAP 10/325mg, a Schedule II controlled substance.
17. On or about December 18, 2014, Sheri Rose intentionally made a false prescription under prescription number, CVS #471354, without authorization from Dr. Usman Khan, for azithromycin 250mg dose pack.
18. On or about December 18, 2014, Sheri Rose intentionally made a false prescription under prescription number, CVS #471355, without authorization from Dr. Usman Khan, for five (5) tablets of fluconazole 150mg.
19. On or about December 28, 2014, Sheri Rose intentionally made a false prescription under prescription number, CVS #472857, without authorization from Dr. Usman Khan, for azithromycin 250mg z-pack.
20. On or about January 8, 2015, Sheri Rose intentionally made a false prescription using patient name, V.S.C., under prescription number, CVS #475323, without authorization from Dr. Jonathan Sullivan, for ninety (90) tablets of hydrocodone-APAP 10/325mg, a Schedule II controlled substance.

21. On or about January 9, 2015, Sheri Rose intentionally made a false prescription under prescription number, CVS #475580, without authorization from Dr. Usman Khan, for two (2) tablets of fluconazole 150mg.
22. On or about January 9, 2015, Sheri Rose intentionally made a false prescription under prescription number, CVS #475581, without authorization from Dr. Usman Khan, for thirty (30) sumatriptan succinate 50mg.
23. On or about January 10, 2015, Sheri Rose intentionally made a false prescription under prescription number, CVS #475630, without authorization from Dr. Usman Khan, for thirty (30) promethazine 25mg.
24. On or about January 12, 2015, Sheri Rose intentionally made a false prescription that was filed on January 15, 2015 under prescription number, CVS #475967, using a patient name, K.M., without authorization from Dr. Bhimavarapu Krishnamohan Reddy, for one-hundred and twelve (112) tablets of hydrocodone-APAP 10/325mg, a Schedule II controlled substance.
25. On or about January 22, 2015, Sheri Rose intentionally made a false prescription under prescription number, CVS #478346, without authorization from Dr. Usman Khan, for eighty-four (84) tablets of Loryna 3mg-0.02mg.
26. On or about January 22, 2015, Sheri Rose intentionally made a false prescription using patient name, S.B., under prescription number, CVS #478344, without authorization from A.C.N.P. Joyce Tebbe, for one- hundred and twenty (120) tablets of hydrocodone-APAP 10/325mg, a Schedule II controlled substance.
27. On or about January 23, 2015, Sheri Rose intentionally made a false prescription under prescription number, CVS #1270308, without authorization from Dr. Usman Khan, for azithromycin 250mg.
28. On or about February 3, 2015, Sheri Rose intentionally made a false prescription under prescription number, CVS #834192, without authorization from Dr. Victoria Ocampo, for three (3) tablets of fluconazole 150mg.
29. On or about February 3, 2015, Sheri Rose intentionally made a false prescription under prescription number, CVS #834193, without authorization from Dr. Victoria Ocampo, for 40 Gm of clindamycin 2% cream.
30. On or about February 3, 2015, Sheri Rose intentionally made a false prescription under prescription number, CVS #834189, without authorization from Dr. Victoria Ocampo, for two (2) tablets azithromycin 500mg.
31. On or about March 14, 2015, Sheri Rose intentionally made a false prescription under prescription number, CVS #1109770, without authorization from Dr. Victoria Ocampo, for two (2) tablets of fluconazole 150mg.

32. On or about March 21, 2015, Sheri Rose intentionally made a false prescription under prescription number, Kmart #6764864, without authorization from Dr. Victoria Ocampo, for eighty-four (84) tablets of loryna 3mg.

33. On or about April 13, 2015, Sheri Rose intentionally made a false prescription under prescription number, Kmart Pharmacy #6765491, without authorization from Dr. Victoria Ocampo, for two (2) tablets fluconazole 150mg.

34. On or about April 25, 2015, Sheri Rose intentionally made a false prescription under prescription number, Kroger Pharmacy #7045158, without authorization from Dr. Victoria Ocampo, for azithromycin 250mg z-pack.

35. On or about April 28, 2015, Sheri Rose intentionally made a false prescription under prescription number, Kroger Pharmacy #6765869, without authorization from Dr. Victoria Ocampo, M.D. for two (2) tablets of fluconazole 150 mg.

36. On or about October 27, 2015, Sheri Rose was indicted on six counts of illegal processing of drug documents, a felony of the fourth degree, in the Miami County Court of Common Pleas. Case No. 15 CR 448. On or about August 8, 2016, Sheri Rose plead guilty to six (6) counts of illegal processing of drug documents. Sheri Rose was sentenced to three (3) years of community control, to complete substance abuse and mental health assessments, a six (6) month driver's license suspension, and required to pay the probation fee and \$522.50 in costs.

37. On May 10, 2016, Sheri Rose was charged with one count of Deception to Obtain Dangerous Drugs, a felony of the fifth degree, in the Miami County Municipal Court. Case No. 2016 CRA 01644. Sheri Rose called in a prescription to Kroger Pharmacy #984 using the name, Kay Roeth, an employee from Dr. Terry Roode's office. It was later determined that the prescription for 30 (thirty) tablets of Xanax 1mg was false and not authorized by either Dr. Terry Roode or Kay Roeth. On or about May 24, 2016, Sheri Rose plead guilty to an amended charge of Attempt, a misdemeanor of the first degree. Sheri Rose was sentenced to 180 days in jail and required to pay \$201.68 in fines and costs.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 17, 18, 19, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 34, and 35 of the Findings of Fact, each constitutes illegal processing of drug documents in violation of Section 2925.23 of the Ohio Revised Code (ORC), a felony of the fifth degree.

2. Such conduct as set forth in paragraphs 12, 13, 16, 20, 24, and 26 of the Findings of Fact, each constitutes illegal processing of drug documents in violation of Section 2925.23 of the Ohio Revised Code (ORC), a felony of the fourth degree.

3. Such conduct as set forth in paragraph 37 of the Findings of Fact, constitutes a violation of Section 2923.02 as it relates to 2925.22 of the Ohio Revised Code (ORC), attempted deception to obtain a dangerous drug, a misdemeanor of the first degree.

4. Such conduct as set forth in paragraphs 1 through 37 inclusive in the Findings of Fact each constitutes a violation of the following Divisions of Section 4729.16 of the ORC, each violation being a minor misdemeanor punishable by a maximum penalty of \$150, each violation constituting a separate offense:
 - a. Being guilty of a felony or gross immorality, ORC 4729.16(A)(1); and
 - b. Being guilty of dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16(A)(2); and
 - c. Being addicted to or abusing liquor or drugs to such a degree as to render the pharmacist unfit to practice pharmacy, ORC 4729.16(A)(3); and
 - d. Being guilty of willfully violating any of the provisions of this chapter, Chapter 2925 of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(5).
5. Such conduct as set forth in paragraphs 1 through 35 inclusive in the Allegations Section, if proven, each constitutes a violation of Sections 3719.121(A) and (B) of the ORC.
6. Such conduct as set forth in paragraphs 36 and 37 in the Allegations Section, if proven, constitutes a violation of Sections 3719.121(A) and (B) of the ORC.
7. Such conduct as set forth in paragraphs 1 through 38 inclusive in the Allegations Section, if proven, each constitutes a violation of the following Sections of Rule 4729-5-04 of the Ohio Administrative Code (OAC):
 - a. Not being of good moral character and habits, OAC 4729-5-04(C); and
 - b. Being addicted to or abusing liquor or drugs, OAC 4729-5-04(D).

DECISION OF THE BOARD

1. Pursuant to Section 3719.121 of the Ohio Revised Code, the State of Ohio Board of Pharmacy hereby removes the Summary Suspension Order issued to Sheri Rose on May 27, 2015 and the Amended Summary Suspension Orders on December 29, 2015 and August 22, 2016.
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 of Ohio Board of Pharmacy adjudicates the matter of Sheri Rose as follows:

On the basis of the Findings of Fact and section (1) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-31666, held by Sheri Rose 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 of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-31666, held by Sheri Rose 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 of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-31666, held by Sheri Rose effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (4) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-31666, held by Sheri Rose effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (5) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-31666, held by Sheri Rose effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (6) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-31666, held by Sheri Rose effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (7) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-31666, held by Sheri Rose effective as of the date of the mailing of this Order.

3. Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby imposes a monetary penalty of \$10,000 on Sheri Rose 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. Weaver seconded the motion. Motion passed (Aye-7/Nay-0).

Mr. Wilt moved for Conclusions of Law; Ms. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0).

Ms. Marchal moved for Action of the Board; Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

11:07 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 **Charmaine Hendrix**, Brownsville, Indiana.

11:25 a.m.

The hearing ended and the record was closed.

Ms. Marchal moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of*

Revision, et al. (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Rudell and a roll-call vote was conducted by President Moné as follows: Bechtold-yes; Cox-yes; Marchal-yes; Rudell-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.

11:35 a.m. The recess ended and the hearing was opened to the public.

R-2017-112 After votes were taken in public session, the Board adopted the following order in the matter of **Charmaine Hendrix**, Brownsville, Indiana.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2015-1703)

In The Matter Of:

Charmaine Hendrix, R.Ph.

675 Patrick Place

Brownsburg, IN 46112

(RPh No. 03-3-34891 DENIED)

INTRODUCTION

The Matter of Charmaine Hendrix came for consideration on October 3, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Michael A. Moné, R.Ph., *Presiding*; Timothy J. Bechtold, *Public Member*; Joshua M. Cox, R.Ph.; Megan E. Marchal, R.Ph.; Jennifer M. Rudell, R.Ph.; Fred M. Weaver, R.Ph.; Shawn C. Wilt, R.Ph. and Kilee S. Yarosh, R.Ph.

Curtis L. Passafume, Jr., R.Ph.; Absent.

Charmaine Hendrix 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. Kelly Monce, State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|----|--|------------|
| 1. | Notice of Opportunity for Hearing | 04-11-2016 |
| 2. | NABP Reciprocity Application | 04-17-2015 |
| 3. | E-mail from Charmaine Hendrix, RE: Clarification on Legal Question | 12-02-2015 |
| 4. | Michigan Conviction | 04-06-2015 |
| 5. | Indiana Conviction | 06-19-2007 |

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 Charmaine Hendrix's notarized NABP application for Transfer of Pharmacist License to the state of Ohio, she falsely answered "No" to question 2 that inquired whether her pharmacist license in any jurisdiction has ever been revoked, suspended, restricted, terminated, or otherwise subject to disciplinary action (public or private) by any board of pharmacy or other state authority.
2. On Charmaine Hendrix's notarized NABP application for Transfer of Pharmacist License to the state of Ohio, she answered "Yes" to question 4 that inquired whether she has ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not the sentence was imposed, suspended, expunged, or whether she was pardoned from any such offense.
3. While conducting an investigation, and reviewing the documents provided with the application, the Agent of the Board learned:
 - a. On or about April 15, 2005, Charmaine Hendrix was indicted in Michigan on four counts of "Insurance-Fraudulent Acts," four counts of "Controlled Substances Drugs-False Prescriptions," and one count of "Controlled Substance-Obtaining By Fraud." She entered a plea of guilty on three counts of "Insurance-Fraudulent Acts," a felony offense, and three counts of "Controlled Substances Drugs-False Prescriptions," a felony offense, for the dismissal of three charges. On or about September 15, 2005, she was sentenced to 200 hours of community service and \$8,225.00 in fines, restitution and costs in the 6th Judicial Circuit in Oakland County, Michigan. Case No. CR 2005-201475-FH.
 - b. On or about August 9, 2006, Charmaine Hendrix entered into a consent order with the Michigan Board of Pharmacy that summarily suspended her license to practice pharmacy in the state of Michigan for a period of 8 months. The suspension was based in part on her failure to notify the board of her criminal convictions in the 6th Judicial Circuit in Oakland County, Michigan. In addition to the summary suspension, she was ordered by the Michigan Board of Pharmacy to pay a \$1,000 fine. Case No. 53-05-100041.
 - c. On or about September 6, 2006, the Indiana Board of Pharmacy imposed an indefinite probation on Charmaine Hendrix's license to practice pharmacy in the state of Indiana. The discipline was based on her criminal convictions in Case No. CR 2005-201475-FH in the 6th Judicial Circuit in Oakland County, Michigan. On or about June 19, 2007, the Indiana Board of Pharmacy withdrew the probationary status on her license.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraph (1) of the Findings of Fact constitutes Falsification, in violation of Section 2921.13(A)(5) of the ORC.

2. Such conduct as set forth in paragraphs (1), (2), (3)(a) through (3)(c) of the Findings of Fact each 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); and
- d. 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).

3. Such conduct as set forth in paragraphs (1), (2), (3)(a) through (3)(c) of the Findings of Fact each constitute the following violations of the OAC, each violation punishable by a maximum fine of \$500:

- a. Has been convicted of a felony, OAC Rule 4729-5-04(A); and
- b. Has been convicted of violating any state or federal pharmacy or drug law, OAC Rule 4729-5-04(B); and
- c. Is not of good moral character and habits, OAC Rule 4729-5-04(C); and
- d. Has been disciplined by any professional licensing board, OAC Rule 4729-5-04(F).

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code and Rule 4729-5-04 of the Ohio Administrative Code, and on the basis of the foregoing Findings of Fact and Conclusions of Law, the State of Ohio Board of Pharmacy hereby denies the issuance of a certificate of registration or an identification card to practice as a pharmacist in Ohio and, therefore, denies the NABP application for Transfer of Pharmacist License to the state of Ohio submitted by Charmaine Hendrix on or about April 17, 2015.

Mr. Weaver moved for Findings of Fact; Ms. Rudell seconded the motion. Motion passed (Aye-7/Nay-0).

Mr. Wilt moved for Conclusions of Law; Ms. Marchal seconded the motion. Motion passed (Aye-7/Nay-0).

Mr. Cox moved for Action of the Board; Ms. Rudell seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

11:38 a.m.

Mr. Schierholt provided the OARRS update.

Mr. McNamee provided the Legislative update, discussing Rules 4729-9-06 and 4729-16-13.

R-2017-113

Ms. Yarosh moved that the Board approve Rule 4729-9-06 for filing with JCARR. The motion was seconded by Ms. Marchal and approved by the Board: Aye-7.

R-2017-114 Mr. Cox moved that the Board approve Rule 4729-16-13 for filing with JCARR. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7.

R-2017-115 Mr. Weaver moved that the Board adopt the following Resolution:

VAWD Accreditation for Virtual Wholesalers

If the Board deems there is a potential for impact to the public health and safety of Ohioans, an applicant for a Virtual Wholesale Distributor of Dangerous Drugs license that does not meet the licensure requirements set forth in Ohio Administrative Code 4729-9-28(A)(8), may seek to obtain an inspection, to be performed at the applicant's cost, by personnel of the State of Ohio Board of Pharmacy. If the inspection results in the applicant being granted an Ohio license, that inspection will be good for up to three years, at which time another inspection by Board personnel will be required at the cost of the licensee.

During the time-period in which the license is valid, any additional inspections, as deemed necessary by the Board, will be at the cost of the licensee. Costs shall include actual travel expenses as well as the hourly rate for the assigned personnel.

Should the licensee subsequently meet the requirements of the Ohio Administrative Code 4729-9-28(A)(8), an inspection by Ohio Board staff will no longer be necessary.

The motion was seconded by Mr. Wilt and approved by the Board: Aye-7.

11:51 a.m. Ms. Galante provided the Licensing update.

Ms. Dehner provided the Legal report.

Ms. Rudell provided the PAPC committee report.

Ms. Marchal provided the CPG committee report.

Mr. Schierholt provided the Executive Director report

Mr. Griffin provided the report for Compliance and Enforcement.

R-2017-116 Mr. Moné announced that the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. 2015-1662**

**Columbus Men's Clinic
c/o Pawan Mangla, MD
1166 Dublin Rd., Suite 100
Columbus, Ohio 43215
License No. 02-2544450**

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 Columbus Men's Clinic, for the purpose of resolving all issues between the parties relating to the OSBP investigation of possessing patient specific prescriptions without a valid Ohio TDDD license. Together, OSBP and Columbus Men's Clinic 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. Columbus Men's Clinic submitted an application to obtain a Terminal Distributor of Dangerous Drugs license on or about August 24, 2015.

FACTS

1. On or about August 5, 2015, the OSBP initiated an investigation of Columbus Men's Clinic, Terminal Distributor of Dangerous Drugs applicant number 02-2497350, related to Columbus Men's Clinic's possession of patient specific prescriptions without a valid Ohio TDDD license.
2. On or about September 23, 2016, the OSBP sent a Notice of Opportunity for Hearing to Columbus Men's Clinic, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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. Columbus Men's Clinic neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated September 23, 2016; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. Columbus Men's Clinic agrees to pay to the OSBP the amount of \$10,000.00, 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. **The OSBP hereby GRANTS Columbus Men's Clinic's TDDD License No. 02-2497350 and places the license on probation for a period of two years from the effective date of this agreement. Terms of probation include Columbus Men's Clinic hiring a consultant pharmacist who will submit an initial report to the Board indicating Columbus Men's Clinic's compliance**

with Pharmacy Board rules and regulations as well as any recommendations for improvement. After submission of the initial report, the consultant pharmacist will submit semi-annual reports to the Board for the remainder of the probationary term. Columbus Men's Clinic will be required to comply with any and all recommendations identified in the consultant pharmacist's reports.

5. Columbus Men's Clinic and Pawan Mangla, MD agree and acknowledge that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which Columbus Men's Clinic currently holds a professional license, including the OSBP on renewal applications or applications for a new license.

6. Columbus Men's Clinic 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 Columbus Men's Clinic 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 Columbus Men's Clinic by the OSBP and will NOT discharge Columbus Men's Clinic from any obligation under the terms of this Agreement.

7. Columbus Men's Clinic agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

8. Columbus Men's Clinic 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 Columbus Men's Clinic will operate.

10. Columbus Men's Clinic waives its right to be heard pursuant a Chapter 119 hearing in this matter and waives any right to an appeal.

11. 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.

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

13. 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-2017-117

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

IN THE MATTER OF:

CASE NO. 2015-1913

Infinite Care Pharmacy
c/o Guy Baker, R.Ph.
28248 N. Tatum Blvd.
Suite B4
Cave Creek, AZ 85331
License No. 02-2540200

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 Infinite Care Pharmacy, for the purpose of resolving all issues between the parties relating to the OSBP investigation of dispensing medications to Ohio patients without being properly licensed. Together, OSBP and Infinite Care Pharmacy are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.55 of the Ohio Revised Code to practice pharmacy the state of Ohio.
2. Infinite Care Pharmacy is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2540200.

FACTS

1. On or about September 9, 2015, the OSBP initiated an investigation of Infinite Care Pharmacy, Terminal Distributor of Dangerous Drugs license number 02-2540200, related to Infinite Care Pharmacy’s dispensing medications to Ohio patients without being properly licensed.
2. On or about June 17, 2016, the OSBP sent a Notice of Opportunity for Hearing to Infinite Care Pharmacy, which outlined the allegations and provided notice of their right to a hearing, their rights in such hearing, and their right to submit contentions in writing.

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. Infinite Care Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 17, 2016; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.

3. Infinite Care Pharmacy agrees to pay to the OSBP the amount of \$3,000.00, 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. Infinite Care Pharmacy and Guy Baker agree and acknowledge that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which Infinite Care Pharmacy currently holds a professional license, including the OSBP on renewal applications or applications for a new license.
 5. Infinite Care Pharmacy agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Infinite Care Pharmacy of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Infinite Care Pharmacy by the OSBP and will NOT discharge Infinite Care Pharmacy from any obligation under the terms of this Agreement.
 6. Infinite Care Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Infinite Care Pharmacy understands that it has the right to be represented by counsel for review and execution of this agreement.
 8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Infinite Care Pharmacy will operate.
 9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
-

12:07 p.m.

The Board recessed for lunch.

1:15 p.m.

The meeting reconvened in the Ralph Regula Conference Center.

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 Lindon**, Avon, Ohio.

1:51 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 Ms. Rudell and a roll-call vote was conducted by President Moné as follows: Bechtold-yes; Cox-yes; Marchal-yes; Rudell-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.

2:34 p.m. The recess ended and the hearing was opened to the public.

R-2017-118 After votes were taken in public session, the Board adopted the following order in the matter of **James Lindon**, Avon, Ohio.

ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

(Case Number 2015-1489)

In The Matter Of:

James Lindon, R.Ph.
35104 Saddle Creek
Avon, Ohio 44011
(RPh No. 03-1-22737)

INTRODUCTION

The Matter of James Lindon came for consideration on October 3, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Michael A. Moné, R.Ph., *Presiding*; Timothy J. Bechtold, *Public Member*; Joshua M. Cox, R.Ph; Megan E. Marchal, R.Ph.; Jennifer M. Rudell, R.Ph.; Fred M. Weaver, R.Ph.; and Shawn C. Wilt, R.Ph.

Curtis L. Passafume, Jr., R.Ph.; Absent.
Kilee S. Yarosh, R.Ph.; Recused.

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

SUMMARY OF EVIDENCEState's Witnesses:

1. Joann Predina, RPh, State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|-----|--|------------|
| 1. | Summary Suspension/Notice of Opportunity for Hearing | 06-17-2016 |
| 2. | Request for Hearing | 07-05-2016 |
| 3. | Notice of Hearing Date | 07-13-2016 |
| 4. | Amended Summary Suspension/Notice of Opportunity for Hearing | 8-11-2016 |
| 5. | Indictment and Entry of Conviction | Various |
| 6. | Investigation Report | Various |
| 7. | Ohio Supreme Court Order | 06-30-2016 |
| 8. | Ohio Supreme Court Order | 01-15-2000 |
| 9. | Michigan Attorney Discipline | 08-07-2009 |
| 10. | 2010 Pharmacist Renewal Application | 08-03-2010 |
| 11. | Credential View Screen | 09-27-2016 |

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 June 17, 2016 under case number 604473-16-CR, James Lindon was convicted by a jury in Cuyahoga Court of Common Pleas of the following offenses which occurred on or about June 2, 2015: one count of Theft of Hydrocodone from Crile Pharmacy and/or Cleveland Clinic, in violation of O.R.C. Section 2913.02(A)(1), a felony of the fourth degree; one count of Drug Possession, to wit: Hydrocodone, a Schedule II drug equaling less than bulk amount, in violation of O.R.C. Section 2925.11(A), a felony of the fifth degree; and Tampering with evidence in violation of O.R.C. Section 2921.12(A)(1), a felony of the third degree.
 - a. On or about August 2, 2016, James Lindon was sentenced to two years of community control/probation that requires regular drug testing and counseling. He was also required to complete inpatient drug treatment and were assessed a \$750 fine and court costs.
2. On or about June 30, 2016, The Supreme Court of Ohio suspended James Lindon's Attorney Registration No. 0068842, from the practice of law in the state of Ohio. The suspension was based on the felony convictions out of case number 604473-16-CR in the Cuyahoga Court of Common Pleas. Case Number 2016-0951.

3. On or about January 15, 2010, under case number 2009-2207, James Lindon was disciplined by The Supreme Court of Ohio and issued a public reprimand following the discipline from the Attorney Discipline Board of the State of Michigan. While James Lindon did disclose the underlying misdemeanor criminal conviction to the Board on his 2009 renewal application, on his renewal application submitted on or about August 3, 2010, he falsely answered "No" to the question inquiring whether within the last 18 months he had been the subject of disciplinary action by any state or federal agency.

4. The board further finds, based upon the witness testimony and exhibits in the record, that the description of James Lindon's conduct in the emergency room to be indicative of the inability for him to reasonably practice pharmacy with care, skill, and competence, thus being a threat to the public's safety.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraph (1) of the Findings of Fact constitutes a violation of Section 2913.02 of the O.R.C., theft of a controlled substance, a felony of the fourth degree.

2. Such conduct as set forth in paragraph (1) of the Findings of Fact constitutes a violation of Section 2925.11(A) of the O.R.C., Possession of a Schedule II controlled substance, a felony of the fifth degree.

3. Such conduct as set forth in paragraph (1) of the Findings of Fact constitutes a violation of Section 2921.12(A)(1) of the O.R.C., Tampering with evidence, a felony of the third degree.

4. Such conduct as set forth in (3) of the Findings of Fact constitutes a violation of Section 2921.13(A)(5) of the O.R.C., Falsification, a misdemeanor of the first degree.

5. Such conduct as set forth in paragraph (1) of the Findings of Fact constitutes a violation of Section 4729.16 of the O.R.C.:

a. Guilty of a felony and gross immorality, O.R.C. 4729.16(A)(1); and

b. Guilty of dishonesty and unprofessional conduct in the practice of pharmacy, O.R.C. 4729.16(A)(2); and

c. 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);

d. Guilty of willfully violating any of the provisions of this chapter...Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, O.R.C. 4729.16(A)(5).

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

- a. Having violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, O.A.C. Rule 4729-5-04(A); and
 - b. Having violated any of the provisions of Chapters 4729., 3715., 3719. and 2925. of the Revised Code, or any rule adopted by the board under those provisions, O.A.C. Rule 4729-5-04(B); and
 - c. Abusing alcohol, drugs, or other chemical substances or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy, O.A.C. Rule 4729-5-04(D).
7. Such conduct as set forth in paragraphs (2) and (3) of the Findings of Fact constitutes a violation of Chapter 4729-5-04(F) of the 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 having been disciplined by any professional licensing board.

DECISION OF THE BOARD

1. Pursuant to Section 3719.121 of the Ohio Revised Code, the State of Ohio Board of Pharmacy hereby removes the Summary Suspension Order issued to James Lindon on June 17, 2016 and the Amended Summary Suspension Order on August 11, 2016.
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 of Ohio Board of Pharmacy adjudicates the matter of James Lindon as follows:

On the basis of the Findings of Fact and section (1) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-22737, held by James Lindon 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 of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-22737, held by James Lindon 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 of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-22737, held by James Lindon effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (4) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-22737, held by James Lindon effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (5)(a) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-22737, held by James Lindon effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (5)(b) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-22737, held by James Lindon effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (5)(c) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-22737, held by James Lindon effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (5)(d) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-22737, held by James Lindon effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (6)(a) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-22737, held by James Lindon effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (6)(b) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-22737, held by James Lindon effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (6)(c) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-1-22737, held by James Lindon effective as of the date of the mailing of this Order.

3. Further, the Board will stay the revocation and suspend indefinitely the Pharmacist license, No. 03-1-22737, held by James Lindon, until the conclusion of his criminal appeal.

a. If the entirety of James Lindon's felony convictions are overturned upon the conclusion of all appeals, James Lindon may petition for reinstatement only if he meets the following requirements:

- i. Petition for reinstatement must be requested within 6 months of the conclusion of the final court order related to the appeal.
- ii. James Lindon must obtain a mental and physical health assessment that includes an evaluation his fitness to practice pharmacy and he must release the results of the assessment to the State of Ohio Board of Pharmacy; documentation must be provided that James Lindon demonstrate the current skill, care, and competence to practice pharmacy.
- iii. James Lindon may be required to apply for and successfully complete the NAPLEX and/or MPJE exam consistent with Ohio rules and regulations relating to the practice of pharmacy.

b. If any portion of James Lindon's felony conviction is upheld, the indefinite suspension will be lifted and the license revocation will be in effect.

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

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

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

SO ORDERED.

2:40 p.m.

The Board opened up the floor for a Q&A session with the NEOMED students.

R-2017-119

The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Dwight Mosley, MD** (35.092811) New Albany, Ohio, be the Responsible Person for the following pain management clinics:

Comprehensive Pain Specialists: Columbus, Ohio (02-2450800)
Comprehensive Pain Specialists: Cincinnati, Ohio (02-2450750)

After discussion, Ms. Yarosh moved that the Board table the request. The motion was seconded by Ms. Marchal and approved by the Board: Aye-7.

R-2017-120

The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Andrew Jackson, RPh** (03-1-29737) Batavia, Ohio, be the Responsible Person for the following pharmacies:

Pharmakela, LLC: Milford, Ohio (02-2484450)
Vanguard, dba USFreemeds.com: Milford, Ohio (02-2650850)

After discussion, Mr. Weaver moved that the Board approve the request for a period of 9 months. The motion was seconded by Mr. Wilt and approved by the Board: Aye-7.

R-2017-121

The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Ronald Rahe, RPh** (03-3-14520) Stow, Ohio, be the Responsible Person for the following pharmacies:

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

After discussion, Ms. Rudell moved that the Board approve the request for a period of 9 months. The motion was seconded by Mr. Cox and approved by the Board: Aye-7.

R-2017-122

The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Abbas Abdalla, RPh** (03-2-30048) Reynoldsburg, Ohio, be the Responsible Person for the following pharmacies:

Infinity Pharmacy: Dayton, Ohio (02-2490100)
Saraga Pharmacy: Columbus, Ohio (02-2595800)

After discussion, Ms. Rudell moved that the Board deny the request. The motion was seconded by Mr. Wilt and approved by the Board: Aye-7.

R-2017-123

The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Dale Erickson, RPh** (03-1-14704) Cincinnati, Ohio, be the Responsible Person for the following pharmacies:

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

After discussion, Mr. Cox moved that the Board approve the request for a period of 9 months. The motion was seconded by Ms. Marchal and approved by the Board: Aye-7.

R-2017-124

Ms. Yarosh moved that the Board adopt the following Resolution:

Refund Policy

PHARMACIST:

AN EIGHTY PERCENT REFUND WILL BE GRANTED FOR PHARMACIST LICENSING ISSUES EXCEPT:

1. Identification card has been mailed – NO REFUND.
2. The Board has determined that the applicant has failed to qualify – NO REFUND.
3. Two applications received – one fee will be refunded less \$10.00.
4. RPh has passed away and spouse requests return of fee – 100% refund granted.

DISTRIBUTOR:

AN EIGHTY PERCENT REFUND WILL BE GRANTED FOR DISTRIBUTOR LICENSING ISSUES EXCEPT:

1. Registrant has received license from inspector, registrant must return license with a discontinuing business form in order to receive eighty percent refund.
2. The Board has determined that the applicant has failed to qualify – NO REFUND.
3. If the office determines that a lesser category of Terminal Distributor license is required than that requested by the applicant, the difference in fees shall be refunded.
4. An applicant has submitted more than one application for a single site – one fee less \$10.00 may be refunded as long as license has not been issued to applicant.
5. An applicant has submitted more than one application and/or fee for a single site upon new application or renewal may not be refunded if refund is not requested within 90 days of deposit.
6. It has been determined by the applicant or Board that they do not need a license because of a legal exemption within one year of the law change they will receive 100%, otherwise policy will apply to even those who were exempted.

Requests for refunds must be in writing and will include:

Name of Applicant
Address
License number, if applicable

If refund request is not received within 90 days of deposit – no refund will be granted

The motion was seconded by Ms. Rudell and approved by the Board: Aye-7.

R-2017-125

Mr. Wilt moved that the meeting minutes of September 12-13, 2016, be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-6/Abstain-1.

3:28 p.m.

Ms. Marchal moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Mr. Wilt and a roll-call vote was conducted by President Moné as follows: Bechtold-yes; Cox-yes; Marchal-yes; Rudell-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.

4:30 p.m.

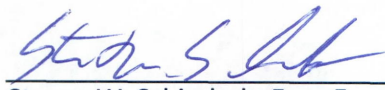
The meeting was adjourned.



Michael A. Moné, RPh, President

12/6/2016

Date



Steven W. Schierholt, Esq., Executive Director

12/8/16

Date