



MINUTES OF THE OCTOBER 10, 2017
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Tuesday, October 10, 2017

10:04 a.m. The State of Ohio Board of Pharmacy convened in the TLB Auditorium of the Winebrenner Theological Seminary at the University of Findlay, 950 North Main Street, Findlay, Ohio 45840, with the following members present:

Megan E. Marchal, RPh, Presiding; Richard J. Newlon, Public Member; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; and Shawn C. Wilt, RPh.

Joshua M. Cox, RPh and Michael A. Moné—Absent.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Sarah Ackman, *Associate Legal Counsel*; Jenni Wai, *Chief Pharmacist*; Yvonne Tertel, *Assistant Attorney General*; and Cameron McNamee, *Director of Policy and Communications*.

The Board Members and staff introduced themselves to the University of Findlay students.

10:15 a.m. The Board was joined by Assistant Attorney General Yvonne Tertel to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Brian Dvorak**, New Franklin, Ohio.

10:37 a.m. The hearing ended and the record was closed.

The Board was joined by Assistant Attorney General Yvonne Tertel to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Larry Selby**, Vermillion, Ohio.

10:57 a.m. The hearing ended and the record was closed.

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

11:17 a.m. The recess ended and the hearing was opened to the public.

R-2018-097 After votes were taken in public session, the Board adopted the following order in the matter of **Brian Dvorak**, New Franklin, Ohio.



ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2015-1878)

In The Matter Of:

Brian Dvorak, RPh

5874 Regay Drive

New Franklin, Ohio 44319

(RPh No. 03-2-32630)

INTRODUCTION

The Matter of Brian Dvorak came for consideration on October 10, 2017, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, *Presiding*; Richard J. Newlon, *Public Member*; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Joshua M. Cox, RPh and Michael A. Moné, RPh; Absent.

Brian Dvorak was not present nor represented by Counsel. The State of Ohio was represented by Yvonne Tertel, Assistant Attorney General.

SUMMARY OF EVIDENCE**State's Witnesses:**

1. Joann Predina, RPh, Compliance Specialist—State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|----|-----------------------------------|------------|
| 1. | Notice of Opportunity for Hearing | 03-14-2017 |
| 2. | Credential View Screen | 08-17-2017 |
| 3. | Statement of Brian Dvorak, RPh | 07-05-2016 |
| 4. | Incident Report with Attachments | 10-22-2015 |
| 5. | RX#2013279 | 06-26-2015 |

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 1, 2015, at Brewster Family Pharmacy, 360 North Wabash Avenue, Brewster, Ohio 44613, where Brian Dvorak was employed, he dispensed prescription #2013279. Prescription #2013279 was written for one hundred twenty (120) tablets of Oxycodone-Acetaminophen 10/325 mg, one (1) tablet by mouth every six hours for patient J.L.; however, he dispensed Hydrocodone 10/325 mg.

CONCLUSIONS OF LAW

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

2. Such conduct as set forth in paragraph (1) of the Findings of Fact constitutes the following violation of Section 3715.64(A)(10) of the ORC:

a. It is a drug and its container is so made, formed, or filled as to be misleading, ORC Section 3715.64(A)(10)(a); and

b. The drug sold or dispensed is not the brand or drug specifically prescribed or ordered or, when dispensed by a pharmacist upon prescription, is neither the brand or drug prescribed nor a generically equivalent drug, ORC Section 3715.64(A)(10)(d).

3. Such conduct as set forth in paragraph (1) of the Findings of Fact constitutes a violation of the following Divisions of Section 4729.16 of the ORC:

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

b. 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 provisions; ORC Section 4729.16(A)(5).

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State of Ohio Board of Pharmacy imposes a monetary penalty in the amount of \$800.00, 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 Order.

Brian Dvorak must obtain, within 90 days from the effective date of this Agreement, 12 hours of approved continuing pharmacy education (1.2 CEUs) in medication errors and/or patient safety (ACPE Category 5), which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov

Further, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State's exhibits: 3, 4, and 5.

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

Ms. Yarosh moved for Conclusions of Law; Mr. Passafume 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.

R-2018-098

After votes were taken in public session, the Board adopted the following order in the matter of **Larry Selby**, Vermillion, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2015-1702)

In The Matter Of:

Larry Selby, Jr., RPh

405 Erie Road
Vermillion, Ohio 44089
(RPh No. 03-3-24302)

INTRODUCTION

The Matter of Larry Selby came for consideration on October 10, 2017, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, *Presiding*; Richard J. Newlon, *Public Member*; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Joshua M. Cox, RPh and Michael A. Moné, RPh; Absent.

Larry Selby was not present nor represented by Counsel. The State of Ohio was represented by Yvonne Tertel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Joann Predina, RPh, Compliance Specialist—State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|----|-----------------------------------|------------|
| 1. | Notice of Opportunity for Hearing | 03-15-2017 |
| 2. | Credential View Screen | 08-17-2017 |

3.	RX#N1400167-00 Records	04-18-2015
4.	Photos of Dispensed RX#N1400167-00	No Date
5.	Statement of Larry Selby, Jr., RPh	10-19-2015
6.	Misfill Report Form	04-19-2015
7.	Drug Utilization Record	04-18-2015
8.	Dispensing Screen	04-18-2015
9.	RX Transaction Audit and Counseling Refusal	09-22-2015
10.	Patient Profile	10-19-2015
11.	Transaction Audit History	04-18-2015

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 April 18, 2015, at Discount Drug Mart Inc. #24, where Larry Selby was employed, he dispensed prescription #N1400167. Prescription #N1400167 was written for one hundred (100) tablets of oxycodone 5mg, 1-2 tablets by mouth every three hours as needed for patient J.A.; however, the actual drug dispensed and received was oxycodone 30mg tablets. The prescription bottle was labeled with the information on the prescription as written by the physician; however, the contents of that bottle were incorrect.
2. The patient ingested the medication and experienced dizziness, nausea, and vomiting.

CONCLUSIONS OF LAW

4. Such conduct as set forth in paragraph (1) of the Findings of Fact constitutes a violation of Section 3715.52(A)(2) of the ORC.
5. Such conduct as set forth in paragraph (1) of the Findings of Fact constitutes the following violation of Section 3715.64(A)(10) of the ORC:
 - a. It is a drug and its container is so made, formed, or filled as to be misleading, ORC Section 3715.64(A)(10)(a); and
 - b. The drug sold or dispensed is not the brand or drug specifically prescribed or ordered or, when dispensed by a pharmacist upon prescription, is neither the brand or drug prescribed nor a generically equivalent drug, ORC Section 3715.64(A)(10)(d).
6. Such conduct as set forth in paragraph (1) of the Findings of Fact constitutes a violation of the following divisions of Section 4729.16 of the ORC:
 - c. Guilty of unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2); and

d. 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 provisions; ORC Section 4729.16(A)(5).

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State of Ohio Board of Pharmacy imposes a monetary penalty in the amount of \$800.00, 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 Order.

Larry Selby 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 (ACPE Category 5), which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.

Further, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State's exhibits: 3, 4, and 6-11.

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

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

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

SO ORDERED.

11:21 a.m. The Board held a Q&A session with the University of Findlay a.m. students.

12:00 p.m. The Board recessed for lunch.

1:08 p.m. The meeting reconvened in the TLB Auditorium.

Mr. Passafume provided the MMAC Committee update.

Ms. Wai provided the Compliance and Enforcement report.

Mr. Schierholt provided the Licensing and Executive Director reports.

R-2018-099 The Board received an extension request for storage of records of **Wal mart/Sam's Club Pharmacy** pursuant to Rule 4729-9-11. Mr. Wilt moved that the specific request be approved. The motion was seconded by Mr. Weaver and approved by the Board: Aye-6.

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

SHANNON R. ADAMS	INDIANA
KAITLYN ANN ANDRIES	MICHIGAN
ERIC ARNOLD	CALIFORNIA
SAMANTHA ARRINGTON	NORTH CAROLINA
CHERYL L. BECWAR	NEVADA
ABDELWAHAD BENDAMKILA	MICHIGAN
SAMAR GHOLIPOUR BORHANI	CALIFORNIA
NICOLE BRUMMETT	KENTUCKY
BRIAN CARTER	WEST VIRGINIA
DAWN MICHELLE CHAMBERS	VIRGINIA
HUANG-CHIA CHANG	KENTUCKY
LYNDA HARKER	KENTUCKY
LAUREN ANNE HARRINGTON	GEORGIA
ERICA DAWN HILLYARD	WEST VIRGINIA
INDIRA BEEPIN JAMNADAS	FLORIDA
NEIL A. JESKO	WISCONSIN
DAVIN LUU LY	CALIFORNIA
ARTI MAHAJAN	VIRGINIA
JOSEPH A. MARASCO	PENNSYLVANIA
SHELLY LYNN MCCOMAS	VIRGINIA
JEREMIAH LUKE METZDORF	TENNESSEE
LAURA ALICE MUDD	KENTUCKY
MY N. NGUYEN	MASSACHUSETTS
ASHLEY MORGAN PARKER	WEST VIRGINIA
ARUNA PATEL	PENNSYLVANIA
HALEY ELIZABETH RESETARITS	FLORIDA
JENNIFER SMITH	WEST VIRGINIA
JILL MARIE STEPNOWSKI	VIRGINIA
STEPHANIE DIANNE WEIDERT	SOUTH DAKOTA
CAITLIN MARIE WELCH	KENTUCKY

2:01 p.m. Mr. McNamee provided the Legislative Update.

R-2018-100 Mr. Passafume moved that the Board adopt the following Resolution:

Printing Electronic Prescriptions

The Board hereby waives the following requirements for electronic prescriptions as required in rule 4729-5-21 of the Ohio Administrative Code:

The original prescription information received from the prescriber must be saved and a hardcopy prescription must be printed to document the dispensing. The hardcopy prescription must be filed in the prescription file pursuant to rule 4729-5-09 of the Administrative Code.

Pharmacies will no longer be required to print and save hard copies of electronically received prescriptions if the pharmacy can comply with all of the following:

1. The pharmacist is able to document the dispensing of the original prescription using positive identification as defined in rule 4729-5-01 of the Administrative Code.
2. The prescriptions must be stored electronically and shall be uniformly maintained and readily retrievable for a period of three years.

Failure to comply with the conditions set forth in this resolution will be considered a violation of Chapter 4729. of the Ohio Administrative Code and may result in disciplinary action.

Existing printed electronic prescriptions may be destroyed if the prescriptions are stored in accordance the requirements of this resolution **AND the prescriptions are not used to document positive ID**. If destroyed, the electronic prescriptions are hereby deemed to be the original prescription.

The motion was seconded by Mr. Wilt and approved by the Board: Aye-6.

R-2018-101

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

Extension of Office-Based Opioid Treatment Facility Licensure

The Board hereby extends the effective date for licensure, as required in section 4729.553 of the Revised Code, to November 30, 2017. The extension of the licensure deadline will allow the Board additional time to review and process license applications.

The motion was seconded by Mr. Passafume and approved by the Board: Aye-6.

R-2018-102

Mr. Wilt moved that the Board adopt the following Resolution:

Detoxification in State and Local Correctional Facilities

The Board hereby clarifies that detoxification using a controlled substance in a state or local correctional facility, as defined in section 5163.45 of the Ohio Revised Code, that is currently licensed as a category III terminal distributor of dangerous drugs, does not require licensure in accordance with section 4729.553 of the Ohio Revised Code.

The motion was seconded by Ms. Yarosh and approved by the Board: Aye-6.

R-2018-103

Mr. Passafume moved that the Board adopt the following Resolution:

Naloxone Personally Furnished by Law Enforcement

The Board hereby finds that law enforcement personnel may personally furnish naloxone in accordance with a protocol authorized in sections 4731.941 and 3707.561 of the Ohio Revised Code.

The Board also finds that a law enforcement agency engaged in personally furnishing naloxone is exempt from licensure as a terminal distributor of dangerous drugs pursuant to section 4729.541 of the Revised Code.

The motion was seconded by Mr. Newlon and approved by the Board: Aye-6.

R-2018-104 Mr. Passafume moved that the Board adopt the proposed changes to the Technician Rules and approve for re-filing with JCARR. The motion was seconded by Mr. Wilt and approved by the Board: Aye-4/Nay-2.

3:05 p.m. The Board recessed briefly.

3:14 p.m. The meeting reconvened in the TLB Auditorium.

The Board discussed additional requested changes to the Technician Rules from the Public Rule Hearing comments.

R-2018-105 Mr. Passafume moved that the Board accept the changes to the Technician Rules as discussed, including retaining the language authorizing “support personnel” to submit refill requests at the request of patients. The motion was seconded by Mr. Wilt and approved by the Board: Aye-4/Nay-2.

Further discussion ensued related to the rules as drafted. Additional conversation led by Mr. Weaver, facilitated by Ms. Marchal, centered around the role of “support personnel”.

R-2018-106 Mr. Weaver moved that the Board rescind R-2018-105. The motion was seconded by Mr. Newlon and approved by the Board: Aye-5/Nay-1.

R-2018-107 Mr. Weaver moved that the Board amend the draft of Rule 4729:3-1-01 to remove the language which authorized “support personnel” to submit refill requests at the request of patients, but to retain the language authorizing “other activity as determined by the Board.” The motion was seconded by Ms. Yarosh and approved by the Board: Aye-5/Nay-1.

R-2018-108 Mr. Weaver moved that the Board authorize registered technicians to submit refill requests. The motion was seconded by Mr. Wilt and approved by the Board: Aye-6.

R-2018-109 Ms. Yarosh moved that the Board approve all Technician Rules as amended for re-filing with JCARR. The motion was seconded by Ms. Rudell and approved by the Board: Aye-6.

R-2018-110 Mr. Passafume moved that the Board approve Rule 4729:5-3-05, as amended, for filing with JCARR. The motion was seconded by Ms. Rudell and approved by the Board: Aye-6.

R-2018-111 Mr. Passafume moved that the Board approve Rule 4729:5-14-01 for filing with CSI and JCARR. The motion was seconded by Mr. Weaver and approved by the Board: Aye-6.

- R-2018-112** Mr. Weaver moved that the Board approve Rule 4729:5-14-02 for filing with CSI and JCARR. The motion was seconded by Mr. Wilt and approved by the Board: Aye-6.
- R-2018-113** Mr. Passafume moved that the Board approve Rule 4729:5-14-04 for filing with CSI and JCARR. The motion was seconded by Mr. Weaver and approved by the Board: Aye-6.
- R-2018-114** The Board received a Grad Intern Renewal Request, 4729-3-04(B), of **Katherine Kazimir** (06-010425) Auburn Township, Ohio. Mr. Wilt moved that the Board deny the request. The motion was seconded by Ms. Rudell and approved by the Board: Aye-6.
- R-2018-115** Mr. Passafume moved that the Board approve the September 11-12, 2017, meeting minutes as amended. The motion was seconded by Mr. Newlon and approved by the Board: Aye-6.
- R-2018-116** Ms. Marchal announced that the citation issued to **Sandra Nzimiro, RPh** (03-3-31396) Westerville, Ohio is hereby dismissed.
- R-2018-117** Ms. Marchal announced that the following Settlement Agreement has been signed by all parties and is now effective:

IN THE MATTER OF:

CASE NO. 2016-2359

Kaoru Shor

5920 Province Court

Lorain, Ohio 44053

License No. 03-3-15815

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 Kaoru Shor, for the purpose of resolving all issues between the parties relating to the Board investigation of Kaoru Shor's violation of her Board Order. Together, the Board and Kaoru Shor 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 Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Kaoru Shor is an Ohio-licensed pharmacist under suspended license number 03-3-15815.

FACTS

1. On or about November 22, 2016, the Board initiated an investigation of Kaoru Shor, pharmacist license number 03-3-15815, related to Kaoru Shor's violation of her Board Order dated September 17, 2010.
2. On or about May 10, 2017, the Board sent a Notice of Opportunity for Hearing to Kaoru Shor, 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 May 18, 2017, Kaoru Shor timely requested an administrative hearing, which was subsequently scheduled for November 14, 2017.

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. Kaoru Shor neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated May 10, 2017; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Kaoru Shor voluntarily surrenders to the State of Ohio Board of Pharmacy her license and registration to practice pharmacy, license no. 03-3-15815, with discipline pending. Kaoru Shor may reapply for a pharmacist license upon providing documentation to the Board of completion of the following:
 - a. Payment of the \$500.00 monetary penalty as Ordered by the Board on September 17, 2010.
 - b. Proof of completion of the missing 3.6 continuing education units, as Ordered by the Board on September 17, 2017.
 - c. Proof of completion of an examination for registration within one year of the date of the petition, including the North American Pharmacist Licensure Examination and the Multistate Pharmacy Jurisprudence Examination, as required by Section 4729.13 of the Ohio Revised Code and Rule 4729:1-2-01 of the Ohio Administrative Code.
 - d. Results of a mental and physical examination, pursuant to Section 4729.16(E) of the Ohio Revised Code, indicating Kaoru Shor's fitness to practice pharmacy, including a signed medical release for the results of the examination to be sent to and reviewed by the Board.

4. Kaoru Shor agrees to immediately return her license and wall certificate to the Board, if the Board is not already in possession of both.
 5. Kaoru Shor agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 6. Kaoru Shor understands that she has the right to be represented by counsel for review and execution of this agreement.
 7. Kaoru Shor agrees and acknowledges that this Board 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 Board on renewal applications or applications for a new license.
 8. Kaoru Shor waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically withdraws her request for a hearing in this matter, and waives any right to an appeal.
 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.
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R-2018-118

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

IN THE MATTER OF:**CASE NO. 2014-1787-A**

Trista Williamson, RPh
186 Holiday Lane
Fort Thomas, KY 41075
License No. 03-3-31430

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 Trista Williamson, for the purpose of resolving all issues between the parties relating to the Board investigation of an error in dispensing. Together, the Board and Trista Williamson 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 Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Trista Williamson is an Ohio-licensed pharmacist under license number 03-3-31430.

FACTS

1. On or about August 12, 2014, the Board initiated an investigation of Trista Williamson, pharmacist license number 03-3-31430, related to Trista Williamson misbranding a drug within the meaning of ORC 3715.64.
2. On or about March 30, 2017, the Board sent a Notice of Opportunity for Hearing to Trista Williamson, 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 April 13, 2017, Trista Williamson timely requested an administrative hearing, which was subsequently scheduled for January 10, 2018.

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. Trista Williamson neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated March 30, 2017; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Trista Williamson agrees to pay to the Board a monetary penalty in the amount of \$2,500.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. Trista Williamson must obtain, within 90 days from the effective date of this Agreement, 9 hours of approved continuing pharmacy education (0.9 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.
5. Trista Williamson agrees to continue training in Best Practices.
6. Trista Williamson agrees to participate in all safety meetings.

7. Trista Williamson agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 8. Trista Williamson understands that she has the right to be represented by counsel for review and execution of this agreement.
 9. Trista Williamson agrees and acknowledges that this Board 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 Board on renewal applications or applications for a new license.
 10. Trista Williamson waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws her request for a 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.
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R-2018-119

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

**IN THE MATTER OF:
CASE No 2014-1787-B**

Michelle Hounshell, RPh
11625 Bank Road
Cincinnati, Ohio 45251
License No. 03-1-22392

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 Michelle Hounshell, for the purpose of resolving all issues between the parties relating to the Board investigation of error in dispensing. Together, the Board and Michelle Hounshell 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 Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.

2. Michelle Hounshell is an Ohio-licensed pharmacist under license number 03-1-22392.

FACTS

1. On or about August 12, 2014, the Board initiated an investigation of Michelle Hounshell, pharmacist license number 03-1-22392, related to Michelle Hounshell misbranding a drug within the meaning of ORC 3715.64.
2. On or about March 30, 2017, the Board sent a Notice of Opportunity for Hearing to Michelle Hounshell, 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 April 13, 2017, Michelle Hounshell timely requested an administrative hearing, which was subsequently scheduled for January 10, 2018.

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. Michelle Hounshell neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated March 30, 2017; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Michelle Hounshell agrees to pay to the Board a monetary penalty in the amount of \$500.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. Michelle Hounshell must obtain, within 90 days from the effective date of this Agreement, 3 hours of approved continuing pharmacy education (0.3 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.
5. Michelle Hounshell agrees to continue to participate in education and training in Best Practices.
6. Michelle Hounshell agrees to continue to participate in safety meetings.

7. Michelle Hounshell agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 8. Michelle Hounshell understands that she has the right to be represented by counsel for review and execution of this agreement.
 9. Michelle Hounshell agrees and acknowledges that this Board 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 Board on renewal applications or applications for a new license.
 10. Michelle Hounshell waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws her request for a 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.
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R-2018-120

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

**IN THE MATTER OF:
CASE NO. 2014-1787-D**

**The Kroger Co. Central Prescription Processing
c/o Tyler Keith, RPh
1014 Vine Street
Cincinnati, Ohio 45202
License No. 02-2221850**

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 The Kroger Co., for the purpose of resolving all issues between the parties relating to the Board investigation of an error in dispensing. Together, the Board and The Kroger Co. 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 Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. The Kroger Co. is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2221850.

FACTS

1. On or about August 12, 2014, the Board initiated an investigation of The Kroger Co., Terminal Distributor of Dangerous Drugs license number 02-2221850, related to The Kroger Co.'s error in dispensing.
2. On or about March 30, 2017, the Board sent a Notice of Opportunity for Hearing to The Kroger Co., 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. The Kroger Co. neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 30, 2017; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. The Kroger Co. agrees to pay to the Board a monetary penalty the amount of \$2,500.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. The Kroger Co. agrees to continue education and training of its pharmacy staff in best practices.
5. The Kroger Co. agrees to continue safety meetings.
6. The Kroger Co. agrees to continue with increased number of supervisors for oversight.
7. The Kroger Co. agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such

state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.

8. The Kroger Co. 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 The Kroger Co. 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 The Kroger Co. by the Board and will NOT discharge The Kroger Co. from any obligation under the terms of this Agreement.

9. The Kroger Co. agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

10. The Kroger Co. understands that it has the right to be represented by counsel for review and execution of this agreement.

11. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom The Kroger Co. will operate.

12. The Kroger Co. waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.

13. 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.

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

15. 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.

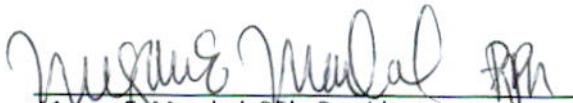
3:43 p.m.

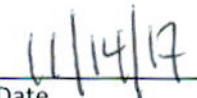
Mr. Weaver moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) &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

R-2018-121

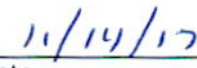
Mr. Weaver move that the Board Meeting be adjourned upon the conclusion of Executive Session. The motion was seconded by Mr. Wilt and approved by the Board: Aye-6.

4:57 p.m. The meeting was adjourned.


Megan E. Marchal, RPh, President


Date


Steven W. Schierholt, Esq., Executive Director


Date