



MINUTES OF THE APRIL 9, 2018
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, April 9, 2018

10:00 a.m. The State of Ohio Board of Pharmacy convened in the Taggart Law Library, of the Ohio Northern University, 415 S. Gilbert St., Ada, Ohio, with the following members present:

Megan E. Marchal, RPh, Presiding; Richard J. Newlon, *Public Member*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh; and Kilee S. Yarosh, RPh; Curtis L. Passafume, Jr., RPh.

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

The Board Members introduced themselves to the Ohio Northern University students

10:06 a.m. The Board was joined by Assistant Attorney General Yvonne Tertel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Scott Nuti, RPh, Mentor, Ohio.**

10:16 a.m. The hearing ended and the record was closed.

The Board was joined by Assistant Attorney General Yvonne Tertel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Brenda Rollins, RPh, Canal Fulton, Ohio.**

10:25 a.m. The hearing ended and the record was closed.

The Board was joined by Assistant Attorney General Yvonne Tertel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Roland Mesue, RPh, Toledo, Ohio.**

10:33 a.m. The hearing ended and the record was closed.

The Board was joined by Assistant Attorney General Yvonne Tertel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Donald Brenneman, RPh, Toledo, Ohio.**

10:55 a.m. The hearing ended and the record was closed.



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

11:36 a.m. The recess ended and the hearing was opened to the public.

R-2018-286 After votes were taken in public session, the Board reopened the record in the following matters and adopted the following order in the matter of **Scott Nuti, RPh, Mentor, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

Case Number 2017-2337

In The Matter Of:

Scott Nuti, R.Ph.

7769 Fairhaven Court

Mentor, Ohio 4406

(License No. 03-1-12420)

INTRODUCTION

The Matter of Scott Nuti came for consideration on April 9, 2018, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, Presiding; Joshua M. Cox, RPh; Michael A. Moné, RPh; 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.

Scott Nuti 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. Chandra Galante, RPh—State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | |
|---|------------|
| 1. Notice of Opportunity for Hearing | 12-19-2017 |
| 2. Credential View Screen | No Date |
| 3. OSBP License Renewal Form | 8-5-2016 |
| 4. Statement from Scott Nuti | No Date |
| 5. Attestation of Continuing Education Form | 2-23-2017 |

6. CPE Monitor Activity Transcript

3-6-2017

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 March 1, 2013 through September 15, 2016, Scott Nuti completed 4.4 units (44 hours) of continuing education. Records of the Board indicate that Scott Nuti was 1.6 units (16 hours) deficient of the 6.0 (60 hours) of continuing education required for compliance, see Attachment A attached hereto and incorporated as though fully set forth herein.
2. In response to a Board audit inquiry, he submitted a signed affidavit acknowledging he failed to complete the continuing education unit hours required.
3. During an investigation by an Agent of the Board, it was also discovered on his 2017 renewal application that he falsely answered "Yes" to the certification statement that stated "I certify the Continuing Pharmacy Education information submitted via this process is true and accurate".

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact constitutes a violation of section 4729-7-02 of the OAC.
2. Such conduct as set forth in the Findings of Fact constitutes a violation of the following divisions of section 4729.16 of the ORC:
 - a. Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code, ORC 4729.16(A)(10).

DECISION OF THE BOARD

Scott Nuti must obtain, within 90 days from the effective date of this Agreement, 32 hours of approved continuing pharmacy education (CEUs) of which 4 hours must be in Patient Safety. The Board imposed a \$500 fine. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.

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 \$500.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of

this Order.

Mr. Wilt moved for Findings of Fact; Ms. Yarosh seconded the motion. Motion passed (Aye 8/Nay 0).

Mr. Passafume moved for Conclusions of Law; Mr. Cox seconded the motion. Motion passed (Aye 8/Nay 0).

Mr. Wilt moved for Action of the Board; Ms. Yarosh seconded the motion. Motion passed (Aye 8/Nay 0).

SO ORDERED.

R-2018-287

After votes were taken in public session, the Board adopted the following order in the matter of **Brenda Rollins, RPh, Canal Fulton, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2017-2313)

In The Matter Of:

Brenda Rollins, R.Ph.

10338 Mapleview St.

Canal Fulton, Ohio 44614

(License No. 03-1-25979)

INTRODUCTION

The Matter of Brenda Rollins, R.Ph. came for consideration on April 9, 2018, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, Presiding; Joshua M. Cox, RPh; Michael A. Moné, RPh; 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.

Brenda Rollins, R.Ph. 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. Chandra Galante, RPH – State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

1. Notice of Opportunity for Hearing

12-19-2017

- | | | |
|----|--|------------|
| 2. | Credential View Screen | No Date |
| 3. | OSBP License Renewal Form | 09-01-2017 |
| 4. | Attestation of Continuing Education Form | No Date |
| 5. | CPE Monitor Activity Transcript | No Date |

Respondent's Exhibits:

None

FINDINGS OF FACT

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

1. On or about March 1, 2013 through September 15, 2016, Brenda Rollins completed 4.3 units (43 hours) of continuing education. Records of the Board indicate that she was 1.7 units (17 hours) deficient of the 6.0 (60 hours) of continuing education required for compliance.
2. In response to a Board audit inquiry, Brenda Rollins submitted a signed affidavit acknowledging she failed to complete the continuing education unit hours required.
3. During an investigation by an Agent of the Board, it was also discovered on her 2017 renewal application that she falsely answered "Yes" to the certification statement that stated "I certify the Continuing Pharmacy Education information submitted via this process is true and accurate".

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Finding of Fact constitutes a violation of section 4729-7-02 of the OAC, requirements for renewal of a pharmacist identification card.
2. Such conduct as set forth in the Finding of Fact constitutes a violation of the following divisions of section 4729.16 of the ORC, as effective July 16, 2015:
 - a. Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code, ORC 4729.16(A)(10).

DECISION OF THE BOARD

Brenda Rollins must obtain, within 90 days from the effective date of this Agreement, 34 hours of approved continuing pharmacy education (CEUs) of which 6 hours must be in Law. The Board imposed a \$500 fine. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.

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 \$500.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Order.

Mr. Passafume moved for Findings of Fact; Ms. Yarosh seconded the motion. Motion passed (Aye-8/Nay-0).

Mr. Passafume moved for Conclusions of Law; Ms. Yarosh seconded the motion. Motion passed (Aye-8/Nay-0).

Mr. Wilt moved for Action of the Board; Ms. Rudell seconded the motion. Motion passed (Aye-8/Nay-0).

SO ORDERED.

R-2018-288

After votes were taken in public session, the Board adopted the following order in the matter of **Roland Mesue, RPh, Toledo, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2017-2310)

In The Matter Of:

Roland Mesue, R.Ph.
4327 Ashfield Place
Mason, Ohio 45040
(License No. 03-1-20893)

INTRODUCTION

The Matter of Roland Mesue, R.Ph. came for consideration on April 9, 2018, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, Presiding; Joshua M. Cox, RPh; Michael A. Moné, RPh; 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.

Roland Mesue 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. Chandra Galante, RPH – State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|----|--|------------|
| 1. | Notice of Opportunity for Hearing | 12-19-2017 |
| 2. | Credential View Screen | No Date |
| 3. | OSBP License Renewal Form | No Date |
| 4. | Statement from Roland Mesue | 02-27-2017 |
| 5. | Attestation of Continuing Education Form | 03-02-2017 |
| 6. | CPE Monitor Activity Transcript | No Date |

Respondent's Exhibits:

None

FINDINGS OF FACT

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

1. On or about March 1, 2013 through September 15, 2016, Roland Mesue completed 5.2 units (52 hours) of continuing education. Records of the Board indicate that he was 0.8 units (8 hours) deficient of the 6.0 units (60 hours) of continuing education required for compliance.
2. In response to a Board audit inquiry, Roland Mesue submitted a signed affidavit acknowledging he failed to complete the continuing education hours required.
3. During an investigation by an Agent of the Board, it was also discovered on his 2017 renewal application that he falsely answered "Yes" to the certification statement that stated "I certify the Continuing Pharmacy Education information submitted via this process is true and accurate".

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact constitutes a violation of section 4729-7-02 of the OAC, requirements for renewal of a pharmacist identification card.
2. Such conduct as set forth in the Findings of Fact constitutes a violation of the following divisions of section 4729.16 of the ORC, as effective July 16, 2015:
 - a. Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code, ORC 4729.16(A)(10).

DECISION OF THE BOARD

Ronald Mesue must obtain, within 90 days from the effective date of this Agreement, 16 hours of approved continuing pharmacy education (1.6 CEUs) of which 4 hours (0.4 CEUS) in

medication errors and/or patient safety and 6 hours (0.6 CEUS) in law, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.

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 \$500.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Order.

Mr. Passafume moved for Findings of Fact; Ms. Yarosh seconded the motion. Motion passed (Aye-8/Nay-0).

Mr. Passafume, Jr. moved for Conclusions of Law; Ms. Yarosh seconded the motion. Motion passed (Aye-8/Nay-0).

Mr. Wilt moved for Action of the Board; Ms. Yarosh seconded the motion. Motion passed (Aye-8/Nay-0).

SO ORDERED.

R-2018-289

After votes were taken in public session, the Board adopted the following order in the matter of **Donald Brenneman, RPh, Toledo, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2017-1657)

In The Matter Of:

Donald Brenneman, R.Ph.

65 Glen Ridge Drive

Newark, OH 43055

(License No. 03-2-30732)

INTRODUCTION

The Matter of Donald Brenneman came for consideration on April 9, 2018, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, Presiding; Joshua M. Cox, RPh; Michael A. Moné, RPh; 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.

Donald Brenneman 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. Leslie Arnold, Agent – State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|----|---|------------|
| 1. | Notice of Opportunity for Hearing | 01-25-2018 |
| 2. | Credential View Screen | No Date |
| 3. | Northside Pharmacies Employer Agreement | 05-09-2017 |
| 4. | Employer Drug Screen (Quest Diagnostics) | 05-09-2017 |
| 5. | OSBP Drug & Alcohol Screen (Ohio Dept of Public Safety) | 07-05-2017 |
| 6. | Statement from Donald Brenneman | 05-30-2017 |
| 7. | Pharmacy Systems, Inc. HR Materials | 08-23-2017 |

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 May 1, 2017, Donald Brenneman consented to a drug screen requested by his employer. The results from the drug screen were positive for benzodiazepines and cannabinoids. He admitted in an interview with agents from the Board that he recently smoked marijuana at a concert. He also admitted to taking one Restoril (temazepam), a benzodiazepine, from a former friend for whom it was prescribed.
2. On May 9, 2017, Donald consented to a drug screen requested by agents from the Board; the results, which were returned to the Board on July 24, 2017, were positive for marijuana and oxazepam, a benzodiazepine.
3. Donald failed to notify the State Board of Pharmacy regarding a change of employment within thirty (30) days. He began employment with Northside Pharmacy on January 11, 2017. As of his September 14, 2017 renewal and the date of this Notice Letter, Coshocton County Memorial Hospital is listed as his employer.
4. While employed as a contract Pharmacist at Coshocton Hospital, on September 26, 2016, concerns were raised regarding Donald exhibiting behavior that could affect his performance and judgment as a pharmacist. The noted behavior included very slow, drawn-out, exaggerated speech patterns and his eyes closing during conversation. As a result of the concerns raised, human resources requested he submit to a drug test. He did not complete the drug test as requested, admitting he would test positive for marijuana and ultimately, he resigned two days later.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraphs (1), (2) and (4) of the Findings of Fact each constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 6, 2017:
 - a. Engaged in dishonesty and unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and/or
 - b. Is abusing drugs, ORC Section 4729.16(A)(2)(c); and/or
 - c. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of chapter 4729...Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e).
 - d. Engaged in any conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
2. Such conduct as set forth in paragraphs (1), (2) and (4) of the Findings of Fact each constitutes a violation of each of the following divisions of Rule 4729-5-04 of the OAC as effective April 28, 2016:
 - a. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, OAC Rule 4729-5-04(A); and/or
 - b. Violated...any of the provisions of Chapters 4729...3719. and 2925. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729-5-04(B); and/or
3. Such conduct as set forth in paragraph (1) of the Findings of Fact each constitutes a violation of Section 2925.11 of the Ohio Revised Code, possession of drugs.
4. Such conduct as set forth in paragraph (3) of the Findings of Fact constitutes a violation of each of the following divisions of Rule 4729-5-05 of the OAC as effective April 28, 2016: Has failed to notify the board of pharmacy of the address of the principal place where they practice their profession, including pharmacist placement services, within thirty days after they have commenced such practice, OAC Rule 4729-5-05(E).

DECISION OF THE BOARD

Pursuant to Section 4729.56 of the Ohio Revised Code, the State of Ohio Board of Pharmacy suspends Donald Brennehan's license and imposes a monetary penalty in the amount of \$5,000.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Order.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03230732, held by Donald Brenneman and such suspension is effective as of the date of the mailing of this Order.

1. Donald Brenneman, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
2. Donald Brenneman, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.
3. Donald Brenneman, must appear before the Board and request his license be renewed or reinstated. If the time extends beyond three (3) years from the date of this order, Donald Brenneman must appear before the Board prior to requesting re-examination.

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: 1-7.

Ms. Yarosh moved for Findings of Fact; Ms. Rudell seconded the motion. Motion passed (Aye-8/Nay-8).

Mr. Moné moved for Conclusions of Law; Mr. Passafume seconded the motion. Motion passed (Aye-8/Nay-8).

Mr. Wilt moved for Action of the Board; Mr. Rudell seconded the motion. Motion passed (Aye-8/Nay-0).

SO ORDERED.

11:40 a.m. Ms. Marchal opened the meeting for questions from Pharmacy Students.

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

1:00 p.m. The meeting reconvened in the Taggart Law Library.

Mr. Cox provided the Medical Board PAPC Committee report.

Mr. Passafume provided Medical Marijuana Advisory Committee report.

Mr. Griffin provided the Compliance and Enforcement report.

Mr. Schierholt provided the OARRS report.

Ms. Dehner provided the Legal report.

Ms. Galante provided the Licensing report.

Mr. Schierholt provided the Executive Director report.

R-2018-290

Mr. Passafume moved that the Board approve the following OBOT—Non-Physician Owner Requests for:

- On Demand Opiate Recovery—**Matthew Mueller, DO**
- Northeast Behavioral Health, LLC (DBA NEBH Recovery Services)—**Karpenia Prasad, MD**
- Alliant Treatment Center—**Patrick Bruno, MD**

The motion was seconded by Ms. Yarosh and approved by the Board: Aye-8.

R-2018-291

Mr. Passafume moved that the Board approve the following Responsible Person on More than one Pharmacy for:

- **Tony Lababidi, DO**
 - Comprehensive Pain Management Specialist—Akron, Ohio
 - Comprehensive Pain Management Specialist—Fairlawn, Ohio
- **Nikesh Batra, MD**
 - Spine, LLC—Westerville, Ohio
 - Spine, LLC—Pickerington, Ohio
- **Marisa Wynee, MD**
 - Comprehensive Pain Management Specialist—Streetsboro, Ohio
 - Comprehensive Pain Management Specialist—Stow, Ohio

The motion was seconded by Ms. Rudell and approved by the Board: Aye-8.

R-2018-292

Mr. Passafume moved that the Board approve the following Responsible Person on more than one Pharmacy for:

- **Ben Holter, RPh**
 - Shrivvers Pharmacy and Wellness—Athens, Ohio
 - Shrivvers Pharmacy #4—Nelsonville, Ohio

The motion was seconded by Ms. Yarosh and approved by the Board: Aye-8.

R-2018-293

Mr. Passafume moved that the Board approve the Responsible Person for more than one Pharmacy for:

- **Gulam Mukhdomi, MD**
 - Chronic Pain Resources, LLC—Grove City, Ohio
 - Chronic Pain Resources, LLC—Columbus, Ohio

The motion was seconded by Mr. Cox and approved by the Board: Aye-8.

R-2018-294

Mr. Moné moved that the Board approve the request for Responsible Person on more than one Pharmacy for:

- **Kathryn Lopez, RPh**
 - Heritage Healthcare, Carroll, Ohio license #02-1090450
 - Heritage Healthcare, Carroll, Ohio license #02-0150150

The motion was seconded by Mr. Passafume and approved by the Board: Aye-8.

R-2018-295

Mr. Moné moved that the Board approve the following Resolution for PMC & OBOT:

- **Mohan Kareti, INC** – pending license
- **Mohan Kareti, INC**- PMC #022149950

The motion was seconded by Mr. Passafume and approved by the Board: Aye-8.

R-2018-296

Mr. Passafume moved that the Board approve the following CE Provider Request for:

- **Mitchell Dorn, RPh** (03-1-36069)—Central Ohio Society of Health System Pharmacists

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

2:07 p.m.

Mr. McNamee presented the Legislative/Rules Update & Resolutions

R-2018-297

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

Technician Registration

All technicians who submitted application materials for registration by 11:59 pm on April 6, 2018 will be issued an email notification by the Board indicating the person may practice as the technician classification (trainee, registered or certified) for which the application was submitted. In lieu of the email notification, an applicant or employer may also use the Board's online registration status website to demonstrate the submission of an application by 11:59 pm on April 6, 2018.

A pharmacy technician applicant subject to this resolution must submit all outstanding documentation by 11:59 pm on May 11, 2018 or their license will be deemed abandoned in accordance with rule 4729:3-1-01 of the Administrative Code. An application that is deemed abandoned no longer entitles the applicant to continue to practice in accordance with this resolution.

Pharmacy technician applicants subject to this resolution who submit all required documentation by 11:59 pm on May 11, 2018 may continue to practice until June 8, 2018, unless otherwise notified by the Board in a Notice of Opportunity Hearing Letter proposing to deny the applicant's registration. On June 9, 2018, all individuals working as a pharmacy technician or technician trainee must hold a valid registration issued by the Board.

This resolution replaces Resolution R-2018-269 that was approved on March 5, 2018.

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

R-2018-298

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

Point of Dispensing Locations in a Declared Public Health Emergency

Pursuant to rule 4729-9-05 of the Ohio Administrative Code, the Board hereby authorizes a board of health, as defined in section 3701.048 of the Revised Code, that is licensed as a terminal distributor of dangerous drugs to temporarily remove dangerous drugs upon the governor's declaration of an emergency that affects the public health.

The dangerous drugs removed from a location licensed as a terminal distributor shall be used to establish a point of dispensing location or locations in the event of a declared public health emergency to administer, deliver, dispense, or distribute drugs in accordance with protocols developed pursuant to section 3701.048 of the Revised Code.

The dangerous drugs shall be returned to the board of health within seventy-two hours of the cessation of the public health emergency.

An individual listed in division (B) and (C) of section 3701.048 shall maintain personal supervision and control over the dangerous drugs and any hypodermics removed from the terminal distributor. If personal supervision is not provided, the dangerous drugs and any hypodermics shall be physically secured in a manner to prevent unauthorized access. The drugs shall be stored at temperatures which will ensure the integrity of the drugs prior to their use as stipulated by the USP/NF and/or the manufacturer's or distributor's labeling.

The responsible person on the terminal distributor of dangerous drugs license shall be responsible for compliance with the requirements of this resolution.

Mr. Passafume motion for approval. The motion was seconded by Mr. Moné and approved by the Board: Aye-7.

2:35 p.m.

Mr. McNamee discussed the Outpatient Pharmacy Rules.

3:57 p.m.

The Board recessed briefly.

3:10 p.m.

The meeting reconvened in the Taggart Law Library.

R-2018-299

Mr. Weaver moved that the Board approve the Outpatient Pharmacy Rules as amended. The motion was seconded by Mr. Cox and approved by the Board: Aye-7.

R-2018-300

Mr. Passafume moved that the Board approve the Approval to File with JCARR. The motion was seconded by Ms. Rudell and approved by the Board: Aye-7.

- R-2018-301** Mr. Passafume motion that the Board table the Prescriber Compounding Rule Discussion until after CSI information. The motion was seconded by Mr. Moné and approved by the Board: Aye-7.
- R-2018-302** Mr. Passafume moved that the Board approve the Drug Distributor Rule Update motion was seconded by Mr. Weaver and approved by the Board: Aye-6.
- R-2018-303** Ms. Marchal announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. 2017-2308**

Vicki Muschkin, RPh
2101 Marina Isle Way, Apt. 205
Jupiter, FL 33477
License No. 03-1-16251

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 Vicki Muschkin, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Vicki Muschkin's failure to obtain the required amount of continuing education units. Together, OSBP and Vicki Muschkin are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Vicki Muschkin is a licensed pharmacist under license number 03-1-16251.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Vicki Muschkin, pharmacist license number 03-1-16251. The audit showed she failed to complete the required hours.
2. On or about December 19, 2017, the OSBP sent a Notice of Opportunity for Hearing to Vicki Muschkin, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
 2. Vicki Muschkin neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 19, 2017; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
 3. The State of Ohio Board of Pharmacy hereby reprimands Vicki Muschkin.
 4. Vicki Muschkin agrees to pay to the Board a monetary penalty in the amount of \$250.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
 5. Vicki Muschkin must obtain, within 90 days from the effective date of this Agreement, 40 hours of approved continuing pharmacy education (4.0 CEUs) which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
 6. Vicki Muschkin agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Vicki Muschkin understands that she has the right to be represented by counsel for review and execution of this agreement.
 8. Vicki Muschkin agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
 9. Vicki Muschkin waives any request for a hearing in this matter and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code, and specifically waives any right to an appeal.
 10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
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R-2018-304

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

**IN THE MATTER OF:
CASE NO. 2017-2364**

Vina Jhaveri
4319 Peppermill
Cincinnati, OH 45242
License No. 03-1-12452

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 Vina Jhaveri, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Vina Jhaveri's failure to obtain the required amount of continuing education units. Together, OSBP and Vina Jhaveri are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Vina Jhaveri is a licensed pharmacist under license number 03-1-12452.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Vina Jhaveri, pharmacist license number 03-1-12452. The audit showed she failed to complete the required hours.
2. On or about February 23, 2018, the OSBP sent a Notice of Opportunity for Hearing to Vina Jhaveri, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.

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

TERMS

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

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

2. Vina Jhaveri neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated February 23, 2018; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
 3. The State of Ohio Board of Pharmacy hereby reprimands Vina Jhaveri.
 4. Vina Jhaveri agrees to pay to the Board a monetary penalty in the amount of \$250.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
 5. Vina Jhaveri must obtain, within 90 days from the effective date of this Agreement, 9 hours of approved continuing pharmacy education (0.9 CEUs) which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
 6. The 6 hours (0.6 CEUs) of continuing pharmacy education that were proactively completed by Vina Jhaveri, after the Request for Evidence of Completion of Continuing Education letter was mailed, will count towards the continuing pharmacy education in term #5 leaving 3 hours (0.3 CEUs) of continuing pharmacy education owed to the Board. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
 7. Vina Jhaveri agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 8. Vina Jhaveri understands that she has the right to be represented by counsel for review and execution of this agreement.
 9. Vina Jhaveri agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
 10. Vina Jhaveri waives any request for a hearing in this matter and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code, and specifically 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-2018-305

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

**IN THE MATTER OF:
CASE NO. 2017-2080**

**Select Specialty Hospital Youngstown
(Boardman Campus)
c/o Joyce Yager
4714 Gettysburg Rd.
Mechanicsburg, PA 17055
License No. 02-2436300**

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 Select Specialty Hospital Youngstown (Boardman Campus) (hereinafter referred to as Select Specialty), for the purpose of resolving all issues between the parties relating to the Board investigation of adequate safeguards to carry on the business of a TDDD in a manner that allows pharmacists and pharmacy interns employed by the TDDD to practice pharmacy in a safe and effective manner. Together, the Board and Select Specialty 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. Select Specialty is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2436300.

FACTS

1. On or about August 31, 2017, the Board initiated an investigation of Select Specialty, Terminal Distributor of Dangerous Drugs license number 02-2436300, related to Select Specialty’s failure to provide adequate safeguards to carry on the business of a TDDD in a manner that allows pharmacists and pharmacy interns employed by the TDDD to practice pharmacy in a safe and effective manner.
2. On or about October 6, 2017, the Board sent a Notice of Opportunity for Hearing to Select Specialty, 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. Select Specialty neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated October 6, 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. Select Specialty agrees to pay to the Board a monetary penalty the amount of \$14,000.00, 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. Select Specialty agrees to perform a monthly audit of all seven (7) drugs misbranded by Ernest Perrin including daptomycin (Cubicin), tigecycline (Tygacil), ertapenem (Invanz), Tobramycin inhaled, ceftolozane sulfate and tazobactam sodium (Zerbaxa), anidulafungin (Eraxis) and ceftazidime and avibactam sodium (Avycaz). In addition, Select Specialty agrees to a random and confidential quantitative analysis of three (3) of the audited drugs. The drugs to be analyzed shall be sent to a lab approved in advance by the Board. Select Specialty shall report to the Board the results of the audit and quantitative analysis, on a monthly basis for six (6) months from the date of this agreement.
5. Select Specialty 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.
6. Select Specialty 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 Select Specialty 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 Select Specialty by the Board and will NOT discharge Select Specialty from any obligation under the terms of this Agreement.
7. Select Specialty agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

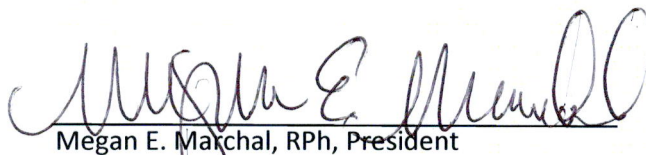
8. Select Specialty understands that it has the right to be represented by counsel for review and execution of this agreement.
 9. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Select Specialty will operate.
 10. Select Specialty 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.
 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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5:20 p.m.

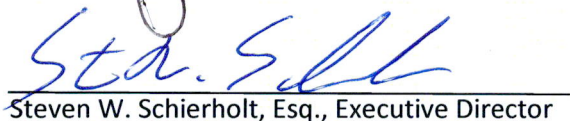
Mr. Weaver moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (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: Cox-yes; Newlon-yes; Moné - yes; Passafume-yes; Rudell-yes; Weaver-yes; Wilt-yes and Yarosh-yes.

6:10 p.m.

The meeting was adjourned.


Megan E. Marchal, RPh, President

5/1/18
Date


Steven W. Schierholt, Esq., Executive Director

5/1/18
Date