



MINUTES OF THE APRIL 30-MAY 1, 2018
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, April 30, 2018

10:00 a.m. The State of Ohio Board of Pharmacy convened in the Hearing Room, 17th Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, 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; Shawn C. Wilt, RPh; and Kilee S. Yarosh, RPh.

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

Also present were Steven Schierholt, *Executive Director*; Sarah Ackman, *Senior Legal Counsel*; Joe Koltak, *Senior Legal Counsel*; Yvonne Tertel, *Assistant Attorney General*.

Mr. Schierholt introduced the following recipients of the Board's 2018 Staff Awards:

Sharon Prentice, Licensing Coordinator, recipient of the Customer Service Award:

Excellence in Customer Service Award

An employee who consistently enhances the level of customer/caller/licensee/guest satisfaction, is respectful, and exceeds expectations.

Michael Poe, Regional Supervisor SW, recipient of the Investigator of the Year:

Investigator of the Year

The coworker who goes above and beyond in inspections and investigations; whose reports are consistently well written well documented and mistake free.

Sheri Zapadka, Compliance Specialist, recipient of the President's Award:

President's Award

Recognizes exceptional performance, leadership, and service. The recipient of this award will have a record of exemplary performance and distinctive contributions to the operation of the Board. He or she will have clearly demonstrated initiative toward the improvement of the Board and will have shown commitment to the Board community as a whole.

10:02 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 **Gregory Krall, RPh, Mansfield, Ohio.**



- 10:08 a.m.** The Board recessed briefly.
- 10:22 a.m.** The meeting reconvened in the Hearing Room.
- 11:52 a.m.** The hearing ended and the record was closed.

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

- 12:13 p.m.** The recess ended and the hearing was opened to the public.

R-2018-308 After votes were taken in public session, the Board adopted the following order in the matter of **Gregory Krall, RPh, Mansfield, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2017-2862)

In The Matter Of:

Gregory Krall, RPh

810 Sautter Drive

Mansfield, Ohio 44904

(License No. 03-3-16776)

INTRODUCTION

The Gregory Krall, RPh came for hearing on April 30, 2018, 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.

Gregory Krall was represented by Terry Noble. The State of Ohio was represented by Yvonne Tertel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Michael Poe—State of Ohio Board of Pharmacy

Respondent's Witnesses:

1. Gregory Krall, RPh—Respondent
2. Brad Schwartz

State's Exhibits:

1.	Notice of Opportunity for Hearing	01-03-2018
2.	Request for Hearing	01-24-2018
3.	Scheduling Letter	01-29-2018
4.	Credential View Screen	No Date
5.	Statement from Gregory Krall	12-28-2017
6.	Photos of tablets recovered from Krall	No Date
7.	DEA Form 106	10-08-2017
8.	Urine Drug Toxicology Report (State of Ohio Dept of Public Safety	02-15-2018
9.	Ohio Board of Pharmacy Order (Gregory Krall)	06-07-2016

Respondent's Exhibits:

A.	Pharmacist's Treatment Contract	03-20-2018
B.	Discharge Plan	03-06-2018
C.	Calendar/Attendance Record	Feb-Apr 2018
D.	OHPRO Test History Report	Feb-Apr 2018
E.	Character Reference Letter	04-23-2018

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. During a theft of drugs investigation, Gregory Krall admitted to the agents of the Board during the December 28, 2017 interview that for at least one year, but probably less than two years, he stole various quantities and types of controlled substances from his employer, Rite Aid Pharmacy #3266 located at 117 South Main Street in Fredericktown, Ohio 43019. The drugs he admitted to taking, without authorization, include:
 - a. Tramadol, a schedule IV controlled substance; and
 - b. Hydrocodone/acetaminophen, a schedule II controlled substance; and
 - c. Carisoprodol, a schedule IV controlled substance; and
 - d. Alprazolam, a schedule IV controlled substance; and
 - e. Phentermine, a schedule IV controlled substance; and
 - f. Codeine/acetaminophen, a schedule III controlled substance.
2. Gregory Krall admitted to having an addiction caused by work-related stress. He admitted to personally consuming all the drugs he stole from the pharmacy as well as to consuming various drugs while working within the pharmacy, filling prescriptions.
3. During the interview with agents of the Board, he was found with tablets in his possession. The tablets include:
 - a. Orphenadrine Citrate extended release 100 mg, a dangerous drug, non-controlled substance; and

- b. Cyclobenzaprine Hydrochloride 10 mg, a dangerous drug, non-controlled substance; and
 - c. Ropinirole Hydrochloride 0.5 mg, a dangerous drug, non-controlled substance.
4. Video footage and review of Rite Aid Pharmacy records confirm his involvement in the above-described thefts of controlled substances.
 5. On May 2, 2016, a hearing was held in case number 2015-1047 related to an error in dispensing for which he was disciplined by the State of Ohio Board of Pharmacy by Order effective June 7, 2016. Pursuant to that Order, he was required to attend one of the State of Ohio Board of Pharmacy's Roundtables within one year. He had failed to attend a Roundtable as of January 2, 2018.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact 1(a) through 1(f) each constitutes a violation of Section 2913.02 of the O.R.C., theft of dangerous drugs, a felony of the fourth degree.
2. Such conduct as set forth in the Findings of Fact 1(b), if proven, each 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 the Allegations Section 1(a) and 1(c) through 1(f), if proven, each constitutes a violation of Section 2925.11(A) of the O.R.C., Possession of a Schedule III or Schedule IV controlled substance, a misdemeanor of the first degree, each violation punishable by a maximum fine of \$1,000.
4. Such conduct as set forth in the Findings of Fact 3(a) through 3(c) each constitutes a violation of 4729.51(E)(1)(c), as effective September 29, 2017, possessing dangerous drugs, a misdemeanor of the first degree.
5. Such conduct as set forth in the Findings of Fact, Paragraphs 1 through 5 constitutes a violation of section 4729.16 of the ORC, as effective July 16, 2015, each violation constituting a minor misdemeanor:
 - a. Guilty of a felony, ORC Section 4729.16(A)(1); and
 - b. Guilty of dishonesty and unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2); and
 - c. Addicted to or abusing drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy, ORC 4729.16(A)(3); and
 - 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, ORC Section 4729.16(A)(5).

6. Such conduct as set forth in the Findings of Fact Paragraphs 1 through 5 constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 6, 2017, each violation constituting a minor misdemeanor:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and
 - b. Is addicted to or abusing drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, ORC Section 4729.16(A)(2)(c); and
 - c. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter 3715.75 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 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).

7. Such conduct as set forth in the Findings of Fact Paragraphs 1 through 5 constitutes a violation of each of the following divisions of Rule 4729-5-04 of the OAC as effective January 1, 2011:
 - a. Is addicted to or abusing drugs, OAC Rule 4729-5-04(D); and
 - b. Has been disciplined by the Ohio State board of Pharmacy pursuant to section 4729.16 of the Revised Code, OAC Rule 4729-5-04(E).

8. Such conduct as set forth in the Findings of Fact Paragraphs 1 through 5 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
 - b. Violated...any of the provisions of Chapters 4729...of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729-5-04(B); and
 - c. Is addicted to or abusing 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, OAC Rule 4729-5-04(D); and
 - d. Has been disciplined by the Ohio state board of pharmacy pursuant to section 4729.16 of the Revised Code, OAC Rule 4729-5-04(E).

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Gregory Krall on January 3, 2018.

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 suspends indefinitely the pharmacist identification card, No. 03-3-16776, held by Gregory Krall and such suspension is effective as of the date of the mailing of this Order.

1. Gregory Krall, 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. Gregory Krall, 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.

Further, after 18 months from the effective date of this Order, the Board will consider any petition filed by Gregory Krall for a hearing, pursuant to Ohio Revised Code Chapter 119, for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

1. Gregory Krall must maintain a current address with the Board throughout the duration of the suspension.
2. Gregory Krall must enter into and adhere to the terms of a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Failure to adhere to the terms of the treatment contract will be considered a violation of the Board's Order and subject [Petitioner] to potential sanctions up to and including revocation of license. The contract must provide that:
 - a. **Random, observed** urine drug screens shall be conducted at least once each month.
 - b. The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - c. Alcohol and Ethyl Glucuronide (ETG) must be added to the standard urine drug screen.
 - d. Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

- e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Gregory Krall in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.
 - f. The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
 - g. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - h. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
 3. Gregory Krall must attend 90 meetings in 90 days, meeting the following requirements:
 - a. Gregory Krall must attend 90 Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group in 90 consecutive days;
 - b. Attendance at the meetings described in 3(a) must begin on May 11, 2018;
 - c. A minimum of one meeting must be attended each day for 90 consecutive days;
 - d. Gregory Krall must submit evidence of meeting attendance to legal@pharmacy.ohio.gov no later than the 92nd day from May 11, 2018.
 4. Gregory Krall must attend a Board-sponsored "Responsible Person Roundtable, no later than November 30, 2018, and provide proof of completion to the Board within 30 days of attendance.
 5. Gregory Krall shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the Board's Order and request Gregory Krall reappear before the Board for possible additional sanctions, including and up to revocation of license.
 6. Gregory Krall shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of suspension. The Board shall treat any such refusal as a violation of the Board's Order and request Gregory Krall reappear before the Board for possible additional sanctions, including and up to revocation of license.
 7. Gregory Krall must immediately report any violation of the terms of this suspension to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be

- treated as a violation of this Board's Order and will subject Gregory Krall to possible additional sanctions, including and up to revocation of license.
8. Gregory Krall must demonstrate satisfactory proof to the Board that she/he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
 9. Gregory Krall must provide, in the reinstatement petition, documentation of the following:
 - a. Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug and alcohol screen reports, meeting attendance records, treatment program reports, etc.);
 - b. Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
 - c. Compliance with the terms of this Order.
 10. If reinstatement is not accomplished within **three years** of the effective date of this Order, Gregory Krall must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board.
 11. Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.
 12. Violation of any term of suspension, including but not limited to any violation of the contract signed with the ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of your pharmacy license.
 13. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state or federal law will be considered a violation of this Order resulting in a hearing before the Board and may also result in criminal and/or administrative charges.
 14. If Gregory Krall's employment is related to the practice of pharmacy, Gregory Krall must notify employer of the terms of Gregory Krall's suspension and this Board's Order.
 15. Failure to complete the terms set forth in this Board's Order, or to petition for reinstatement within five years of the date of this Order, will result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Gregory Krall's license.

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

Mr. Weaver 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. Passafume seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

12:15 a.m. The Board recessed for lunch.

1:30 p.m. The meeting reconvened in the Hearing Room for Board Business.

Mr. Cox was absent and did not provide the PAPC Committee report.

Mr. Schierholt provided the MMAC update.

Mr. Griffin provided the Compliance and Enforcement update.

Ms. Dehner provided the Legal Report.

Ms. Galante and Ms. Collins provided the Licensing update.

R-2018-309 Mr. Wilt moved that the Board adopt the following Resolution:

Pharmacy Technician Registration

As of May 11, 2018, all paperwork not received by technicians who submit application materials for registration may practice as the technician (trainee, registered or certified) until June 8, 2018.

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

R-2018-310 Ms. Ghitman reported on the CE Provider Request from Greater Cincinnati Society of Health Systems Pharmacists, **Paige Garber, RPh**. Mr. Weaver moved that the CE Provider Request be approved. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-6.

Mr. McNamee presented on Board Professional Committee Formation/Solicitation of Rules Feedback.

3:08 p.m. The Board recessed briefly.

3:21 p.m. The meeting reconvened in the Hearing Room.

Mr. McNamee and Ms. Wai presented on Rules Reviewed by April Rules Committee.

Mr. McNamee and Ms. Wai presented on Site Specific Rules.

R-2018-311 Mr. Passafume moved that the Board adopt with revisions noted. The motion was seconded by Mr. Newlon and approved by the Board: Aye-6.

5:01 p.m. Executive Session concluded and the Board recessed for the day.

Tuesday, May 1, 2018

8:59 a.m. The State of Ohio Board of Pharmacy convened in the Hearing Room, 17th Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, 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.

Michael A. Moné, RPh; Kilee S. Yarosh, RPh; and Joshua Cox Absent.

R-2018-312 Mr. Passafume moved to nominate Shawn C. Wilt for Vice President of the Board for fiscal year 2019. The motion was seconded by Ms. Rudell and approved by the Board: Aye-6.

R-2018-313 Ms. Wilt moved to nominate Fred M. Weaver for President of the Board for fiscal year 2019. The motion was seconded by Mr. Passafume and approved by the Board: Aye-6.

9:01 a.m. Ms. Dehner and Mr. Griffin presented requests for the following summary suspension cases. The following licenses were summarily suspended:

Technicians

Pursuant to Sections 3719.121 and 4729.96 of the Ohio Revised Code, the Board considered the following matters for summary suspension. After hearing Mr. Pyles discuss the significant facts regarding the activities:

- Case No. 2018-1381 – Mr. Wilt moved that the Board suspend the pharmacy technician trainee registration belonging to Carrie Allen (09200973), pursuant to divisions (A) and (B) of Section 3719.121 of the Ohio Revised Code. The motion was seconded by Ms. Rudell and approved by the Board: Aye-5
- Case No. 2018-1598 – Mr. Weaver moved that the Board suspend the certified pharmacy technician registration belonging to Schaeffel Jenkins (09-303118), pursuant to division (B) of Section 3719.121 of the Ohio Revised Code. The motion was seconded by Mr. Passafume and approved by the Board: Aye-5
- Case No. 2018-2604 – Mr. Passafume moved that the Board suspend the certified pharmacy technician registration belonging to Natalie Williams (09-202646), pursuant to divisions (A) and (B) of Section 3719.121 of the Ohio Revised Code. The motion was seconded by Mr. Newlon and approved by the Board: Aye- 5

- Case No. 2018-1611 – Mr. Passafume moved that the Board suspend the pharmacy technician trainee registration belonging to Nicole Rini (09-102409), pursuant to division (B) of Section 3719.121 of the Ohio Revised Code. The motion was seconded by Mr. Newlon and approved by the Board: Aye– 5

Wholesaler

Pursuant to Sections 4729.56 and 4729.561 of the Ohio Revised Code, the Board considered the following additional matter for summary suspension. After hearing Mr. Pyles discuss the significant facts regarding the activities:

- Case No. 2018-1334 - Mr. Passafume moved that the Board suspend the Wholesale license of Cantrell Drug Company (01-2176500), pursuant to section 4729.561 of the Ohio Revised Code. The motion was seconded by Mr. Wilt and approved by the Board: Aye-5

Summary Suspension Process for Technicians

After discussion facilitated by Ms. Dehner and Mr. Griffin, the Board decided to plan on a weekly call Wednesday afternoons, at 3:30 p.m. to consider pressing summary suspension matters. The Board’s decision was based on the volume of summary suspension scenarios the Board is expecting to face as Technician registration process continues to progress.

9:35 a.m. 2019 Board Meeting Dates

The Board reviewed meeting dates for next year. The Board will discuss and vote on the final schedule at next month’s meeting.

9:47 a.m. The Board recessed briefly.

10:00 a.m. The meeting reconvened in the Hearing Room.

Mr. McNamee led a discussion on the rules pertaining to Disposal of Controlled Substances at Long-term Care Facilities as well as the packet of rules reviewed by the April Rules Review Committee.

R-2018-314 Mr. Passafume moved that the Board approve the proposed rule packets, as amended during the discussion. The motion was seconded by Mr. Wilt and approved by the Board: Aye-5

10:31 a.m. Ms. Dehner and Mr. Koltak led a discussion about the disciplinary actions remaining permanently on the public facing website. After reviewing information about other healthcare board processes and the Ohio Supreme Court, the Board concluded it would make no changes to its process of permanently maintaining actions on its public website.

10:48 a.m. Ms. Dehner reviewed the Board’s Standard Terms and Conditions for probationary and reinstated licensees/registrants. Minor modifications will be incorporated per the Board’s discussion.

- R-2018-315** Mr. Weaver moved that the Board remove language from Standard Terms and Conditions. The motion was seconded by Ms. Rudell and approved by the Board: Aye-5
- 11:04 a.m.** Ms. Dehner and Ms. Ackman led a discussion on the review process for Hearing Examiner Reports & Recommendations.
- 11:31 a.m.** Ms. Dehner and Mr. Griffin led a discussion on compounding agreements executed to protect the public from potentially harmful compounding practices.
- 11:40 a.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 Mr. Passafume and a roll-call vote was conducted by President Marchal as follows: Newlon-yes; Rudell-yes; Weaver-yes; Wilt-yes and Passafume-yes.
- 2:00 p.m.** Executive Session concluded and after lunch recess the Board reconvened in the Hearing Room.
- R-2018-316** Mr. Weaver moved that the Probation Committee Minutes of April 9, 2018, be approved as written. The motion was seconded by Mr. Wilt and approved by the Board: Aye-5.
- R-2018-317** Mr. Newlon moved that the Conference Call Minutes of April 12, 2018, be approved as written. The motion was seconded by Mr. Passafume and approved by the Board: Aye-5.
- R-2018-318** Mr. Passafume moved that the Conference Call Minutes of April 19, 2018, be approved as written. The motion was seconded by Mr. Newlon and approved by the Board: Aye-5.
- R-2018-319** Mr. Passafume moved that the Board approve the Board Meeting Minutes of April 9, 2018, as written. The motion was seconded by Ms. Rudell and approved by the Board: Aye-5
- R-2018-320** Ms. Marchal announced the following Settlement Agreement has been signed by all parties and is now effective:

IN THE MATTER OF:
Case No. 2014-1515

Community Counseling & Treatment Services, Inc.

c/o Stephen Craig Shy, D.O.
4282 State Route 93
Ironton, Ohio 45638
License No. 02-2287450
And
4300 Old Scioto Trail
Portsmouth, OH 45682
License No. 02-2427750

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 Community Counseling & Treatment Services, Inc. (Community Counseling), for the purpose of resolving all issues between the parties relating to the Board investigation of the dispensing controlled substances to patients, on a daily basis, without the direct involvement or oversight of those authorized or qualified to dispense controlled substances. Together, the Board and Community Counseling 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 to practice pharmacy the state of Ohio.
2. Community Counseling is a licensed Terminal Distributor of Dangerous Drugs under suspended license number 02-2287450 located at 4282 State Route 93, Ironton, Ohio and pending licensure under license number 02-2427750 located at 4300 Old Scioto Trail, Portsmouth, Ohio.

FACTS

1. On or about December 23, 2013, the Board initiated an investigation of Community Counseling, Terminal Distributor of Dangerous Drugs license number 02-2287450, related to Community Counseling dispensing controlled substances to patients, on a daily basis, without the direct involvement or oversight of those authorized or qualified to dispense controlled substances.
2. On or about October 3, 2014, the Board issued a Summary Suspension/Notice of Opportunity for Hearing to Community Counseling, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about October 27, 2014 and October 31, 21014, counsel for Dr. Shy and Community Counseling, respectively, timely requested an administrative hearing, which was subsequently scheduled for April 8, 2015, then continued at the request of the parties.

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. Community Counseling neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated October 3, 2014; however, the Board believes it 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. Community Counseling voluntarily surrenders to the State of Ohio Board of Pharmacy license no. 02-2287450 at the Ironton location, including registration to sell, deliver, or distribute dangerous drugs, with discipline pending; and withdraws application for licensure under license number 02-2427750 at the Portsmouth location.
4. Community Counseling may not apply for a Terminal Distributor of Dangerous Drugs License until resolution of all state and federal criminal and investigative matters have been adjudicated and/or resolved. At such time, Community Counseling may reapply for a license with the board only if it meets all requirements for the particular license it is seeking.
5. Dr. Stephen Shy, state of Ohio Medical License number 34.007026, agrees to never reapply for any license over which the Board of Pharmacy has jurisdiction and agrees to never be a Responsible Person on any license over which the Board of Pharmacy has jurisdiction.
6. Community Counseling agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which it currently holds a professional license.
7. Community Counseling agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Community Counseling 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 Community Counseling will operate.
10. Community Counseling waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws its 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.

R-2018-321 Extension of Human Trafficking Continuing Education

The Board hereby approves of Human Trafficking Ohio 101 course (036-300-15-009-H03) to be extended from April 1, 2017 to September 15, 2018. The course is approved for 0.1 CEU of Ohio Board of Pharmacy jurisprudence continuing education.

As health care providers, pharmacists are professionals who may interact with trafficking victims that are still in captivity. The expert assessment and interview skills of health care providers contribute to their readiness to identify victims of trafficking.

Mr. Wilt moved that the Board adopt the Resolution. The motion was seconded by Mr. Passafume and approved by the Board: Aye-5

2:00 p.m. Presentation: Duty to Report

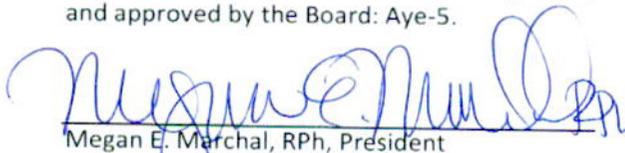
- Joe Melucci, RPh, MBA, CPPS, Associate Director of Medication Safety, OSUWMC
- Amber Hartman OSUWMC
- Kelly Besco, Ohio Health

The Board heard a presentation related to reporting requirements, errors in dispensing, and the "just culture" model. After discussion, the Board determined it would continue to hold its duty to report rule from filing and would convene a committee to examine the issues presented.

3:07 p.m. 4729.16(E) Case Review (2018-1065)

R-2018-322 After hearing Ms. Ackman describe pertinent facts related to an investigation, Mr. Passafume moved the Board recommend an evaluation for a licensee pursuant to Section 4729.16(E) of the Ohio Revised Code to include a hair test as soon as possible, but not to exceed 90 days. It was seconded by Mr. Newlon and approved by the Board: Aye-5

R-2018-323 Mr. Passafume moved that the meeting be adjourned. The motion was seconded by Ms. Rudell and approved by the Board: Aye-5.


Megan E. Marchal, RPh, President

6/5/18
Date


Steven W. Schierholt, Esq., Executive Director

6/5/18
Date