



MINUTES OF THE AUGUST 3-4, 2020
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, August 3, 2020

9:01 a.m. Acting under the authority Section 12 of amended substitute house bill number 197, effective March 27, 2020, the State of Ohio Board of Pharmacy convened for a public meeting via skype audio/visual conference call, with the following members present:

Jennifer M. Rudell, RPh, *Presiding*; Trina L. Buettner, RPh; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Fred M. Weaver, RPh; Shawn C. Wilt, RPh; and Kilee S. Yarosh, RPh.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Blair Cathcart, *Director of Information Services*; Michael Clark, *IT Administrator*; Brenda Cooper, *Executive Assistant*; Paula Economus, *Administrative Assistant*; William Edwards, *Agent*; Chad Garner, *Director of OARRS*; Ashley Gilbert, *Senior Legal Counsel*; Eric Griffin, *Director of Compliance and Enforcement*; Joseph Koltak, *Senior Legal Counsel*; Kathryn Lewis, *Administrative Assistant*; Sharon Maerten-Moore, *Director of Medical Marijuana Operations*; Justin Sheridan, *Senior Legal Counsel*; Michelle Siba, *Senior Legal Counsel*; and Karrie Southard, *Director of Licensing*.

9:08 a.m. The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Kenneth Smith, Olmsted Twp., Ohio**.

R-2021-0042 Mr. Cox moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of Angerman v. State Medical Bd. (1990) 70 Ohio App.3d 346 and TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al. (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Marchal and a roll-call vote was conducted by President Yarosh as follows: Buettner-yes; Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Wilt-yes; and Yarosh-yes.

10:09 a.m. The recess ended and the hearing was opened to the public.

R-2021-0043 After votes were taken in public session, the Board adopted the following orders in the Matter of **Kenneth Smith, Olmsted Twp., Ohio**.



ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2020-0430)

In The Matter Of:

Kenneth Smith
7176 Timber Lane
Olmsted Twp., Ohio 44138
License No. 03-215433

INTRODUCTION

The Matter of Kenneth Smith came for hearing on August 3, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer M. Rudell, RPh, *Presiding*; Trina L. Buettner, RPh; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Shawn C. Wilt, RPh; and Kilee S. Yarosh, RPh.

Fred M. Weaver, RPh; recused.

Kenneth Smith was not represented by counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Kenneth Smith—Respondent
2. William Edwards—Board Agent

Respondent's Witnesses:

1. None

State's Exhibits:

1. Notice of Opportunity for Hearing
2. Request for Hearing
3. Scheduling Order
4. Statement of Respondent
5. Photos of Ibuprofen
6. Phone in Prescriptions
7. Property Receipt
8. Loss Report

Respondent's Exhibits:

A. Medical Document

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 May 20, 2020, Kenneth Smith was seen on video surveillance ingesting an unknown tablet from an unlabeled vial at Discount Drug Mart, located at 17815 Puritas Avenue, Cleveland, Ohio, where he was employed as a pharmacist. The vial was found to contain ibuprofen 600mg tablets, a dangerous drug, and stored with his personal belongings at the pharmacy. Mr. Smith does not have a prescription for ibuprofen 600mg.
2. It was discovered Kenneth Smith had been filling phone-in prescriptions for himself for Ramipril 5mg, a dangerous drug, since August 2019. There was no image of the phone-in prescription for all but one of the prescriptions. The prescribing doctor was listed as Dr. Gerald Burma, however, Dr. Burma did not call-in the following prescriptions for Mr. Smith:
 - a. Rx# 1131141 for Ramipril 5mg #120, no refills, entered and verified on August 30, 2019
 - b. Rx# 1134468 for Ramipril 5mg #120, no refills, entered and verified on September 28, 2019
 - c. Rx# 1137366 for Ramipril 5mg #120, no refills, entered and verified on October 22, 2019
 - d. Rx# 1140928 for Ramipril 5mg #120, no refills, entered and verified on November 19, 2019
 - e. Rx# 1144381 for Ramipril 5mg #120, 5 refills, entered and verified on December 17, 2019
 - f. Rx# 1165795 for Ramipril 5mg #136, entered and filled on May 22, 2020
3. On or about June 2, 2020 Kenneth Smith was interviewed by a Discount Drug Mart staff member and an agent from the Board. Mr. Smith made the following statements:
 - a. He takes Xanax (alprazolam) occasionally. He's been stealing Xanax for about six months. He stole up to 20 doses.
 - b. He stole about 25 does of ibuprofen 600mg. This started about three weeks ago.

- c. He does not have a prescription for Xanax. He thinks he has “an alcohol dependency problem as well. But not with the Xanax.”
- d. When asked if he would consider his alcohol problem an addiction, he replied “I think so.”
- e. He created fraudulent prescriptions for Ramipril (on the dates listed above) without authorization from his doctor. The December prescription had five refills and the May prescription was for a quantity of 136 because it was for a 34-day supply that would be covered by insurance.
- f. One day he forgot his Ramipril at home and took two to four capsules from the stock bottle at work.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraphs 1, 2, 3(a), 3(b), and 3(f) of the Allegations Section, if proven, constitutes a violation of Section 2913.02 of the ORC, theft of a dangerous substance.
2. Such conduct as set forth in paragraphs 2(a), 2(b), 2(c), 2(d), 2(e), and 2(f) of the Allegations Section, if proven, constitutes a violation of Section 2925.23 of the ORC, illegal processing of drug documents.
3. Such conduct as set forth in paragraph 1 of the Allegations Section, if proven, constitutes a violation of Section 4729.51(E)(1)(c) of the ORC, possession of dangerous drugs.
4. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 8, 2019:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16(A)(2)(b); and
 - b. Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, ORC 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); and
 - d. Engaged in any conduct for which the board may imposed discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).

5. Such conduct as set forth in the Allegations section, if proven, constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective March 20, 2020:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and
 - b. Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, OAC Rule 4729:1-4-01(B)(2)(c); and
 - c. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. Or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(e); and
 - d. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration, OAC Rule 4729:1-4-01(B)(2)(m).

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 Kenneth Smith on June 5, 2020.

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 license no. 03-215433, held by Kenneth Smith, and such suspension is effective as of the date of the mailing of this Order.

Kenneth Smith, 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.

Further, after twelve months from the date of this Order, the Board will consider any petition filed by Kenneth Smith 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. Kenneth Smith must enter into and adhere to the terms of a contract, signed within thirty days after the effective date of this Order, with a Board approved treatment monitor for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Kenneth Smith should also submit to the Board documentation demonstrating compliance with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider, if applicable. Failure to adhere to

the terms of the treatment contract and/or monitoring contract will be considered a violation of the Board's Order and subject Kenneth Smith to potential sanctions up to and including revocation of license. The monitoring 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 Kenneth Smith 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.
2. Kenneth Smith 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 Kenneth Smith reappear before the Board for possible additional sanctions, including and up to revocation of license.
 3. Kenneth Smith shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of probation. The Board shall treat any such refusal as a violation of the Board's Order and request Kenneth Smith reappear before the Board for possible additional sanctions, including and up to revocation of license.

4. Kenneth Smith 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 Kenneth Smith to possible additional sanctions, including and up to revocation of license.
5. Kenneth Smith must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing alcohol or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
6. Kenneth Smith 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 4729:1-5 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.
7. 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 Kenneth Smith's pharmacy intern license.
8. 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.
9. If Kenneth Smith's employment is related to the practice of pharmacy, Kenneth Smith must notify employer of the terms of Kenneth Smith's suspension and this Board's Order.
10. 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 Kenneth Smith's license.

Joshua M. Cox moved for Findings of Fact; Shawn C. Wilt seconded the motion. Motion passed (Aye-7/Nay-0).

Donald R. Miller moved for Conclusions of Law; Megan E. Marchal seconded the motion. Motion passed (Aye-7/Nay-0).

Shawn C. Wilt moved for Action of the Board; Kilee S. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

- 10:13 a.m.** The Board recessed for a break.
- 10:24 a.m.** Mr. Griffin provided the Compliance and Enforcement Report
- 10:29 a.m.** Mr. Garner provided the OARRS Report.
- 10:31 a.m.** Ms. Southard provided the Licensing Report.
- 10:35 a.m.** Mr. McNamee provided the Legislative Report
- 10:37 a.m.** Mr. Schierholt provided the Executive Director Report.
- 10:40 a.m.** Mr. Schierholt presented the Annual Employee Awards.
- 10:46 a.m.** Ms. Southard presented the Examination Extension Request of Yukong Moy – Columbus, Ohio (APP-000158645) to the Board for consideration.
- R-2021-0044** Mr. Wilt moved to approve the request of Yukong Moy-granting an examination extension through December 31, 2020. The Motion was seconded by Ms. Yarosh and approved by the Board: Aye-8, Nay-0.
- 10:50 a.m.** Ms. Southard presented the Examination Extension Request of Ahmed Syed-Youngstown, Ohio (03236581) to the Board for consideration.
- R-2021-0045** Mr. Weaver moved to deny the request of Ahmed Syed. The Motion was seconded by Ms. Marchal and denied by the Board: Aye-8, Nay-0.
- 10:56 a.m.** Mr. McNamee presented amendments to rules 4729:5-9-03.1 - Contingency drugs in an institutional facility and emergency access to an institutional pharmacy, 4729:5-9-01 – Definitions, 4729:5-8-04 - Drugs compounded by a nonresident pharmacy, 4729:5-18-02 - Ownership and operation, and 4729:5-8-03 - Compliance to the Board for approval. Rule 4729:5-9-03.1 - Contingency drugs in an institutional facility and emergency access to an institutional pharmacy was tabled for additional consideration. 4729:5-18-02 - Ownership and operation was previewed in advance of being released for stakeholder comment.
- R-2021-0046** Ms. Marchal moved that the Board approve 4729:5-9-01 – Definitions, 4729:5-8-04 - Drugs compounded by a nonresident pharmacy, and 4729:5-8-03 - Compliance for filing with JCARR. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by President Rudell as follows:

Buettner-yes; Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.

11:18 a.m.

Ms. Dehner presented amendments to rule 4729:4 - Probation Rules to the Board for approval, with the exception of proposed rule 4729:4-1-10, which was to be released for stakeholder comment.

R-2021-0047

Ms. Yarosh moved that the Board approve 4729:4 - Probation Rules for filing with JCARR, (with the exception of Rule 4729:4-1-10).. The motion was seconded by Mr. Cox and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.

11:43 a.m.

Mr. McNamee presented a resolution titled *Responsible Person Resolution (OAC 4729:5-2-01)* to the Board for approval.

R-2021-0048

Mr. Wilt moved that the Board approve the resolution. The motion was seconded Mr. Miller and approved by the Board: Aye-8, Nay-0. The following resolution was adopted by the Board:

RESPONSIBLE PERSON REQUIREMENTS FOR LICENSURE

Updated 8/3/2020

Pursuant to rules [4729:5-2-01](#) and [4729:6-2-01](#) of the Ohio Administrative Code, the Board of Pharmacy is required to adopt a resolution providing the credential types or qualifications required for the responsible person of each classification of terminal distributor of dangerous drugs and drug distributor license. Only individuals that meet the credentials specified may be the responsible person for that classification type.

Additionally, the resolution also provides additional guidance to licensees regarding compliance with the Board's rule chapters. For each licensee, there is a link (if applicable) to an inspection guide that applies to the specific license type.

The requirements for terminal distributors of dangerous drugs begin on [page 2](#) of this document.

The requirements for distributors of dangerous drugs* begin on [page 11](#) of this document.

***NOTES:**

- A distributor of dangerous drugs includes the following license types: manufacturer of dangerous drugs, outsourcing facility, third-

party logistics provider, repackager of dangerous drugs and wholesale distributor of dangerous drugs (includes broker and virtual wholesaler).

- “APRN” refers to the following license types: Certified Registered Nurse Anesthetist, Certified Nurse Practitioner, Certified Nurse-Midwife, and Clinical Nurse Specialist who have prescriptive authority via chapter 4729. of the Revised Code.
- An executive director for the purposes of a limited terminal distributor of dangerous drugs license for animal shelter, humane society, or dog pound means any person that meets both of the following requirements:
 1. Maintains control over day-to-day operations of a location; and
 2. Is responsible for staffing decisions (including volunteers) such as hiring, termination, promotion, or allocation of staff resources or structure.

Effective, August 3, 2020, the Board hereby adopts the following responsible person requirements:

TERMINAL - CLINIC				
Business Type	Business Type Definition	Approved Credentials for Responsible Person	Special Requirements	Applicable Inspection Guide
AS	Ambulatory Surgery	DO, MD, RPH,		Institutional (Coming Soon)
CI	Correctional Institution - clinic or med room that is located within a correctional facility or jail.	DO, MD, RPH, APRN		Institutional (Coming Soon)
CL	Clinic - Health Dept., Free Clinic, Specialty Clinic	DO, MD, RPH, APRN, DDS		Clinic and Prescriber Office (OAC 4729:5-19)
CT	Chemical Treatment	DO, MD, RPH, APRN		Clinic and Prescriber Office (OAC 4729:5-19) or Institutional (Coming Soon)

ED	Free Standing Emergency Department	DO, MD, RPH		Institutional (Coming Soon)
MC	Mobile Clinic - Drugs stored on a truck, aircraft, bus, etc.; includes non-emergent helicopters and aircraft.	DO, MD, RPH, DVM, APRN, DDS		Limited Facility (OAC 4729:5-23) or Non-Limited Facility (OAC 4729:5-22)
MH	Mental Health	DO, MD, RPH, APRN		Clinic and Prescriber Office (OAC 4729:5-19) or Institutional (Coming Soon)
ONC	Oncology Clinic	DO, MD, RPH		Clinic and Prescriber Office (OAC 4729:5-19)
PC	Prescriber Practice	DO, MD, APRN, DDS, OD, RPH	OD must provide therapeutic number	Clinic and Prescriber Office (OAC 4729:5-19)
POC	Point of Care - Pyxis located in another Hospital	RPH		Institutional (Coming Soon)
RT	Clinical Trials	DO, MD, RPH, DVM, OD, DDS	OD must provide therapeutic number	Clinic and Prescriber Office (OAC 4729:5-19)
SC	Sports Training Facility	DO, MD, RPH, APRN		Clinic and Prescriber Office (OAC 4729:5-19)
UR	Urgent Care + Convenience Care Clinic	DO, MD, APRN, RPH		Clinic and Prescriber Office (OAC 4729:5-19)

TERMINAL - CLINIC - SOLE PRACTITIONER/DENTIST

Business Type	Business Type Definition	Approved Credentials for Responsible Person	Special Requirements	Applicable Inspection Guide
PC	Prescriber Practice - general medical provider	DO, MD, APRN, DDS, OD, RPH	OD must provide therapeutic #	Clinic and Prescriber Office (OAC 4729:5-19)

TERMINAL - OPIOID TREATMENT PROGRAM

Business Type	Business Type Definition	Approved Credentials for Responsible Person	Special Requirements	Applicable Inspection Guide
OTP	Opioid Treatment Program - personally furnish buprenorphine and/or administer methadone.	DO, MD	*Category III only. Obtain SAMHSA or CARF accreditation after licensure.	Opioid Treatment Program (OAC 4729:5-21)

TERMINAL - OFFICE-BASED OPIOID TREATMENT

Business Type	Business Type Definition	Approved Credentials for Responsible Person	Special Requirements	Applicable Inspection Guide
OBOT	Office-Based Opioid Treatment Clinic	DO, MD, APRN – must have DATA 2000 Wavier	*Category III only. Required background check on Owners, RP and employees.	Office-Based Opioid Treatment Clinic (OAC 4729:5-18)

TERMINAL - PAIN MANAGEMENT CLINIC

Business Type	Business Type Definition	Approved Credentials for	Special Requirements	Applicable Inspection Guide
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		Responsible Person		
PMC	Pain Management Clinic	DO, MD	*Category III only. Required background check on Owners, RP and employees.	Pain Management Clinic (OAC 4729:5-11)
GPMC	Grandfathered Pain Management Clinic **Approved by the Medical and Pharmacy Boards in 2011	DO, MD	*Category III only. Required background check on Owners, RP and employees.	Pain Management Clinic (OAC 4729:5-11)

TERMINAL - EMS - LIMITED

Business Type	Business Type Definition	Approved Credentials for Responsible Person	Special Requirements	Applicable Inspection Guide
EM	EMS Headquarters	DO, MD, RPH		EMS (Coming Soon) (OAC 4729:5-14)
EMSS	EMS Satellite	DO, MD, RPH		EMS (Coming Soon) (OAC 4729:5-14)

TERMINAL - FACILITY - VETERINARY MEDICINE

Business Type	Business Type Definition	Approved Credentials for Responsible Person	Special Requirements	Applicable Inspection Guide
VT	Veterinary Practice, Zoo, Veterinary Hospital	DVM		Veterinary Clinic (OAC 4729:5-20)

TERMINAL - FACILITY - NON-LIMITED				
Business Type	Business Type Definition	Approved Credentials for Responsible Person	Special Requirements	Applicable Inspection Guide
AS	Animal Shelter - Humane Society or Dog Pound	DVM		Animal Shelter (OAC 4729:5-15)
BB	Blood Bank	DO, MD		Non-Limited Facility (OAC 4729:5-22)
CC	Custodial Care, Pediatric Respite, Group Home	DO, MD, APRN, RN	RN - only if medication is delivered patient specific	Non-Limited Facility (OAC 4729:5-22)
DU	Dialysis Unit	DO, MD, APRN, RPH		Non-Limited Facility (OAC 4729:5-22)
HC	Hospice	DO, MD		Non-Limited Facility (OAC 4729:5-22)
IC	Infusion Center	DO, MD, RPH		Non-Limited Facility (OAC 4729:5-22)
IM	Imaging	DO, MD		Non-Limited Facility (OAC 4729:5-22)
LA	Laboratory/Research	DO, MD, PHD, Chemist, Management, RPH, DVM, DDS	PHD, Chemist or Management must provide a proof of a degree in one of the following: chemistry, biochemistry, forensic science, biology, microbiology, or related pure applied science or proof of certified	Laboratory (OAC 4729:5-16)

			training in the field of expertise.	
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TERMINAL - FACILITY - LIMITED				
Business Type	Business Type Definition	Approved Credentials for Responsible Person	Special Requirements	Applicable Inspection Guide
AS	Animal Shelter – Humane Society or Dog Pound	CET, DVM, DOG WARDEN, Executive Director		Animal Shelter (OAC 4729:5-15)
DG	Dog Trainer	Management + LENA	Law Enforcement Affiliation or contract required.	Limited Facility (OAC 4729:5-23)
FA	First Aid Room/Department	DO, MD, APRN, RN	RN only if medication is delivered patient specific or for the purposes of personal furnishing naloxone.	First Aid Department (OAC 4729:5-13)
HH	Home Health Care - providing services to the patient's homes or vaccinations off-site	DO, MD, RPH		Limited Facility (OAC 4729:5-23)
ND	Nursing Home Drug Stock	DO, MD, APRN		Limited Facility (OAC 4729:5-23)
PD	Peritoneal Dialysis Center - ships directly to the patient's home, RPh does not perform final verification	Management		Limited Facility (OAC 4729:5-23)
PT	Physical Therapy	DO, MD		Limited Facility (OAC 4729:5-23)

TE	Teaching Institution	DDS, DO, MD, HEAD OF PROGRAM (RN), RPH, APRN, PA, OD, DVM	If injecting into humans, must be - DDS, DO, MD, DDS, OD, RPH or APRN.	Limited Facility (OAC 4729:5-23)
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TERMINAL - MEDICAL GAS - LIMITED

Business Type	Business Type Definition	Approved Credentials for Responsible Person	Special Requirements	Applicable Inspection Guide
CX	Contingency Stock	RN, LNHA, Management, RRT		Medical Gases (Coming Soon) (OAC 4729:5-17)
GM	Manufacturer Process Use + Food Processor	Management		Medical Gases (Coming Soon) (OAC 4729:5-17)
OX	Retail Seller or Biller of Oxygen	MD, DO, RN, APRN, LNHA, RRT, OD, DDS, DVM, RPH, Management	*Saline and Sterile Water can be included on drug list.	Medical Gases (Coming Soon) (OAC 4729:5-17)

TERMINAL - NON-RESIDENT PHARMACY - NON-LIMITED

Business Type	Business Type Definition	Approved Credentials for Responsible Person	Special Requirements	Applicable Inspection Guide
CF	Central Fill Pharmacy	RPH		Non-Resident (Coming Soon) (OAC 4729:5-8)
IP	Pharmacy Servicing Institutions	RPH	May included Mental Health Pharmacies & Nursing Home Inpatient Pharmacies	Non-Resident (Coming Soon) (OAC 4729:5-8)

MO	Mail Order Pharmacy	RPH		Non-Resident (Coming Soon) (OAC 4729:5-8)
NU	Nuclear Pharmacy	RPH		Non-Resident (Coming Soon) (OAC 4729:5-8)
SP	Specialty Pharmacy - High \$ Drugs	RPH	May include compounding	Non-Resident (Coming Soon) (OAC 4729:5-8)

TERMINAL - PHARMACY - NON-LIMITED

Business Type	Business Type Definition	Approved Credentials for Responsible Person	Special Requirements	Applicable Inspection Guide
CF	Central Fill Pharmacy	RPH		Outpatient (Coming Soon)
CH	Charitable Pharmacy	RPH	Must provide tax exempt paperwork.	Outpatient (Coming Soon)
CP	Clinic Pharmacy	RPH		Outpatient (Coming Soon)
DM	Durable Medical Equipment	RPH		Outpatient (Coming Soon)
DR	Drug Repository	RPH		Outpatient (Coming Soon)
FL	Fluid Therapy	RPH		Outpatient (Coming Soon)
HS	Hospital	RPH		Institutional (Coming Soon)
II	Independent Community Retail (1 Outlet)	RPH		Outpatient (Coming Soon)

IL	Large Chain Retail (12+ Outlets)	RPH		Outpatient (Coming Soon)
IP	Pharmacy Servicing Institutions	RPH	May include mental health pharmacies & nursing home inpatient pharmacies.	Institutional (Coming Soon)
IS	Small Chain Retail (2-11 Outlets)	RPH		Outpatient (Coming Soon)
KI	Kiosk	RPH		Institutional (Coming Soon)
MD	Multi-Disciplinary	RPH	May include compounding	Outpatient (Coming Soon)
MO	Mail Order Pharmacy	RPH		Outpatient (Coming Soon)
NU	Nuclear Pharmacy	RPH		Nuclear (Coming Soon)
ONC	Oncology Pharmacy	RPH		Outpatient (Coming Soon)
SP	Specialty Pharmacy - High \$ Drugs	RPH	May include compounding	Outpatient (Coming Soon)

TERMINAL - PHARMACY - LIMITED

Business Type	Business Type Definition	Approved Credentials for Responsible Person	Special Requirements	Applicable Inspection Guide
CR	Consulting Pharmacy	RPH	*Category II only	Outpatient (Coming Soon) or Institutional (Coming Soon)

CRP	Contract Remote Order Entry	RPH	*Category II only	Outpatient/Institutional (Coming Soon) - Specifically Remote Order Entry Requirements
MTM	Medication Therapy Management	RPH	*Category II only	Medication Therapy Management (Coming Soon) (OAC 4729:5-12)

TERMINAL – NON-RESIDENT PHARMACY - LIMITED

Business Type	Business Type Definition	Approved Credentials for Responsible Person	Special Requirements	Applicable Inspection Guide
CR	Consulting Pharmacy	RPH	*Category II only	Non-Resident (Coming Soon) (OAC 4729:5-8)
CRP	Contract Remote Order Entry	RPH	*Category II only	Outpatient/Institutional (Coming Soon) - Specifically Remote Order Entry Requirements
MTM	Medication Therapy Management	RPH	*Category II only	Medication Therapy Management (Coming Soon) (OAC 4729:5-12)

TERMINAL - PHARMACY SUPPLIED CONTINGENCY STOCK - UNLIMITED

Business Type	Business Type Definition	Approved Credentials for Responsible Person	Special Requirements	Applicable Inspection Guide
CI	Correctional Institution	RPH		Institutional (Coming Soon)

CS	Community Pharmacy	RPH		Outpatient (Coming Soon)
HC	Hospice Facility	RPH		Institutional (Coming Soon)
HS	Hospital	RPH		Institutional (Coming Soon)
MH	Mental Health Institution	RPH		Institutional (Coming Soon)
NH	Nursing Home	RPH		Institutional (Coming Soon)

DISTRIBUTOR OF DANGEROUS DRUGS – MANUFACTURER, OUTSOURCING FACILITY, REPACKAGER, AND THIRD-PARTY LOGISTICS PROVIDER

Business Type	Business Type Definition	Approved Credentials for Responsible Person	Special Requirements	Applicable Inspection Guide
MF	Manufacturer	Management		Manufacturer (Coming Soon) (OAC 4729:6-8)
OSC	Outsourcing Facility – 503B sterile and/or non-sterile compounding at wholesale, not patient specific	Ohio Licensed RPH	Must provide FDA registration and inspection report	Outsourcing Facility (Coming Soon) (OAC 4729:6-10)
RE	Repackager	Management	Must provide FDA registration	Repackager (Coming Soon) (OAC 4729:6-9)
3PL	Third-Party Logistics - stores and distributes drug but does not have ownership	Management	If out of state, must have licensure from home state or VAWD Accreditation.	Third-Party Logistics Providers (Coming Soon) (OAC 4729:6-11)

WHOLESALER				
BC	Bulk Pharmaceutical Chemical Seller	Management		Wholesale Distributor (Coming Soon) (OAC 4729:6-5)
BG	Buying Group - A group of wholesalers/stores that leverage for better pricing	Management		Wholesale Distributor (Coming Soon) (OAC 4729:6-5)
BR	Broker	Management	If out of state, must have licensure from home state.	Wholesale Distributor (Coming Soon) (OAC 4729:6-7)
CM	Compressed Medical Gases	Management		
CN	Clinic Wholesaler: Blood Banks, Health Departments	Management		Wholesale Distributor (Coming Soon) (OAC 4729:6-5)
FS	Full Service	Management		Wholesale Distributor (Coming Soon) (OAC 4729:6-5)
IE	Import/Export - importing drugs from in/out of the country	Management		Wholesale Distributor (Coming Soon) (OAC 4729:6-5)
PU	Public Health Preparedness* NOTE: A board of health, as defined in section 3701.048 of the Revised Code, that is licensed as a terminal distributor of dangerous drugs (TDDD) for the purpose of distributing dangerous drugs to another TDDD during a declared public health emergency or emergency preparedness incident is not required to	Management		Wholesale Distributor (Coming Soon) (OAC 4729:6-5)

	obtain licensure as a wholesale distributor.			
SD	Samples Distributor	Management		Wholesale Distributor (Coming Soon) (OAC 4729:6-5)
VW	Virtual Wholesaler - NO DRUGS ONSITE	Management	If out of state, must have licensure from home state or VAWD Accreditation.	Virtual Wholesalers (Coming Soon) (OAC 4729:6-6)
WD	Waste Disposal/Reverse Distributor	Management	Must provide DEA & EPA registration	Wholesale Distributor (Coming Soon) (OAC 4729:6-5)

11:51 a.m.

Mr. McNamee presented a resolution titled *BLS for Administration of Immunizations and other Drugs by Pharmacists and Pharmacy Interns* to the Board for approval.

R-2021-0049

Mr. Weaver moved that the Board approve the resolution. The motion was seconded Ms. Marchal and approved by the Board: Aye-8, Nay-0. The following resolution was adopted by the Board:

Temporary Extension of Basic Life Support Requirements

Updated 7/28/2020

To address limited access to basic life-support training recertification, the State of Ohio Board of Pharmacy has adopted the following guidance regarding certifications maintained by Ohio pharmacists and pharmacy interns.

Pharmacists and pharmacy interns whose basic life-support training certification is set to expire on or after March 1, 2020 will be permitted to continue to administer immunizations and dangerous drugs in accordance with section 4729.41 under the following conditions:

- The pharmacist or intern maintains documentation demonstrating their basic life-support training certification expired on or after March 1, 2020.
- The pharmacist or intern obtains recertification **no later than December 1, 2020.**

IMPORTANT: Unless circumstances warrant, the Board **does not** expect to extend this requirement past the new December 1, 2020 deadline. Licensees

should plan to have their basic life-support training recertification current by December 1, 2020.

11:56 a.m.

Mr. McNamee presented a resolution titled *Opioid Treatment Programs Reporting to OARRS Interns* to the Board for approval.

R-2021-0050

Mr. Weaver moved that the Board approve the resolution. The motion was seconded Mr. Newlon and approved by the Board: Aye-8, Nay-0. The following resolution was adopted by the Board:

Resolution on Opioid Treatment Programs Reporting to OARRS

8/3/2020

To provide the Board time to assess the revisions made to 42 CFR Part 2 (effective 8/14/2020) and the impact these changes may have on opioid treatment programs reporting to OARRS, the Board of Pharmacy hereby delays the enforcement of any OARRS reporting requirements in sections of Chapter 4729. of the Revised Code and division 4729:8 of the Administrative Code for opioid treatment programs licensed by the Board.

11:59 a.m.

Mr. McNamee and Ms. Southard presented a resolution titled *COVID-19 Waivers and Guidance for Licensees – Expedited Onboarded of Pharmacy Technician Trainees* to the Board for approval.

The Board tabled the resolution to be revisited on August 4, 2020.

12:09 p.m.

Mr. McNamee and Ms. Southard presented a resolution titled *COVID-19 Waivers and Guidance for Licensees – Expedited Licensure of Drug Distributors* to the Board for approval.

The Board tabled the resolution to be revisited on August 4, 2020.

12:15 p.m.

Mr. McNamee presented a resolution titled *Delay of Additional OBOT Licensure Criteria* to the Board for approval.

R-2021-0051

Ms. Marchal moved that the Board approve the resolution. The motion was seconded Mr. Wilt and approved by the Board: Aye-8, Nay-0. The following resolution was adopted by the Board:

Delay of Additional OBOT Licensure Criteria

8/3/2020

To address the provision of office-based opioid treatment during COVID-19, the Board hereby delays the implementation of paragraphs (A)(1)(b) and (A)(1)(c) of rule 4729:5-18-01 of the Administrative Code until further notice.

12:18 p.m.

Ms. Maerten-Moore and Ms. Southard presented a resolution titled *Board review of third-party databases for medical marijuana dispensary employee applicants and licensees* to the Board for approval.

R-2021-0052

Mr. Cox moved that the Board approve the resolution. The motion was seconded Mr. Miller and approved by the Board: Aye-7 (Ms. Buettner was experiencing technical issues and could not participate in the vote), Nay-0. The following resolution was adopted by the Board:

Board review of third-party databases for medical marijuana dispensary employee applicants and licensees.

Approved 8/3/2020

The State of Ohio Board of Pharmacy (Board) hereby waives the requirement of rule 3796:6-2-09 (H) of the Administrative Code and hereby adopts the following resolution:

The Board may enroll an applicant for a medical marijuana dispensary employee license and licensed medical marijuana dispensary employees in a third-party database that monitors publicly available databases for arrests and criminal convictions or conduct a review in such a database. An applicant or licensee authorizes the Board to conduct this review or enrollment upon submission of a medical marijuana dispensary employee application, the issuance of a medical marijuana dispensary employee license, or the renewal of a medical marijuana dispensary employee license.

12:21 p.m.

Ms. Maerten-Moore and Ms. Southard presented a resolution titled *Authorization of medical marijuana dispensary employees to work at multiple dispensaries* to the Board for approval.

R-2021-0053

Ms. Buettner moved that the Board approve the resolution. The motion was seconded Mr. Newlon and approved by the Board: Aye-8, Nay-0. The following resolution was adopted by the Board:

Authorization of medical marijuana dispensary employees to work at multiple dispensaries.

Approved 8/3/2020

Pursuant to rule 3796:6-2-09 (B) of the Administrative Code, a licensed medical marijuana dispensary employee is authorized to work at any dispensary that was issued a certificate of operation by the Board and is under common ownership and control by submitting a Request to Work at More than One Dispensary Form.

An employee seeking to change employment to a dispensary that is not under common ownership and control must submit a Change of Employment Request Form and will be charged the respective employee application fee pursuant to rule 3796:6-5-01 of the Administrative Code.

In addition to the authorization granted in rule 3796:6-2-09 (B) of the Administrative Code, the Board hereby authorizes a licensed dispensary employee to work at a dispensary in which the employee was already employed, that is issued a new certificate of operation following a change of ownership. The employee is not required to submit a Change of Employment Request Form or pay an application fee.

12:24 p.m.

Ms. Maerten-Moore and Ms. Southard presented a resolution titled *Medical marijuana dispensary employee renewal* to the Board for approval.

R-2021-0054

Mr. Wilt moved that the Board approve the resolution. The motion was seconded Ms. Yarosh and approved by the Board: Aye-8, Nay-0. The following resolution was adopted by the Board:

Medical marijuana dispensary employee renewal

Approved 8/3/2020

The State of Ohio Board of Pharmacy (Board) hereby waives the requirements in paragraphs (M) and (N) of rule 3796:6-2-07 and paragraph (K) of rule 3796:6-2-08 of the Administrative Code and hereby adopts the following resolution:

A renewal application for an associated key employee, key employee, or support employee license shall be submitted no later than the expiration date listed on the employee's biennial license. Renewal applications shall be accepted no earlier than ninety days prior to the expiration date on a date determined by the Board's director of licensing.

12:26 p.m.

The Board recessed for lunch.

1:03 a.m.

Ms. Dehner revisited the discussion of amendments to rule 4729:4 - Probation Rules to the Board for approval.

R-2021-0055

Ms. Yarosh moved that the Board approve 4729:4 - Probation Rules, as amended for filing with JCARR. The motion was seconded by Mr. Cox and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.

- 1:05 p.m.** Ms. Dehner presented an Amended Order of the State Board of Pharmacy for **Crystal Zheng, Milan, MI** to the Board for Approval.
- R-2021-0056** The Board adopted the following order in the Matter of **Crystal Zheng, Milan, MI** :

AMENDED ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2016-2052)

In The Matter Of:

Crystal Zheng

10450 Timber Ridge Drive

Milan, MI 48160

(License no. 06-013991)

Crystal Zheng was required, pursuant to term 4 of her May 19, 2017 Board Order, to enter into and comply with a contract for an approved treatment provider. On June 14, 2017, Crystal fulfilled that requirement by entering into a contract with Pharmacists Rehabilitation Organization (PRO). Ms. Zheng has requested a deviation from term 13(d) of her June 14, 2017 PRO contract, which currently limits her ability to work to no more than 80 hours over a two-week period. Term 13(d) of the PRO contract has been previously approved by the Board as a minimum contract requirement.

After reviewing the July 16, 2020 letter of explanation submitted by Crystal Zheng detailing the increased volume at ExactCare Pharmacy, the letter of support of Reeya Patel, Lead Clinical Pharmacist at ExactCare Pharmacy, support email of the PRO and upon recommendation of the Probation Committee, the Board hereby authorizes a deviation in term 13(d) of Crystal Zheng's June 14, 2017 PRO contract. Crystal Zheng will no longer be restricted to working no more than 80 hours over any two-week period; for the duration of her employment with ExactCare Pharmacy. This modification is specific to Ms. Zheng's employment with ExactCare Pharmacy

Mr. Newlon moved the Board grant the amendment to the December 19, 2019 Order as noted herein, Ms. Yarosh seconded the motion. Motion passed (Aye – 7/Nay – 0).

-
- 1:11 p.m.** Mr. McNamee and Ms. Dehner let a discussion on *Internal Management Rule on Accountability and Administrative Discipline for Licensees and Responsible Individuals (OAC 4729-2-05)*, which will be sent out for stakeholder input.
- 1:32 p.m.** Mr. McNamee and Ms. Wai presented Rule 4729:5-5-21 to the Board for filing and immediate withdrawal.

R-2021-0057

Mr. Wilt moved that the Board approve Rule 4729:5-5-21 for filing and immediate withdrawal from JCARR. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.

1:45 p.m.

The Board recessed for the day.

Tuesday, August 4, 2020**9:01 a.m.**

Acting under the authority Section 12 of amended substitute house bill number 197, effective March 27, 2020, the State of Ohio Board of Pharmacy convened for a public meeting via skype audio/visual conference call, with the following members present:

Jennifer M. Rudell, RPh, *Presiding*; Trina L. Buettner, RPh; Joshua M. Cox, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Fred M. Weaver, RPh; Shawn C. Wilt, RPh; and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh; Absent.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Ryan Bolus, *Agent*; Jonathan Brown, *Software Development Specialist*; Blair Cathcart, *Director of Information Services*; Brenda Cooper, *Executive Assistant*; Paula Economus, *Administrative Assistant*; Ashley Gilbert, *Senior Legal Counsel*; Joseph Koltak, *Senior Legal Counsel*; Kathryn Lewis, *Administrative Assistant*; Sharon Maerten-Moore, *Director of Medical Marijuana Operations*; Justin Sheridan, *Senior Legal Counsel*; Michelle Siba, *Senior Legal Counsel*; and Jenni Wai, *Chief Pharmacist*.

9:01 a.m.

The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Lindsey Miller, Gallipolis, Ohio**.

R-2021-0058

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

10:20 a.m.

The recess ended and the hearing was opened to the public.

R-2021-0059

After votes were taken in public session, the Board adopted the following orders in the Matter of **Lindsey Miller, Gallipolis, Ohio**.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2019-0320)

In The Matter Of:

Lindsey Miller
2300 Northup Rd.
Gallipolis, Ohio 45631

77 South High Street, 17th Floor, Columbus, Ohio 43215



Revoked Registration No.: 09-308308

INTRODUCTION

The Matter of Lindsey Miller came for hearing on August 4, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer M. Rudell, RPh, *Presiding*; Trina L. Buettner, RPh; Joshua M. Cox, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Fred M. Weaver, RPh; Shawn C. Wilt, RPh; and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh; absent.

Lindsey Miller was represented by Jeffrey Finley. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Lindsey Miller—Respondent
2. Ryan Bolus—Agent of the Board of Pharmacy

Respondent's Witnesses:

1. Lindsey Miller—Respondent

State's Exhibits:

1. Notice Letter
2. Request for Hearing
3. Notice of Hearing
4. Statement of Respondent
5. Statement of Dr. Wagner
6. Statement of Sherry Russell
7. Adderall Script
8. Adderall Scrip (after alteration)
9. Adderall Information
10. Dispensing Record for Phentermine
11. Phentermine Dispensing Documents
12. Information from Pharmacy Respondent

Respondent's Exhibits:

- A. Resume of Lindsey Miller
- B. Spectrum Assessment Results
- C. Spectrum Drug Screen Results

FINDINGS OF FACT

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

1. On or about June 17, 2019, a fraudulent prescription written for Lindsey Miller for "Adderall XR 30 mg #60" was found in the Automated Recordkeeping System (ARKS) at Spring Valley Family Pharmacy, located at 448 Jackson Pike, Gallipolis, Ohio, where Ms. Miller was employed. The original hard copy of the fraudulent prescription shows the "XR" and "#60" had been crossed out and changed to 90 tablets of Adderall 30 mg. The prescription appeared to be written by Dr. Wagner.
2. On or about June 17, 2019, a fraudulent prescription written for Lindsey Miller for Adipex, issued on June 20, 2018, was found in ARKS. The prescription was a computer-generated image created from entered data. The original prescription was not scanned into ARKS and there was no record found in the prescription file records for the assigned prescription number. The assigned prescription number was the only prescription number not located within the prescription file.
3. On or about June 17, 2019 Lindsey Miller was interviewed by agents from the Board regarding her employment at Spring Valley Family Pharmacy. Lindsey Miller made the following statements, which the Board also finds to be fact:
 - a. Lindsey Miller worked for Spring Valley Family Pharmacy since August or September 2018.
 - b. When questioned about the fraudulent prescription for Adderall, Lindsey Miller admitted she had never been seen as a patient by Dr. Wagner, however, she requested a prescription through a friend that worked for Dr. Wagner. Dr. Wagner's employee brought a signed, blank prescription that only contained the date and Dr. Wagner's signature. Dr. Wagner was unaware of the prescription. Lindsey Miller fraudulently wrote her name, address, and "Adderall XR 30 mg, #60". Lindsey Miller later changed her mind and crossed out the "XR". Lindsey Miller also requested that the pharmacist change the prescription quantity from "#60" to "#90" so the final prescription read "Adderall 30 mg tabs, #90".
 - c. Lindsey Miller had Sherry Russell, FNP, call-in a prescription for Adipex. Lindsey Miller was never physically seen as a patient by her; she asked her for the Adipex prescription through a mutual friend. When questioned about why a hard copy of the Adipex prescription was not scanned into ARKS and unable to be located at the pharmacy, Lindsey Miller had no explanation.
 - d. Lindsey Miller admitted that if she provided a urine drug screen it would be positive for Adipex and possibly alcohol; she admitted she stole one of a family member's prescription Adipex tablets.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraphs 1 and 3(b) of the Allegations Section, if proven, constitutes a violation of Section 2925.23 of the ORC, illegal processing of drug documents (Schedule II).
2. Such conduct as set forth in paragraphs 2 and 3(c) of the Allegations Section, if proven, each constitute a violation of Section 2925.23 of the ORC, illegal processing of a drug document (Schedule IV).
3. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of Section 4729.90(B)(2)(a) of the ORC and Rule 4729:3-1-01(G) of the OAC, not of good moral character and habits.
4. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of (A) of section 4729.96 of the ORC, as effective April 6, 2018, each violation constituting a minor misdemeanor:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.96 Section (A)(2)(b); and
 - b. 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 4729.96(A)(2)(d); and
 - c. Engaged in any conduct for which the board may imposed discipline as set forth in rules adopted under section 4729.94 of the Revised Code, ORC Section 4729.96(A)(2)(g).
5. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of each of the following divisions of Rule 4729:3-4-01 of the OAC, as effective November 20, 2017:
 - a. Has engaged in any of the conduct specified in division (A)(2) of section 4729.96 of the Revised Code, OAC Rule 4729:3-4-01(B)(1); and
 - b. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired registration, OAC Rule 4729:3-4-01(B)(2); and
 - c. Committed acts of moral turpitude, OAC Rule 4729:3-4-01(B)(6); and
 - d. Has engaged in dishonesty. Dishonesty includes, but is not limited to, making any statement intended to deceive, misrepresent or mislead anyone, or be a party to or an accessory to any fraudulent or deceitful practice or transaction in a licensed location or in the operation or conduct of a licensed location, OAC Rule 4729:3-4-01(B)(7); and

- e. Has engaged in unprofessional conduct. Unprofessional conduct means conduct unbecoming of a licensee or registrant that is detrimental to the best interests of the public, including conduct that endangers the health, safety or welfare of a patient or client. Such conduct shall be in connection with the duties performed by a licensee or registrant and shall include, but not be limited to, the following acts: coercion, intimidation, harassment, sexual advances, improper use of private health information, threats, degradation of character, indecent or obscene conduct, and theft, OAC Rule 4729:3-4-01(B)(8).
6. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of each of the following divisions of Rule 4729:3-4-01 of the OAC, as effective March 1, 2019:
 - a. Has engaged in any of the conduct specified in division (A)(2) of section 4729.96 of the Revised Code, OAC Rule 4729:3-4-01(C)(1); and
 - b. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired registration, OAC Rule 4729:3-4-01(C)(2); and
 - c. Committed an act involving moral turpitude that constitutes a misdemeanor or felony in this state, regardless of the jurisdiction in which the act was committed, OAC Rule 4729:3-4-01(C)(7); and
 - d. Has engaged in dishonesty or unprofessional conduct, OAC Rule 4729:3-4-01(C)(9).

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 Lindsey Miller on June 19, 2019.

Pursuant to Section 4729.96 of the Ohio Revised Code, and Rule 4729:3-4-01 of the Ohio Administrative Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby permanently revokes the suspended certified pharmacy technician registration of Lindsey Miller, 09-308308, effective the date of this Order. Lindsey Miller may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs. The Board Orders:

On the basis of the Findings of Facts (1) through (3) and Conclusion of Law (1) as it relates to the Notice dated June 16, 2019, the State of Ohio Board of Pharmacy hereby revokes permanently the certified pharmacy technician registration, No. 09-308308, held by Lindsey Miller, effective as of the date of the mailing of this order.

On the basis of the Findings of Facts (1) through (3) and Conclusion of Law (2) as it relates to the Notice dated June 16, 2019, the State of Ohio Board of Pharmacy hereby revokes permanently the certified pharmacy technician registration, No. 09-308308, held by Lindsey Miller, effective as of the date of the mailing of this order.

On the basis of the Findings of Facts (1) through (3) and Conclusion of Law (3) as it relates to the Notice dated June 16, 2019, the State of Ohio Board of Pharmacy hereby revokes permanently the certified pharmacy technician registration, No. 09-308308, held by Lindsey Miller, effective as of the date of the mailing of this order.

On the basis of the Findings of Facts (1) through (3) and Conclusions of Law (4)(a), (4)(b) and (4)(c) as each relates to the Notice dated June 16, 2019, the State of Ohio Board of Pharmacy hereby revokes permanently the certified pharmacy technician registration, No. 09-308308, held by Lindsey Miller, effective as of the date of the mailing of this order.

On the basis of the Findings of Facts (1) through (3) and Conclusions of Law (5)(a), (5)(b), (5)(d), (5)(e) and (5)(f) as each relates to the Notice dated June 16, 2019, the State of Ohio Board of Pharmacy hereby revokes permanently the certified pharmacy technician registration, No. 09-308308, held by Lindsey Miller, effective as of the date of the mailing of this order.

On the basis of the Findings of Facts (1) through (3) and Conclusions of Law (6)(a), (6)(b), (6)(c) and (6)(d) as each relates to the Notice dated June 16, 2019, the State of Ohio Board of Pharmacy hereby revokes permanently the certified pharmacy technician registration, No. 09-308308, held by Lindsey Miller, effective as of the date of the mailing of this order.

Joshua M. Cox moved for Findings of Fact; Kilee S. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0).

Shawn C. Wilt moved for Conclusions of Law; Fred M. Weaver seconded the motion. Motion passed (Aye-7/Nay-0).

Joshua M. Cox moved for Action of the Board; Kilee S. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

10:24 a.m. The Board recessed for a break.

10:31 a.m. Ms. Marchal rejoined the meeting. Ms. Maerten-Moore presented the Medical Marijuana Program Update.

10:37 a.m. Mr. McNamee presented amendments to rule *4729:5-9-03.1 Contingency drugs in an institutional facility and emergency access to an institutional pharmacy* to the Board for approval.

R-2021-0060 Ms. Yarosh moved that the Board approve *4729:5-9-03.1 Contingency drugs in an institutional facility and emergency access to an institutional pharmacy* for filing with CSI. The motion was seconded by Ms. Marchal and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.

R-2021-0061 Mr. Cox 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 and that the Board return to public session and promptly adjourn at the conclusion of executive session. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Marchal-yes; Miller-yes; Weaver-yes; Wilt-yes; and Yarosh-yes (Mr. Newlon was unable to vote due to technical issues).

1:08 p.m. Scott Clark, *Director Professional Practice* and Paul Harder, *Responsible Person, Professional Practice* presented the Request of Humana Pharmacy, Inc. to use support personnel to place packaged, labeled, and dispensed medications into overwrap outer shipping containers used for mailing medications to patients.

1:37 p.m. Ms. Dehner presented information to the Board, consistent with *Goldman v. State Med. Bd.*, 10th Dist. Franklin (Oct. 20, 1998), pertaining to Medical Marijuana Dispensary Applicants who had not requested a hearing in the timeframe set forth in chapter 119 of the Ohio Revised Code (ORC).

R-2021-0062 Ms. Marchal moved to adopt the following Order pertaining to the below referenced Goldman Medical Marijuana Applicant. The Motion was seconded by Mr. Wilt and approved by the Board: Aye-8, Nay-0.

**ORDER OF THE STATE BOARD OF PHARMACY DENYING
RESPONDENT'S APPLICATION FOR MEDICAL MARIJUANA
DISPENSARY LICENSE**
Case No. 2018-M862

(Case Number 2018-M862)
In the Matter of Applicant:

BUCKEYE STATE WELLNESS LLC
c/o CT CORPORATION SYSTEMS
4400 EASTON COMMONS WAY, STE 125
COLUMBUS OH 43219

Account No./Application No.: 429-862
Application District: SOUTHEAST-3
Application Dispensary Address: 4825 E. Main St., Columbus, OH

INTRODUCTION

A Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License (Notice) was issued to Buckeye State Wellness LLC (Respondent) by the State of Ohio Board of Pharmacy (Board) on June 14, 2019. As of the thirtieth day after mailing pursuant to Section 119.07 of the Revised Code, the Board had not received a request for a hearing from Buckeye State Wellness, LLC. Accordingly, the matter was scheduled for an administrative hearing before the Board on November 6, 2019 pursuant to *Goldman v. State Med. Bd.* On November 8, 2019, the Board issued an Order denying Respondent's application for a medical marijuana dispensary license and served Buckeye State Wellness LLC with the Order. Upon receipt of the November 8, 2019 Order, Buckeye State Wellness LLC informed the Board it requested a hearing on July 9, 2019, which the Board later verified. As a result, on January 8, 2020, the Board withdrew its previously issued Order dated November 8, 2019, and this matter was scheduled for an administrative hearing. Buckeye State Wellness LLC withdrew its request for hearing on July 16, 2020.

This matter came for consideration by the Board on August 4, 2020, before the following members of the State of Ohio Board of Pharmacy: Jennifer M. Rudell, RPh *Presiding*; Shawn C. Wilt, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Fred M. Weaver, RPh; Joshua M. Cox, RPh; Trina Buettner, RPh; Richard J. Newlon, *Public Member*; and Kilee S. Yarosh, RPh. As no hearing has been requested, the Board proceeds under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit A—Respondent's Hearing Notice
- State's Exhibit B—Proof of service
- State's Exhibit C—Respondent Score Sheet
- The Affidavit of Nicole Dehner
- The Affidavit of Erin Reed

FINDINGS OF FACT

After thorough review of the entire administrative record, the Board hereby confirms and approves the facts contained in the affidavits submitted by Nicole Dehner and Erin Reed.

Respondent was properly served and informed of its right to contest the denial of its application for a medical marijuana provisional dispensary license. No additional facts were presented to the Board on behalf of Respondent, because Respondent withdrew its request for hearing.

Under R.C. 3796.05 and Ohio Adm.Code 3796:6-2-05, the Board determined that it would issue up to sixty (60) medical marijuana provisional dispensary licenses for applications submitted between November 3, 2017 and November 17, 2017.

The State was split into thirty-one (31) separate districts. The maximum number of dispensaries in each district varied from one (1) to (5). The entities eligible to receive a medical marijuana provisional dispensary license were determined through a competitive application process. In accordance with R.C. 3796.10 and Ohio Adm.Code 3796:6-2-04(A) and 3796:6-2-01, the Board awarded provisional dispensary licenses based on the ranking of scores in each district.

Respondent timely applied to receive a medical marijuana provisional dispensary license to operate at the address identified in State's Exhibit A. The address is located in the district number listed in the caption.

CONCLUSIONS OF LAW

The Board scored the applications consistent with the requirements of the Request for Applications, R.C. 3796.04 and Ohio Adm.Code 3796:6-2-04. Respondent does not qualify to receive a medical marijuana provisional dispensary license at the address listed in State's Exhibit A, because Respondent's score was not high enough to meet the minimum viability threshold of 138 out of 230 points.

DECISION OF THE BOARD

Based on the above information, Respondent's application is hereby DENIED.

Ms. Marchal moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Wilt seconded the motion. Motion passed (Aye-8/Nay-0) (Shawn C. Wilt, RPh-Aye; Megan E. Marchal, RPh-Aye; Donald R. Miller, RPh-Aye; Fred M. Weaver, RPh-Aye; Joshua M. Cox, RPh-Aye; Trina Buettner, RPh-Aye; Richard J. Newlon, *Public Member*-Aye; and Kilee S. Yarosh, RPh.-Aye).

SO ORDERED.

R-2021-0063

Mr. Wilt moved to adopt the following Order of **Traci Burrow, Parma, Ohio**. The Motion was seconded by Mr. Weaver and approved by the Board: Aye-8, Nay-0.

**ORDER OF THE STATE BOARD OF PHARMACY
CONFIRMING AND APPROVING IN PART & MODIFYING IN PART
REPORT & RECOMMENDATION OF HEARING EXAMINER**

(Case Number A-2020-0298)

In The Matter Of Traci Burrow:

Traci Burrow, Certified Pharmacy Technician.

6799 Brandywine Road, Parma, Ohio 44130

(Suspended Registration No. 09-306751)

INTRODUCTION

A Summary Suspension/Notice of Opportunity for Hearing (Notice) was issued by the Board on April 8, 2020. The Matter of Traci Burrow came for hearing before Hearing Examiner Ronda Shamansky on June 11, 2020 at which time Traci Burrow was represented by counsel, Doug Graff. The State of Ohio was represented by Henry Appel, Assistant Attorney General. The Hearing Examiner's Report and Recommendation was served upon the Respondent on or about July 9, 2020. Respondent's counsel filed a written objection to the report and recommendation with the Board on July 17, 2020. The matter subsequently came for consideration by the Board on August 4, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer M. Rudell, RPh, *Presiding*; Trina L. Buettner, RPh; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Fred M. Weaver, RPh; Shawn C. Wilt, RPh; and Kilee S. Yarosh, RPh.

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items: State's Exhibits numbered (1) through (8), Respondent's Exhibits (A) through (H), the hearing

transcript, Hearing Examiner Shamansky's Report and Recommendation, and Respondent's Objections to Report and Recommendation.

DECISION OF THE BOARD

After thorough review of the entire administrative record, the Board hereby adopts Hearing Examiner Shamansky's Findings of Facts (1) and (11), including those that specifically relate to the Board's Notice letter dated April 8, 2020.

The Board adopts Conclusions of Law (1), (2), and (3) as set forth by Hearing Examiner Shamansky.

The Board further modifies the Report and Recommendation to include the Board's violations of law as set forth in the Notice of Hearing dated April 8, 2020, paragraphs:

- (1) Theft of a dangerous drug, ORC Section 2913.02
- (2) Possession of a Schedule II controlled substance, ORC Section 2925.11(A)
- (3) Not of good habits; ORC Section 4729.90(B)(1)(c) and OAC Rule 4729:3-1-01(N)
- (4)(b) Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the individual unable to perform the individual's duties, ORC Section 4729.96(A)(2)(c), as effective April 6, 2017
- (4)(c) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.94 of the Revised Code, ORC Section 4729.96(A)(2)(g), as effective April 6, 2017

All violations of law are supported based on the evidence in the record. Specifically, Ms. Burrow's admission that she had diverted pain medications for her own personal use from the pharmacy and stipulated to the factual allegations in the Notice. (R&R par. 15; Tr. At 10-11, 41-42; State's Ex. 1). Ms. Burrow also admitted her conduct was that of an addict. (R&R par. 15; Tr. 41).

The Board adopts the Hearing Examiner's Recommendation with modification. Pursuant to Section 4729.96 of the Ohio Revised Code and Rule 4729:3-4-01 of the Ohio Administrative Code, and after consideration of the record as a whole, the Board hereby adopts, with modification, the recommendation of the Hearing Examiner to remove the summary suspension and suspend indefinitely the pharmacy technician registration number 09-306751, held by Traci Burrow, and such suspension is effective as of the mailing of this Order.

Traci Burrow, 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.

Further, after two years from the effective date of this Order, the Board will consider any petition filed by Traci Burrow for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider

reinstatement of the pharmacy technician registration if the following conditions have been met:

1. Traci Burrow must maintain a current address with the Board throughout the duration of the suspension.
2. Traci Burrow must enter into and adhere to the terms of a **new** contract, signed within thirty days after the effective date of this Order, with a Board approved treatment monitor for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Traci Burrow should also submit to the Board documentation demonstrating compliance with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider, if applicable. Failure to adhere to the terms of the treatment contract and/or monitoring contract will be considered a violation of the Board's Order and subject Traci Burrow to potential sanctions up to and including revocation of license. The monitoring contract must provide that:
 - a. Random, **observed** urine drug screens shall be conducted at least once each month.
 - b. The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - c. Alcohol and Ethyl Glucoronide (ETG) must be added to the standard urine drug screen.
 - d. Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
 - e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Traci Burrow 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. Traci Burrow 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 or a Board approved treatment monitor, the Board shall treat these results as a violation of the Board's Order and request Traci Burrow reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. Traci Burrow 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 Traci Burrow reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. Traci Burrow 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 Traci Burrow to possible additional sanctions, including and up to revocation of license.
6. Traci Burrow must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
7. Traci Burrow 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.); and
 - b. Compliance with the terms of this Order.
8. Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.
9. 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 Traci Burrow's pharmacy intern license.
10. 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.

11. If Traci Burrow's employment is related to the practice of pharmacy, Traci Burrow must notify employer of the terms of Traci Burrow's suspension and this Board's Order.
12. 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 Traci Burrow's pharmacy technician registration.

Mr. Wilt moved to confirm and approve the Report and Recommendation of Hearing Examiner Shamansky with the modifications outlined above. Mr. Weaver seconded the motion. Motion passed (Aye - 8/Nay - 0).

SO ORDERED.

R-2021-0064

Mr. Wilt moved to adopt the following Order of **Hanna Wolbers, Milford, Ohio**. The Motion was seconded by Ms. Yarosh and approved by the Board: Aye-8, Nay-0.

ORDER OF THE STATE BOARD OF PHARMACY
CONFIRMING AND APPROVING IN PART & MODIFYING IN PART
REPORT & RECOMMENDATION OF HEARING EXAMINER
(Case Number A-2020-0242)

In The Matter Of Hannah Wolbers:

Hannah Wolbers, Registered Pharmacy Technician.
5509 Mount Zion Road, Milford, OH 45150
(Suspended Registration No. 09-208162)

INTRODUCTION

A Summary Suspension/Notice of Opportunity for Hearing (Notice) was issued by the Board on March 25, 2020. The Matter of Hannah Wolbers came for hearing before Hearing Examiner Greg Trout on June 23, 2020 at which time Hannah Wolbers was represented by counsel, Levi Tkach. The State of Ohio was represented by Henry Appel, Assistant Attorney General. The Hearing Examiner's Report and Recommendation was served upon the Respondent on or about July 13, 2020. Respondent's counsel filed a written objection to the report and recommendation with the Board on July 22, 2020. The matter subsequently came for consideration by the Board on August 4, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer M. Rudell, RPh, *Presiding*; Trina L. Buettner, RPh; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Donald R. Miller, RPh; Richard J. Newlon, *Public Member*; Fred M. Weaver, RPh; Shawn C. Wilt, RPh; and Kilee S. Yarosh, RPh.

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items: State's Exhibits numbered (1) through (10)(a), Respondent's Exhibits (A) through (C), the hearing transcript, Hearing Examiner Trout's Report and Recommendation, and Respondent's Objections to Report and Recommendation.

DECISION OF THE BOARD

After thorough review of the entire administrative record, the Board hereby adopts Hearing Examiner Trout's Findings of Facts, including those that specifically relate to the Board's Notice letter dated March 25, 2020.

The Board further modifies the Report and Recommendation to include the Board's violations of law as set forth in the Notice of Hearing dated April 8, 2020, paragraphs:

- (1) Theft of a dangerous drug, ORC Section 2913.02
- (2) Trafficking in drugs, ORC Section 2925.03
- (3) Possession of a Schedule II controlled substance, ORC Section 2925.11(A)
- (4) Possession of Schedule IV controlled substance, ORC Section 2925.11(A)
- (5) Not of good habits; ORC Section 4729.90(B)(1)(c) and OAC Rule 4729:3-1-01(N)
- (6)(a) Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC Section 4729.96(A)(2)(b).
- (6)(b) Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the individual unable to perform the individual's duties, ORC Section 4729.96(A)(2)(c).
- (6)(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 Section 4729.96(A)(2)(d).
- (6)(d) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.94 of the Revised Code, ORC Section 4729.96(A)(2)(g).
- (7)(a) Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.96 Section (A)(2)(b).

(7)(b) Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, ORC Section 4729.96(A)(2)(c).

(7)(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 4729.96(A)(2)(d).

(7)(d) Engaged in any conduct for which the board may imposed discipline as set forth in rules adopted under section 4729.94 of the Revised Code, ORC Section 4729.96(A)(2)(g).

All violations of law are supported based on the evidence in the record. Specifically, Ms. Wolbers's admission that she had diverted controlled substances for her own personal use from the pharmacy giving some of the controlled substances to an acquaintance and stipulated to the factual allegations in the Notice. (R&R page 1; Tr. At 11-16; State's Ex. 1). Ms. Wolbers also admitted her conduct was that of an addict. (R&R page 1; Tr. 16).

The Board adopts the Hearing Examiner's Recommendation with modification. Pursuant to Section 4729.96 of the Ohio Revised Code and Rule 4729:3-4-01 of the Ohio Administrative Code, and after consideration of the record as a whole, the Board hereby adopts, with modification, the recommendation of the Hearing Examiner to remove the summary suspension and suspend indefinitely the pharmacy technician registration number 09-208162, held by Hannah Wolbers, and such suspension is effective as of the mailing of this Order.

Hannah Wolbers, 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.

Further, after two years from the effective date of this Order, the Board will consider any petition filed by Hannah Wolbers for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the pharmacy technician registration if the following conditions have been met:

1. Hannah Wolbers must maintain a current address with the Board throughout the duration of the suspension.
2. Hannah Wolbers must enter into and adhere to the terms of a **new** contract, signed within thirty days after the effective date of this Order, with a Board approved treatment monitor for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Hannah Wolbers should also submit to the Board documentation demonstrating compliance with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider, if applicable. Failure to adhere to the terms of the treatment contract and/or monitoring contract will be

considered a violation of the Board's Order and subject Hannah Wolbers to potential sanctions up to and including revocation of license. The monitoring contract must provide that:

- i. Random, **observed** urine drug screens shall be conducted at least once each month.
 - j. The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - k. Alcohol and Ethyl Glucuronide (ETG) must be added to the standard urine drug screen.
 - l. Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
 - m. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Hannah Wolbers 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.
 - n. 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.
 - o. 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.
 - p. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
3. Hannah Wolbers 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 or a Board approved treatment monitor, the Board shall treat these results as a violation of the Board's Order and request Hannah Wolbers reappear before the Board for possible additional sanctions, including and up to revocation of license.
 4. Hannah Wolbers 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 Hannah Wolbers reappear before the Board for possible additional sanctions, including and up to revocation of license.

5. Hannah Wolbers 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 Hannah Wolbers to possible additional sanctions, including and up to revocation of license.
6. Hannah Wolbers must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
7. Hannah Wolbers 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.); and
 - b. Compliance with the terms of this Order.
8. Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.
9. 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 Hannah Wolbers' pharmacy intern license.
10. 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.
11. If Hannah Wolbers' employment is related to the practice of pharmacy, Hannah Wolbers must notify employer of the terms of Hannah Wolbers' suspension and this Board's Order.
12. 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 Hannah Wolbers' pharmacy technician registration.

Mr. Wilt moved to confirm and approve the Report and Recommendation of Hearing Examiner Trout with the modifications outlined above. Ms. Yarish seconded the motion. Motion passed (Aye - 8/Nay - 0).

SO ORDERED.

R-2021-0065

Mr. Wilt moved to adopt the following Order of **Louis Jeswald, Youngstown, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-8, Nay-0.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2019-0300
Louis Jeswald	:	
7506 Oregon Trl., Apt. 2	:	
Youngstown, OH 44512	:	Reg. No. APP-000253997
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Louis Jeswald ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on April 24, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent January 28, 2020, via certified mail, return receipt requested. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on August 3, 2020 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit 1: Notice of Hearing
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: USPS Documentation (green card)
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 3.1: Respondent Application for Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: Certified Copy of 17 CR 827 Mahoning County Court of Common Pleas records
- State's Exhibit 4.2: Certified Copy of Mahoning County Prosecutor's Disposition Letter
- State's Exhibit 4.3: DEA Theft Report

WHEREFORE, after review of the entire administrative record, the Board hereby confirms, approves, and adopts the facts contained in each of the affidavits submitted by the Board's Chief Legal Counsel, Licensing Director, and

compliance agent, labeled as State's Exhibit 2, State's Exhibit 3, and State's Exhibit 4, and finds the same.

WHEREFORE, after review of the entire administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, after review of the entire administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code 4729:3-4-01(B), the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application is DENIED.
2. The Board hereby imposes a fine in the amount of \$50.00. The fine is stayed and shall be imposed as a condition prior to licensure or registration, should Respondent apply for and be granted a license or registration over which the Board has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code.
3. Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, for a period of at least twenty-four months from the date of this Order, as set forth in OAC 4729:3-1-01(U).
4. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

Service of this Order shall be perfected in accordance with the requirements of Chapter 119. of the Revised Code.

Shawn C. Wilt, RPh moved for the findings of fact, conclusions of law, and decision of the Board. D. Rich Miller, RPh seconded the motion. Motion passed (Aye-8/Nay-0).

SO ORDERED.

R-2021-0066

Mr. Wilt moved to adopt the following Order of **Louis Jeswald, Youngstown, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-8, Nay-0.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2019-0118
Katlyn Martin	:	
943 Willow Brook Ct.	:	
Dayton, OH 45424	:	
	:	Reg. No. 09-100225
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Katlyn Martin ("Respondent") was issued a registration as a pharmacy technician trainee by the State of Ohio Board of Pharmacy on March 23, 2018. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent February 21, 2019, via certified mail, return receipt requested. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on August 3, 2020 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit 1: Notice of Opportunity of Hearing
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: USPS Documentation
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: Martin's January 17, 2019 written statement
- State's Exhibit 4.2: Photographs of Seroquel tablet

WHEREFORE, after review of the entire administrative record, the Board hereby confirms, approves, and adopts the facts contained in each of the affidavits submitted by the Board's Chief Legal Counsel, Licensing Director, and compliance agent, labeled as State's Exhibit 2, State's Exhibit 3, and State's Exhibit 4, and finds the same.

WHEREFORE, after review of the entire administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, after review of the entire administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code 4729:3-4-01(B), the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice.

WHEREFORE, after review of the entire administrative record and pursuant to OAC 4729:3-1-01(X), the Board further finds the conduct to be of such an egregious nature that employment in a facility containing dangerous drugs, including controlled substances, and providing services that impact the public's health and safety warrant a permanent revocation. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Registration as a pharmacy technician trainee, No. 09-100225, is REVOKED.
2. Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, as set for in OAC 4729:3-1-01(X).
3. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

Service of this Order shall be perfected in accordance with the requirements of Chapter 119. of the Revised Code.

Shawn C. Wilt, RPh moved for the findings of fact, conclusions of law, and decision of the Board. D. Rich Miller, RPh seconded the motion. Motion passed (Aye-8/Nay-0).

SO ORDERED.

R-2021-0067

Mr. Wilt moved to adopt the following Order of **Ron Schlarman, Springfield, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-8, Nay-0.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2019-0168
Ron Schlarman	:	
137 The Post Road Apt 0	:	
Springfield, OH 45503	:	REVOKED Reg. No. 09-
204674	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Ron Schlarman ("Respondent") was issued a registration as a registered pharmacy technician by the State of Ohio Board of Pharmacy on March 13, 2018. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent March 21, 2019, via certified mail, return

receipt requested. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on August 4, 2020 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit 1: Notice of Hearing
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: USPS Documentation (green card)
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: Respondent's written statement

WHEREFORE, after review of the entire administrative record, the Board hereby confirms, approves, and adopts the facts contained in each of the affidavits submitted by the Board's Chief Legal Counsel, Licensing Director, and Chief of Investigations, labeled as State's Exhibit 2, State's Exhibit 3, and State's Exhibit 4, and finds the same.

WHEREFORE, after review of the entire administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, after review of the entire administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code 4729:3-4-01(B), the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice.

WHEREFORE, after review of the entire administrative record and pursuant to OAC 4729:3-1-01(X), the Board further finds the criminal conduct to be of such an egregious nature that employment in a facility containing dangerous drugs, including controlled substances, and providing services that impact the public's health and safety warrant a permanent revocation. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Registration as a registered pharmacy technician, no. 09-204674, is REVOKED.
2. Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, as set for in OAC 4729:3-1-01(X).
3. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

Service of this Order shall be perfected in accordance with the requirements of Chapter 119. of the Revised Code.

Shawn C. Wilt, RPh moved for the findings of fact, conclusions of law, and decision of the Board. D. Rich Miller, RPh seconded the motion. Motion passed (Aye-8/Nay-0).

SO ORDERED.

R-2021-0068

Mr. Wilt moved to adopt the following Order of **Shevelta Grigsby, Huber Heights, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-8, Nay-0.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2019-0041
Shevelta Grigsby	:	
5259 Pepper Dr.	:	
Huber Heights, OH 45424	:	
	:	Pending Reg. No. 09-203747
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Shevelta Grigsby ("Respondent") submitted an application for registration as a registered pharmacy technician ("Application") to the State of Ohio Board of Pharmacy on January 31, 2018 and was granted conditional approval as a registered pharmacy technician on August 17, 2018. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent October 10, 2018, via certified mail, return receipt requested. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on August 3, 2020 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit 1: Notice of Hearing
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: USPS Documentation (green card)
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 3.1: Respondent Application for Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: Online Court Docket for Municipal Court of Montgomery County Case No. 1992CRB290 records

- State's Exhibit 4.2: Certified Copy of Municipal Court of Montgomery County, Case No. CRB 9501226 records
- State's Exhibit 4.3: Certified Copy of Dayton Municipal Court, Case No. 98CRB17788 records
- State's Exhibit 4.4: Online Court Docket for Municipal Court of Montgomery County Case No. 05CRB318

WHEREFORE, after review of the entire administrative record, the Board hereby confirms, approves, and adopts the facts contained in each of the affidavits submitted by the Board's Chief Legal Counsel, Licensing Director, and Chief of Investigations, labeled as State's Exhibit 2, State's Exhibit 3, and State's Exhibit 4, and finds the same.

WHEREFORE, after review of the entire administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, after review of the entire administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code 4729:3-4-01(B), the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application for registration as a registered pharmacy technician is GRANTED, effective the date of conditional approval.
2. The Board hereby imposes a written reprimand on Respondent's registered pharmacy technician registration.
3. The Board hereby imposes a fine in the amount of \$100.00. This fine will be attached to Respondent's registered pharmacy technician registration and must be paid no later than 180 days from the effective date of this Order. To pay this fine Respondent must login to www.elicense.ohio.gov and process the items in the cart.
4. This Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which Respondent currently holds a professional license, including to the Board on renewal applications or applications for a new license or registration.

Service of this Order shall be perfected in accordance with the requirements of Chapter 119. of the Revised Code.

Shawn C. Wilt, RPh moved for the findings of fact, conclusions of law, and decision of the Board. D. Rich Miller, RPh seconded the motion. Motion passed (Aye-8/Nay-0).

SO ORDERED.

R-2021-0069

Mr. Wilt moved to adopt the following Order of **Michael Schindler, Vandalia, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-8, Nay-0.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2018-0025
Michael Schindler	:	
1217 Crestwood Hills Dr.	:	
Vandalia, OH 45377	:	
	:	
	:	Pending Reg. No. 09-301550
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Michael Schindler ("Respondent") submitted an application for registration as a certified pharmacy technician ("Application") to the State of Ohio Board of Pharmacy on January 1, 2018 and was granted conditional approval as a certified pharmacy technician on November 5, 2018, registration no. 09-301550. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent July 25, 2019, via certified mail, return receipt requested. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on August 4, 2020 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit 1: Notice of Hearing
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: USPS Documentation (green card)
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 3.1: Respondent Application for Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: Miamisburg Municipal Court Records, 11-TRC-02263
- State's Exhibit 4.2: June 12, 2018 Criminal Attestation
- State's Exhibit 4.3: Certified Copy of Dayton Municipal Court Records, 2012-CRB-004661
- State's Exhibit 4.4: August 7, 2018 Criminal Attestation

WHEREFORE, after review of the entire administrative record, the Board hereby confirms, approves, and adopts the facts contained in each of the affidavits

submitted by the Board's Chief Legal Counsel, Licensing Director, and Chief of Investigations, labeled as State's Exhibit 2, State's Exhibit 3, and State's Exhibit 4, and finds the same.

WHEREFORE, after review of the entire administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, after review of the entire administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code 4729:3-4-01(B), the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application for registration as a registered pharmacy technician is GRANTED, effective the date of conditional approval.
2. The Board hereby imposes a fine in the amount of \$100.00. This fine will be attached to Respondent's pharmacy technician registration and must be paid no later than 180 days from the effective date of this Order. To pay this fine Respondent must login to www.elicense.ohio.gov and process the items in the cart.
3. The Board hereby imposes a written reprimand on Respondent's registered pharmacy technician registration.
4. This Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which Respondent currently holds a professional license, including to the Board on renewal applications or applications for a new license or registration.

Service of this Order shall be perfected in accordance with the requirements of Chapter 119. of the Revised Code.

Shawn C. Wilt, RPh moved for the findings of fact, conclusions of law, and decision of the Board. D. Rich Miller, RPh seconded the motion. Motion passed (Aye-8/Nay-0).

SO ORDERED.

R-2021-0070

Mr. Wilt moved to adopt the following Order of **Kayleigh O'Shea, Elmore, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-8, Nay-0.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of :

	:	Case No. A-2018-0071
Kayleigh O'Shea	:	
348 Lincoln St.	:	
Elmore, OH 43416	:	
	:	Reg. No. APP-000160374
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Kayleigh O'Shea ("Respondent") submitted an application for registration as a certified pharmacy technician ("Application") to the State of Ohio Board of Pharmacy on June 26, 2018. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent January 22, 2019, via certified mail, return receipt requested. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on August 4, 2020 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items:

- State's Exhibit 1: Notice of Hearing
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: USPS Documentation (green card)
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 3.1: Respondent Application for Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: Wood County Common Pleas Court Records, 15-CR-0523

WHEREFORE, after review of the entire administrative record, the Board hereby confirms, approves, and adopts the facts contained in each of the affidavits submitted by the Board's Chief Legal Counsel, Licensing Director, and Chief of Investigations, labeled as State's Exhibit 2, State's Exhibit 3, and State's Exhibit 4, and finds the same.

WHEREFORE, after review of the entire administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. Respondent failed to request a hearing; however, Respondent submitted written notice of a waiver of hearing and written contentions to the allegations in the Notice. The notice and written contentions were presented to the Board on behalf of Respondent.

WHEREFORE, after review of the entire administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code 4729:3-4-01(B), the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all

violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application for registration as a certified pharmacy technician is GRANTED, effective the date of conditional approval.
2. Respondent's registration as a certified pharmacy technician is placed on a period of probation for no less than two years from the date of issuance.
3. This Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which Respondent currently holds a professional license, including to the Board on renewal applications or applications for a new license or registration.

Service of this Order shall be perfected in accordance with the requirements of Chapter 119. of the Revised Code.

Shawn C. Wilt, RPh moved for the findings of fact, conclusions of law, and decision of the Board. D. Rich Miller, RPh seconded the motion. Motion passed (Aye-8/Nay-0).

SO ORDERED.

R-2021-0071

Mr. Wilt moved that the July 7-8, 2020 Board Meeting Minutes be approved with edits. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-8, Nay-0.

R-2021-0072

Mr. Wilt moved that the July 8, 2020 Probation Committee Minutes be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-8, Nay-0.

R-2021-0073

Mr. Wilt moved that the July 14, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-8, Nay-0.

R-2021-0074

Mr. Wilt moved that the July 24, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-8, Nay-0.

R-2021-0075

Mr. Wilt moved that the July 28, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-8, Nay-0.

R-2021-0076

Mr. Wilt moved that the July 31, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-8, Nay-0.

R-2021-0077

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

IN THE MATTER OF:**CASE No. A-2020-0184****Nicole Cogan, R.Ph.**
2281 Morning Watch Road
Cincinnati, Ohio 45244**License No. 03-326834****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 Nicole Cogan, R.Ph. (Cogan), for the purpose of resolving all issues between the parties relating to the Board investigation of his practice as a pharmacist and the theft of drugs. Together, the Board and Nicole Cogan, R.Ph., 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. Nicole Cogan is an Ohio-licensed pharmacist under license number 03-326834.

FACTS

1. The Board initiated an investigation of Nicole Cogan's practice of pharmacy. Cogan was stealing dangerous drugs from her employer.
2. On or about March 9, 2020, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Nicole Cogan, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about March 23, 2020, Nicole Cogan, through counsel, timely requested an administrative hearing, which was subsequently scheduled for July 7, 2020.

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. Cogan neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for hearing letter dated March 9, 2020; 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 Board will lift the Summary Suspension on the date this settlement agreement is executed by the Board. Cogan's license to practice pharmacy is suspended for six (6) months from the date this settlement agreement is executed by the Board. .
4. Cogan agrees to pay a fine of \$1,000.00 to the State of Ohio Board of Pharmacy. The fine shall be paid no later than thirty (30) days from the effective date of this Settlement Agreement. You must login to www.elicense.ohio.gov and process the items in your cart to pay this fine.
5. Cogan must obtain, within six months from the effective date of this Agreement, six (6) hours of approved continuing pharmacy education (0.6 CEUs), which cannot be used for license renewal. Copies of completed continuing education courses must be e-mailed to legal@pharmacy.ohio.gov within 30 days of completion.
6. Cogan's license to practice pharmacy will be subject to a period of probation for five (5) years after her suspension had been completed. Cogan must meet with the Probation Committee a minimum of one (1) time during her term of probation. Cogan must meet with the Probation Committee upon request from the Board at any time during her term of probation.
7. Cogan must continue her therapy for opioid minor use disorder. Cogan must provide treatment records from said therapy quarterly, unless otherwise determined by the Board's Probation Committee. Quarterly reports must be e-mailed to legal@pharmacy.ohio.gov.
8. Cogan agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
9. Cogan understands that the Board will not consider any request for deviation from the terms and conditions of this Agreement until a minimum of one year has passed from the effective date of this Agreement.
10. Cogan understands that he has the right to be represented by counsel for review and execution of this agreement.
11. Cogan agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
12. Cogan waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws his request for a hearing in this matter 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.
16. This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0078

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

IN THE MATTER OF:**CASE NO. A-2019-0356**

David Hipply
9491 Wurster Road
Celina, OH 45822

License No. 03-122714**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 David Hipply, for the purpose of resolving all issues between the parties relating to the Board investigation of Wayne Hospital's compounding practices in violation of USP 797, Chapter 4729 of the Ohio Revised Code (ORC), and Chapter 4729-16 of the Ohio Administrative Code (OAC). Together, the Board and David Hipply are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to division (A)(1) of Section 4729.16 of the Ohio Revised Code (ORC), the Board may impose any one or more of the following sanctions on a pharmacist or pharmacy intern if the board finds the individual engaged in any of the conduct set forth in division (A)(2) of ORC 4729.16:
 - a. Revoke, suspend, restrict, limit, or refuse to grant or renew a license, ORC 4729.16(A)(1)(a); and/or
 - b. Reprimand or place the license holder on probation, ORC 4729.16(A)(1)(b); and/or

- c. Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or in the case of a violation of a section of the Revised Code that does not bear a penalty, impose a monetary penalty or forfeiture of not more than \$500, ORC 4729.16(A)(1)(c).
 2. Pursuant to paragraph (B)(1) of Rule 4729:1-4-01 of the Ohio Administrative Code (OAC) (effective May 1, 2018) the Board may impose any one or more of the following sanctions on a pharmacist or applicant for a pharmacist license if the board finds the individual engaged in any of the conduct set forth in paragraph (B)(2) of OAC 4729:1-4-01:
 - a. Revoke, suspend, restrict, limit, or refuse to grant or renew a license, OAC 4729:1-4-01(B)(1)(a); and/or
 - b. Reprimand or place the license holder on probation, OAC 4729:1-4-01(B)(1)(b); and/or
 - c. Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or in the case of a violation of a section of the Revised Code that does not bear a penalty, impose a monetary penalty or forfeiture of not more than \$500, ORC 4729:1-4-01(B)(1)(c).
 3. David Hipply is a licensed pharmacist in the state of Ohio under license number 03-122714.
 4. Wayne Hospital Company (Wayne Hospital) is a Licensed TDDD under License No. 02-0032200, which lists the Responsible Person as David Hipply.

FACTS

1. On or about August 2, 2018, the Board initiated an investigation of Wayne Hospital, Terminal Distributor of Dangerous Drugs (TDDD) license number 02-0032200, related to Wayne Hospital's compounding practices in violation of USP 797, ORC 4729, and OAC 4729-16.
2. On or about August 14, 2019, the Board sent a Notice of Opportunity for Hearing to Wayne Hospital's Responsible Person, David Hipply, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. David Hipply neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 14, 2019; 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. David Hipply agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Settlement Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. David Hipply must obtain, within 90 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs) on the topic of sterile compounding, which may not be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov. The Board will recognize CEUs on the topic of sterile compounding completed by David Hipply since the Notice of Opportunity letter dated August 14, 2019 was received by him.
5. David Hipply agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. David Hipply understands that he has the right to be represented by counsel for review and execution of this agreement.
7. David Hipply agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. David Hipply waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code 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.

12. This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0079

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

IN THE MATTER OF:

**Case No. A-2020-0149
 I-2020-0001-B**

Jennifer Gallaway
40 Brentwood Ave.
Wheeling WV, 26003

Registration No. 09-112202

**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 Jennifer Gallaway for the purpose of resolving all issues between the parties relating to the Board's investigation of her performing the duties of a pharmacy technician without obtaining a registration with the Board. Together, the Board and Jennifer Gallaway are referred to hereinafter as "the parties."

JURISDICTION

3. Pursuant to R.C. 4729.96 and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to R.C. 4729.90 and 4729.92 to perform the duties of a pharmacy technician trainee in the state of Ohio.
4. Jennifer Gallaway is a pharmacy technician trainee in the State of Ohio under registration number 09-112202, which has since become inactive, effective May 7, 2020, upon the issuance of her certified pharmacy technician registration, number 09-314694.

FACTS

4. The Board initiated an investigation of Jennifer Gallaway, pharmacy technician trainee registration number 09-112202, related to her performing duties of a pharmacy technician without obtaining a registration with the Board.
5. On or about May 14, 2020 the Board sent a Notice of Opportunity for Hearing (NOH) to Jennifer Gallaway 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. Jennifer Gallaway neither admits nor denies the allegations stated in the NOH dated May 14, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the NOH, and hereby adjudicates the same.
3. The Board hereby imposes a written reprimand on Jennifer Gallaway's pharmacy technician trainee registration number 09-112202.
4. Jennifer Gallaway must obtain, within 90 days from the effective date of this Agreement, three hours of approved continuing pharmacy education (0.3 CEUs) in the area of pharmacy law, which may not also be used for registration renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Jennifer Gallaway understands that she has the right to be represented by counsel for review and execution of this agreement.
6. Jennifer Gallaway 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.
7. Jennifer Gallaway waives an opportunity to be heard pursuant to R.C. Chapter 119. and waives any right to an appeal.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
9. All parties to this Agreement understand that this document is a public record pursuant to R.C. 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
11. This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0080

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

IN THE MATTER OF:**CASE NO. A-2018-0056****Cincinnati Aesthetics/IV HealthClub****License No. 02-60000052**

c/o Dr. Erhan Erdeger
7558 Central Parke Blvd.
Cincinnati, OH 45040

**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 Cincinnati Aesthetics/IV HealthClub (Cincinnati Aesthetics), for the purpose of resolving all issues between the parties relating to the Board investigation of issues involving the failure to submit renewal information for a Terminal Distributor of Dangerous Drugs (TDDD) license. Together, the Board and Cincinnati Aesthetics/IV HealthClub 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. Cincinnati Aesthetics/IV HealthClub is a licensed Terminal Distributor of Dangerous Drugs under license number 02-60000052.

FACTS

1. The Board initiated an investigation of Cincinnati Aesthetics/IV HealthClub's, Terminal Distributor of Dangerous Drugs license number 02-60000052, related to Cincinnati Aesthetics/IV HealthClub's purchasing and possessing dangerous drugs without a Terminal Distributor of Dangerous Drugs license with the Board.
2. On or about January 14, 2020 the Board sent a Notice of Opportunity for Hearing to Cincinnati Aesthetics/IV HealthClub, 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 February 7, 2020, Cincinnati Aesthetics/IV HealthClub timely requested an administrative hearing, which scheduled for August 3, 2020. The matter was continued and subsequently scheduled for November 3, 2020.

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. Cincinnati Aesthetics/IV HealthClub neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 14, 2020; 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. Cincinnati Aesthetics/IV HealthClub agrees to pay to the Board a monetary penalty the amount of \$5,000. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Cincinnati Aesthetics/IV HealthClub's agrees to pay to the Board investigative costs in this matter in the amount of \$2,000. These costs will be attached to your license record. To pay the investigative costs you must login to www.elicense.ohio.gov and process the items in your cart.
5. Cincinnati Aesthetics/IV HealthClub 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. Cincinnati Aesthetics/IV HealthClub 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 Cincinnati Aesthetics/IV HealthClub 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 Cincinnati Aesthetics/IV HealthClub by the Board and will NOT discharge Cincinnati Aesthetics/IV HealthClub from any obligation under the terms of this Agreement.

JURISDICTION

1. Pursuant to R.C. 4729.57 and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to R.C. 4729.54.
2. CCRHB has an active Terminal Distributor of Dangerous Drugs (TDDD) License with the Board under license number 02-2790300, which lists Karen Keller, RPh, as the Responsible Person.

FACTS

1. CCRHB, TDDD license number 02-2790300, determined that one of its employees was performing pharmacy technician duties without having obtained a registration with the Board, and disclosed this fact to the Board.
2. Following CCRHB's self-reporting, the Board initiated an investigation of CCRHB regarding whether an employee was performing pharmacy technician duties without obtaining a registration with the Board.
3. On or about May 20, 2020, the Board sent a Notice of Opportunity for Hearing (NOH) to CCRHB, 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. CCRHB neither admits nor denies the allegations stated in the NOH dated May 20, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the NOH, and hereby adjudicates the same.
3. CCRHB agrees to pay to the Board a monetary penalty in the amount of \$6,000.00. This fine will be attached to your license record and must be paid no later than 90 days from the effective date of this Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.

4. CCRHB 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.
5. CCRHB agrees to comply with all federal and state requirements related to TDDDs, including but not limited to, R.C. 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 CCRHB 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 CCRHB by the Board and will NOT discharge CCRHB from any obligation under the terms of this Agreement.
6. CCRHB agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. CCRHB understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom CCRHB will operate.
9. CCRHB waives its opportunity to be heard pursuant to R.C. Chapter 119., specifically withdraws its request for a hearing, and waives any right to 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 R.C. 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.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0082

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

IN THE MATTER OF:

CASE NO. A-2019-0002

Revention Medicine, LLC.

WITHDRAWN License No. 02-2635950

c/o Dr. Charles Misja
5900 North Main Street
Dayton, OH 45458

**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 Revention Medicine, LLC. (Revention), for the purpose of resolving all issues between the parties relating to the Board investigation of issues involving the application for a Terminal Distributor of Dangerous Drugs license. Together, the Board and Revention are referred to hereinafter as "the parties."

JURISDICTION

3. 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.
4. On or about November 30, 2017, Revention Medicine filed an application for licensure as a Terminal Distributor of Dangerous Drugs under pending license number 02-2635950.

FACTS

4. On or about November 30, 2017, the agents from the Board initiated an investigation of Revention Medicine's Terminal Distributor of Dangerous Drugs application, pending license number 02-2635950.
5. On or about October 11, 2019 the Board sent a Notice of Opportunity for Hearing Proposal to Deny to Revention Medicine, 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.
6. On or about November 5, 2019, Revention Medicine timely requested an administrative hearing, which was subsequently scheduled for January 31, 2020. The matter was continued and the hearing was scheduled for July 8, 2020.

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:

15. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
16. Revention Medicine neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing Proposal to Deny letter dated October 11, 2019; 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.
17. Revention Medicine and Dr. Charles Misja agree to withdraw Revention Medicine's application for a Terminal Drug Distributor of Dangerous Drugs (TDDD) license., Neither Revention Medicine nor Dr. Charles Misja may reapply for a TDDD license for a period of two (2) years from the date of this order.
18. Revention Medicine 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.
19. Revention Medicine 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 Revention 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 Revention by the Board and will NOT discharge Revention from any obligation under the terms of this Agreement.
20. Revention Medicine agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
21. Revention Medicine understands that it has the right to be represented by counsel for review and execution of this agreement.
22. 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 Revention Medicine will operate.
23. Revention Medicine waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically

withdraws its request for a hearing in this matter, and waives any right to an appeal.

24. 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.
25. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
26. 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.
27. This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0083

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

IN THE MATTER OF:

CASE NO. A-2019-0004

Revention Medicine, LLC. **WITHDRAWN License No. 02-2635950**
c/o Dr. Martha Monica Corradine-Altman
5900 North Main Street
Dayton, OH 45458

**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 Revention Medicine, LLC. (Revention), for the purpose of resolving all issues between the parties relating to the Board investigation of issues involving the application for a Terminal Distributor of Dangerous Drugs license. Together, the Board and Revention 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. On or about July 19, 2018, Revention Medicine filed an application for licensure as a Terminal Distributor of Dangerous Drugs under pending license number 02-2635950.

FACTS

1. On or about July 19, 2018, the agents from the Board initiated an investigation of Revention Medicine's Terminal Distributor of Dangerous Drugs application, pending license number 02-2635950.
2. On or about October 11, 2019 the Board sent a Notice of Opportunity for Hearing Proposal to Deny to Revention Medicine, 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 November 5, 2019, Revention Medicine timely requested an administrative hearing, which was subsequently scheduled for January 31, 2020. The matter was continued and the hearing was scheduled for July 8, 2020.

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. Revention Medicine neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing Proposal to Deny letter dated October 11, 2019; 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. Revention Medicine and Dr. Charles Misja agree to withdraw Revention Medicine's application for a Terminal Drug Distributor of Dangerous Drugs (TDDD) license., Neither Revention Medicine nor Dr. Charles Misja, the owner of Revention Medicine, may reapply for a TDDD license for a period of two (2) years from the date of this order.
4. Revention Medicine 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.
5. Revention Medicine 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 Revention 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 Revention by the Board and will NOT discharge Revention from any obligation under the terms of this Agreement.

6. Revention Medicine agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Revention Medicine understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Revention Medicine will operate.
9. Revention Medicine waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically withdraws its request for a hearing in this matter, and 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.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0084

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

IN THE MATTER OF:

Rite Aid #4764
c/o Kathleen Parise, RPh
8085 Broadview Road
Broadview Heights, Ohio 44147

Case No. A-2020-0124
I-2019-1420-C

License No. 02-1099350

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 Rite Aid #4764 (Rite Aid) for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. Together, the Board and Rite Aid 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. Rite Aid, located at 8085 Broadview Road, Broadview Heights, Ohio, has an active TDDD license with the Board under license number 02-1099350, which lists Kathleen Parise, RPh as the Responsible Person.

FACTS

1. The Board initiated an investigation of Rite Aid, TDDD license number 02-1099350, related to an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.
2. On or about July 13, 2020, the Board sent a Notice of Opportunity for Hearing to Rite Aid, 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. Rite Aid neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 13, 2020, 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. Rite Aid agrees to pay to the Board a monetary penalty the amount of \$100.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. The Board hereby imposes a written reprimand on Rite Aid's license number 02-1099350.
5. Rite Aid 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. Rite Aid 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 Rite Aid 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 Rite Aid by the Board and will NOT discharge Rite Aid from any obligation under the terms of this Agreement.
7. Rite Aid agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Rite Aid 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 Rite Aid will operate.
10. Rite Aid waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically withdraws its request for a hearing, and waives any right to 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.

14. This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0085

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

IN THE MATTER OF:

**Case No. A-2020-0125
I-2019-1420-B**

Kathleen Parise, RPh
1856 Manningford Oval
Brunswick, OH 44212

License No. 03-331074

**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 Kathleen Parise, for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing pharmacy technician duties without obtaining appropriate registration with the Board. Together, the Board and Kathleen Parise are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Kathleen Parise is a licensed pharmacist in the state of Ohio under license number 03-331074 and Responsible Person of Rite Aid #4764, located at 8085 Broadview Road, Broadview Heights, Ohio.

FACTS

1. The Board initiated an investigation of Kathleen Parise, pharmacist license number 03-331074, and Rite Aid #4764, related to an employee of Rite Aid performing pharmacy technician duties without obtaining registration with the Board.
2. On or about July 13, 2020 the Board sent a Notice of Opportunity for Hearing to Kathleen Parise, 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:

17. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
18. Kathleen Parise neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated July 13, 2020; 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.
19. Kathleen Parise agrees to pay to the Board the amount of amount of \$100.00. This fine will be attached to your registration record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
20. The Board hereby imposes a written reprimand on Kathleen Parise's license number 03-331074.
21. Kathleen Parise agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
22. Kathleen Parise understands that she has the right to be represented by counsel for review and execution of this agreement.
23. Kathleen Parise 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.
24. Kathleen Parise waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
25. 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.
26. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
27. 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.

28. This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0086

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

IN THE MATTER OF:

**Case No. A-2020-0221
I-2020-0229-A**

Whitney Stires
222 Orville Street, Apt. 28
Fairborn, OH 45324

Registration No. 09-314281

**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 Whitney Stires for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing pharmacy technician duties without obtaining registration with the Board. Together, the Board and Whitney Stires are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.96 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 4729.90 and 4729.92 of the Ohio Revised Code to perform the duties of a certified pharmacy technician in the State of Ohio.
2. Whitney Stires is a certified pharmacy technician in the State of Ohio under registration number 09-314281.

FACTS

1. The Board initiated an investigation of Whitney Stires, certified pharmacy technician registration number 09-314281, related to her performing pharmacy technician duties without obtaining registration with the Board.
2. On or about June 5, 2020 the Board sent a Notice of Opportunity for Hearing to Whitney Stires 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. Whitney Stires neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 5, 2020; 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. Whitney Stires agrees to pay to the Board the amount of amount of \$25.00. This fine will be attached to your registration record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
 4. Whitney Stires agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 5. Whitney Stires understands that she has the right to be represented by counsel for review and execution of this agreement.
 6. Whitney Stires 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.
 7. Whitney Stires waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 11. This Agreement shall become effective upon the date of the Board President's signature below.
-

R-2021-0087

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

IN THE MATTER OF: **CASE Nos. 2018-0077 & A-2019-0145**

Stacey Lynn Wagner-Zweibel
8810 Cedar Point Road
Oregon, OH 43616

License No. 03-122793

**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 Stacey Lynn Wagner-Zweibel for the purpose of resolving all issues between the parties relating to the Board investigation in Case No. 2018-0077 of improperly changing fill dates on two prescriptions, and in Case No. A-2019-0145 of failing to conduct drug utilization review. Together, the Board and Stacey Lynn Wagner-Zweibel 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 in the state of Ohio.
2. Stacey Lynn Wagner-Zweibel is an Ohio-licensed pharmacist under license number 03-122793.

FACTS

1. On or about April 28, 2017, the Board initiated an investigation of Stacey Lynn Wagner-Zweibel, pharmacist license number 03-122793, related to Stacey Lynn Wagner-Zweibel's altering two prescriptions of Morphine (MS Contin) on April 14, 2017 and May 2, 2017. The prescriptions were personally prescribed to Wagner-Zweibel. Additionally, on or about November 5, 2018, the Board initiated an investigation of Stacey Lynn Wagner-Zweibel related to Stacey Lynn Wagner-Zweibel's dispensing of a prescription for Oxycodone/APAP 10/325 mg to a patient also prescribed buprenorphine/naloxone 8-2 mg/sl without conducting drug utilization review.
2. On or about April 7, 2020, the Board sent a Notice of Opportunity for Hearing to Stacey Lynn Wagner-Zweibel for each case, 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 for each case.

3. On or about April 24, 2020, Stacey Lynn Wagner-Zweibel timely requested an administrative hearing on Case Nos. 2018-0077 and A-2019-0145, which was subsequently scheduled for September 1, 2020.

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:

29. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
30. Stacey Lynn Wagner-Zweibel neither admits nor denies the allegations stated in the Notice of Opportunity for hearing in Case Nos. 2018-0077 and A-2019-0145, each dated April 7, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in each Notice, and hereby adjudicates the same.
31. Stacey Lynn Wagner-Zweibel agrees to pay to the OSBP the amount of amount of \$1,000. This fine will be attached to your license record and must be paid no later than 90 days from the effective date of this Agreement. To pay this fine, Stacey Lynn Wagner-Zweibel must login to www.elicense.ohio.gov and process the items in the cart.
32. Stacey Lynn Wagner-Zweibel must obtain, within 90 days from the effective date of this Agreement, six hours of ACPE-approved continuing pharmacy education (0.6 CEUs) in ethics related to the dispensing of controlled substances, which may not also be used for license renewal. Copies of completed CEUs must be emailed to legal@pharmacy.ohio.gov.
33. Stacey Lynn Wagner-Zweibel cannot serve as a Responsible Person or Designated Representative in any facility licensed by the Board for a period of five years. After five years, Stacey Lynn Wagner-Zweibel must petition to the Board to have these restrictions lifted.
34. Stacey Lynn Wagner-Zweibel agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
35. Stacey Lynn Wagner-Zweibel understands that she has the right to be represented by counsel for review and execution of this agreement.
36. Stacey Lynn Wagner-Zweibel 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.

37. Stacey Lynn Wagner-Zweibel 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.
38. 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.
39. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
40. 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.
41. This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0088

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

IN THE MATTER OF:

CASE No. A-2019-0015

Prescription Weight Loss
4031 Massillon Road
Suite B
Uniontown, OH 44685

PENDING App No. APP-000211823

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 Prescription Weight Loss, for the purpose of resolving all issues between the parties relating to the Board investigation of the illegal purchase of dangerous drugs. Together, the Board and Prescription Weight Loss 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, restrict, limit, or refuse to grant or renew any license any license issued pursuant to Section 4729.54 of the Ohio Revised Code.

2. On or about December 7, 2019, Dr. Steven Carp signed as the Responsible Person on an application for a TDDD License on behalf of Prescription Weight Loss.

FACTS

1. On or about December 6, 2019, the Board initiated an investigation of Prescription Weight Loss and determined Prescription Weight Loss had purchased and taken possession of compounded dangerous drugs from Complete Pharmaceuticals through Dr. Steven Carp, the supervising physician for Prescription Weight Loss. Prescription Weight Loss was required to be licensed as a TDDD to purchase and possess the compounded dangerous drugs. From on or about March 2016 to November 2018, Prescription Weight Loss had purchased and possessed approximately 1,182 compounded dangerous drugs.
2. Additionally, Prescription Weight Loss was acting as a pick-up station for compounded dangerous drugs without a TDDD License or an exemption for a TDDD. From on or about March 2016 to November 2018, Prescription Weight Loss received approximately 488 patient specific compounded dangerous drugs for twenty-nine patients forty-five times.
3. On or about January 29, 2020, the Board sent a Notice of Opportunity for Hearing to Prescription Weight Loss, 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. Prescription Weight Loss neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 29, 2020.
3. The Board has evidence sufficient to sustain the allegations stated in the Notice of Opportunity for Hearing dated January 29, 2020, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
4. Prescription Weight Loss agrees to pay to the Board a monetary penalty in the amount of \$16,000.00. This fine will be attached to your license record and must be paid no later than 90 days from the effective date of this Settlement Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.

5. Upon receipt of the monetary penalty set forth in this agreement, the Board shall issue Prescription Weight Loss a Terminal Distributor of Dangerous Drugs License.
6. Prescription Weight Loss 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.
7. Prescription Weight Loss 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 Prescription Weight Loss 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 Prescription Weight Loss by the Board and will NOT discharge Prescription Weight Loss from any obligation under the terms of this Agreement.
8. Prescription Weight Loss agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
9. Prescription Weight Loss understands that it has the right to be represented by counsel for review and execution of this agreement.
10. 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 Prescription Weight Loss will operate.
11. Prescription Weight Loss waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.
12. 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.
13. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
14. 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.
15. This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0089

Mr. Cox 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 and that the Board return to public session and promptly adjourn at the conclusion of executive session. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Marchal-yes; Miller-yes; Newlon-yes; Weaver-yes; Wilt-yes; and Yarosh-yes.

2:22 p.m.

The Board returned to public session

R-2021-0090

Mr. Wilt moved to approve the Request of Humana Pharmacy, Inc. to use support personnel to place packaged, labeled, and dispensed medications into overwrap outer shipping containers used for mailing medications to patients, limited to the express presentation provided to the Board specific to the requested location. The motion was seconded by Ms. Buettner and approved by the Board: Aye-8, Nay-0.

2:28 p.m.

Pursuant to Section 3719.121(B) of the Ohio Revised Code and under authority of sections 3719.121 and 4729.16 of the Revised Code, the State of Ohio Board of Pharmacy was joined by Thomas A. Pyles, Chief of Investigations, for the purpose of whether to consider a summary suspension related to a Pharmacist.

R-2021-0091

After hearing Mr. Pyles discuss the significant facts regarding the activities Pharmacist Randal Shell, Sugarcreek, Ohio, Mr. Wilt moved that the Board summarily suspend the Pharmacist license belonging to Randal Shell. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-8, Nay-0.

R-2021-0092

Mr. Cox presented Mr. Newlon with the following Resolution:

WHEREAS, Richard J. Newlon, has served
the citizens of Ohio with distinction
as a member of the State of Ohio Board of Pharmacy
following his appointment by Governor John R. Kasich in 2017.

WHEREAS, during his commendable term in this appointment,
Mr. Newlon maintained the highest professional standards
and demonstrated the admirable traits of
integrity, intelligence, and impartiality in matters
concerning the profession of pharmacy; therefore

BE IT RESOLVED that we, the Members of

the State of Ohio Board of Pharmacy,
in its one hundred thirty-sixth year,
do hereby express our profound appreciation to
Richard J. Newlon, for his service and recognize him for
his commitment to the health and safety of the citizens of Ohio.

R-2021-0093

Mr. Wilt presented Mr. Weaver with the following Resolution:

WHEREAS, Fred M. Weaver, RPh, has served
the citizens of Ohio with distinction
as a member of the State of Ohio Board of Pharmacy
following his appointment by Governor John R. Kasich in 2014.

WHEREAS, during his commendable term in this appointment,
Mr. Weaver maintained the highest professional standards
and demonstrated the admirable traits of
integrity, intelligence, and impartiality in matters
concerning the profession of pharmacy; therefore

BE IT RESOLVED that we, the Members of
the State of Ohio Board of Pharmacy,
in its one hundred thirty-sixth year,
do hereby express our profound appreciation to
Fred M. Weaver, for his service and recognize him for
his commitment to the health and safety of the citizens of Ohio.

R-2021-0094

Mr. Miller presented Ms. Yarosh with the following Resolution:

WHEREAS, Kilee S. Yarosh, RPh, has served
the citizens of Ohio with distinction
as a member of the State of Ohio Board of Pharmacy
following her appointment by Governor John R. Kasich in 2012.

WHEREAS, during her commendable term in this appointment,
Ms. Yarosh maintained the highest professional standards
and demonstrated the admirable traits of
integrity, intelligence, and impartiality in matters
concerning the profession of pharmacy; therefore

BE IT RESOLVED that we, the Members of

the State of Ohio Board of Pharmacy,
in its one hundred thirty-sixth year,
do hereby express our profound appreciation to
Kilee S. Yarosh, for her service and recognize her for
her commitment to the health and safety of the citizens of Ohio.

R-2021-0095

Ms. Yarosh moved to Adjourn the August State of Ohio Board of Pharmacy Meeting. The motion was seconded by Mr. Weaver and approved by the Board: Aye-8, Nay-0.

2:48 p.m.

The Board Meeting Adjourned.



Jennifer M. Rudell, RPh, PresidentDate: 8.31.2020

Steven W. Schierholt, Executive DirectorDate: 8.31.2020