



MINUTES OF THE NOVEMBER 2 – NOVEMBER 4, 2020
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, November 2, 2020

9:00 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; Victor Goodman, *Public Member*; Donald R. Miller, RPh; and Shawn C. Wilt, RPh.

Megan M. Marchal, RPh, was absent from the morning session.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Johnathan Brown, *Software Development Specialist*; Blair Cathcart, *Director of Information Services*; Michael Clark, *IT Administrator*; Brenda Cooper, *Executive Assistant*; Paula Economus, *Administrative Assistant*; 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*; Donald Miller, *Agent*; Sharon Prentice, *Licensing Coordinator*; Justin Sheridan, *Senior Legal Counsel*; Michelle Siba, *Senior Legal Counsel*; Karrie Southard, *Director of Licensing*, and Jenni Wai, *Chief Pharmacist*.

9:01 a.m.

Mr. Wilt presented a resolution for Sharon A. Prentice.

R-2021-0174

Mr. Wilt moved that the Board approve the resolution. The motion was seconded Mr. Cox and approved by the Board: Aye-5, Nay-0. The following resolution was adopted by the Board:

WHEREAS, the administrative efforts of Sharon A. Prentice, as the Licensing Coordinator with the State of Ohio Board of Pharmacy, have directly led to the successful and thoughtful enforcement of the drug laws of Ohio; and

WHEREAS, these efforts have contributed to the ongoing accomplishments of the Licensing Department and the successful licensing and registration of countless pharmacy-applicants, thereby promoting the protection of the citizens of Ohio; therefore

BE IT RESOLVED, that the State of Ohio Board of Pharmacy hereby commends Sharon A. Prentice for 29 years of exemplary service and performance to the Board and to the people of Ohio in carrying out the responsibilities of her position, and

BE IT ALSO RESOLVED, that we, the members of the State of Ohio Board of Pharmacy, in its one hundred thirty-sixth year, so express our profound appreciation to Sharon A. Prentice for her dedication and service to the Board and the citizens of Ohio, and BE IT

FURTHER RESOLVED, that this resolution be spread upon the permanent minutes of the State of Ohio Board of Pharmacy.

9:03 a.m.

Mr. Cox presented a resolution for Gregory A. McGlaun.

R-2021-0175

Mr. Cox moved that the Board approve the resolution. The motion was seconded Mr. Wilt and approved by the Board: Aye-5, Nay-0. The following resolution was adopted by the Board:

WHEREAS, the administrative and investigative efforts of Gregory A. McGlaun, as an Enforcement Investigator with the State Medical Board of Ohio and as an Agent with the State of Ohio Board of Pharmacy, have directly led to the successful and thoughtful enforcement of the drug laws of Ohio; and

WHEREAS, these efforts have contributed to the ongoing protection and safety of the citizens of Ohio; therefore

BE IT RESOLVED, that the State Medical Board of Ohio and the State of Ohio Board of Pharmacy hereby commend Gregory A. McGlaun for a combined 21 years of exemplary service and performance to the Boards and to the people of Ohio in carrying out the responsibilities of his positions; and

BE IT ALSO RESOLVED, that we, the members of the State Medical Board of Ohio and the State of Ohio Board of Pharmacy, so express our profound

appreciation to Gregory A. McGlaun for his dedication and service to the Boards and the citizens of Ohio, and

BE IT FURTHER RESOLVED, that this resolution be spread upon the permanent minutes of the State Medical Board of Ohio and the State of Ohio Board of Pharmacy.

9:05 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 **Ann Vannest, North Canton, Ohio.**

R-2021-0176

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

11:38 a.m.

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

R-2021-0177

After votes were taken in public session, the Board adopted the following orders in the Matter of **Ann Vannest, North Canton, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2020-0384)

In the Matter Of:

Ann Vannest, RPh
224 Woodside Avenue NE
North Canton, OH 44720
(License No. 03-329130)

INTRODUCTION

The Matter of Ann Vannest came for hearing on November 2, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer Rudell, RPh, *Presiding*; Joshua Cox, RPh; Trina Buettner, RPh; Victor Goodman, *Public Member*; Donald Miller III, RPh; and Shawn Wilt, RPh.



Megan Marchal, RPh; Absent

Ann Vannest was represented by Bob Garrity. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Ann Vannest, Respondent

Respondent's Witnesses:

1. Ann Vannest, Respondent
2. Andy Pierron, Executive Director, Ohio Pharmacist Rehabilitation Organization
3. Stephen Nichols

State's Exhibits:

1. Notice of Opportunity for Hearing, Case No. A-2020-0384; Proof of Service
2. Request for Hearing
3. Scheduling Order
4. Statement of Respondent
5. Prior Discipline – 2012 Board Order
6. Prior Discipline – 2014 Reinstatement
7. Prior Discipline – 2017 Order Lifting Restrictions
8. Prior Discipline – 2018 Conclusion of Probation
9. Police Report from 2020
10. Case Disposition
11. Photos of First Gatorade Bottle
12. Photos of Second Gatorade Bottle
13. Test of Liquid in Cup
14. Urinalysis
15. Inspection Report
16. Statement of Amanda Waers
17. Statement of Cara Schneider
18. Statement of Reha Richardson
19. Photos of Pills found in Bathroom in April 2020
20. Accountability Study – Armodanifil 50mg
21. Accountability Study – Phendimetrazine 35mg
22. Accountability Study – Alprazolam 1mg
23. Accountability Study – Clonazepam 1mg

Respondent's Exhibits:

- A. PRO Contract; UDS Results; Quarterly Report
- B. Chemical Dependency Treatment Documentation
- C. 12 Step Meeting Attendance
- D. Canton Municipal Court Docket/Journal Entry
- E. Resume
- F. Letters of Support
- G. Email from Andy Pierron

FINDINGS OF FACT

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

1. On or about March 15, 2020, Ann Vannest was arrested in Stark County for Operating a Vehicle under the influence in violation of Ohio Revised Code (ORC) Section 4511.19(A)(1)(h), open container in violation of ORC 4301.62, and a marked lanes violation, in violation of 4511.33 of the ORC. 2020-TRC-01699 and 2020-CRB-01132, Canton Municipal Court.
2. At a May 4, 2020 interview with agents of the Board at Finney's Institutional Pharmacy located at 5930 Mayfair Rd. N.W., North Canton, Ohio, Ann Vannest's place of employment, Ann Vannest arrived late to work indicating she needed more 'rest' prior to her 11:00am start time. Ann Vannest was observed falling inside the pharmacy and displayed slower than usual movements when she arrived from her shift. During the interview with agents, Ann Vannest admitted and provided a written statement indicating she has problem with alcohol. Ann Vannest also reported the following:
 - a. She started drinking once her probationary period with the Board expired and also stopped going to three AA/NA meetings per week after probation concluded. Ann Vannest admitted to drinking two to three drinks each night and indicated she is addicted to alcohol and is unable to practice as the Responsible Person due to her mental state.
 - b. She denied being intoxicated in the pharmacy, but when questioned about a Gatorade bottle labeled 'water bottle' from her purse, which smelled of alcohol, Ann Vannest indicated the bottle had previously contained a margarita but now contained Gatorade.

- c. During a subsequent review of the pharmacy, Board agents were notified of an additional Gatorade bottle found at Ann Vannest's workstation, containing a small amount of liquid. The liquid had a strong odor of alcohol.
- 3. Ann Vannest failed to keep adequate security and control of dangerous drugs and failed to appropriately notify the Board of theft or loss.
 - a. On May 5, 2020, Board agents were notified of multiple bags of dangerous drugs and controlled substances returned from various nursing homes. These drugs were returned to be destroyed. Some of the drugs were not dispensed from the pharmacy. The drugs were stored in an open area of the facility where all employees, including non-licensed employees, had access to them. Not all of the drugs were accompanied by a manifest or invoice detailing what drugs were actually returned to and accepted by the pharmacy. It is estimated there were several hundred drugs in these bags.
 - b. Approximately two years ago, a pharmacy technician was terminated due to suspicion of theft of 10 amphetamine tablets, a schedule II-controlled substance, which Ann Vannest never reported to the Board, DEA, or local law enforcement.
 - c. Ann Vannest reported the pharmacy had multiple shortages during her time as Responsible Person that were not reported to the Board. Ann Vannest indicated a shortage of an unknown amount and strength of phendimetrazine, a schedule III-controlled substance, but could not recall specific details. Ann Vannest failed to report this shortage to the Board, DEA, or local law enforcement.
 - d. On April 17, 2020, five Alprazolam tablets, a schedule IV-controlled substance, and half of a Buspirone 10mg, a dangerous drug, were discovered in an employee restroom. This incident led to the discovery of a shortage of 25 Alprazolam 1mg tablets and 25 Clonazepam 1mg tablets, a schedule IV-controlled substance. Ann Vannest failed to report these shortages to the Board, DEA, or local law enforcement.
 - e. A current count shows a shortage of 60 Armodafinil 50mg tablets, a schedule IV-controlled substance.
- 4. On January 13, 2011, the Board suspended Ann Vannest's pharmacist license number 03-329130 (she was then known-as Ann Nichols) as a result of her theft of controlled substances, to wit: hydrocodone, Lyrica, and tramadol, her impairment, and her addiction.
 - a. On October 19, 2011, Ann Vannest's summary suspension notice was amended to include an error in dispensing pertaining to a two-year old patient.

- b. On May 9, 2012, the matter came for hearing during which the allegations were substantiated, Ann Vannest's license was indefinitely suspended with standard terms and conditions, and she was not permitted to petition for reinstatement until two years after June 19, 2012.
- c. On September 9, 2014, as a result of her petition for reinstatement, the Board held a hearing finding substantial compliance with the terms of the June 19, 2012 Order, lifting the indefinite suspension, placing Ann Vannest's license on three years of probation through October 8, 2017 with standard terms and conditions.
 - i. On May 4, 2017, by approval of the Board's Probation Committee, Ann Vannest was allowed to be the Responsible Person of Finney's Institutional Pharmacy, being released early from the standard term which would have otherwise precluded her from being a Responsible Person until after October 8, 2017.
 - ii. Ann Vannest was released from probation on October 8, 2017.

CONCLUSIONS OF LAW

1. Such conduct, as set forth in the Findings of Fact Section, each constitutes a violation of the following divisions of (A) of Section 4729.16 of the ORC (effective as of April 8, 2019), each violation constituting a minor misdemeanor:
 - a. 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);
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, 3715.52 to 3715.72 of the ORC, Chapter 2925. or 3719. of the ORC, or any rule adopted by the Board under those provisions, ORC 4729.16(A)(2)(e); and
 - c. Engaged in any conduct for which the Board may impose discipline as set forth in rules adopted under Section 4729.26 of the ORC, ORC 4729.16(A)(2)(l).
2. Such conduct, as set forth in the Findings of Fact Section, each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC (as effective May 1, 2018):
 - a. 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 4729:1-4-01(B)(2)(c);

- b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the ORC, sections 3715.52 to 3715.72 of the ORC, Chapter 2925., 3796., 3719. or 4752. of the ORC, or any rule adopted by the Board under those provisions, OAC 4729:1-4-01(B)(2)(e);
 - c. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations...OAC 4729:1-4-01(B)(2)(m);
 - d. Has been disciplined by the Board pursuant to section 4729.16 of the ORC, OAC 4729:1-4-01(B)(2)(n);
 - e. Failed to conform to prevailing standards of care of similar pharmacists under the same or similar circumstances, whether or not actual injury to a patient is established, OAC 4729:1-4-01(B)(p); and
 - f. Cannot practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, but not limited to, physical deterioration that adversely affects cognitive, motor, or perceptive skills, OAC 4729:1-4-01(B)(2)(p).
- 3. Such conduct, as set forth in Paragraphs (3)(a) through (e) of the Findings of Fact Section, each constitutes a violation of Rule 4729-9-11(A)(1) of the OAC, a pharmacist shall provide personal supervision of the dangerous drugs...at all times in order to deter and detect theft or diversion.
 - 4. Such conduct, as set forth in Paragraphs (3)(a) through (e) of the Findings of Fact Section, each constitutes a violation of the following sections of Rule 4729:5-2-01 of the OAC:
 - a. The responsible person shall be responsible for the practice of the profession of pharmacy, including, but not limited to, the supervision and control of dangerous drugs as required in ORC 4729.55(B), adequate safeguards as required in ORC 4729.55(C), security and control of dangerous drugs and maintaining all drug records otherwise required, OAC 4729:5-2-01(A)(2);
 - b. The person to whom the terminal distributor of dangerous drugs license has been issued and all pharmacists on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of drugs and the practice of pharmacy OAC 4729:5-2-01(A)(3);
 - c. For an institutional pharmacy licensed as a terminal distributor of dangerous drugs:

- i. The responsible person shall be responsible for all of the following:
 - 1. The practice of the profession of pharmacy performed within the institutional facility, including, but not limited to, the supervision and control of dangerous drugs as required in ORC 4729.55(B), adequate safeguards as required in ORC 4729.55(C), security and control of dangerous drugs and maintaining all drug records otherwise required, OAC 4729:5-2-01(B)(2)(a); and
 - 2. The development, implementation, supervision, and coordination of all services provided by the institutional pharmacy OAC 4729:5-2-01(B)(2)(b); and
 - ii. The person to whom the terminal distributor of dangerous drugs license has been issued and all pharmacists on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of drugs and the practice of pharmacy OAC 4729:5-2-01(B)(3).
5. Such conduct, as set forth in Paragraphs (3)(a) through (e) of the Findings of Fact Section, each constitutes a violation of the following sections of Rule 4729:5-3-02 of the OAC:
- a. A terminal distributor of dangerous drugs shall notify the following upon discovery of the theft or significant loss of any dangerous drug or controlled substance, including drugs in transit that were either shipped from or to the licensed location:
 - i. The Board, by telephone or other method determined by the Board, immediately upon discovery of the theft or significant loss, OAC 4729:5-3-02(A)(1);
 - ii. If a controlled substance, Drug Enforcement Administration (DEA), pursuant to 21 C.F.R. 1301.76 (1/21/2016), OAC 4729:5-3-02(A)(2); and
 - iii. Law enforcement authorities pursuant to ORC 2921.22, OAC Rule 4729:5-3-02(A)(3);
 - b. The theft or significant loss of controlled substances shall be reported by a licensee using the federal DEA report form regardless if the controlled substances are subsequently recovered and/or the responsible parties are identified, and action is taken. Information reported in the federal form regarding such theft or significant loss shall be filed with the Board, in a manner determined by the Board, by the licensee within thirty days following the discovery of such theft or significant loss.

- c. The theft or significant loss of non-controlled dangerous drugs shall be reported to the Board, in a manner determined by the Board, by the licensee within thirty days following the discovery of such theft or significant loss of non-controlled dangerous drugs. The report shall be filed regardless if the dangerous drugs are subsequently recovered and/or the responsible parties are identified and action is taken, OAC Rule 4729:5-3-02(C).

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the ORC, the Board hereby removes the Summary Suspension Order issued to Ann Vannest on May 7, 2020.

Pursuant to Section 4729.16 of the ORC, and after consideration of the record as a whole, the Board hereby suspends indefinitely the pharmacist license no. 03-329130 held by Ann Vannest and such suspension is effective as of the date of the mailing of this Order.

Ann Vannest, pursuant to Rule 4729-9-01(F) of the OAC, may not be employed by or work in a facility licensed by the Board to possess or distribute dangerous drugs during such period of suspension.

Further, after 12 months from the effective date of this Order, the Board will consider any petition filed by Ann Vannest for a hearing, pursuant to ORC 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. Ann Vannest must maintain a current address with the Board throughout the duration of the suspension.
2. Ann Vannest 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. Ann Vannest 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 Ann Vannest 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 Ann Vannest 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. Ann Vannest 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 Ann Vannest reappear before the Board for possible additional sanctions, including and up to revocation of license.
 - 4. Ann Vannest 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 Ann Vannest reappear before the Board for possible additional sanctions, including and up to revocation of license.

5. Ann Vannest 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 Ann Vannest to possible additional sanctions, including and up to revocation of license.
6. Ann Vannest must demonstrate satisfactory proof to the Board that she 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. Ann Vannest 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 OAC 4729:1-5, as applicable and in effect on the date of petitioning the Board for reinstatement;
 - c. Compliance with the terms of this Order.
8. If reinstatement is not accomplished within **three years** of the effective date of the original summary suspension, Ann Vannest must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Exam (MPJE), or an equivalent examination(s) approved by the Board.
9. Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.
10. Violation of any term of suspension, including but not limited to any violation of the contract signed with the ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of your pharmacy license.
11. Any violation of Chapters 2925., 3715., 3719., 4729., of the ORC, 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.

12. If Ann Vannest's employment is related to the practice of pharmacy, Ann Vannest must notify employer of the terms of her suspension and this Board's Order.

13. 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 Ann Vannest's license.

Mr. Wilt, RPh, moved for Findings of Fact; Mr. Goodman seconded the motion. Motion passed (Aye-5/Nay-0).

Mr. Cox, RPh, moved for Conclusions of Law; Mr. Miller III, RPh, seconded the motion. Motion passed (Aye-5/Nay-0).

Mr. Wilt, RPh, moved for Action of the Board; Mr. Goodman seconded the motion. Motion passed (Aye-5/Nay-0).

SO ORDERED.

10:57 a.m.

The Board took a short recess, during with time Ms. Marchal joined the meeting at 11:05 a.m. Mr. Miller left the meeting at 12:00 p.m.

11:08 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 **Keith Wire, Pleasantville, Ohio.**

R-2021-0178

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 Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Marchal-yes; and Wilt-yes.

1:06 p.m.

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

R-2021-0179

After votes were taken in public session, the Board adopted the following orders in the Matter of **Keith Wire, Pleasantville, Ohio.**



ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2020-0299)

In The Matter Of:

**Keith Wire, RPh
2403 Carroll Eastern Road
Pleasantville, OH 43148
(License No. 03-217369)**

INTRODUCTION

The Matter of Keith Wire came for hearing on November 2, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer Rudell, RPh, *Presiding*; Joshua Cox, RPh; Trina Buettner, RPh; Victor Goodman, *Public Member*; Donald Miller III, RPh; Megan Marchal, RPh; and Shawn Wilt, RPh.

Keith Wire was represented by Daniel S. Zinsmaster. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

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

1. Keith Wire

Respondent's Witnesses:

1. Keith Wire
2. Nelson Heise

State's Exhibits:

1. Notice Letter
2. Request for Hearing
3. Scheduling Order
4. Police Report from Licking Memorial Hospital
5. Statement of Stacy Rissler
6. Property Report #1
7. Property Report #2
8. BCI Drug Test #1
9. BCI Drug Test #2
10. BCI Drug Test #3

11. BCI Drug Test #4
12. Photos
13. Statement of Respondent
14. Statement of Kimberly Wire

Respondent's Exhibits:

- A. Keith Wire, RPh Resume
- B. Shepherd Hill Hospital Medical Records – Withdrawn
- C. Letter from Dr. Highberger at Shepherd Hill
- D. Continuing Care Contract from Shepherd Hill
- E. OPHP Monitoring Agreement
- F. OPHP Letter of Compliance
- G. Letters of Support

FINDINGS OF FACT

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

1. On or about March 30, 2020 Keith Wire was observed by a co-worker at his place of employment, Licking Memorial Hospital, with a pill bottle, two small, white straws, and a folded-up piece of paper acting suspiciously.
2. On or about March 31, 2020, Keith Wire admitted to his supervisor and a member of his employer's Human Relations Management Department that the pill bottle contained ephedrine that he had purchased on the internet. Keith Wire admitted he snorted the pills and gave his employer the straws and a vial with white power at the bottom.
3. On or about April 6, 2020, Keith Wire was interviewed by an agent from the Board, he made the following statements:
 - a. Keith Wire admitted he was taking ephedrine on March 30, 2020 and that he was not prescribed ephedrine.
 - b. Keith Wire stated he was addicted to ephedrine.
 - c. Keith Wire admitted to using and being under the influence of ephedrine while at work on March 30 and March 31, 2020. Keith Wire used ephedrine on his lunch break on March 30, 2020.

- d. Keith Wire admitted he started taking the ephedrine tablets in June before work.
 - e. Keith Wire admitted he was crumbling and snorting the tablets.
 - f. Keith Wire stated were now in Shepard Hill Hospital in the in-patient residential treatment program.
 - g. Keith Wire stated he had been buying ephedrine on the internet for about a year.
 - h. Keith Wire stated he had ephedrine at his house and in his vehicle.
- 4. On or about April 6, 2020, an agent from the Board went to Keith Wire's residence and obtained an envelope containing sixty-two (62) pills from the house and pills from his vehicle.
 - 5. From on or about January 2019 through March 30, 2019, Keith Wire possessed and ingested amphetamine, a Schedule II Controlled Substance.

CONCLUSIONS OF LAW

- 1. Such conduct as set forth in paragraphs (1), (2), (3)(a), (3)(c), and (3)(h) of the Findings of Fact Section, each constitutes a violation of Section 4729.51(E)(1)(c) of the ORC, possession of dangerous drugs, a misdemeanor of the first degree.
- 2. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 6, 2017, each violation constituting a minor misdemeanor:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16(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 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. Of the Revised Code, or any rule adopted by the board under those provisions, ORC 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)(I).
- 3. Such conduct as set forth in the Findings of Fact Section, 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

Board member Donald Miller III, RPh left the meeting due to a scheduling conflict prior to the Board deliberating and deciding this matter.

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 lifts the summary suspension and suspends indefinitely the pharmacist license no. 03-217369, held by Keith Wire and such suspension is effective as of the date of the mailing of this Order.

Keith Wire, 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 eighteen months from the effective date of the Summary Suspension/Notice of Opportunity for Hearing issued on April 8, 2020, the

Board will consider any petition filed by Keith Wire 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. Keith Wire must maintain a current address with the Board throughout the duration of the suspension.
2. Keith Wire 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. Keith Wire 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 Keith Wire 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 Glucoronide (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 Keith Wire 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.
 - q. The treatment monitor shall submit quarterly reports to the Board.
- 3. Keith Wire 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 Keith Wire reappear before the Board for possible additional sanctions, including and up to revocation of license.
- 4. Keith Wire 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 Keith Wire reappear before the Board for possible additional sanctions, including and up to revocation of license.
- 5. Keith Wire 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 Keith Wire to possible additional sanctions, including and up to revocation of license.
- 6. Keith Wire 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. Keith Wire must provide, in the reinstatement petition, documentation of the following:
 - d. 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.);

- e. 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;
 - f. Compliance with the terms of this Order.
- 8. If reinstatement is not accomplished within **three years** of the effective date of the original summary suspension, April 8, 2020, Keith Wire must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Exam (MPJE), or equivalent examination(s) approved by the Board.
 - 9. Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.
 - 10. Violation of any term of suspension, including but not limited to any violation of the contract signed with the ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of your pharmacy license.
 - 11. 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.
 - 12. If Keith Wire's employment is related to the practice of pharmacy, Keith Wire must notify employer of the terms of his suspension and this Board's Order.

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 of hearing to consider additional disciplinary action, including and up to and revocation of Keith Wire's license.

Further, the Board grants the motion to place Keith Wire's Exhibits C and D under seal.

Mr. Wilt moved for Findings of Fact; Mr. Cox seconded the motion. Motion passed (Aye-5/Nay-0).

Mr. Wilt moved for Conclusions of Law; Ms. Marchal seconded the motion. Motion passed (Aye-5/Nay-0).

Mr. Cox moved for Action of the Board; Mr. Goodman seconded the motion. Motion passed (Aye-4/Nay-1) with Mr. Wilt voting nay.

SO ORDERED.

1:09 p.m.

The Board recessed for lunch.

1:47 p.m.

The Board reconvened and Mr. McNamee and Ms. Wai presented a resolution titled *Naloxone Service Entity Licensure* to the Board for approval.

R-2021-0180

Ms. Marchal moved that the Board approve the resolution. The motion was seconded Mr. Cox and approved by the Board: Aye-5, Nay-0. The following resolution was adopted by the Board:

To promote expanded access to naloxone, the State of Ohio Board of Pharmacy hereby waives the terminal distributor of dangerous drug licensure requirements for service entities that personally furnish naloxone in accordance with a valid physician-approved protocol. This resolution shall go into effect upon the Governor's signature of HB 341 (133rd General Assembly) and will expire upon the effective date of the act (12/16/2020). This resolution does not waive any other licensure requirements to possess dangerous drugs in accordance with Chapter 4729. of the Revised Code.

1:50 p.m.

Mr. McNamee and Ms. Wai presented a resolution titled *Vaccine Administration at LTCFs Serviced by Pharmacies* to the Board for approval.

R-2021-0181

Mr. Wilt moved that the Board approve the resolution. The motion was seconded Ms. Buettner and approved by the Board: Aye-5, Nay-0. The following resolution was adopted by the Board:

To promote improved access to vaccinations during the COVID-19 pandemic, the State of Ohio Board of Pharmacy hereby authorizes a long-term care facility to possess and administer COVID-19 or other vaccines to patients and staff under the terminal distributor of dangerous drugs license issued to the facility's servicing pharmacy.

1:55 p.m.

Mr. McNamee and Ms. Wai presented a resolution titled *Administration of COVID-19 Vaccines* to the Board for approval.

R-2021-0182

Mr. Wilt moved that the Board approve the resolution. The motion was seconded Ms. Marchal and approved by the Board: Aye-5, Nay-0. The following resolution was adopted by the Board:

To ensure Ohio pharmacists and interns are prepared to provide COVID-19 vaccines, the State of Ohio Board of Pharmacy hereby authorizes pharmacists and pharmacy interns to administer any FDA-approved or FDA-licensed COVID-19 vaccines in accordance with section 4729.41 of the Revised Code and rules adopted thereunder. This resolution shall expire on December 1, 2020 when rule 4729:1-3-02 of the Administrative Code becomes effective.

2:01 p.m.

Ms. Southard presented a resolution titled *Responsible Person Requirements* to the Board for approval.

R-2021-0183

Mr. Cox moved that the Board approve the resolution. The motion was seconded Mr. Wilt and approved by the Board: Aye-5, Nay-0. The following resolution was adopted by the Board:

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.

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, DPM		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, DPM	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, DPM	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, DPM	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 Responsible Person	Special Requirements	Applicable Inspection Guide
PMC	Pain Management Clinic	DO, MD	*Category III only. Required background check on Owners, RP and employees. <u>**RP must meet requirements in OAC 4729:5-2-01(C)(3)</u>	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, RPH		Non-Limited Facility (OAC 4729:5-22)
IC	Infusion Center	DO, MD, RPH		Non-Limited Facility (OAC 4729:5-22)
IM	Imaging	DO, MD, RPH		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 training in the field of expertise.	Laboratory (OAC 4729:5-16)

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)

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)
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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)

WHOLESALE				
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 obtain licensure as a wholesale distributor.	Management		Wholesale Distributor (Coming Soon) (OAC 4729:6-5)

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)

2:04 p.m.

Ms. Southard presented a resolution titled *STAQ Pharma* to the Board for approval.

R-2021-0184

Mr. Wilt moved that the Board approve the resolution. The motion was seconded Ms. Marchal and approved by the Board: Aye-5, Nay-0. The following resolution was adopted by the Board:

On May 4, 2020, the State of Ohio Board of Pharmacy approved a resolution granting a one-year extension for the submission of an inspection conducted by the United States Food and Drug Administration (FDA) to STAQ Pharmacy, Inc. (STAQ) relative to its Outsourcer – Category 3 license application, APP-000247365, submitted on March 30, 2020.

On September 16, 2020, STAQ provided the results of the FDA outsourcer inspection conducted on August 25, 2020 to September 3, 2020 and their written responses to the FDA observations, as required by the resolution.

Therefore, the Board hereby rescinds the May 4, 2020 resolution and STAQ has full authority to operate as a licensed outsourcing facility, license number 0162000008, pursuant to section 4729.52 of the Ohio Revised Code and section 4729:6-10 of the Ohio Administrative Code.

2:06 p.m.

Ms. Southard provided the Licensing Report.

2:13 p.m.

Mr. Garner provided the OARRS Report.

2:19 p.m.

Mr. Griffin provided the compliance and enforcement report.

2:23 p.m.

Mr. Schierholt provided the Executive Director Report.

2:27 p.m.

Ms. Southard presented the *Examination Extension Requests* of Shaimaa Ibrahim – Cincinnati, Ohio (APP-000281642) and Ashraf Elmalik – Beachwood, Ohio (APP-000269614) to the Board for consideration.

R-2021-0185

Mr. Cox moved to approve the request of Shaimaa Ibrahim and grant a 120 day extension. The Motion was seconded by Ms. Marchal and approved by the Board: Aye-5, Nay-0.

R-2021-0186

Mr. Cox moved to approve the request of Ashraf Elmalik and grant a 120 day extension. The Motion was seconded by Ms. Marchal and approved by the Board: Aye-5, Nay-0.

2:30 p.m.

Ms. Southard presented the *Examination Extension Requests* of Alfred Kamara – Columbus, Ohio (09102175) and Ghanshyam Patel – Akron, OH (09102145) to the Board for consideration.

R-2021-0187

Ms. Marchal moved to approve the request of Alfred Kamara and grant a six-month extension. The Motion was seconded by Mr. Wilt and approved by the Board: Aye-5, Nay-0.

R-2021-0188

Ms. Marchal moved to approve the request of Ghanshyam Patel and grant a six-month extension. The Motion was seconded by Mr. Wilt and approved by the Board: Aye-5, Nay-0.

R-2021-0189

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. Marchal and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Marchal-yes; Wilt-yes.

3:06 p.m.

The Board returned to public session and recessed for the day.

Tuesday, November 3, 2020**9:00 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; Victor Goodman, *Public Member*; Megan E. Marchal, RPh; and Shawn C. Wilt, RPh.

Richard Miller, RPh, was unable to attend Tuesday's meeting due to a conflict.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Johnathan Brown, *Software Development Specialist*; Michael Clark, *IT Administrator*; Rachael Collins, *Licensing Administrator*; Brenda Cooper, *Executive Assistant*; Paula Economus, *Administrative Assistant*; 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*; Karrie Southard, *Director of Licensing*, and Jenni Wai, *Chief Pharmacist*.

9:00 a.m.

The Board heard an oral address by both parties in the Matter of Taylor Adair—Taylor Adair on behalf of himself and Henry Appel on behalf of the State.

R-2021-0190

Mr. Wilt moved that the September 4, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Marchal and approved by the Board: Aye-5, Nay-0.

R-2021-0191

Mr. Wilt moved that the September 11, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Marchal and approved by the Board: Aye-5, Nay-0.

R-2021-0192

Mr. Wilt moved that the September 15, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Marchal and approved by the Board: Aye-5, Nay-0.

R-2021-0193

Mr. Wilt moved that the October 2, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Marchal and approved by the Board: Aye-5, Nay-0.

R-2021-0194

Mr. Wilt moved that the October 13, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Marchal and approved by the Board: Aye-5, Nay-0.

- R-2021-0195** Mr. Wilt moved that the October 16, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Marchal and approved by the Board: Aye-5, Nay-0.
- R-2021-0196** Mr. Wilt moved that the October 27, 2020 Conference Call Minutes be approved as written. The motion was seconded by Ms. Marchal and approved by the Board: Aye-5, Nay-0.
- R-2021-0197** Mr. Wilt moved that the August 31 – September 1, 2020 Board Meeting Minutes be approved with one modification. The motion was seconded by Ms. Marchal and approved by the Board: Aye-5, Nay-0.
- R-2021-0198** Mr. Wilt moved that the September 2, 2020 Probation Committee Minutes be approved with one modification. The motion was seconded by Ms. Marchal and approved by the Board: Aye-5, Nay-0.
- 9:18 a.m.** Mr. McNamee led a discussion on Extension of Drug Distributor Duty to Report Requirements.
- 9:20 a.m.** Mr. McNamee led a discussion on Implementation of Prescriber Compounding and Inpatient Pharmacy Rules.
- 9:24 a.m.** Mr. McNamee led a discussion on Pharmacist Immunizations – Provider Reporting.
- 9:40 a.m.** Mr. McNamee led a discussion on Duty to Report Requirements.
- 9:40 a.m.** Mr. McNamee and Ms. Wai presented amendments to rule 4729:3 - *Pharmacy Technicians*.
- R-2021-0199** Ms. Marchal moved to approve rule 4729:3 - *Pharmacy Technicians* for filing with CSI and JCARR. The motion was seconded by Mr. Wilt and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Marchal-yes; and Wilt-yes.
- 10:56 a.m.** Mr. McNamee and Ms. Wai presented amendments to rule 4729:7-3 – *Prescriber Compounding*.
- R-2021-0200** Mr. Cox moved to approve rule 4729:7-3 – *Prescriber Compounding* for filing with CSI. The motion was seconded by Mr. Wilt and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Marchal-yes; and Wilt-yes.
- 11:00 a.m.** Mr. McNamee and Ms. Wai presented amendments to rule 4729-2-01 – *Internal Management*.
- R-2021-0201** Ms. Marchal moved to approve rule 4729-2-01 – *Internal Management* for filing with CSI and JCARR. The motion was seconded by Ms. Buettner and a roll-call

vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Marchal-yes; and Wilt-yes.

11:01 a.m. Mr. McNamee, Ms. Wai, and Ms. Dehner presented amendments to rule 4729:5-18 – *Office-Based Opioid Treatment Facilities*.

R-2021-0202 Mr. Wilt moved to approve rule 4729:5-18 – *Office-Based Opioid Treatment Facilities* for filing with CSI and JCARR. The motion was seconded by Ms. Buettner and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Marchal-yes; and Wilt-yes.

11:07 a.m. Mr. McNamee and Ms. Wai presented amendments to rule 4729:5-3 – *Naloxone Distribution*.

R-2021-0203 Ms. Buettner moved to approve rule 4729:5-3 – *Naloxone Distribution* for filing with CSI and JCARR. The motion was seconded by Mr. Wilt and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Marchal-yes; and Wilt-yes.

11:13 a.m. Mr. McNamee and Ms. Wai presented amendments to rule 4729:1-01– *Schedule I Controlled Substances*.

R-2021-0204 Mr. Cox moved to approve rule 4729:1-01– *Schedule I Controlled Substances* for filing with CSI and JCARR. The motion was seconded by Ms. Marchal and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Marchal-yes; and Wilt-yes.

11:17 a.m. The Board took a brief intermission.

11:30 a.m. Ms. Maerten-Moore provided the Medical Marijuana Program Update.

11:34 a.m. Ms. Maerten-Moore led a discussion on Healthcare/pharmacy background requirements for dispensary employees.

11:48 a.m. Ms. Maerten-Moore led a discussion on a proposed Medical Marijuana recycling program.

11:54 a.m. Ms. Maerten-Moore led a discussion on APPE rotation for pharmacy students at dispensaries.

R-2021-0205 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. Marchal and a roll-call vote was conducted by President

Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Marchal-yes; Wilt-yes.

1:57 p.m.

Executive Session concluded, the Probation Committee members convened for the Probation Meeting.

Wednesday, November 4, 2020

9:00 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; Victor Goodman, *Public Member*; Megan E. Marchal, RPh; Donald R. Miller, RPh; and Shawn C. Wilt, RPh.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Johnathan Brown, *Software Development Specialist*; Blair Cathcart, *Director of Information Services*; Michael Clark, *IT Administrator*; 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 **Stacy Kmentt, Cleveland, Ohio**.

R-2021-0206 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 Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Marchal-yes; Miller-yes; and Wilt-yes.

10:16 a.m. The recess ended and the hearing was opened to the public.

R-2021-0207 After votes were taken in public session, the Board adopted the following orders in the Matter of **Stacy Kmentt, Cleveland, Ohio**.

ORDER OF THE STATE BOARD OF PHARMACY
(Case Number A-2020-0379)

In The Matter Of:

Stacy Kmentt, RPh
3414 Hancock Ave.
Cleveland, Ohio 44113
(License No. 03-338028)

INTRODUCTION

The Matter of Stacy Kmentt came for hearing on November 4, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer Rudell, RPh, *Presiding*; Joshua Cox, RPh; Trina Buettner, RPh; Victor Goodman, *Public Member*; Megan Marchal, RPh; Donald Miller III, RPh; and Shawn Wilt, RPh.

Stacy Kmentt was represented by Robert Garrity. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Stacy Kmentt, Respondent

Respondent's Witnesses:

1. Stacy Kmentt, Respondent
2. Andy Pierron, Executive Director, Ohio Pharmacist Rehabilitation Organization

State's Exhibits:

1. Notice Letter
2. Request for Hearing
3. Scheduling Order
4. Police Report
5. DEA Form 106
6. Third Quarter 2020 PRO Self Report

Respondent's Exhibits:

- A. PRO Contract; USD results; Quarterly report
- B. Chemical dependence treatment documentation (**Filed under seal**)
- C. 12 Step meeting attendance
- D. Resume
- E. Letters of support
- F. Letter from Ohio Pharmacist Rehabilitation Organization

FINDINGS OF FACT

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

1. On or about April 17, 2020, it was discovered that Stacy Kmentt had been diverting hydromorphone, a schedule II controlled substance, from Cleveland Clinic Hospital Pharmacy, located at 9500 Euclid Ave, Cleveland, OH 44195, where she was employed as a pharmacist. Stacy Kmentt was interviewed by an agent from the Board, she made the following statements, and the Board finds the following to be fact:
 - a. Stacy Kmentt estimated she began diverting drugs from the pharmacy in February 2020.
 - b. Stacy Kmentt took hydromorphone from the pharmacy for personal use; she felt she was possibly addicted to hydromorphone. Stacy Kmentt would feel sick if she did not have the drug and this started to become the case "over the last couple of weeks".
 - c. The hydromorphone thefts would occur two to three days per work week, up to every day while at work.
 - d. The stolen hydromorphone was abused while practicing at the Cleveland Clinic, but it was used more frequently while at home.
 - e. Since February, Stacy Kmentt stole between 60-80 1mL vials of hydromorphone.
2. Cleveland Clinic reported a review of Pyxis transactions discovered 59 hydromorphone 10mg/1mL vials and 59 needles or syringes, had been lost or stolen.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of Section 2913.02 of the ORC, theft of a dangerous substance.
2. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of Section 2925.11(A) of the ORC, possession of a Schedule II controlled substance.
3. Such conduct as set forth in the Findings of Fact Section, 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, 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).
4. Such conduct as set forth in the Findings of Fact Section, 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, 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 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby lifts the summary suspension and suspends indefinitely the pharmacist license no. 03-338028, held by Stacy Kmentt and such suspension is effective as of the date of the mailing of this Order.

Stacy Kmentt, 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 eighteen months from July 22, 2020, the Board will consider any petition filed by Stacy Kmentt 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. Stacy Kmentt must maintain a current address with the Board throughout the duration of the suspension.
2. Stacy Kmentt 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. Stacy Kmentt 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 Stacy Kmentt 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 Stacy Kmentt 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 intervenor/sponsor shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- i. Stacy Kmentt must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:
 - a. The written report and documentation provided by the treatment monitor pursuant to the contract, and
 - b. A written description of Stacy Kmentt's progress towards recovery and what Stacy Kmentt has been doing during the previous three months, and
 - c. Proof of compliance with all terms of suspension, the monitoring contract and proof of compliance with treatment, if applicable.
- 3. Stacy Kmentt 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 Stacy Kmentt reappear before the Board for possible additional sanctions, including and up to revocation of license.
- 4. Stacy Kmentt 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 Stacy Kmentt reappear before the Board for possible additional sanctions, including and up to revocation of license.
- 5. Stacy Kmentt 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 Stacy Kmentt to possible additional sanctions, including and up to revocation of license.

6. Stacy Kmentt must demonstrate satisfactory proof to the Board that she 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. Stacy Kmentt 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; and
 - c. Compliance with the terms of this Order.
8. If reinstatement is not accomplished within **three years** of the effective date of the original summary suspension, April 22, 2020, Stacy Kmentt must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Exam (MPJE), or equivalent examination(s) approved by the Board.
9. Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.
10. Violation of any term of suspension, including but not limited to any violation of the contract signed with the ODMHAS or other approved treatment monitor may result in additional action before the Board up to and including revocation of your pharmacy license.
11. Periods during which Stacy Kmentt is not in compliance with all indefinite suspension terms shall toll the length of time of suspension, or the Board may implement additional disciplinary action in addition to or instead of tolling.
12. 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.

13. If Stacy Kmentt's employment is related to the practice of pharmacy, Stacy Kmentt must notify employer of the terms of her suspension and this Board's Order.

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 of hearing to consider additional disciplinary action, including and up to and revocation of Stacy Kmentt's license.

Further, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically Respondent's exhibit B.

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

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

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

SO ORDERED.

10:20 a.m. The Board took a brief intermission.

10:26 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 **Lia Harb, Knoxville, Tennessee**.

R-2021-0208 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 Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Marchal-yes; Miller-yes; and Wilt-yes.

10:58 a.m. The recess ended and the hearing was opened to the public.

R-2021-0209 After votes were taken in public session, the Board adopted the following orders in the Matter of **Lia Harb, Knoxville, Tennessee**.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number I-2018-1065 and A-2019-0067)

In The Matter Of:

Lia Harb, R.Ph.7625 Christian Lee Circle
Knoxville, Tennessee 37931
(License No. 03-3-32619)**INTRODUCTION**

The Matter of Lia Harb came for hearing on November 4, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer Rudell, RPh, *Presiding*; Joshua Cox, RPh; Megan Marchal, RPh, Trina Buettner, RPh; Victor Goodman, *Public Member*; Donald Miller III, RPh; and Shawn Wilt, RPh.

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

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

1. Lia Harb, Respondent

Respondent's Witnesses:

1. Lia Harb, Respondent

State's Exhibits:

1. Notice Letter
2. Board Order- June 2019
3. Request for Reinstatement

Respondent's Exhibits:

- A. TPRN Letter of Compliance and Support Lia Harb
- B. CPE Monitor Activity Transcript Lia Harb
- C. Reference Letter for Lia Harb
- D. TPRN Aftercare Contract
- E. TPRN Quarterly Reports 2019-2020

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 that Lia Harb has substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case No. A-2019-0067, dated June 11, 2019.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby approves the reinstatement of the pharmacist license No. 03-332619, held by Lia Harb to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

1. Lia Harb must enter into and adhere to the terms of a **new** contract, signed within thirty days after the effective date of this Order, with the Tennessee Pharmacy Recovery Network (TPRN) for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Failure to adhere to the terms of the monitoring contract will be considered a violation of the Board's Order and subject Lia Harb 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 Lia Harb 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.

2. TPRN 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.
 - a. 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.
 - b. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
3. Lia Harb 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 TPRN, the Board shall treat these results as a violation of the Board's Order and request Lia Harb reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. Lia Harb 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 Lia Harb reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. Lia Harb must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:
 - a. The written report and documentation provided by the treatment monitor pursuant to the contract, and
 - b. A written description of Lia Harb 's progress towards recovery and what Lia Harb has been doing during the previous three months.
6. Other terms of probation are as follows:
 - a. Lia Harb must meet at least annually with the Board's Probation Committee, the first meeting to be held November 1, 2021.

- b. The State of Ohio Board of Pharmacy hereby declares that Lia Harb's pharmacist license is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (K) of Rule 4729:2-1-01 of the Ohio Administrative Code.
 - c. Lia Harb may not serve as a responsible pharmacist or designated representative at any Board-licensed facility, including medical marijuana dispensaries or home medical equipment providers.
 - d. Lia Harb may not engage in a consult agreement, unless approved by the board.
 - e. Lia Harb may not destroy, assist in, or witness the destruction of controlled substances.
 - f. Lia Harb may not work in a pharmacy more than 40 hours per week or 80 hours over a two-week period.
 - g. Lia Harb must not violate the drug laws of Ohio, any other state, or the federal government.
 - h. Lia Harb must abide by the rules of the State of Ohio Board of Pharmacy.
 - i. Lia Harb must comply with the terms of this Order.
 - j. Lia Harb's license is deemed not in good standing until successful completion of the probationary period.
- 7. Lia Harb must abide by all other terms of probation as set forth in Ohio Administrative Code Chapter 4729:4.
 - 8. Lia Harb may not request modifications to probationary terms for at least three years, however, limited, isolated deviations may be granted with approval by the Board, in exceptional circumstances.
 - 9. Lia Harb must immediately report any violation of the terms of this probation 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 Lia Harb to possible additional sanctions, including and up to revocation of license.
 - 10. Any violation of probation or this Board's Order may result in a Board hearing to consider alternative or additional sanctions under Section

4729.16 of the Ohio Revised Code, including and up to revocation of Lia Harb's license.

11. Periods during which Lia Harb is not in compliance with all probationary terms shall toll the length of time of probation, or the Board may implement additional disciplinary action in addition to or instead of tolling probation.

At the conclusion of the probationary period, the Board will issue a letter of good standing if Lia Harb has successfully met all terms of probation, otherwise a Notice of Opportunity for Hearing may issue if terms have not successfully been completed.

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

SO ORDERED.

R-2021-0210

Mr. Wilt moved to adopt the following Order of **Michael Baker, Clinton, Ohio**. The Motion was seconded by Mr. Miller and approved by the Board: Aye-6, Nay-0.

ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

(Case Number 2015-1055)

In The Matter Of:

Michael Baker, R.Ph.
258 W. Comet
Clinton, Ohio 44216
(License No. 03-1-20498)

After reviewing the supportive documents submitted by the Pharmacists Rehabilitation Organization, and upon recommendation of the Probation Committee, the Board hereby adopts the Probation Committee's Temporary Order and stays term 6(c) of the Board's September 12, 2017 Board Order: Michael Baker may not serve as a responsible pharmacist. Mr. Baker may serve in the role of a responsible pharmacist limited to his employment with Swiss Village Pharmacy.

All other Board terms and conditions remain in place, including the requirement that Mr. Baker not work more than 40 hours per week or 80 hours over a two-week period.

Mr. Wilt moved the Board ratify the Temporary Probation Order and adopt this Order amending the terms of Mr. Baker's September 12, 2017 Order, Mr. Miller seconded the motion. Motion passed (Aye –6/Nay – 0).

R-2021-0211

Ms. Marchal moved to adopt the following Order of **Kevin Chakos, North Canton, Ohio**. The Motion was seconded by Mr. Wilt and approved by the Board: Aye-6, Nay-0.

ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

(Case Number 2001-1556)

In The Matter Of:

Kevin Chakos

9942 Southwyck Ave. NW
North Canton, Ohio 44720-9837
(License No. 03-124288)

After reviewing the supportive documents submitted by Kevin Chakos, his employer Finney's Institutional Pharmacy, and the Pharmacists Rehabilitation Organization, and upon recommendation of the Probation Committee, the Board hereby approves Mr. Chakos' September 25, 2020 request to authorize his role as the Program Director at Finney's Institutional Pharmacy, specific to his employment with Finney's Institutional Pharmacy, notwithstanding Ohio Administrative Code Rule 4729:3-3-02(B)(1) requiring such a pharmacist to be in good standing.

The Board does not modify Mr. Chakos' February 12, 2018 Board Order; Mr. Chakos' license remains "not in good standing" until the conclusion of his probationary term. This authorization is specific to Mr. Chakos' employment at Finney's Institutional Pharmacy.

Ms. Marchal moved the Board grant the exemption from the "good standing" requirement for a pharmacy technician training program director, Mr. Wilt seconded the motion. Motion passed (Aye – 6/Nay – 0).

R-2021-0212

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 Mr. Goodman and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Marchal-yes; Miller-yes; Wilt-yes.

2:37 p.m.

The Board returned to public session.

R-2021-0213

After votes were taken in public session, the Board adopted the following orders in the Matter of **Rhonda Calloway, Cleveland, Ohio**.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:
	: Case No. A-2019-0418
Rhoda Calloway	:
4321 W. 24 th Street	:
Cleveland, OH 44109	: Pending Reg. No. APP-000269908
	:
Respondent.	:

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Rhoda Calloway ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on June 13, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on January 21, 2020, via certified mail, return receipt requested. On April 14, 2020, the Notice was returned to the Board marked "Unclaimed." The Board re-issued the Notice via ordinary mail with a Certificate of Mailing to Respondent's address of record on April 20, 2020. The Notice was not returned for failure of delivery. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. And pursuant to Am. Sub. H.B. 197 of the 133rd General Assembly, that deadline was tolled through July 30, 2020. Respondent failed to request a hearing. Accordingly, as no hearing was requested, the Board considered the matter on

November 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: Notice Returned Marked "Unclaimed"
- State's Exhibit 2.2: Notice Reissued and Certificate of Mailing
- 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: Calloway Letter (6-24-19)
- State's Exhibit 4.2: U.S. District Court, Northern District of Ohio Records

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, 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 prohibition on applying for any license or registration over which the State Board of Pharmacy has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

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. 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.
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.

Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Megan Marchal, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0214

After votes were taken in public session, the Board adopted the following orders in the Matter of **Yaritza Cartagena, Parma Heights, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2019-042 Yaritza
Cartagena	:	
6762 Sutherland Ave.	:	
Parma Heights, OH 44130	:	Pending Reg. No. APP-000283779
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Yaritza Cartagena ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on August 10, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on January 27, 2020, via certified mail, return receipt requested. On February 27, 2020, the Notice was returned to the Board marked "Unclaimed." The Board re-issued the Notice via ordinary mail with a Certificate of Mailing to Respondent's address of record on February 27, 2020. The Notice was not returned for failure of delivery. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. And pursuant to Am. Sub. H.B. 197 of the 133rd General Assembly,

that deadline was tolled through July 30, 2020. Respondent failed to request a hearing. Accordingly, as no hearing was requested, the Board considered the matter on November 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: Notice Returned Marked "Unclaimed"
- State's Exhibit 2.2: Notice Reissued and Certificate of Mailing
- 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: Attestation and Documents from Respondent

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, 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 prohibition on applying for any license or registration over which the State Board of Pharmacy has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application is DENIED.

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.
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.

Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Megan Marchal, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0215

After votes were taken in public session, the Board adopted the following orders in the Matter of **Candis Carter, Youngstown, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2018-0079
Candis Carter	:	
3306 Tangent Street	:	Registration No. 09-210255
Youngstown, OH 44502	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Candis Carter ("Respondent") was issued a registration as a registered pharmacy technician by the State of Ohio Board of Pharmacy on August 15, 2018. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent April 24, 2020, via certified mail, return receipt requested. On June 9, 2020, the Notice was returned to the Board marked "Unclaimed." The Board re-issued the Notice via ordinary mail with a Certificate of Mailing to Respondent's address of record on June 23, 2020. The Notice was not returned for failure of delivery. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. And pursuant to Am. Sub. H.B. 197 of the 133rd General Assembly, that deadline was tolled through July 30, 2020. Respondent failed to request a hearing. Accordingly, as no hearing was requested, the Board considered the matter on

November 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: Notice Returned Marked "Unclaimed"
- State's Exhibit 2.2: Reissued Notice and Certificate of Mailing
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: Meiss Sworn Statement
- State's Exhibit 4.2: Masincupp Sworn Statement
- State's Exhibit 4.3: Forensic Fluid Submission Form
- State's Exhibit 4.4: Forensic Fluid 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.

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 registered pharmacy technician, No. 09-210255, 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.

Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Megan Marchal, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0216

After votes were taken in public session, the Board adopted the following orders in the Matter of **Jason Hickok, Columbus, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2019-0422
Jason Hickok	:	
3249 Mapleway Court	:	
Columbus, OH 43204	:	Pending Reg. No. APP-000267196
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Jason Hickok ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on May 26, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on November 26, 2019, via certified mail, return receipt requested. On December 30, 2019, the Notice was returned to the Board marked "Unclaimed." The Board re-issued the Notice via ordinary mail with a Certificate of Mailing to Respondent's address of record on December 31, 2020. The Notice was not returned for failure of delivery. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of 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 November 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: Notice Returned Marked "Unclaimed"
- State's Exhibit 2.2: Notice Reissued and Certificate of Mailing
- 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: Orange County, FL Certified Records
- State's Exhibit 4.2: Delaware Municipal Court Judgment Entry
- State's Exhibit 4.3: Orange County, FL Court Docket
- State's Exhibit 4.4: Orange County, FL: Warrant
- State's Exhibit 4.5: Delaware Municipal Court Docket

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.

Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Megan Marchal, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0217

After votes were taken in public session, the Board adopted the following orders in the Matter of **Sharlyn Ehresman, Attaca, Ohio**.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2018-0053
Sharlyn Ehresman	:	
16780 E. Township Rd. 44	:	Registration No. 09-306032
Attica, OH 44807	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Sharlyn Ehresman ("Respondent") was issued a registration as a certified pharmacy technician by the State of Ohio Board of Pharmacy on April 3, 2018. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent May 24, 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 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 November 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: Signed Green Card
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: Tiffin Police Report
- State's Exhibit 4.2: Receipts
- State's Exhibit 4.3: Tiffin-Fostoria Municipal Court Certified Records

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 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. The Board hereby imposes a written reprimand on Respondent's certified pharmacy technician registration.
2. 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.

Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Megan Marchal, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0218

After votes were taken in public session, the Board adopted the following orders in the Matter of **Amy Jo Carlile, Paris, Ohio**.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2018-0062
Amy Jo Carlile	:	
11431 Stuckey Street	:	
Paris, OH 44669	:	Pending Reg. No. 09-202631
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Amy Jo Carlile ("Respondent") submitted an application for registration as a registered pharmacy technician ("Application") to the State of Ohio Board of Pharmacy on January 23, 2018 and it was granted approval as a registered pharmacy technician on March 7, 2018, registration no. 09-202631. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent April 18, 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 November 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: Certified Copy of Court Criminal/Traffic Records Check, Southern District Tuscarawas County, Ohio.

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 investigating Board 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. 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.
2. The Board hereby imposes a written reprimand on Respondent's registered pharmacy technician registration.
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.

Megan Marchal moved for the findings of fact, conclusions of law, and decision of the Board. Victor Goodman seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0219

After votes were taken in public session, the Board adopted the following orders in the Matter of **Britani Von Busse, Eastlake, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of

:
:

Case No. A-2018-0095

Britani Von Busse	:	
34151 Victor Drive	:	Pending Reg. No. 09-105257
Eastlake, OH 44095	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Britani Von Busse ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on September 15, 2018 and it was granted approval as a pharmacy technician trainee on September 21, 2018, registration no. 09-105257. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent April 18, 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 November 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: Copy of Respondent's Drug Screen

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 investigating Board 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. The Board hereby imposes a written reprimand on Respondent's registered pharmacy technician registration.
2. 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.

Megan Marchal moved for the findings of fact, conclusions of law, and decision of the Board. Trina Buettner seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0220

After votes were taken in public session, the Board adopted the following orders in the Matter of **Lesley Meyer, Amherst, Ohio.**

In the Matter of	:	
	:	Case No. A-2019-0014
Lesley Meyer	:	
372 Broadway Street	:	
Amherst, OH 44001	:	
	:	REVOKED Reg. No. 09-207987
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Lesley Meyer ("Respondent") submitted an application for registration as a registered pharmacy technician ("Application") to the State of Ohio Board of Pharmacy on February 27, 2018 and it was granted approval as a pharmacy technician trainee on March 15, 2018, registration no. 09-207987. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent April 24, 2020, via certified mail, return receipt requested. On May 19, 2020, the Board became aware the Summary Notice of Opportunity for Hearing was returned as unclaimed. Consistent with Chapter 119. of the Ohio Revised Code, the Board issued a Certificate of Mailing to Lesley Meyer, which was sent to Lesley Meyer's address of record on May 21, 2020. It was not returned for failure of delivery. Pursuant to Section 119.07 of the Ohio

Revised Code, Lesley Meyer had 30 days from the date of mailing in which to submit a written request for hearing. The thirtieth and final day upon which Lesley Meyer could submit a written hearing request was June 22, 2020. And pursuant to Am. Sub. H.B. 197 of the 133rd General Assembly, that deadline was tolled through July 30, 2020. Accordingly, as no hearing was requested, the Board considered the matter on November 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 Service Documentation
- State's Exhibit 2.2: USPS Service Documentation
- 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: Copy of Judgement Entry – State v. Lesley Meyer, Lorain County Court of Common Pleas, 19CR-100127

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 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. 09-207987, 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, unless Lesley Meyer provides a Certificate of Qualification Employment (CQE) for Board consideration and review.
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.

Megan Marchal moved for the findings of fact, conclusions of law, and decision of the Board. Trina Buettner seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0221

After votes were taken in public session, the Board adopted the following orders in the Matter of **Rebekah Kouns, Georgetown, Ohio.**

In the Matter of	:	
	:	Case No. A-2019-0155
Rebekah Kouns	:	
155 Roundhouse Circle	:	Pending Reg. No. 09-103450
Georgetown, OH 45121	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Rebekah Kouns ("Respondent") submitted an application for registration as a registered pharmacy technician ("Application") to the State of Ohio Board of Pharmacy on May 3, 2018 and it was granted approval as a registered pharmacy technician, registration no. 09-103450. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent April 14, 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 November 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
- 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: Copy of Police Report
- State's Exhibit 4.2: Copy of 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 investigating Board 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. 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.
2. The Board hereby imposes a written reprimand on Respondent's registered pharmacy technician registration.
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.

Megan Marchal moved for the findings of fact, conclusions of law, and decision of the Board. Trina Buettner seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0222

After votes were taken in public session, the Board adopted the following orders in the Matter of **Dana Berger, Kettering, Ohio.**

In the Matter of	:	
	:	Case No. A-2019-0266
Dana Berger	:	
1243 Devon Ave., Apt. B	:	Pending Reg. No. 09-202153
Kettering, OH 45429	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Dana Berger ("Respondent") submitted an application for registration as a registered pharmacy technician ("Application") to the State of Ohio Board of Pharmacy on or about January 18, 2018 and it was granted approval as a registered pharmacy technician, registration no. 09-202153. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent August 29, 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 November 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
- 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: Copy of Employer Theft Report

- State's Exhibit 4.2: Copy of 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 investigating Board 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. 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.
2. The Board hereby imposes a written reprimand on Respondent's registered pharmacy technician registration.
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.

Megan Marchal moved for the findings of fact, conclusions of law, and decision of the Board. Trina Buettner seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0223

After votes were taken in public session, the Board adopted the following orders in the Matter of **James Thomas, Huber Heights, Ohio.**

In the Matter of	:	
	:	Case No. A-2018-0096
James Thomas	:	
7054 Claybeck Drive	:	Registration No. 09-305229
Huber Heights, Ohio 45424	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

James Thomas ("Respondent") was issued a registration as a certified pharmacy technician by the State of Ohio Board of Pharmacy on March 16, 2018. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent November 26, 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 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 November 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 Service Documentation
- State's Exhibit 2.2: Written Contentions
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: Montgomery County Municipal Court Information
- State's Exhibit 4.2: Vandalia Municipal Court Information
- State's Exhibit 4.3: Julie Munday's Written Statement
- State's Exhibit 4.4: 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 Administrator, and 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. The Board hereby imposes a fine in the amount of \$100.00. This fine will be attached to Respondent's certified 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.
2. The Board hereby imposes a written reprimand on Respondent's pharmacy technician trainee registration.
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.

Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Shawn Wilt, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0224

After votes were taken in public session, the Board adopted the following orders in the Matter of **Jessica Denewitt, Cincinnati, Ohio**.

In the Matter of	:	
	:	Case No. A-2019-0272
Jessica Denewitt	:	
7130 Blue Ash Road	:	Registration No. 09-107744
Cincinnati, Ohio	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Jessica Denewitt ("Respondent") was issued a registration as a pharmacy technician trainee by the State of Ohio Board of Pharmacy on March 25, 2019. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent December 2, 2019. Respondent was delivered via personal service on December 5, 2019. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of 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 November 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 Service Documentation
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 3.1: Application for 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 Administrator, and 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. The Board hereby imposes a fine in the amount of \$50.00. This fine will be attached to Respondent's pharmacy technician trainee 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.

2. The Board hereby imposes a written reprimand on Respondent's pharmacy technician trainee registration.
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.

Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Shawn Wilt, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0225

After votes were taken in public session, the Board adopted the following orders in the Matter of **McKayla Likins, Middletown, Ohio.**

In the Matter of	:	
	:	Case No. A-2019-0275
McKayla Likins	:	
3923 Bonita Drive Apt. F	:	Registration No. 09-107784
Middletown, Ohio 45044	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

McKayla Likins ("Respondent") was issued a registration as a pharmacy technician trainee by the State of Ohio Board of Pharmacy on March 27, 2019. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent December 2, 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 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 November 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 Service Documentation

- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 3.1: Respondent's Application for Registration
- State's Exhibit 4: Affidavit Related to Case Investigation

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 Administrator, and 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. The Board hereby imposes a fine in the amount of \$50.00. This fine will be attached to Respondent's pharmacy technician trainee 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.
2. The Board hereby imposes a written reprimand on Respondent's pharmacy technician trainee registration.
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.

Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Shawn Wilt, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0226

After votes were taken in public session, the Board adopted the following orders in the Matter of **Lynn Hill, Cincinnati, Ohio.**

In the Matter of	:	
	:	Case No. A-2019-0351
Lynn Hill	:	
54 Gorman Lane Apt. D	:	
Cincinnati, Ohio 45215	:	Denied Reg. No. APP-000255887
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Lynn Hill ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on April 28, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on December 17, 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 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 November 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 Service Documentation
- State's Exhibit 3: Affidavit Related to Registration
- State's Exhibit 3.1: Respondent's Application for Registration
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: Hamilton County Court of Common Pleas Information
- State's Exhibit 4.2: Hamilton County Court of Common Pleas Information
- State's Exhibit 4.3: 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 Administrator, 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, the Board further finds the criminal conviction 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 prohibition on applying for any license or registration over which the State Board of Pharmacy has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

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. 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.
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.

Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Shawn Wilt, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0227

After votes were taken in public session, the Board adopted the following orders in the Matter of **Mastarji Allan, Columbus, Ohio.**

In the Matter of	:	
	:	Case No. A-2019-0380
Mastarji Allen	:	
1587 Basil Drive	:	
Columbus, Ohio 43227	:	Denied Reg. No. APP-000238439
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Mastarji Allen (“Respondent”) submitted an application for registration as a pharmacy technician trainee (“Application”) to the State of Ohio Board of Pharmacy on March 22, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration (“Notice”) to Respondent on January 23, 2020, via certified mail, return receipt requested. On May 26, 2020, the Board became aware the Notice was not delivered to Respondent’s address of record. The Board re-issued the Notice to Respondent, return receipt requested on May 26, 2020. The Notice was not returned for failure of delivery. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of 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 November 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 Service Documentation
- State’s Exhibit 3: Affidavit Related to Registration
- State’s Exhibit 3.1: Respondent’s Application for Registration
- State’s Exhibit 4: Affidavit Related to Case Investigation
- State’s Exhibit 4.1: Rock Island County Circuit Court Certified Records
- State’s Exhibit 4.2: Hamilton County Court of Common Pleas Information
- State’s Exhibit 4.3: Circuit Court of the City of Portsmouth Certified Records

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 Administrator, 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, the Board further finds the criminal conviction 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 prohibition on applying for any license or registration over which the State Board of Pharmacy has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

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. 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.
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.

Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Shawn Wilt, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0228

After votes were taken in public session, the Board adopted the following orders in the Matter of **Alana Ficca**.

In the Matter of

:

Alana Ficca : **Case No. A-2019-0360-MME**
: **License No. MME.05300076**
Respondent. :

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Alana Ficca ("Respondent") was issued Medical Marijuana Key Employee License Number MME.05300076 by the State of Ohio Board of Pharmacy on January 23, 2019. The Board issued a Summary Notice of Opportunity for Hearing/Proposal to Take Disciplinary Action Against Medical Marijuana Support Employee License ("Notice") to Respondent on August 2, 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 November 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 License
- State's Exhibit 4: Affidavit Related to Case Investigation
- State's Exhibit 4.1: BCI Laboratory Report 19-15599

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 an Agent of the Board, 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 3976.14, Ohio Administrative Code 3796:6-4-03, and Ohio Administrative Code 3796:6-4-04 the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:6-4-03 and all violations of law as described in the Notice.

WHEREFORE, after review of the entire administrative record and pursuant to R.C. 3796.14 and Ohio Adm.Code 3796:6-1-01(K), the Board further finds the criminal conduct to be of such an egregious nature that employment in a facility responsible for dispensing medical marijuana, 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 Medical Marijuana Employee License No. MME.05300185 is REVOKED.
2. With the exception of a medical marijuana patient registration issued pursuant to Chapter 3796. of the Revised Code, Respondent may not apply or 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).

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

Mr. Wilt moved for the findings of fact, conclusions of law, and decision of the Board. Ms. Buettner seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0229

After votes were taken in public session, the Board adopted the following order in the Matter of **A.B.**

In the Matter of	:
	: Case No. A-2019-0068-MPT
A.B.	:
	:
Respondent.	:
	:

Patient Registration No. [REDACTED]

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

A.B. ("Respondent") was issued Medical Marijuana Patient Registration No. [REDACTED] by the State of Ohio Board of Pharmacy on January 23, 2019. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on February 7, 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 November 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 1.1: Identifier Key
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: USPS Documentation (green card)
- State's Exhibit 3: Affidavit Related to License
- State's Exhibit 4: Affidavit Related to Case Investigation

Pursuant to Ohio Revised Code section 3796.08 and Ohio Adm.Code 3796:7-2-10, the Board Orders State's Exhibits 1.1 and 2.1 to be sealed.

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 an Agent of the Board, 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 3796.14 and Ohio Administrative Code 3796:7-2-08, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in Ohio Adm.Code 3796:7-2-08 and all violations of law as described in the Notice.

WHEREFORE, after review of the entire administrative record and pursuant to R.C. 3796.14 and based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Medical Marijuana Patient Registration No. [REDACTED] is suspended indefinitely. Respondent may not petition the Board for reinstatement of the patient registration until a period of one year from the effective date of this Order.

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

Mr. Wilt moved for the findings of fact, conclusions of law, and decision of the Board. Ms. Buettner seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0230

After votes were taken in public session, the Board adopted the following order in the Matter of **D.G.**

In the Matter of	:	
	:	Case No. A-2019-0069-MPT
D.G.	:	
	:	
Respondent.	:	
Patient Registration No.	:	[REDACTED]

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

D.G. ("Respondent") was issued Medical Marijuana Patient Registration No. [REDACTED] by the State of Ohio Board of Pharmacy on March 7, 2019. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on 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 November 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 1.1: Identifier Key
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: USPS Documentation (green card)
- State's Exhibit 3: Affidavit Related to License
- State's Exhibit 4: Affidavit Related to Case Investigation

The Board orders State's Exhibits 1.1 and 2.1 to be sealed.

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 an Agent

of the Board, 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 3976.14 and Ohio Administrative Code 3796:7-2-08, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:7-2-08 and all violations of law as described in the Notice.

WHEREFORE, after review of the entire administrative record and pursuant to R.C. 3796.14 and based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Medical Marijuana Patient Registration No. [REDACTED] is suspended indefinitely. Respondent may not petition the Board for reinstatement of his patient registration until a period of one year from the effective date of this Order.

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

Mr. Wilt moved for the findings of fact, conclusions of law, and decision of the Board. Ms. Buettner seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0231

After votes were taken in public session, the Board adopted the following order in the Matter of **K.L.**

In the Matter of	:	
	:	Case No. A-2019-0069-MPT
K.L.	:	
	:	
Respondent.	:	
Patient Registration No.	:	[REDACTED]

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

K.L. ("Respondent") was issued Medical Marijuana Patient Registration No. [REDACTED] by the State of Ohio Board of Pharmacy on May 10, 2019. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on 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 November 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 1.1: Identifier Key
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: USPS Documentation (green card)
- State's Exhibit 3: Affidavit Related to License
- State's Exhibit 4: Affidavit Related to Case Investigation

The Board orders State's Exhibits 1.1 and 2.1 to be sealed.

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 an Agent of the Board, 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 3976.14 and Ohio Administrative Code 3796:7-2-08, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:7-2-08 and all violations of law as described in the Notice.

WHEREFORE, after review of the entire administrative record and pursuant to R.C. 3796.14 and based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Medical Marijuana Patient Registration No. [REDACTED] is suspended indefinitely. Respondent may not repetition the

Board for reinstatement of his patient registration until a period of one year from the effective date of this Order.

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

Mr. Wilt moved for the findings of fact, conclusions of law, and decision of the Board. Ms. Buettner seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0232

After votes were taken in public session, the Board adopted the following order in the Matter of **S.D.**

In the Matter of	:	
	:	Case No. A-2019-0016-MPT
S.D.	:	
	:	
Respondent.	:	

Patient Registration No. [REDACTED]

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

S.D. ("Respondent") was issued Medical Marijuana Patient Registration No. [REDACTED] by the State of Ohio Board of Pharmacy on December 7, 2018. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on 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 November 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 1.1: Identifier Key
- State's Exhibit 2: Affidavit Related to Service
- State's Exhibit 2.1: USPS Documentation (green card)
- State's Exhibit 3: Affidavit Related to License
- State's Exhibit 4: Affidavit Related to Case Investigation

The Board Orders State's Exhibits 1.1, 2.1, and 4 to be sealed.

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 an Agent of the Board, 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 3796.14 and Ohio Administrative Code 3796:7-2-08, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:7-2-08 and all violations of law as described in the Notice.

WHEREFORE, after review of the entire administrative record and pursuant to R.C. 3796.14 and based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Medical Marijuana Patient Registration No. [REDACTED] is suspended indefinitely. Respondent may not repetition the Board for reinstatement of his patient registration until a period of one year from the effective date of this Order.

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

Mr. Wilt moved for the findings of fact, conclusions of law, and decision of the Board. Ms. Buettner seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0233

After votes were taken in public session, the Board adopted the following order in the Matter of **Taylor Adair, Avon, Ohio.**

ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING AND APPROVING IN PART AND MODIFYING IN PART
REPORT AND RECOMMENDATION OF HEARING EXAMINER
(Case No. A-2020-0429)

In the Matter of Taylor Adair:

Taylor Adair, Certified Pharmacy Technician
3370 Sonoma Way

Avon, OH 44011
(Suspended Registration No. 09-314309)

INTRODUCTION

A Summary Suspension/Notice of Opportunity for Hearing (Notice) was issued by the Board on June 5, 2020. The Matter of Taylor Adair came for hearing before Hearing Examiner Ronda Shamansky on August 7, 2020 at which Mr. Adair appeared *pro se*. 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 September 14, 2020. On November 3, 2020, upon approval of his September 17, 2020, request, Mr. Adair appeared before the Board to give an oral presentation regarding the matter, during which Mr. Appel gave a response on behalf of the State of Ohio. The matter subsequently came for consideration by the Board on November 4, 2020, before the following members: Jennifer Rudell, RPh, *Presiding*; Joshua Cox, RPh; Trina Buettner, RPh; Victor Goodman, *Public Member*; Megan Marchal, RPh, Donald Miller III, RPh; and Shawn Wilt, 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, the hearing transcript, and Hearing Examiner Shamansky's Report and Recommendation, and Respondent's Exhibit A.

DECISION OF THE BOARD

After thorough review of the entire administrative record, the Board hereby adopts, without modification, Hearing Examiner Shamansky's Finding of Facts, including those that specifically relate to the Board's Notice letter, dated June 5, 2020.

After thorough review of the entire administrative record, the Board hereby adopts, without modification, Hearing Examiner Shamansky's Violations of Law.

After thorough review of the entire administrative record, and pursuant to R.C. 4729.96 and Ohio Adm.Code 4729:3-4-01, the Board hereby adopts Hearing Examiner Shamansky's recommendation with the following modifications, consistent with Mr. Adair's representations regarding his treatment and Board practice in cases related to mental health. The Board hereby removes the summary suspension and suspends indefinitely the certified pharmacy technician registration held by Mr. Adair, No. 09-314309, and such suspension is effective from the date of this Order (November 5, 2020).

Mr. Adair, pursuant to Ohio Adm.Code 4729-9-01(F), may not be employed by or work in a facility licensed by the Board to possess or distribute dangerous drugs during such period of suspension.

Further, after 12 months from the date of this Order, the Board will consider any petition filed by Mr. Adair for a hearing, pursuant to R.C. Chapter 119, for reinstatement. The Board will consider reinstatement of the certified pharmacy technician registration if the following conditions have been met:

1. Mr. Adair must comply with all terms of this Order.
2. Mr. Adair must maintain a current address with the Board throughout the duration of the suspension.
3. Mr. Adair must provide, in the reinstatement petition, a letter and medical records from his treating healthcare professional(s) that demonstrate that Mr. Adair is fit to practice pharmacy. The documentation must be submitted no sooner than two months prior to reinstatement.
4. Any reinstatement shall not occur until such time as any criminal probation or criminal intervention in lieu of conviction program has been successfully completed, if applicable.
5. Mr. Adair must immediately report, in writing, any violation of the terms of this Order 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 Mr. Adair to possible additional sanctions, up to and including revocation of his certified pharmacy technician registration.
6. Written notification to the Board of any encounters with law enforcement and/or any voluntary or involuntary stay at a hospital or other healthcare treatment facility within 3 business days of contact with law enforcement or release from the facility.
7. Any violation of R.C. Chapters 2925., 3715., 3719., 4729., any Administrative Code provision, 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.
8. If Mr. Adair's employment is related to the practice of pharmacy, Mr. Adair must notify his employer of the terms of his suspension and this Board Order.
9. Failure to complete the terms set forth in this Order, or to petition for reinstatement within 5 years of the date of this Order, will result in the Board issuing a Notice of Opportunity for Hearing to consider additional

disciplinary action, up to and including revocation of Mr. Adair's certified pharmacy technician registration.

Mr. Cox moved to confirm and approve Hearing Examiner Shamansky's Report and Recommendation with the modifications outlined above. Ms. Buettner seconded the motion. Motion passed (Aye – 6/Nay – 0).

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

R-2021-0234

After votes were taken in public session, the Board adopted the following order in the Matter of **Bryan Dreyer, Painesville, Ohio.**

ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING IN PART AND APPROVING IN PART
REPORT & RECOMMENDATION OF HEARING EXAMINER
(Case Number A-2019-0533-MME)

IN THE MATTER OF:
Bryan Dreyer (Respondent)
(License No. MME.05300430)
140 Normandy Drive, #560
Painesville, OH 44077

INTRODUCTION

In the Matter of: Bryan Dreyer came for hearing before Hearing Examiner Anna L. Bates on June 30, 2020, and for consideration by the State of Ohio Board of Pharmacy (Board) on November 4, 2020 before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer Rudell, RPh, *Presiding*; Megan Marchal, RPh; Joshua Cox, RPh; Rich Miller, RPh; Victor Goodman, *Public Member*; Shawn Wilt, RPh; and Trina Buettner, RPh.

Respondent appeared *pro se* during the administrative hearing on June 30, 2020. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

BOARD REVIEW OF THE RECORD

Prior to making its decision, the Board reviewed the entire administrative record in this matter, consisting of the following items:

- 1) Summary Suspension/Notice of Opportunity for Hearing for Case No. A-2019-0533-MME

- 2) Proof of Service, Summary Suspension/Notice of Opportunity for Hearing for Case No. A-2019-0533-MME
- 3) Request for Hearing
- 4) Acknowledgement of Hearing Request
- 5) Proof of service, Acknowledgement of Hearing Request
- 6) Hearing Examiner Appointment Letter
- 7) Notice of Hearing Date
- 8) Hearing Transcript
- 9) The following State of Ohio Exhibits admitted by the Hearing Examiner:
 - Exhibit 01a. Summary Suspension/Notice of Opportunity for Hearing, Dated January 6, 2020
 - Exhibit 01b. Identifier Key – **Admitted Under Seal**
 - Exhibit 02. Request for Hearing, Dated January 8, 2020
 - Exhibit 03. Acknowledgment of Hearing Request/Notice of Hearing Date, Dated January 9, 2019
 - Exhibit 04. Notice of Hearing and Scheduling Order, Dated May 11, 2020
 - Exhibit 05. Written Statement, Bryan Dreyer
 - Exhibit 06. Report and Recommendation, *In the Matter of: Myles Gooding*, Case No. A-2019-0533-MME, Dated May 7, 2020
 - Exhibit 07. Order of the State of Ohio Board of Pharmacy, *In the Matter of: Myles Gooding*, Case No. A-2019-0533-MME, Dated June 17, 2020
 - Exhibit 08. Settlement Agreement with the State of Ohio Board of Pharmacy, *In the Matter of: Danielle Tscherne*
 - Exhibit 09. Report and Recommendation, *In the Matter of: Lewis Croom*, Case No. A-2019-0520-MME, Dated April 13, 2020
 - Exhibit 10. Order of the State of Ohio Board of Pharmacy, *In the Matter of: Lewis Croom*, Case No. A-2019-0520-MME, Dated May 15, 2020

10) Report and Recommendation, Dated August 20, 2020

11) Report and Recommendation Cover Letter, Dated August 21, 2020

12) Proof of Service, Report and Recommendation

DECISION OF THE BOARD

After thorough review of the administrative record, the Board hereby confirms and approves in its entirety Hearing Examiner Bates' Findings of Fact 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, and 19 as detailed in the Report and Recommendation.

The Board rejects the Hearing Examiner's Finding of Fact #5. The Board finds that Exhibit 5, the written statement of Bryan Dreyer where he stated, "I did get product that 1 (one) time as I was curious for how our work material is" and the testimony of Tom Williams (See Tr. 37-38), establish by a preponderance of the evidence that Bryan Dreyer did receive the medical marijuana product.

The Board rejects the Hearing Examiner's Finding of Fact #13, specifically, that "[t]he documentary evidence acknowledges participation in the purchase, but is not conclusive as to receipt as that specific question was unanswered at the time the statement was executed and notarized." The Board finds that Exhibit #5, the written statement of Bryan Dreyer, establishes Bryan Dreyer did receive product, and find the unanswered question, "Did you obtain the product (2.83g Flower) from Ms. Thayer after work?" does not ask whether Bryan Dreyer received product, but instead asks when Bryan Dreyer received the product.

Additionally, after a thorough review of the administrative record, the Board hereby confirms and approves in its entirety Hearing Examiner Bates' Conclusions of Law as detailed in the Report and Recommendation.

The Board additionally finds that such conduct as set forth in the Findings of Fact constitutes a violation of Sections 2923.03/2925.03 of the R.C., Complicity to Commit Trafficking in Marihuana, as alleged in the Summary Suspension/Notice of Opportunity for Hearing as Potential Violation of Law #1, and Section 2925.11(A), Possession of Marihuana (a.k.a. Marijuana), as alleged in the Summary Suspension/Notice of Opportunity for Hearing as Potential Violation of Law #2.

After a thorough review of the administrative record, the Board rejects Hearing Examiner Bates's recommendation to revoke the medical marijuana support employee license of Bryan Dreyer, license no. MME.05300430, for a period of eighteen months from the date of the summary suspension, and additionally, that Bryan Dreyer be eligible to apply for re-instatement of his medical

marijuana support employee license at any time after July 6, 2021. Pursuant to Ohio Adm.Code 3796:6-1-01, "'Revoke' means to take action against a license rendering such license void and such license may not be reissued. 'Revoke' is an action that is permanent against the license and licensee." Therefore, the Board hereby permanently revokes the medical marijuana support employee license of Bryan Dreyer, license no. MME.05300430, consistent with its findings in similar cases.

Mr. Cox moved to confirm and approve the Report and Recommendation of Hearing Examiner Bates, subject to the modifications set forth herein; Mr. Wilt seconded the motion. Motion passed (Aye-6/Nay-0) (Joshua Cox, RPh-Aye; Megan Marchal, RPh-Aye; Rich Miller, RPh-Aye; Victor Goodman, *Public Member-Aye*; Trina Buettner, RPh-Aye, and Shawn Wilt, RPh-Aye).

SO ORDERED.

R-2021-0235

Ms. Rudell Dismissed the Matter of **Wendy Mather (A-2020-0392)**.

R-2021-0236

Ms. Rudell Dismissed the Matter of **Nathan Ingram (A-2020-0226)**.

R-2021-0237

Ms. Rudell Dismissed the Matter of **Dayton Recovery (A-2020-0533)**.

R-2021-0238

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

IN THE MATTER OF:

CASE No. A-2019-0415

Debbie Richard
1517 East 41st Street, Up
Cleveland, OH 44103

Registration No. 09-201223

**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 Debbie Richard, for the purpose of resolving all issues between the parties relating to the Board investigation of unprofessional conduct by Debbie Richard. Together, the Board and Debbie Richard 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 registration issued pursuant to Sections 4729.90 of the Ohio Revised Code to work as a registered pharmacy technician in the State of Ohio.
2. Debbie Richard is an Ohio-registered certified pharmacy technician under registration number 09-201223.

FACTS

1. The Board initiated an investigation of Debbie Richard, registered pharmacy technician, registration number 09-201223, related to Debbie Richard's unprofessional conduct.
2. On or about **August 12, 2020** the Board sent a Notice of Opportunity for Hearing to Debbie Richard, 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. Debbie Richard neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 12, 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. Debbie Richard agrees to pay a fine of \$50.00 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.
4. Debbie Richard's application for registration as a Certified Pharmacy Technician will be granted upon payment of the fine.
5. Debbie Richard agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Debbie Richard understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Debbie Richard agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Debbie Richard 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-2021-0239

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

IN THE MATTER OF:**CASE NO. A-2019-0355**

Stephanie Wead
270 Floral Acres Dr.
Tipp City, OH 45371

License No. 03-230592**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 Stephanie Wead, 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 Stephanie Wead 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. Stephanie Wead is a licensed pharmacist in the state of Ohio under license number 03-230592.
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 as of August 2, 2018, Stephanie Wead, 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. Stephanie Wead 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. Stephanie Wead 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. Stephanie Wead 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.
5. Stephanie Wead agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Stephanie Wead understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Stephanie Wead agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Stephanie Wead 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.
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R-2021-0240

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

IN THE MATTER OF:**CASE No. A-2019-0138****Wayne Hospital Company****License No. 02-0032200**

c/o David Hipply
835 Sweitzer Street
Greenville, OH 45331

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 Wayne Hospital Company (Wayne Hospital), 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 Wayne Hospital are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to ORC 4729.57 and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, refuse to grant or renew, reprimand, place on probation any license issued pursuant to ORC 4729.54.
2. Pursuant to ORC 4729.57 and the rules adopted thereunder, the Board has the authority to impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or one thousand dollars if the acts committed have not been classified as an offense by the Revised Code on any license issued pursuant to ORC 4729.54.
3. Wayne Hospital is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0032200.

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, 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. Wayne Hospital 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. Wayne Hospital agrees to pay to the Board a monetary penalty in the amount of \$5,000.00. 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. Wayne Hospital TDDD License No. 02-0032200 will be placed on probation for two-years from the effective date of this Agreement. As a condition of its probation, Wayne Hospital must submit the results of testing required by USP 797 to the Board for review every six months. The test results should include, at a minimum:
 - a. Records of certification or recertification of all classified areas including the primary engineering control(s)(PECs) and secondary engineering controls (SECs).
 - b. Total airborne particle counts in each classified area including the primary engineering control(s)(PECs).
 - c. Viable air sampling to evaluate airborne microorganisms for all classified areas.

- d. Surface sampling for viable particles of all classified areas including the primary engineering control(s)(PECs).
 - e. Applicable data collected and corrective actions for any out-of-level occurrences, including media-fill test, endotoxin, sterility, etc.
- 5. Wayne Hospital 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. Wayne Hospital agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, ORC Chapter 4729. and the rules adopted thereunder, ORC Chapter 3719. and the rules adopted thereunder, ORC 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 Wayne Hospital 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 Wayne Hospital by the Board and will NOT discharge Wayne Hospital from any obligation under the terms of this Agreement.
- 7. Wayne Hospital agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
- 8. Wayne Hospital 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 Wayne Hospital will operate.
- 10. Wayne Hospital waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code 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 ORC 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-2021-0241

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

IN THE MATTER OF:

Case No. A-2020-0092

Jason Oakes

320 S. Grener Ave., Apt. B3
Columbus, OH 43228

Pending Registration No. APP-000282787

**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 Jason Oakes for the purpose of resolving all issues between the parties relating to the Board's proposal to deny his application for registration as a Pharmacy Technician Trainee (APP-000282787). Together, the Board and Jason Oakes are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to ORC 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 ORC 4729.90 and 4729.92 to perform the duties of a pharmacy technician trainee in the State of Ohio.
2. Jason Oakes submitted an application for registration as a pharmacy technician trainee in the State of Ohio under application number APP-000282787.

FACTS

1. The Board initiated an investigation of Jason Oakes, pharmacy technician trainee applicant (application number APP-000282787), related to disclosures he made on the application.
2. On or about May 29, 2020 the Board sent a Notice of Opportunity for Hearing (Notice) to Jason Oakes, 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 Agreement as though fully set forth herein.
2. Jason Oakes neither admits nor denies the allegations stated in the Notice dated May 29, 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 grants Jason Oakes's pharmacy technician trainee registration with the following conditions:
 - a. The registration is placed on probation for a minimum of three years from the effective date of this Agreement, or the remainder of his conditional release in Franklin County Court of Common Pleas Case No. 14 CR 00672, whichever is longer, to include:
 - i. For the duration of probation, Jason Oakes must meet with the Board's Probation Committee at a frequency to be determined by the Committee, with the first meeting being November 2020 (or the first meeting after Jason Oakes's registration is approved).
 - ii. Continued compliance with all court-ordered probation, requirements, and forensic monitoring, including compliance with all medication and any other treatment recommendations, related to Franklin County Court of Common Pleas Case No. 14 CR 00672 and written notification to the Board of any change to, or failure to comply with, the same. Violation of any of these requirements will be considered a violation of this Agreement, for which the Board may commence administrative action against Jason Oakes's registration.
 - iii. Unless presented with good cause shown by Jason Oakes to the Committee otherwise, written reports from Jason Oakes's forensic monitoring program must be submitted to the Committee at least quarterly for the first year of probation, the frequency of which may then be reduced for the remainder of his conditional release, at the discretion of the Committee. The reports may be emailed to legal@pharmacy.ohio.gov.

- iv. Written notification to the Board of any encounters with law enforcement and/or any voluntary or involuntary stay at a hospital or other healthcare treatment facility within 3 business days of contact with law enforcement or release from the facility.
- b. Jason Oakes agrees to sign a release of confidentiality no later than the effective date of this Agreement to allow Board staff to communicate with and review information pertaining to his forensic monitoring program. The release must include allowing the Board access to mental and/or physical examinations and treatment outside the forensic monitoring program, if the examination or treatment has any nexus to the ability to perform duties of a pharmacy technician, as determined by the Committee.
- c. In order to be released from probation, Jason Oakes must:
 - i. Appear before the Committee for consideration of his compliance with all terms and conditions of his probation and this Agreement with the Board.
 - ii. Submit proof of successful completion of his conditional release and all related court-ordered probation, requirements, and forensic monitoring for Franklin County Court of Common Pleas Case No. 14 CR 00672.
 - iii. Provide any other information requested by the Committee.
- 4. Jason Oakes understands that he has the right to be represented by counsel for review and execution of this Agreement.
- 5. Jason Oakes 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, certification, or registration, including to the Board on renewal applications or applications for a new license.
- 6. Jason Oakes withdraws his request for a hearing, waives an opportunity to be heard pursuant to ORC Chapter 119., and waives any right to an appeal.
- 7. 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.
- 8. All parties to this Agreement understand that this document is a public record pursuant to ORC 149.43.

9. 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.
 10. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2021-0242

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

IN THE MATTER OF:**CASE NO. A-2020-0225**

Jeremy Nestor, RPh
4311 Emmajane Court
Beavercreek, OH 45440

License No. 03-127357**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 Jeremy Nestor for the purpose of resolving all issues between the parties relating to the Board investigation of an improper administration of a vaccination. Together, the Board and Jeremy Nestor 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.
1. Jeremy Nestor is a licensed pharmacist in the state of Ohio under license number 03-127357.

FACTS

3. The Board initiated an investigation of Jeremy Nestor, pharmacist license number 03-127357 related to an improper administration of a vaccination.
4. On or about June 3, 2020, the Board sent a Notice of Opportunity for Hearing to Jeremy Nestor, 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. Jeremy Nestor neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 3, 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. Jeremy Nestor must obtain, within 90 days from the effective date of this Agreement, ten hours of approved continuing pharmacy education (1.0 CEUs) related to patient safety and vaccinations, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
4. Jeremy Nestor agrees to pay to the Board a monetary fine in the amount of \$500.00. This fine will be attached to Jeremy Nestor's registration record and must be paid no later than 30 days from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
5. Jeremy Nestor agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Jeremy Nestor understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Jeremy Nestor 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. Jeremy Nestor 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.
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R-2021-0243

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

IN THE MATTER OF:

**CASE No. A-2019-0330
I-2019-0393-A**

Ashtabula County Animal Protective League
c/o Dr. Jessica Bahl
5970 Green Road
Ashtabula, OH 44004

License No. 02-0834550

**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 Ashtabula County Animal Protective League (Ashtabula A.P.L.) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of dangerous drugs as an unlicensed terminal distributor of dangerous drugs. Together, the Board and Ashtabula A.P.L. 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. Ashtabula A.P.L. is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0834550.

FACTS

1. On or about March 21, 2019, the Board initiated an investigation of Ashtabula A.P.L., Terminal Distributor of Dangerous Drugs license number 02-0834550, related to Ashtabula A.P.L.'s illegal purchases of dangerous drugs as an unlicensed terminal distributor of dangerous drugs, from on or about March 31, 2018 to on or about March 26, 2019.
2. On or about January 16, 2020, the Board sent a Notice of Opportunity for Hearing to Ashtabula A.P.L., 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. Ashtabula A.P.L. neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 16, 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. Ashtabula A.P.L. agrees to pay to the Board a monetary penalty in the amount of \$2,000.00. This fine will be stayed upon the condition Ashtabula A.P.L. complies 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, for a period of no less than three years from the effective date of this Agreement. If Ashtabula A.P.L. violates one or more federal or state requirement, Ashtabula A.P.L. will be required to pay the monetary penalty in the amount of \$2,000.00 which will be attached to your license record and must be paid no later than 60 days from receiving Notice of the violation.
4. Ashtabula A.P.L. 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. Ashtabula A.P.L. 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 Ashtabula A.P.L. 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 Ashtabula A.P.L. by the Board and will NOT discharge Ashtabula A.P.L. from any obligation under the terms of this Agreement.
 6. Ashtabula A.P.L. agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Ashtabula A.P.L. 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 Ashtabula A.P.L. will operate.
 9. Ashtabula A.P.L. waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 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.
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R-2021-0244

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

IN THE MATTER OF:**CASE No. A-2020-0353
501-1536**

Suburban Pavilion Nursing & Rehab
c/o Stefani Kaganoff
20265 Emery Road
North Randall, Ohio 44128

License No. 02-2492900**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 Suburban Pavilion Nursing & Rehab for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Suburban Pavilion Nursing & Rehab 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. Suburban Pavilion Nursing & Rehab is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2492900.

FACTS

1. The Board initiated an investigation of Suburban Pavilion Nursing & Rehab, Terminal Distributor of Dangerous Drugs license number 02-2492900, related to Suburban Pavilion Nursing & Rehab’s illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about July 24, 2020 the Board sent a Notice of Opportunity for Hearing to Suburban Pavilion Nursing & Rehab, 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. Suburban Pavilion Nursing & Rehab neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 24, 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. Suburban Pavilion Nursing & Rehab agrees to pay to the Board a monetary penalty the amount of \$1,200.00. 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. Suburban Pavilion Nursing & Rehab 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. Suburban Pavilion Nursing & Rehab 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 Suburban Pavilion Nursing & Rehab 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 Suburban Pavilion Nursing & Rehab by the Board and will NOT discharge Suburban Pavilion Nursing & Rehab from any obligation under the terms of this Agreement.
6. Suburban Pavilion Nursing & Rehab agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

7. Suburban Pavilion Nursing & Rehab 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 Suburban Pavilion Nursing & Rehab will operate.
 9. Suburban Pavilion Nursing & Rehab waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 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.
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R-2021-0245

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

IN THE MATTER OF:

**CASE NO. A-2019-0190
A-2019-0149**

Jaye Wexler, RPh
License No. 03-136204
1 Honeygo Falls Ct
Perry Hall, MD 21128

**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 Jaye Wexler, for the purpose of resolving all issues between the parties relating to the Board investigation of Jaye Wexler

for an error in dispensing occurring on or about November 3, 2017 and Jaye Wexler and Centerville Long Term Care pharmacists dispensing medications without a valid prescription between on or about July 2016 and April 2017. Together, the Board and Jaye Wexler 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. Jaye Wexler is a licensed pharmacist under license number 03-136204. License number 03-136204 lapsed on September 15, 2019.

FACTS

1. On or about February 5, 2018 the Board initiated an investigation of Jaye Wexler, pharmacist license number 03-136204, related to Jaye Wexler's error in dispensing occurring on or about November 3, 2017. On or about April 14, 2017, the Board initiated an investigation of Jaye Wexler and Centerville Pharmacy related to medications dispensed without a valid prescription between on or about July 2016 and April 2017.
2. On or about October 17, 2019, the Board sent Notice of Opportunity for Hearing to Jaye Wexler, 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. Jaye Wexler did not timely request a hearing; however, on or about March 2, 2020, Jaye Wexler appeared for hearing.

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. Jaye Wexler neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letters dated October 17, 2019 for matter numbers A-2019-0190 and A-2019-0149; however, the Board has evidence

sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notices, and hereby adjudicates the same.

3. Jaye Wexler 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 six months 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. Jaye Wexler must obtain, within six months from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs), which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
 5. The Board hereby imposes a written reprimand on Jaye Wexler's license number 03-136204.
 6. Jaye Wexler agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Jaye Wexler understands that he has the right to be represented by counsel for review and execution of this agreement.
 8. Jaye Wexler 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.
 9. Jaye Wexler waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code 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.
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R-2021-0246

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

IN THE MATTER OF:

Case No. A-2019-00062B

Balhar Singh

5916 Nature Trail
Liberty, OH 45011

License No. 03-219403

**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 Balhar Singh, for the purpose of resolving all issues between the parties relating to his practice of pharmacy. Together, the Board and Balhar Singh 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. Balhar Singh is an Ohio-licensed pharmacist under suspended license number 03-219403.

FACTS

1. The Board initiated an investigation of Balhar Singh, pharmacist license number 03-219403, related to Balhar Singh's practice of pharmacy.
2. On or about May 20, 2019, the Board sent a Notice of Opportunity for Hearing to Balhar Singh, 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 June 10, 2019, the Board timely received a request for a hearing in this matter.

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

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. Balhar Singh neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated May 20, 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. Balhar Singh agrees to voluntarily surrender to the State of Ohio Board of Pharmacy his license and registration to practice pharmacy, license no. 03-219403, with discipline pending.
4. Balhar Singh agrees to immediately return his license and wall certificate to the Board, if the Board is not already in possession of both.
5. Balhar Singh 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 at least five (5) years from the date of the agreement.
6. Balhar Singh understands that he must show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Exam (MPJE), or an equivalent examination(s) approved by the Board. Successful completion of examinations shall be completed within six (6) months of application for licensure or registration.
7. Balhar Singh must appear before the Board before his license and registration to practice pharmacy will be granted.
8. Balhar Singh agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
9. Balhar Singh understands that he has the right to be represented by counsel for review and execution of this agreement.

10. Balhar Singh 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.
11. Balhar Singh 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 and waives any right to an 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-2021-0247

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

IN THE MATTER OF:**CASE No. A-2020-0119
501-1785****CityView Nursing & Rehab Center**
c/o Teresa Lane
6606 Carnegie Ave
Cleveland, Ohio 44103**License No. 02-1557750****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 CityView Nursing & Rehab Center for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and CityView Nursing & Rehab Center 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. CityView Nursing & Rehab Center is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1557750.

FACTS

3. The Board initiated an investigation of CityView Nursing & Rehab Center, Terminal Distributor of Dangerous Drugs license number 02-1557750, related to CityView Nursing & Rehab Center's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
4. On or about July 22, 2020, the Board sent a Notice of Opportunity for Hearing to CityView Nursing & Rehab Center, 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. CityView Nursing & Rehab Center neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 22, 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. CityView Nursing & Rehab Center agrees to pay to the Board a monetary penalty the amount of \$600.00. 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. CityView Nursing & Rehab Center 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. CityView Nursing & Rehab Center 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 CityView Nursing & Rehab Center 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 CityView Nursing & Rehab Center by the Board and will NOT discharge CityView Nursing & Rehab Center from any obligation under the terms of this Agreement.
6. CityView Nursing & Rehab Center agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. CityView Nursing & Rehab Center 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 CityView Nursing & Rehab Center will operate.
9. CityView Nursing & Rehab Center waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
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-2021-0248

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

IN THE MATTER OF:

CASE NO. A-2020-0537

Angelina DeFranco

SURRENDERED Registration No. 09-211775

2450 E. Wallings Rd.

Broadview Hts., Ohio 44147

**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 Respondent, for the purpose of resolving all issues between the parties relating to the theft of controlled substances. Together, the Board and Respondent 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 Section 4729.90 of the Ohio Revised Code to perform the duties of a registered pharmacy technician in the state of Ohio.
2. Respondent is an Ohio-registered registered pharmacy technician under suspended registration number 09-211775.

FACTS

1. The Board initiated an investigation of Respondent, Angelina DeFranco, registration number 09-211775, related to Respondent's admission to theft of controlled substances.
2. On or about August 4, 2020, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Respondent, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. Respondent did not request an administrative hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative proceedings. Any criminal proceedings resulting from this investigation are not affected by this Agreement.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. Respondent neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated July 29, 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. **RESPONDENT VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER REGISTRATION AS A REGISTERED PHARMACY TECHNICIAN, REGISTRATION NO. 09-211775, WITH DISCIPLINE PENDING.**
4. **Respondent may never 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, unless Respondent provides a Certificate of Qualification Employment (CQE) for Board consideration and review.**
5. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Respondent understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Respondent agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Respondent 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.
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R-2021-0249

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

IN THE MATTER OF:

**CASE NO. A-2019-0318
I-2019-0672-A**

Spring Valley Family Pharmacy SUSPENDED License No. 02-2788400
c/o Brandon O'Callaghan
448 Jackson Pike
Gallipolis, OH 45631

**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 Spring Valley Family Pharmacy, for the purpose of resolving all issues between the parties relating to failure to ensure Spring Valley Family Pharmacy meets minimum standards to ensure public safety. Together, the Board and Spring Valley Family Pharmacy are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the 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. Spring Valley Family Pharmacy (Spring Valley), located at 448 Jackson Pike, Gallipolis, Ohio, is a licensed Terminal Distributor of Dangerous Drugs under suspended license number 02-2788400. Brandon O'Callaghan is the owner, primary operator, and former Responsible Person of Spring Valley. Spring Valley is currently suspended and has no Responsible Person registered with the Board.

FACTS

1. The Board initiated an investigation of Spring Valley, TDDD license number 02-2788400, and Brandon O'Callaghan, (surrendered) pharmacist license number 03-226367, related to Brandon O'Callaghan's illicit drug usage and failure to ensure Spring Valley Family Pharmacy meets minimum standards and maintained sanitary compounding area conditions to ensure public safety.
2. On or about June 19, 2019, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Spring Valley, 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 July 15, 2019, Spring Valley, by and through counsel Levi Tkach, requested a hearing in this matter.
4. On or about November 5, 2019, this administrative matter was heard before the Board, during which Spring Valley was represented by counsel, Levi Tkach. On or about November 8, 2019, the Board issued an Order lifting the summary suspension and placing Spring Valley's license as a Terminal Distributor of Dangerous Drugs on indefinite suspension. During the suspension, Spring Valley was required to hire a consultant pharmacist to submit a report to the Board indicating Spring Valley's compliance with Pharmacy Board rules and regulations as well as compliance with any recommendations. Spring Valley was also required to have a satisfactory inspection by agents of the Board finding Spring Valley in compliance with all Board rules and regulations related to TDDDs and all other state and federal pharmacy laws. Upon reinstatement, Spring Valley would be subject to a minimum two-year probationary period required to comply with certain terms and conditions, including, Brandon O'Callaghan not having access to the facility while Spring Valley's TDDD license is suspended or is operating under probationary terms.
5. Brandon O'Callaghan's pharmacist license was also placed under indefinite suspension on November 8, 2019. On or about January 8, 2020, Brandon O'Callaghan violated the terms of the Board's Order by testing positive for amphetamine (454 ng/ml) and methamphetamine (2368 ng/ml). Brandon O'Callaghan surrendered his license to practice pharmacy on May 5, 2020. Spring Valley no longer has a Responsible Person or owner that is lawfully allowed to possess the TDDD license and/or dangerous drugs.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. **IN LIEU OF ADDITIONAL ADMINISTRATIVE ACTION, SPRING VALLEY FAMILY PHARMACY PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY ITS LICENSE AND REGISTRATION AS A TERMINAL DISTRIBUTOR OF DANGEROUS DRUGS, LICENSE NO. 02-2788400, WITH DISCIPLINE PENDING.**
3. **Spring Valley agrees never to reapply for any license or registration, issued by the State of Ohio Board of Pharmacy pursuant to Chapters 3719., 3796., 4729., or 4752. of the Revised Code.**
4. **Spring Valley expressly states and affirms there are no dangerous drugs, including no controlled substances, currently in its possession at 448 Jackson Pike, Gallipolis, Ohio. Spring Valley agrees any possession of such may subject it and any natural person in possession of such drugs to criminal and/or administrative action.**
5. **Spring Valley agrees to dispose of, or donate, all hypodermic needles and syringes, located at 448 Jackson Pike, Gallipolis, Ohio through an individual or entity authorized under 3719.172 of the Revised Code or as otherwise approved by the Board.**
6. Spring Valley 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.
7. Spring Valley agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Spring Valley understands 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 Spring Valley will operate.
10. Spring Valley expressly waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
13. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
14. This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0250

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

IN THE MATTER OF:**CASE No. A-2020-0339
501-1536****Continuing Healthcare of Milan**
c/o Janeal Hardoby
185 S. Main Street
Milan, OH 44846**License No. 02-2603750****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 Continuing Healthcare of Milan for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Continuing Healthcare of Milan 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. Continuing Healthcare of Milan is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2603750.

FACTS

1. The Board initiated an investigation of Continuing Healthcare of Milan, Terminal Distributor of Dangerous Drugs license number 02-2603750, related to Continuing Healthcare of Milan's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about July 22, 2020, the Board sent a Notice of Opportunity for Hearing to Continuing Healthcare of Milan, 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. Continuing Healthcare of Milan neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 22, 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. Continuing Healthcare of Milan agrees to pay to the Board a monetary penalty the amount of \$700.00. 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. Continuing Healthcare of Milan 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. Continuing Healthcare of Milan 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 Continuing Healthcare of Milan 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 Continuing Healthcare of Milan by the Board and will NOT discharge Continuing Healthcare of Milan from any obligation under the terms of this Agreement.
 6. Continuing Healthcare of Milan agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Continuing Healthcare of Milan 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 Continuing Healthcare of Milan will operate.
 9. Continuing Healthcare of Milan waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 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.
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R-2021-0251

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

IN THE MATTER OF:

**CASE No. A-2020-0332
501-1536**

Autumn Hills Care Center
c/o Carrie Horst
2565 Niles Vienna Rd
Miles, OH 44446

License No. 02-2601250

**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 Autumn Hills Care Center (Autumn Hills) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Autumn Hills 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. Autumn Hills is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2601250.

FACTS

1. The Board initiated an investigation of Autumn Hills, Terminal Distributor of Dangerous Drugs license number 02-2601250, related to Autumn Hills illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about July 24, 2020 the Board sent a Notice of Opportunity for Hearing to Autumn Hills, 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. Autumn Hills neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 24, 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. Autumn Hills agrees to pay to the Board a monetary penalty the amount of \$650.00. 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. Autumn Hills 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. Autumn Hills 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 Autumn Hills 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 Autumn Hills by the Board and will NOT discharge Autumn Hills from any obligation under the terms of this Agreement.
6. Autumn Hills agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Autumn Hills 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 Autumn Hills will operate.
 9. Autumn Hills waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 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.
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R-2021-0252

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

IN THE MATTER OF:
0179

CASE NO. A-2020-

Debora G. Levanduski
208787
657 Lucille Drive
Elyria, Ohio, 44035

SURRENDERED Registration No. 09-

**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 Respondent, for the purpose of resolving all issues between the parties relating to the theft of drugs and tampering with

drugs. Together, the Board and Respondent 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 Section 4729.90 of the Ohio Revised Code to perform the duties of a registered pharmacy technician in the state of Ohio.
2. Respondent is an Ohio-registered registered pharmacy technician under suspended registration number 09-208787.

FACTS

1. The Board initiated an investigation of Respondent, registered pharmacy technician registration number 09-208787, related to Respondent's theft of drugs and tampering with drugs.
2. On or about March 4th, 2020, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Respondent, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. Respondent did not request an administrative hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative proceedings. Any criminal proceedings resulting from this investigation are not affected by this Agreement.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. Respondent neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated March 4th, 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. **RESPONDENT VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER REGISTRATION AS A REGISTERED PHARMACY TECHNICIAN, REGISTRATION NO. 09-208787, WITH DISCIPLINE PENDING.**
4. **Respondent may never 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 unless Respondent provides a Certificate of Qualification Employment (CQE) for Board consideration and review.**
5. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Respondent understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Respondent agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Respondent 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-2021-0253

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

**IN THE MATTER OF:
0108**

CASE NO. A-2018-

Virginia Rose
805 Oak Avenue SE
Massillon, OH 44646

SURRENDERED Registration No. 09-200893

**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 Respondent, for the purpose of resolving all issues between the parties relating to the theft of controlled substances. Together, the Board and Respondent 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 Section 4729.90 of the Ohio Revised Code to perform the duties of a registered pharmacy technician in the state of Ohio.
2. Respondent is an Ohio-registered registered pharmacy technician under suspended registration number 09-200893.

FACTS

1. The Board initiated an investigation of Respondent, registered pharmacy technician registration number 09-200893, related to Respondent's theft of controlled substances.
2. On or about November 15, 2021 the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Respondent, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. Respondent did not request an administrative hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative proceedings. Any criminal proceedings resulting from this investigation are not affected by this Agreement.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. Respondent neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated November 15, 2018; 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. **RESPONDENT VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER REGISTRATION AS A REGISTERED PHARMACY TECHNICIAN, REGISTRATION NO. 09-200893, WITH DISCIPLINE PENDING.**
4. **Respondent may never 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, unless Respondent provides a Certificate of Qualification Employment (CQE) for Board consideration and review.**
5. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Respondent understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Respondent agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Respondent 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-2021-0254

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

IN THE MATTER OF:
0069

CASE NO. A-2019-

Roseanna M. Bauer
291 Aldrich Rd
Vermillion, Ohio 44089

SURRENDERED Registration No. 09-106244

**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 Respondent, for the purpose of resolving all issues between the parties relating to the theft of approximately 20 OxyContin 30mg tablets, approximately 51 alprazolam 2mg tablets, and approximately 7 OxyContin 40mg tablets from your employer, Discount Drug Mart #29, 4208 Liberty Avenue, Vermillion, Ohio. Together, the Board and Respondent 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 Section 4729.90 of the Ohio Revised Code to perform the duties of a Pharmacy Technician Trainee in the state of Ohio.

2. Respondent is an Ohio-registered registered pharmacy technician under suspended registration number 09-106244.

FACTS

1. The Board initiated an investigation of Respondent, Pharmacy Technician Trainee registration number 09-106244, related to Respondent's theft of approximately 20 OxyContin 30mg tablets, approximately 51 alprazolam 2mg tablets, and approximately 7 OxyContin 40mg tablets.
2. On or about February 7, 2019, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Respondent, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. Respondent did not request an administrative hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative proceedings. Any criminal proceedings resulting from this investigation are not affected by this Agreement.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. Respondent neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated February 7, 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. **RESPONDENT VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER REGISTRATION AS A PHARMACY TECHNICIAN TRAINEE, REGISTRATION NO. 09-106244, WITH DISCIPLINE PENDING.**
4. **Respondent may never 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, unless Respondent provides satisfactory proof to the Board that she/he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her/him unfit to practice pharmacy.**
5. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Respondent understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Respondent agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Respondent 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-2021-0255

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

IN THE MATTER OF:

CASE NO. A-2019-0046

Angela Darrow (Aceto) SURRENDERED Registration No. 09-201636
5250 Wayland Rd
Diamond, OH 44412

**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 Respondent, for the purpose of resolving all issues between the parties relating the theft of alprazolam and adjustments made to the electronic records.. Together, the Board and Respondent 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 Section 4729.90 of the Ohio Revised Code to perform the duties of a registered pharmacy technician in the state of Ohio.
2. Respondent is an Ohio-registered registered pharmacy technician under suspended registration number 09-201626.

FACTS

1. The Board initiated an investigation of Respondent, registered pharmacy technician registration number 09-201626, related to Respondent's theft of alprazolam and adjustments made to the electronic records at Giant Eagle Pharmacy in Brookfield, OH.
2. On or about January 31, 2019, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Respondent, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.

3. Respondent did not request an administrative hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative proceedings. Any criminal proceedings resulting from this investigation are not affected by this Agreement.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. Respondent neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated January 31, 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. **RESPONDENT VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER REGISTRATION AS A REGISTERED PHARMACY TECHNICIAN, REGISTRATION NO. 09-201636, WITH DISCIPLINE PENDING.**
4. **Respondent may never 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, unless Respondent provides a Certificate of Qualification Employment (CQE) for Board consideration and review.**
5. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Respondent understands that she has the right to be represented by counsel for review and execution of this agreement.

7. Respondent agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Respondent 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-2021-0256

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

IN THE MATTER OF:

**Case No. A-2019-0435
I-2019-0320-P**

Cheryl Edwards
8219 Greenbush Rd
Somerville, OH 45064

Registration No. 09-213108

**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 Cheryl Edwards for the purpose of resolving all issues between the parties relating to the Board investigation of working at Lifeline Pharmacy, located at 3699 Symmes Road, Hamilton, Ohio, without a valid registration as a pharmacy technician. Together, the Board and Cheryl Edwards 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 of the Ohio Revised Code to perform the duties of a registered pharmacy technician in the state of Ohio.
2. Cheryl Edwards is an Ohio registered pharmacy technician under registration number 09-213108.

FACTS

1. The Board initiated an investigation of Cheryl Edwards, registered pharmacy technician, registration number 09-213108, related to Cheryl Edwards's working as a pharmacy technician at Lifeline Pharmacy without a valid registration as a pharmacy technician.
2. On or about October 1, 2020 the Board sent a Notice of Opportunity for Hearing to Cheryl Edwards, 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. Cheryl Edwards neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated October 1, 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. Cheryl Edwards agrees to pay to the OSBP 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. Cheryl Edwards agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Cheryl Edwards understands that she has the right to be represented by counsel for review and execution of this agreement.
6. Cheryl Edwards 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. Cheryl Edwards 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-2021-0257

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

IN THE MATTER OF:

**CASE NO. A-2020-0653
I-2020-1430-A**

International Isotopes, Inc.
c/o James Miles, RPh
4137 Commerce Circle
Idaho Falls, ID 83401

PENDING License No. APP-00394214

**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 International Isotopes, Inc., for the purpose of resolving all issues between the parties relating to the Board investigation of sales of dangerous drugs without obtaining a Board-issued license. Together, the Board and International Isotopes, Inc. are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.56 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 4729.52 of the Ohio Revised Code.
2. On or about September 17, 2020, James Miles, RPh, signed as the Responsible Person on an application for a Manufacturer of Dangerous Drugs License on behalf of International Isotopes, Inc., APP-00394214.

FACTS

1. The Board initiated an investigation of International Isotopes, Inc.'s application for a Manufacturer of Dangerous Drugs License, APP-00394214, related to International Isotopes, Inc.'s illegal sales of dangerous drugs without obtaining a Board-issued license.
2. On or about October 6, 2020 the Board sent a Notice of Opportunity for Hearing to International Isotopes, Inc., 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. International Isotopes, Inc. neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated October 6, 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. International Isotopes, Inc. agrees to pay to the Board a monetary penalty the amount of \$1,750.00. 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. International Isotopes, Inc. 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. International Isotopes, Inc. agrees to comply with all federal and state requirements related to Wholesale 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 International Isotopes, Inc. 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 International Isotopes, Inc. by the Board and will NOT discharge International Isotopes, Inc. from any obligation under the terms of this Agreement.
6. International Isotopes, Inc. agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. International Isotopes, Inc. 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 International Isotopes, Inc. will operate.
9. International Isotopes, Inc. waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code 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 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.
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R-2021-0258

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

IN THE MATTER OF:
0367

CASE NO. A-2019-

Jacquelin Fanning Booker SURRENDERED Registration No. 09-304124
3860 Wendy Drive
Cleveland, Ohio, 44122

**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 Respondent, for the purpose of resolving all issues between the parties relating to the theft of controlled substances. Together, the Board and Respondent 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 Section 4729.90 of the Ohio Revised Code to perform the duties of a certified pharmacy technician in the state of Ohio.
2. Respondent is an Ohio-registered registered pharmacy technician under suspended registration number 09-304124.

FACTS

1. The Board initiated an investigation of Respondent, certified pharmacy technician registration number 09-304124, related to Respondent's theft of controlled substances.
2. On or about August 26, 2019, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Respondent, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. Respondent did not request an administrative hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative proceedings. Any criminal proceedings resulting from this investigation are not affected by this Agreement.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. Respondent neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated August 26, 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. **RESPONDENT VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER REGISTRATION AS A CERTIFIED PHARMACY TECHNICIAN, REGISTRATION NO. 09-304124, WITH DISCIPLINE PENDING.**
4. **Respondent may never 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 unless Respondent provides a Certificate of Qualification Employment (CQE) for Board consideration and review.**
5. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

6. Respondent understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Respondent agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Respondent 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-2021-0259

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

IN THE MATTER OF:**CASE NO. A-2020-0014**

David Mullett
4475 Grand Avenue
Shadyside, Ohio 43947

Suspended License No. 03-221169

**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 Mullett, for the purpose of resolving all issues between the parties relating to the March 4, 2020 Notice of Opportunity for Hearing/Summary Suspension and the results of the July 22, 2020

evaluation. Together, the Board and David Mullett 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. David Mullett is an Ohio-licensed pharmacist under suspended license number 03-221169.

FACTS

1. The Board initiated an investigation of David Mullett, pharmacist license number 03-221169, related to David Mullett's criminal convictions. On or about January 14, 2020, the Board issued an Order that David Mullett submit to a mental and physical examination pursuant to Ohio Revised Code Section 4729.16(E) to determine whether David Mullett is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render him unfit to practice pharmacy or conduct authorized activities within a pharmacy with requisite judgment, skill, competence, or safety to the public.
2. On or about March 4, 2020, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to David Mullett, 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 4, 2020, based on the results of the physical and mental examination, the Board issued an Order for David Mullett to submit to an additional physical and mental examination pursuant to ORC Section 4729.16.
4. On or about July 22, 2020, a second evaluation was conducted. The results of David Mullett's evaluation resulted in the Board having reason to believe David Mullett has a physical or mental impairment that may affect his ability to practice pharmacy with requisite judgment, skill, competence, or safety to the public.

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

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. **IN LIEU OF ADDITIONAL ADMINISTRATIVE ACTION, DAVID MULLETT AGREES TO VOLUNTARILY SUSPEND INDEFINITELY HIS LICENSE AND REGISTRATION TO PRACTICE PHARMACY, LICENSE NO. 03-221169, WITH DISCIPLINE PENDING.**
3. **David Mullett agrees to immediately return his license and wall certificate to the Board, if the Board is not already in possession of both.**
4. **David Mullett agrees that the Board will consider a petition filed by David Mullett for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement, after two years from the date of this agreement. David Mullett agrees he must demonstrate to the Board in his reinstatement petition that the following conditions have been met:**
 - a. **The results of a neuropsychological evaluation, conducted within 90 days of petitioning for reinstatement, demonstrate David Mullett is not addicted to or abusing alcohol or drugs and is not impaired physically or mentally to such a degree as to render the him unfit to practice pharmacy or conduct authorized activities within a pharmacy with requisite judgment, skill, competence, or safety to the public.**
 - i. **The neuropsychological evaluation must be conducted by Erica Dawson, PhD, ABPP, at The Wexner Medical Center's Neuropsychology Clinic. If Ms. Dawson is unavailable, the evaluation must be conducted by a Board-approved neuropsychologist.**
 - b. **David Mullett 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.**
 - c. **Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement.**

- d. If reinstatement is not accomplished within three years of the effective date of the Board's March 4, 2020 Summary Suspension Notice of Opportunity for Hearing, David Mullett must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Exam (MPJE), or an equivalent examination(s) approved by the Board.**
5. David Mullett 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 Mullett understands that he has the right to be represented by counsel for review and execution of this agreement.
 7. David Mullett 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 Mullett waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code in this matter and waives any right to an appeal.
 9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 12. This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0260

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

IN THE MATTER OF:

CASE NO. A-2019-0162

James Herbst, CPht

SURRENDERED Registration No. 09-301921

58 Highbluffs Blvd

Columbus, OH 43235

**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 Respondent, for the purpose of resolving all issues between the parties relating to the theft of controlled substances. Together, the Board and Respondent 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 Section 4729.90 of the Ohio Revised Code to perform the duties of a certified pharmacy technician in the state of Ohio.
2. Respondent is an Ohio-registered certified pharmacy technician under suspended registration number 09-301921.

FACTS

1. The Board initiated an investigation of Respondent, certified pharmacy technician registration number 09-301921, related to Respondent's theft of controlled substances.
2. On or about March 14, 2019, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Respondent, 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. Respondent did not request an administrative hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative proceedings. Any criminal proceedings resulting from this investigation are not affected by this Agreement.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. Respondent neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated March 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. **RESPONDENT VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HIS REGISTRATION AS A CERTIFIED PHARMACY TECHNICIAN, REGISTRATION NO. 09-301921, WITH DISCIPLINE PENDING.**
4. **Respondent may never 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 unless Respondent provides a Certificate of Qualification Employment (CQE) for Board consideration and review.**
5. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Respondent understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Respondent 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. Respondent 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.

R-2021-0261

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

IN THE MATTER OF:

Case No. A-2019-0233

Marcia White, RPh

License No. 03-317013

11555 Fox Haven Drive

Chesterland, OH 44026

**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

Marcia White, for the purpose of resolving all issues between the parties relating to the Board investigation of

drug diversion. Together, the Board and Marcia White 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. Marcia White is a licensed pharmacist in the state of Ohio under license number 03-317013.

FACTS

1. The Board initiated an investigation of Marcia White, pharmacist license number 03-317013 regarding drug diversion.
2. On or about September 11, 2020, the Board sent a Notice of Opportunity for Hearing to Marcia White, 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. Marcia White neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated September 11, 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. Marcia White agrees to pay to the Board the amount of amount of \$500.00. 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. Marcia White agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Marcia White understands that she has the right to be represented by counsel for review and execution of this agreement.
6. Marcia White 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. Marcia White 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-2021-0262

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

IN THE MATTER OF:

**CASE NO. A-2020-0035
I-2019-0484-B**

Carelinc Medical Equipment and Supply
c/o Michael Damstra
89 54th Street S.W.
Grand Rapids, MI 49548

License No. 01-1796250

**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 Carlinc Medical Equipment and Supply, for the purpose of resolving all issues between the parties relating to the Board investigation of illegal sales of medical gas. Together, the Board and Carlinc Medical Equipment and Supply are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.56 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 4729.52 of the Ohio Revised Code.
2. Carlinc Medical Equipment and Supply is a licensed Wholesale Distributor of Dangerous Drugs under license number 01-1796250.

FACTS

1. The Board initiated an investigation of Carlinc Medical Equipment and Supply, Wholesale Distributor of Dangerous Drugs license number 01-1796250, related to Carlinc Medical Equipment and Supply's illegal sales of medical oxygen.
2. On or about **September 24, 2020** the Board sent a Notice of Opportunity for Hearing to Carlinc Medical Equipment and Supply, 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. Carlinc Medical Equipment and Supply neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated **September 24, 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. Carlinc Medical Equipment and Supply agrees to pay to the Board a monetary penalty in the amount of \$1,150.00. 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. Carlinc Medical Equipment and Supply 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. Carlinc Medical Equipment and Supply agrees to comply with all federal and state requirements related to Wholesale 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 Carlinc Medical Equipment and Supply 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 Carlinc Medical Equipment and Supply by the Board and will NOT discharge Carlinc Medical Equipment and Supply from any obligation under the terms of this Agreement.
 6. Carlinc Medical Equipment and Supply agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Carlinc Medical Equipment and Supply 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 Carlinc Medical Equipment and Supply will operate.
 9. Carlinc Medical Equipment and Supply waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 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-2021-0263

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

IN THE MATTER OF: Case No. A-2020-0559

Elizabeth Schwartz, RPh
901 Miller Road
Northwood, OH 43619

License No. 03-120277

**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 Elizabeth Schwartz for the purpose of resolving all issues between the parties relating to the Board investigation of illegal processing of drug documents. Together, the Board and Elizabeth Schwartz 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. Elizabeth Schwartz is a licensed pharmacist in the state of Ohio under license number 03-120277.

FACTS

1. The Board initiated an investigation of Elizabeth Schwartz, pharmacist license number 03-120277 regarding illegal processing of drug documents.
2. On or about October 2, 2020, the Board sent a Notice of Opportunity for Hearing to Elizabeth Schwartz, 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. Elizabeth Schwartz neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated October 2, 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. Elizabeth Schwartz agrees to pay to the Board the amount of amount of \$500.00. This fine will be attached to the license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
4. Elizabeth Schwartz must obtain, within 90 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs) in pharmacy law, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Elizabeth Schwartz agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Elizabeth Schwartz understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Elizabeth Schwartz agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Elizabeth Schwartz 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-2021-0264

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

**IN THE MATTER OF:
2020-0034**

CASE NO. A-

0484-A

I-2019-

**Mansfield OPCO, LLC DBA Arbors at Mifflin
02-2589950**

License No.

c/o Jesse Copeland, RN
1600 Crider Road
Mansfield, OH 44903

**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 Mansfield OPCO, LLC DBA Arbors at Mifflin, for the purpose of resolving all issues between the parties relating to the Board investigation of the illegal purchase of medical oxygen. Together, the Board and Mansfield OPCO, LLC DBA Arbors at Mifflin 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. Mansfield OPCO, LLC DBA Arbors at Mifflin is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2589950.

FACTS

1. The Board initiated an investigation of Mansfield OPCO, LLC DBA Arbors at Mifflin, Terminal Distributor of Dangerous Drugs license number 02-2589950, related to Mansfield OPCO, LLC DBA Arbors at Mifflin's illegal purchase of medical oxygen drugs.

2. On or about **September 29, 2020** the Board sent a Notice of Opportunity for Hearing to Mansfield OPCO, LLC DBA Arbors at Mifflin, 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. Mansfield OPCO, LLC DBA Arbors at Mifflin neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated **September 29, 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. Mansfield OPCO, LLC DBA Arbors at Mifflin agrees to pay to the Board a monetary penalty in the amount of \$1,150.00. 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. Mansfield OPCO, LLC DBA Arbors at Mifflin 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. Mansfield OPCO, LLC DBA Arbors at Mifflin 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 Mansfield OPCO,

LLC DBA Arbors at Mifflin 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 Mansfield OPCO, LLC DBA Arbors at Mifflin by the Board and will NOT discharge Mansfield OPCO, LLC DBA Arbors at Mifflin from any obligation under the terms of this Agreement.

6. Mansfield OPCO, LLC DBA Arbors at Mifflin agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Mansfield OPCO, LLC DBA Arbors at Mifflin 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 Mansfield OPCO, LLC DBA Arbors at Mifflin will operate.
9. Mansfield OPCO, LLC DBA Arbors at Mifflin waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code 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 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-2021-0265

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

IN THE MATTER OF:

CASE NO. A-2020-0428

Maria Bowlin
1404 Ridge Terrace
Tarpooon Springs, FL 34689

License No. MME.05100032

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 Maria Bowlin, for the purpose of resolving all issues between the parties relating to the Board investigation of Maria Bowlin committing a theft of medical marijuana from the Pure Ohio Wellness Springfield medical marijuana dispensary. Together, the Board and Maria Bowlin are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 3796.14 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, suspend without prior hearing, revoke, or refuse to renew a license or registration it issued under Chapter 3796. of the Revised Code.
2. Maria Bowlin is a licensed Medical Marijuana Associated Key Employee under license number MME.05100032.

FACTS

1. On or about May 21, 2020, the Board initiated an investigation of Maria Bowlin, Medical Marijuana Associated Key Employee License Number MME.05100032, related to the theft of medical marijuana from the Pure Ohio Wellness Springfield medical marijuana dispensary, located at 1711 West Main Street, Springfield, OH 45504.
2. On or about May 29, 2020, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Maria Bowlin, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. On or about June 24, 2020, Maria Bowlin timely requested an administrative hearing, which was subsequently scheduled for October 5, 2020 and October 7, 2020. The matter was subsequently continued while the parties engaged in settlement negotiations.

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. Maria Bowlin does not contest the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing (Notice) letter dated May 29, 2020; the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio law as set forth in the Notice, and hereby adjudicates the same.
3. Maria Bowlin agrees to pay to the Board a monetary penalty in the amount of \$20,000.00 (the "Monetary Penalty"). This Monetary Penalty will be attached to Maria Bowlin's license record and must be paid no later than 24 months from the effective date of this Order. To pay the Monetary Penalty, Maria Bowlin must log in to www.elicense.ohio.gov and process the items in her cart.
4. Maria Bowlin must obtain ten hours of approved continuing education hours, which may not also count towards the sixteen required hours of continuing education required by Ohio Adm.Code 3796:6-3-19(D). Copies of completed continuing education hours must be e-mailed to legal@pharmacy.ohio.gov.
5. Maria Bowlin's Medical Marijuana Associated Key Employee License MME.05100032 will be suspended for a period of three years, effective May 29, 2020 (the "Period of Suspension"). During the Period of Suspension, the parties agrees to the following terms (the "Period of Suspension Terms"):
 - a. Maria Bowlin will not enter the property or premises of any medical marijuana dispensary associated with Medical Marijuana Associated Key Employee License MME.05100032.
 - b. Maria Bowlin will not have access to medical marijuana inventory at any medical marijuana dispensary associated with Medical Marijuana Associated Key Employee License MME.05100032.
 - c. Maria Bowlin will not have access to any patient records maintained by any medical marijuana dispensary associated with Medical Marijuana Associated Key Employee License MME.05100032.
 - d. Maria Bowlin will not have unsupervised contact with any medical marijuana dispensary employee of any medical marijuana dispensary associated with Medical Marijuana Associated Key Employee License MME.05100032, except that, Maria Bowlin may have unsupervised contact with other owners, legal counsel, accountant(s), chief operating officer, and/or bookkeeper of Pure Ohio Wellness L.L.C.

- e. Maria Bowlin will retain the authority, and any limitations thereof, as specified in the *Amended and Restated Operating Agreement* dated February 1, 2019 that is not contrary to this Agreement. For the avoidance of any doubt, the parties agree that the following term as referenced in the *Amended and Restated Operating Agreement* dated February 1, 2019 is and shall remain in effect during the Period of Suspension: "No Manager serving on the Board of Managers, Managing Member or Non-Managing Member, acting alone, otherwise shall have the power or authority to bind the Board of Managers or the Company."
6. The final year of the Period of Suspension, and the Period of Suspension Terms, will be stayed on the condition that the Monetary Penalty is paid-in-full within 24 months from the effective date of this Order; if the Monetary Penalty is not paid-in-full within 24 months from the effective date of this Order, the final year of the Period of Suspension, including the Period of Suspension Terms, will not be stayed and will remain in effect until the Period of Suspension expires, or the Monetary Penalty is paid-in-full, whichever occurs first.
7. Maria Bowlin's Medical Marijuana Associated Key Employee License MME.05100032 will be reinstated and placed on probation for a period of five years beginning on the date the Period of Suspension is stayed, or on the date the Period of Suspension expires, whichever occurs first.
8. Maria Bowlin agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
9. Maria Bowlin understands that she has the right to be represented by counsel for review and execution of this agreement.
10. Maria Bowlin 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.
11. Maria Bowlin withdraws her request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an 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.
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R-2021-0266

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

IN THE MATTER OF:**CASE NO. A-2020-0669****Julie Harleman****SURRENDERED Registration No. 09-112620**

28 Traction Ave.

New Lebanon, Ohio 45345

**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 Respondent, for the purpose of resolving all issues between the parties relating to the theft of controlled substances. Together, the Board and Respondent 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 Section 4729.90 of the Ohio Revised Code to perform the duties of a pharmacy technician trainee in the state of Ohio.
2. Respondent is an Ohio-registered registered pharmacy technician under suspended registration number 09-112620.

FACTS

1. The Board initiated an investigation of Respondent, pharmacy technician trainee registration number 09-112620, related to Respondent's theft of controlled substances.
2. On or about October 16, 2020, the Board personally served Respondent with a Summary Suspension/Notice of Opportunity for Hearing to Respondent, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. Respondent did not request an administrative hearing and requested to surrender her pharmacy technician trainee registration.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative proceedings. Any criminal proceedings resulting from this investigation are not affected by this Agreement.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. Respondent neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated October 16, 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. **RESPONDENT VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER REGISTRATION AS A PHARMACY TECHNICIAN TRAINEE, REGISTRATION NO. 09-112620, WITH DISCIPLINE PENDING.**
4. **Respondent may never 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, unless Respondent provides in any license or registration application, satisfactory proof to the Board that she 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.**

5. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 6. Respondent understands that she has the right to be represented by counsel for review and execution of this agreement.
 7. Respondent 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.
 8. Respondent expressly declines and 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-2021-0267

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

IN THE MATTER OF:

Joshua McElfresh
1146 Carlisle Ave.
Dayton, Ohio 45420

Case No. A-2020-0648
Surrendered Registration No. 09-309250

**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 Respondent, for the purpose of resolving all issues between the parties relating to the theft of controlled substances.

Together, the Board and Respondent 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 Section 4729.90 of the Ohio Revised Code to perform the duties of a certified pharmacy technician in the state of Ohio.
2. Respondent is an Ohio-registered registered pharmacy technician under suspended registration number 09-309250.

FACTS

1. The Board initiated an investigation of Respondent, registered pharmacy technician registration number 09-309250, related to Respondent's theft of controlled substances.
2. On or about September 16, 2020, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Respondent, 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. Respondent did not request an administrative hearing.

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

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. Respondent neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated September 16, 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. RESPONDENT VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HIS REGISTRATION AS A CERTIFIED PHARMACY TECHNICIAN, REGISTRATION NO. 09-309250, WITH DISCIPLINE PENDING.**
- 4. Respondent may never 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.**
5. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Respondent understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Respondent 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. Respondent 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. 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 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-2021-0268

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

IN THE MATTER OF:

**Case No. A-2020-0009
I-2019-1147-B**

Jacqueline Mathenge, RPh
4345 Glen Este Withamsville Road, Apt. 316
Cincinnati, Ohio 45245

License No. 03-236572

**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 Jacqueline Mathenge, 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 Jacqueline Mathenge 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. Jacqueline Mathenge is a licensed pharmacist in the state of Ohio under license number 03-236572.

FACTS

1. The Board initiated an investigation of Jacqueline Mathenge, pharmacist license number 03-236572, and Benzer Pharmacy, related to an employee of Benzer Pharmacy performing pharmacy technician duties without obtaining registration with the Board.
2. On or about April 6, 2020 the Board sent a Notice of Opportunity for Hearing to Jacqueline Mathenge, 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. Jacqueline Mathenge neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated April 6, 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. Jacqueline Mathenge agrees to pay to the Board the amount of amount of \$500.00. 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. Jacqueline Mathenge must obtain, within six months from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs), which may not also be used for license renewal. One hour (0.1 CEU) must be the Responsible Person Roundtable. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. The Board hereby imposes a written reprimand on Jacqueline Mathenge's license number 03-236572.
6. Jacqueline Mathenge agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Jacqueline Mathenge understands that she has the right to be represented by counsel for review and execution of this agreement.
8. Jacqueline Mathenge 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.

9. Jacqueline Mathenge waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code 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.
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R-2021-0269

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

IN THE MATTER OF:**CASE NO. A-2019-0077**

Healing Hearts Counseling Center
c/o Vicki Delany, RN, MSN, CNP
680 Park Avenue West
Mansfield, OH 44903

License No. 02-2816650**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 Healing Hearts Counseling Center, for the purpose of resolving all issues between the parties relating to the Board investigation of the application for a Category III Terminal Distributor of Dangerous Drugs license submitted on October 2, 2017. Together, the Board and Healing Hearts Counseling Center 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 October 2, 2017, Healing Hearts Counseling Center applied for a Terminal Distributor of Dangerous Drugs (TDDD) license.

FACTS

1. The Board initiated an investigation of Healing Hearts Counseling Center, Terminal Distributor of Dangerous Drugs pending license number 02-2816650, related to the backgrounds of employees listed in Healing Hearts Counseling Center's application.
2. On or about October 11, 2019, the Board sent a Notice of Opportunity for Hearing to Healing Hearts Counseling Center, 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. Healing Hearts Counseling Center neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing 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. Healing Hearts Counseling Center's Category III Terminal Distributor of Dangerous Drugs (TDDD) license will be granted on the effective date of this Order.
4. Healing Hearts Counseling Center will only possess on its premises patient-specific Vivitrol (naltrexone for extended-release) and patient-specific Sublocade (buprenorphine extended-release) dispensed by a pharmacy.

5. Healing Hearts Counseling Center agrees to comply with all applicable 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 Healing Hearts Counseling Center of the terms of one or more applicable federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Healing Hearts Counseling Center by the Board and will NOT discharge Healing Hearts Counseling Center from any obligation under the terms of this Agreement.
 6. Healing Hearts Counseling Center agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Healing Hearts Counseling Center 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 Healing Hearts Counseling Center will operate.
 9. With respect to Case No. A-2019-0077, Healing Hearts Counseling Center waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 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 with respect to the matters described herein, 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.
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R-2021-0270

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

IN THE MATTER OF:

CASE NO. A-2019-0290

Kellie Pethtel

SURRENDERED Registration No. 09-200817

101 Twp Hwy 286
Richmond, OH 43944

**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 Respondent, for the purpose of resolving all issues between the parties relating to the theft of controlled substances. Together, the Board and Respondent 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 Section 4729.90 of the Ohio Revised Code to perform the duties of a registered pharmacy technician in the state of Ohio.
2. Respondent is an Ohio-registered registered pharmacy technician under suspended registration number 09-200817.

FACTS

1. The Board initiated an investigation of Respondent, registered pharmacy technician, Kellie Pethtel registration number 09-200817, related to Respondent's theft of controlled substances.
2. On or about June 5, 2019, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Respondent, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. Respondent did not request an administrative hearing.

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

Any criminal proceedings resulting from this investigation are not affected by this Agreement.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. Respondent neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated June 5, 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. **RESPONDENT VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER REGISTRATION AS A REGISTERED PHARMACY TECHNICIAN, REGISTRATION NO. 09-200817, WITH DISCIPLINE PENDING.**
4. **Respondent may never 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 unless Respondent provides a Certificate of Qualification Employment (CQE) for Board consideration and review.**
5. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Respondent understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Respondent 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 or registration.
8. Respondent expressly declines and 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.
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R-2021-0271

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

IN THE MATTER OF:

CASE NO. A-2019-0289

Marnie Cundiff
932 S. East Street
Bucyrus, Ohio 44820

SURRENDERED Registration No. 09-209924

**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 Respondent, for the purpose of resolving all issues between the parties relating to the theft of Tramadol. Together, the Board and Respondent 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 Section 4729.90 of the Ohio Revised Code to perform the duties of a registered pharmacy technician in the state of Ohio.
2. Respondent is an Ohio-registered registered pharmacy technician under suspended registration number 09-209924.

FACTS

1. The Board initiated an investigation of Respondent, registered pharmacy technician registration number 09-209924, related to Respondent's theft of Tramadol
2. On or about June 5, 2019, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Respondent, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. Respondent did not request an administrative hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative proceedings. Any criminal proceedings resulting from this investigation are not affected by this Agreement.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. Respondent neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated June 5, 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. **RESPONDENT VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER REGISTRATION AS A REGISTERED PHARMACY TECHNICIAN, REGISTRATION NO. 09-209924, WITH DISCIPLINE PENDING.**
4. **Respondent may never 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, unless Respondent provides a Certificate of Qualification Employment (CQE) for Board consideration and review.**
5. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

6. Respondent understands that she has the right to be represented by counsel for review and execution of this agreement.
 7. Respondent 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 or registration.
 8. Respondent expressly declines and 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.
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R-2021-0272

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

IN THE MATTER OF:**CASE NO. A-2019-0021**

The Oaks of West Kettering
c/o Denise M. Skevington
1150 W. Dorothy Lane Ave
Dayton, OH 45409

License No. 02-2284700

**SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF
PHARMACY**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and The Oaks of West Kettering, for the purpose of resolving all issues between the parties relating to the Board investigation of

the illegal purchase of medical oxygen. Together, the Board and The Oaks of West Kettering are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. The Oaks of West Kettering is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2284700.

FACTS

1. On or about May 30, 2018, the Board initiated an investigation of The Oaks of West Kettering, Terminal Distributor of Dangerous Drugs license number 02-2284700, related to The Oaks of West Kettering's illegal purchase of medical oxygen drugs.
2. On or about September 30, 2020 the Board sent a Notice of Opportunity for Hearing to The Oaks of West Kettering, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. The Oaks of West Kettering neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated September 30, 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 Oaks of West Kettering agrees to pay to the Board a monetary penalty in 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 Settlement Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.

4. The Oaks of West Kettering 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. The Oaks of West Kettering agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by The Oaks of West Kettering of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to The Oaks of West Kettering by the Board and will NOT discharge The Oaks of West Kettering from any obligation under the terms of this Agreement.
6. The Oaks of West Kettering agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. The Oaks of West Kettering 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 The Oaks of West Kettering will operate.
9. The Oaks of West Kettering waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code 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 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-2021-0273

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

IN THE MATTER OF:

CASE NO. A-2019-0032

Stephanie Starman SURRENDERED Registration No. 09-210299
13599 Carlton Street, Unit North
Burton, Ohio, 44021

**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 Respondent, for the purpose of resolving all issues between the parties relating to the theft of controlled substances. Together, the Board and Respondent 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 Section 4729.90 of the Ohio Revised Code to perform the duties of a registered pharmacy technician in the state of Ohio.
2. Respondent is an Ohio-registered registered pharmacy technician under suspended registration number 09-210299.

FACTS

1. The Board initiated an investigation of Respondent, registered pharmacy technician registration number 09-210299, related to Respondent's theft of controlled substances.
2. On or about September 6th, 2018, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Respondent, which

outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.

3. Respondent did not request an administrative hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative proceedings. Any criminal proceedings resulting from this investigation are not affected by this Agreement.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. Respondent neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated September 6th, 2018; 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. **RESPONDENT VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER REGISTRATION AS A REGISTERED PHARMACY TECHNICIAN, REGISTRATION NO. 09-210299, WITH DISCIPLINE PENDING.**
4. **Respondent may never 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, unless Respondent provides satisfactory proof to the Board that she/he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her/him unfit to practice pharmacy.**
5. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Respondent understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Respondent 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 or registration.

8. Respondent expressly declines and 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-2021-0274

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

IN THE MATTER OF:

CASE NO. A-2020-0534

Tammy Wick SURRENDERED Registration No. 09-210296
2695 Pemberton Rd
Laura, Ohio 45337

**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 Respondent, for the purpose of resolving all issues between the parties relating to the theft of controlled substances. Together, the Board and Respondent 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 Section 4729.90 of the Ohio Revised Code to perform the duties of a registered pharmacy technician in the state of Ohio.
2. Respondent is an Ohio-registered registered pharmacy technician under suspended registration number 09-210296.

FACTS

1. The Board initiated an investigation of Respondent, registered pharmacy technician registration number 09-210296, related to Respondent's theft of controlled substances.
2. On or about July 24, 2020, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Respondent, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. Respondent did not request an administrative hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative proceedings. Any criminal proceedings resulting from this investigation are not affected by this Agreement.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. Respondent neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated July 24, 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. **RESPONDENT VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER REGISTRATION AS A REGISTERED PHARMACY TECHNICIAN, REGISTRATION NO. 09-210296, WITH DISCIPLINE PENDING.**

4. Respondent may never 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, unless Respondent provides satisfactory proof to the Board that she/he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her/him unfit to practice pharmacy.
 5. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 6. Respondent understands that she has the right to be represented by counsel for review and execution of this agreement.
 7. Respondent 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 or registration.
 8. Respondent expressly declines and 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.
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R-2021-0275

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

IN THE MATTER OF:

CASE NO. A-2020-0017

Skylynn Greene

SURRENDERED Registration No. 09-313727

1672 Titus Rd.
Springfield, Ohio

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 Respondent, for the purpose of resolving all issues between the parties relating to the theft of controlled substances. Together, the Board and Respondent 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 Section 4729.90 of the Ohio Revised Code to perform the duties of a registered pharmacy technician in the state of Ohio.
2. Respondent is an Ohio-registered registered pharmacy technician under suspended registration number 09-313727.

FACTS

1. The Board initiated an investigation of Respondent, registered pharmacy technician registration number 09-313727, related to Respondent's theft of controlled substances.
2. On or about January 15, 2020, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to Respondent, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. Respondent did not request an administrative hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative proceedings. Any criminal proceedings resulting from this investigation are not affected by this Agreement.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. Respondent neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated January 15, 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. **RESPONDENT VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER REGISTRATION AS A REGISTERED PHARMACY TECHNICIAN, REGISTRATION NO. 09-313727, WITH DISCIPLINE PENDING.**
4. **Respondent may never 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, unless Respondent provides satisfactory proof to the Board that she/he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her/him unfit to practice pharmacy.**
5. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Respondent understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Respondent 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 or registration.
8. Respondent expressly declines and 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.
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R-2021-0276

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

IN THE MATTER OF:

**CASE No. A-2020-0334
501-1536**

Mentor Woods Skilled & Nursing Rehab

License No. 02-2493200

c/o Diane Liliestedt

8881 Schaefer St.

Mentor, Ohio 44060

**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 Mentor Woods Skilled Nursing & Rehab (Mentor Woods) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and Mentor Woods 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. Mentor Woods is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2493200.

FACTS

1. The Board initiated an investigation of Mentor Woods, Terminal Distributor of Dangerous Drugs license number 02-2493200, related to Mentor Woods illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.

2. On or about July 24, 2020 the Board sent a Notice of Opportunity for Hearing to Mentor Woods, 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. Mentor Woods neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 24, 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. Mentor Woods agrees to pay to the Board a monetary penalty the amount of \$550.00. 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. Mentor Woods 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. Mentor Woods 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 Mentor Woods 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 Mentor Woods by the Board and will NOT discharge Mentor Woods from any obligation under the terms of this Agreement.

6. Mentor Woods agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Mentor Woods 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 Mentor Woods will operate.
 9. Mentor Woods waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 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.
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R-2021-0277

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

IN THE MATTER OF:

**CASE No. A-2020-0330
501-1536**

The Vista Center
c/o Carrie Horst
100 Vista Drive
Lisbon, OH 44432

License No. 02-2602600

**SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF
PHARMACY**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and The Vista Center for the purpose of resolving

all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical. Together, the Board and The Vista Center are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. The Vista Center is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2602600.

FACTS

1. The Board initiated an investigation of The Vista Center, Terminal Distributor of Dangerous Drugs license number 02-2602600, related to The Vista Center's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about August 6, 2020, the Board sent a Notice of Opportunity for Hearing to The Vista Center, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. The Vista Center neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 6, 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 Vista Center agrees to pay to the Board a monetary penalty the amount of \$750.00. 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 Vista Center 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. The Vista Center agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by The Vista Center of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to The Vista Center by the Board and will NOT discharge The Vista Center from any obligation under the terms of this Agreement.
6. The Vista Center agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. The Vista Center 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 The Vista Center will operate.
9. The Vista Center waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
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-2021-0278

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

Geneva Shores
c/o Elena Marquetti
60 West Street
Geneva, OH 44041

License No. 02-2175100

**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 Geneva Shores for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical, and Geneva Shores' purchases of medical oxygen from multiple entities, without a Board issued TDDD license. Together, the Board and Geneva Shores 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. Geneva Shores is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2175100.

FACTS

1. The Board initiated an investigation of Geneva Shores, Terminal Distributor of Dangerous Drugs license number 02-2175100, related to Candlewood Healthcare's illegal purchases of medical oxygen from an unlicensed entity, Medicina Medical.
2. On or about July 24, 2020 the Board sent a Notice of Opportunity for Hearing to Geneva Shores, 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. Geneva Shores neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 24, 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. Geneva Shores agrees to pay to the Board a monetary penalty the amount of \$2,000. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Geneva Shores 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. Geneva Shores 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 Candlewood Healthcare 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 Candlewood Healthcare by the Board and will NOT discharge Candlewood Healthcare from any obligation under the terms of this Agreement.
6. Geneva Shores agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Geneva Shores 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 Candlewood Healthcare will operate.
 9. Geneva Shores waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 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.
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3:07 p.m.

Ms. Dehner presented the OBOT Waiver Request of **Basecamp Recovery, Columbus, Ohio** to the Board for consideration.

R-2021-0279

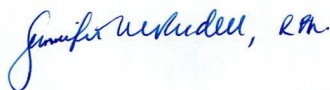
Mr. Cox moved that the Board approve the resolution, with the stipulation that Dr. Bryan Boarland not be permitted access to controlled substances. The motion was seconded Ms. Marchal and approved by the Board: Aye-6, Nay-0

R-2021-0280

Mr. Cox moved to Adjourn the November State of Ohio Board of Pharmacy Meeting. The motion was seconded by Ms. Marchal and approved by the Board: Aye-6, Nay-0.

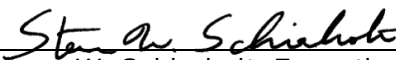
3:13 p.m.

The Board Meeting Adjourned.



Jennifer M. Rudell, RPh, President

Date: 01.06.2021



Steven W. Schierholt, Executive Director

Date: 01.06.2021