



MINUTES OF THE FEBRUARY 1- FEBRUARY 2, 2021
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday February 1, 2021

9:00 a.m.

Acting under the authority Section 12 of Substitute House Bill number 197 of the 133rd General Assembly, effective November 22, 2020, the State of Ohio Board of Pharmacy convened for a public meeting via Microsoft Teams 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*; Jeff Huston, RPh; Megan Marchal, RPh; Donald R. Miller, RPh; and Shawn C. Wilt, RPh.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Blair Cathcart, *Director of Information Services*; Jonathan Brown, *Software Development Specialist*; 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*; Justin Sheridan, *Senior Legal Counsel*; and Michelle Siba, *Senior Legal Counsel*.

9:03 a.m.

Ms. Rudell administered the Oath of New Member to Mr. Huston.

I, Jeff Huston, as a Member of the state of Ohio Board of Pharmacy, do solemnly swear to uphold the Constitution of the United States and the State of Ohio; to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the state of Ohio; and carry out the responsibilities of the Board as mandated by the laws of the state of Ohio without bias or prejudice, so help me God.

- 9:05 a.m.** The Board heard an oral address by both parties in the Matter of—Erica Johnson represented by Brandon Smith and Henry Appel on behalf of the State.
- 9:17 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 **Jordan Talbert, Fremont, Ohio.**
- R-2021-0374** 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 Mr. Wilt and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Huston-yes; Marchal-yes; Miller-yes; and Wilt-yes.
- 10:19 a.m.** The deliberation ended and the hearing was opened to the public.
- R-2021-0375** After votes were taken in public session, the Board adopted the following orders in the Matter of **Jordan Talbert, Fremont, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY
(Case Number A-2019-0325)

In The Matter Of:

Jordan Talbert, RPh
2840 N St. Rt. 19
Fremont, OH 43420
(License No. 03-331122)

INTRODUCTION

The Matter of Jordan Talbert came for hearing on February 1, 2021, 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*; Jeff Huston, RPh; Megan Marchal, RPh; Donald Miller III, RPh; and Shawn Wilt, RPh.

Jordan Talbert was represented by Robert J. Garrity. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. None

Respondent's Witnesses:

1. Jordan Talbert – Petitioner
2. Any Pierron – Executive Director of the Ohio Pharmacist Rehabilitation Organization

State's Exhibits:

1. Notice Letter
2. Adjudication Order
3. Scheduling Order

Respondent's Exhibits:

- A. PRO Contract, Monitoring Reports and UDS Results
- B. Chemical Dependence Treatment Documentation
- C. 12 Step Meeting Attendance Documentation
- D. Resume
- E. Continuing Education Log
- F. Letters of Support
- G. January 2021 UDS Results
- H. January 2021 Meetings

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, notwithstanding Jordan Talbert's continued participation in ILC, that Jordan Talbert has substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case No. A-2019-0325 dated November 14, 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. 03-331122, held by Jordan Talbert 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. Jordan Talbert 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. Jordan Talbert 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 Jordan Talbert 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 Jordan Talbert 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. 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.
 - 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. Jordan Talbert 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 Jordan Talbert reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. Jordan Talbert 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 Jordan Talbert reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. Jordan Talbert 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 program pursuant to the contract, and
 - b. A written description of Jordan Talbert's progress towards recovery and what Jordan Talbert has been doing during the previous three months, and
 - c. Proof of compliance with all terms of probation, the monitoring contract, including all terms in OAC Rule 4729:4-1-04, and proof of compliance with treatment, if applicable.
6. Jordan Talbert must provide copies of the board order or settlement agreement to all employers or prospective employers, all licensing authorities in which Jordan Talbert holds a professional license or applies for a professional license, and all persons that provide Jordan Talbert chemical dependency treatment or monitoring, during the effective period of this order or agreement.
7. Other terms of probation are as follows:
 - a. Jordan Talbert must meet at least annually with the Board's Probation Committee, the first meeting to be held February 2022. Additional periodic appearances may be requested.

- b. The State of Ohio Board of Pharmacy hereby declares that Jordan Talbert 's pharmacist license is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraphs (K) and (O) of Rule 4729:2-1-01 of the OAC.
- c. Jordan Talbert must obtain prior approval of the board or the board's probation committee of departures or absences in excess of ten days from the country. Periods of departure or absence shall not change the probationary term, unless otherwise determined by motion of the board or the board's probation committee. For absences of three months or longer, the board or its probation committee may toll the length of probation, other than in instances where the board or its probation committee can be assured that probationary monitoring is otherwise being performed.
- d. Jordan Talbert may not serve as a responsible pharmacist or a designated representative in a dispensary or for home medical equipment.
- e. Jordan Talbert may not engage in a consult agreement, unless approved by the board.
- f. Jordan Talbert may not destroy, assist in, or witness the destruction of controlled substances.
- g. Jordan Talbert may not work in a pharmacy more than 40 hours per week or 80 hours over a two week period.
- h. Jordan Talbert must not violate the drug laws of Ohio, any other state, or the federal government.
- i. Jordan Talbert must abide by the rules of the State of Ohio Board of Pharmacy.
- j. Jordan Talbert must comply with the terms of this Order.
- k. Jordan Talbert 's license is deemed not in good standing until successful completion of the probationary period.
- l. Jordan Talbert must provide continuing authorization for disclosure by the monitor and treatment provider (when applicable) to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their duties.

- m. Any violation of Jordan Talbert's Intervention in Lieu of Conviction (ILC) or court-ordered probation is a violation of this Board's Order. Ms. Talbert must regularly provide updates on her progress towards completion of ILC in her quarterly reports as well as proof of successful completion of all court ordered programs and/or treatment. These reports may be submitted via email to legal@pharmacy.ohio.gov.
8. When deemed appropriate by the Board, Jordan Talbert must submit to a psychiatric evaluation, and, where appropriate, continued treatment acceptable to the Board.
 9. Jordan Talbert 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.
 10. Jordan Talbert 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 Jordan Talbert to possible additional sanctions, including and up to revocation of license.
 11. 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 Jordan Talbert's license.
 12. Periods during which Jordan Talbert 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 indicating whether probation has been successfully completed. If the Board determines probation has not been successfully completed, it will issue a notice of opportunity for hearing to Jordan Talbert.

Mr. Wilt moved for Findings of Fact; Ms. Marchal seconded the motion. Motion passed (Aye-7/Nay-0).

Mr. Wilt moved for the Decision of the Board; Ms. Marchal seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

10:21 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 **Teresa Horning, Liberty Township, Ohio.**

R-2021-0376

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

11:35 a.m.

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

R-2021-0377

After votes were taken in public session, the Board adopted the following orders in the Matter of **Teresa Horning, Liberty Township, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY
(Case Number **A-2018-0100 & I-2018-2440**)

In The Matter Of:

Teresa Horning
6971 Darcie Drive,
Liberty Township, OH 45011
(License No. 03-132207)

INTRODUCTION

The Matter of Teresa Horning came for hearing on February 1, 2021, 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*; Jeff Huston, RPh; Megan Marchal, RPh; Donald Miller III, RPh; and Shawn Wilt, RPh.

Teresa Horning was represented by Kenneth M. Streder. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

- 1. None

Respondent's Witnesses:

- 1. Teresa Horning
- 2. Carrie Rudd
- 3. Andy Pierron

State's Exhibits:

- 1. Notice Letter
- 2. Board Order – March 7, 2019
- 3. Scheduling Notice

Respondent's Exhibits:

- A. Board Order – March 7, 2019
- B. Mental Health Assessment – May 6, 2019
- C. PRO Contract – March 14, 2019
- D. Urinalysis Summary Report – January 1, 2019 – October 31, 2020
- E. Letter of Explanation, Teresa Horning – October 11, 2019
- F. Letter of Support, Amy Wildermuth, R.Ph. – December 29, 2020
- G. Record of Meeting Attendance – October 2020 and November 2020
- H. CPE Monitor Activity Transcript, December 4, 2018 – December 4, 2020
- I. [REDACTED]
- J. [REDACTED]
- K. [REDACTED]
- L. Letter of employment, Tri-County Center, Inc. – August 16, 2020
- M. Documentation of an Offer of Employment and Acceptance of Employment, The Joint, Blue Ash, Ohio – March 9, 2020
- N. [REDACTED]
- O. [REDACTED]
- P. [REDACTED]

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 Teresa Horning has substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case No. A-2018-0100 & I-2018-2440 dated March 7, 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. 03-132207, held by Teresa Horning 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. Teresa Horning 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. Teresa Horning 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 Teresa Horning 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 Teresa Horning 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. PRO 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. Teresa Horning 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 Teresa Horning reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. Teresa Horning 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 Teresa Horning reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. Teresa Horning, due to her felony conviction relating to a controlled substance, may not be employed by a terminal distributor of dangerous drugs, unless a waiver has been obtained by a licensee pursuant to 21 C.F.R. 1307.03.
6. Teresa Horning 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 program pursuant to the contract, and

- b. A written description of Teresa Horning's progress towards recovery and what Teresa Horning has been doing during the previous three months, and
 - c. Proof of compliance with all terms of probation, the monitoring contract, including all terms in OAC Rule 4729:4-1-04, and proof of compliance with treatment, if applicable.
7. Teresa Horning must provide copies of the board order or settlement agreement to all employers or prospective employers, all licensing authorities in which Teresa Horning holds a professional license or applies for a professional license, and all persons that provide Teresa Horning chemical dependency treatment or monitoring, during the effective period of this order or agreement.
8. Other terms of probation are as follows:
 - a. Teresa Horning must meet at least annually with the Board's Probation Committee, the first meeting to be held **February 2022**. Additional periodic appearances may be requested.
 - b. The State of Ohio Board of Pharmacy hereby declares that Teresa Horning's pharmacist license is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraphs (K) and (O) of Rule 4729:2-1-01 of the OAC.
 - c. Teresa Horning must obtain prior approval of the board or the board's probation committee of departures or absences in excess of ten days from the country. Periods of departure or absence shall not change the probationary term, unless otherwise determined by motion of the board or the board's probation committee. For absences of three months or longer, the board or its probation committee may toll the length of probation, other than in instances where the board or its probation committee can be assured that probationary monitoring is otherwise being performed.
 - d. Teresa Horning may not serve as a responsible pharmacist or a designated representative in a dispensary or for home medical equipment.
 - e. Teresa Horning may not engage in a consult agreement, unless approved by the board.
 - f. Teresa Horning may not destroy, assist in, or witness the destruction of controlled substances.

- g. Teresa Horning may not work in a pharmacy more than 40 hours per week or 80 hours over a two week period.
 - h. Teresa Horning must not violate the drug laws of Ohio, any other state, or the federal government.
 - i. Teresa Horning must abide by the rules of the State of Ohio Board of Pharmacy.
 - j. Teresa Horning must comply with the terms of this Order.
 - k. Teresa Horning's license is deemed not in good standing until successful completion of the probationary period.
 - l. Teresa Horning must provide continuing authorization for disclosure by the monitor and treatment provider (when applicable) to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their duties.
9. When deemed appropriate by the Board, Teresa Horning must submit to a psychiatric evaluation, and, where appropriate, continued treatment acceptable to the Board.
10. Teresa Horning 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.
11. Teresa Horning 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 Teresa Horning to possible additional sanctions, including and up to revocation of license.
12. 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 Teresa Horning's license.
13. Periods during which Teresa Horning 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 indicating whether probation has been successfully completed. If the Board

determines probation has not been successfully completed, it will issue a notice of opportunity for hearing to Teresa Horning.

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

Joshua Cox moved for the Decision of the Board; Trina Buettner seconded the motion. Motion passed (7-0).

SO ORDERED.

- 11:39 a.m.** Mr. Garner provided the OARRS Report.
- 11:51 a.m.** Mr. Griffin provided the Compliance and Enforcement Report.
- 11:53 a.m.** Ms. Southard provided the Licensing Report.
- 11:57 a.m.** Mr. McNamee Provided the Legislative Report.
- 11:58 a.m.** Mr. Schierholt provided the Executive Director Report.
- 12:02 p.m.** Ms. Southard presented the *Examination Extension Request* of Thinh Nguyen – Youngstown, Ohio (APP-000366986) to the Board for consideration.
- R-2021-0378** Mr. Wilt moved to deny the request of Thinh Nguyen – Youngstown, Ohio (APP-000366986). The Motion was seconded by Ms. Marchal and passed by the Board. A roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Huston-yes; Marchal-yes; Miller-yes; and Wilt-yes.
- 12:17 p.m.** Ms. Southard presented the *Examination Extension Request* of Syed-Rehan Hussain – Columbus, Ohio (03337902) to the Board for consideration.
- R-2021-0379** Mr. Wilt moved to deny the request of Syed-Rehan Hussain – Columbus, Ohio (03337902). The Motion was seconded by Ms. Marchal and denied by the Board. A roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Huston-yes; Marchal-yes; Miller-yes; and Wilt-yes.
- 12:22 p.m.** Ms. Southard presented the OBOT Non-Physician Owner Waiver Request of RTTS Services Corp. DBA Rose Medical Clinic – Chillicothe, Ohio (APP000407970) to the Board for consideration.
- R-2021-0380** Mr. Cox moved to approve the OBOT Non-Physician Owner Waiver request of RTTS Services Corp. DBA Rose Medical Clinic – Chillicothe, Ohio

(APP000407970). The Motion was seconded by Mr. Goodman and approved by the Board. A roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman- yes; Huston- yes; Marchal- yes; Miller- yes; and Wilt- yes.

12:22 p.m.

The Board recessed for lunch.

1:00 p.m.

The Board reconvened in public session and resumed Board business.

1:02 p.m.

Mr. McNamee presented the following resolutions titled: *Institutional Facility Vaccine Storage, Vaccine Record Keeping for Pharmacy Personnel, Shelby City Health Department, and COVID-19 Vaccine Administration by Pharmacy Personnel* to the Board for approval.

R-2021-0381

Mr. Miller moved that the Board ratify the resolution titled *Institutional Facility Vaccine Storage*. The motion was seconded Ms. Buettner and approved by the Board. A roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman- yes; Huston- yes; Marchal- yes; Miller- yes; and Wilt-yes. The following resolution was adopted by the Board:

Institutional Facility Vaccine Storage*

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 or other institutional facility, as defined under agency 4729 of the Ohio Administrative Code, 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.

This resolution shall remain in effect until rescinded by the Board.

NOTE: This resolution was adopted in November. The underlined text represents new language to ensure that all institutional facilities (e.g., jails) may use their servicing pharmacy to store and administer COVID-19 vaccinations.

R-2021-0382

Mr. Miller moved that the Board ratify the resolution titled *Vaccine Record Keeping for Pharmacy Personnel*. The motion was seconded Ms. Buettner and approved by the Board. A roll-call vote was conducted by President Rudell as

follows: Buettner-yes; Cox-yes; Goodman- yes; Huston- yes; Marchal- yes; Miller- yes; and Wilt- yes. The following resolution was adopted by the Board:

Vaccine Record Keeping for Pharmacy Personnel*

To ensure streamlined vaccine administration, the State of Ohio Board of Pharmacy temporarily authorizes records of COVID-19 vaccine administration by pharmacy personnel (pharmacists, interns, technicians) to comprise the following:

Records of COVID-19 vaccine administration by pharmacy personnel shall contain the name, strength, dosage form, and quantity of the vaccine administered, the name and date of birth of the person to whom or for whose use the vaccine was administered, the date of administration, and the identification of the pharmacy personnel administering the drug. This resolution does not supersede any record keeping requirements from the Ohio Department of Health or any federal agency.

This resolution shall remain in effect until rescinded by the Board.

R-2021-0383

Mr. Miller moved that the Board ratify the resolution titled *Shelby City Health Department*. The motion was seconded Ms. Buettner and approved by the Board. A roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman- yes; Huston- yes; Marchal- yes; Miller- yes; and Wilt-yes. The following resolution was adopted by the Board:

Shelby City Health Department*

To accommodate the delivery of COVID-19 vaccines, the State of Ohio Board of Pharmacy grants temporary authorization to the Shelby City Health Department (SCHD) to possess, administer, and distribute vaccinations at your facility located at 43 W. Main Street, Shelby, OH 44875.

As part of this temporary authorization, the SCHD must submit a completed license application no later than January 15, 2021 and shall also agree to comply with all requirements for clinics as outlined in Chapter 4729:5-19 of the Administrative Code.

This temporary authorization shall expire upon the issuance of a Terminal Distributor of Dangerous Drugs license to the SCHD.

(NOTE: The TDDD license was issued to the SCHD on 1/11/2021)

R-2021-0384

Mr. Miller moved that the Board ratify the resolution titled *COVID-19 Vaccine Administration by Pharmacy Personnel*. The motion was seconded Ms. Buettner and approved by the Board. A roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman- yes; Huston- yes; Marchal- yes; Miller- yes; and Wilt- yes. The following resolution was adopted by the Board:

COVID-19 Vaccine Administration by Pharmacy Personnel*

The Board hereby authorizes the following as incorporated into the Administration of COVID-19 Vaccines during the COVID-19 Pandemic guidance document:

Q15) Can nurses and EMS certificate holders help administer a pharmacy's COVID-19 vaccine drug stock? UPDATE (1/19/2021)

Yes. Nurses and EMS certificate holders may be used to administer a pharmacy's COVID-19 vaccine stock. The pharmacy must have a physician authorized protocol that contains the following information pursuant to OAC 4729:5-3-12 (B):

- (1) Include a description of the intended recipients to whom the drugs are to be administered; drug name and strength; instructions of how to administer the drug, dosage, and frequency; signature of a prescriber or some other form of positive identification of the prescriber as defined in agency 4729 of the Administrative Code; and date of signature;
- (2) Be administered by an individual authorized by law to administer the drugs;
- (3) Be made readily retrievable (i.e. be able to be produced within 72 hours upon request);
- (4) Be reviewed as necessary to ensure patient safety and practice in accordance with acceptable and prevailing standards of care; and 3

(5) Be maintained by the terminal distributor of dangerous drugs for a period of three years from the date of authorization or reauthorization following any modification or amendment.

Additionally, nurses and EMS personnel must also comply with the record keeping requirements specified in Q14 of this guidance.

EMS personnel must also comply with the requirements set forth by the Ohio EMS Board. The EMS Board also has additional vaccine training resources for EMS personnel on its website.

IMPORTANT: The pharmacy may update their existing pharmacist/intern protocol to include nurse and EMS certificate holders or may maintain a separate protocol.

**Q16) Am I required to comply with Ohio's compounding standards when engaged in the dilution of the Pfizer or Moderna vaccine?
UPDATE (1/19/2021)**

Unless otherwise stated by the FDA or CDC, pharmacies must adhere to the manufacturer's requirements for preparation and administration of the Pfizer or Moderna vaccine. Therefore, any conflict between Ohio's compounding standards and instructions from the federal government/manufacturer on vaccine preparation should defer to the federal government/manufacturer.

The Board hereby authorizes the following as incorporated into the Pharmacy Technician Administration of Vaccines during the COVID-19 Pandemic guidance document:

**Q11) Can registered pharmacy technicians and certified pharmacy technicians prepare the COVID-19 vaccine for administration?
UPDATE (1/19/2021)**

Yes. Any state prohibitions on the preparation of the COVID-19 vaccine (such as who can perform sterile compounding) are pre-empted by the federal authorization. Therefore, registered and certified pharmacy technicians may assist with the preparation of FDA-authorized COVID-19 vaccines for administration.

1:13 p.m.

Mr. McNamee presented amendments to rule *Immediate-Use Prescriber Compounding (OAC 4729:7-3-04)* to the Board for approval.

- R-2021-0385** Mr. Cox moved to approve rule *Immediate-Use Prescriber Compounding (OAC 4729:7-3-04)*, **as amended**, for filing with JCARR. The motion was seconded by Mr. Miller and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Huston-yes; Marchal-yes; Miller-yes; and Wilt-yes.
- 1:31 p.m.** Mr. McNamee presented amendments to rule *Institutional Pharmacies and Facilities (OAC 4729:5-9)* to the Board for approval.
- R-2021-0386** Mr. Wilt moved to approve rule *Institutional Pharmacies and Facilities (OAC 4729:5-9)*, **as amended**, for filing with 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; Huston-yes; Marchal-yes; Miller-yes; and Wilt-yes.
- 1:35 p.m.** Mr. McNamee presented amendments to rule *Veteran Licensees and Registrants (OAC 4729:1-2-09, 4729:2-2-11, 4729:3-2-06)* to the Board for approval.
- R-2021-0387** Mr. Wilt moved to approve rule *Veteran Licensees and Registrants (OAC 4729:1-2-09, 4729:2-2-11, 4729:3-2-06)*, **as amended**, for filing with CSI. 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; Huston-yes; Marchal-yes; Miller-yes; and Wilt-yes.
- 1:42 p.m.** Mr. McNamee led a presentation on House Bill 263.
- 1:55 p.m.** Ms. Dehner presented amendments to the Board Member Compensation Policy to the Board for approval.
- R-2021-0388** Ms. Marchal moved to approve the updated Board Member Compensation Policy. 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; Huston-yes; Marchal-yes; Miller-yes; and Wilt-yes.
- 1:58 p.m.** John Long, Ralph Breitfeller, and Steven Mergner led a presentation on CVS Virtual Verification. President Rudell recused herself from the presentation and ensuing discussion.
- 3:16 p.m.** The Board Recessed for the day.

Tuesday February 2, 2021**8:59 a.m.**

Acting under the authority Section 12 of Substitute House Bill number 197 of the 133rd General Assembly, effective November 22, 2020, the State of Ohio Board of Pharmacy convened for a public meeting via Microsoft Teams 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*; Jeff Huston, RPh; Donald R. Miller, RPh; and Shawn C. Wilt, RPh.

Megan Marchal, RPh absent.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Blair Cathcart, *Director of Information Services*; Michael Clark, *IT Administrator*; Brenda Cooper, *Executive Assistant*; Paula Economus, *Administrative Assistant*; 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*.

9:00 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 Matters of **BodyGarage Dayton, Dayton, Ohio and KRS Global Biotechnology, INC., Boca Raton, Florida**.

R-2021-0389

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

10:12 a.m.

The deliberation ended and the hearings were opened to the public.

R-2021-0390

After votes were taken in public session, the Board adopted the following order in the Matter of **BodyGarage Dayton, Dayton, Ohio**.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2020-0207)

In The Matter Of:

BodyGarage Dayton

c/o Joseph Bosiljevac, MD

123 Webster Street

Dayton, OH 45402

PENDING License No. APP-000286278

INTRODUCTION

On June 29, 2020, the State of Ohio Board of Pharmacy (Board) issued a Notice of Opportunity for Hearing (Notice) to BodyGarage Dayton (Respondent) via certified mail, return receipt requested to Respondent's address of record. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within thirty days of the mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the matter came before the Board under the authority of Goldman v. State Med. Bd. of Ohio, 110 Ohio App.3d 124, 129 (10th Dist.1996) on February 2, 2021, before the following members: Jennifer Rudell, RPh, Presiding; Joshua Cox, RPh; Trina Buettner, RPh; Victor Goodman, Public Member; Rich Miller, RPh; Jeff Huston, RPh; and Shawn Wilt, RPh.

Respondent was not present. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

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

1. Ryan Bolus, Board Compliance Specialist

Respondent's Witnesses:

None

State's Exhibits:

1. Notice Letter
2. Application for TDDD
3. Inspection March 2019
4. Inspection October 2019
5. Statement of Dr. Bosiljevac
6. Statement of Charles Carroll, Jr.

7. KRS Sales Documents
8. RXQ Invoices
9. Property Impound List
10. Property Seizure Report
11. Screenshots from Facebook
12. Photos – set #1
13. Photos – set #2 (*to be filed under seal)
14. Photos – set #3

Respondent's Exhibits:

None

FINDINGS OF FACT

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

1. On or about March 22, 2019, an inspection of BodyGarage Dayton, located at 123 Webster Street, Dayton, Ohio, discovered the facility was in possession of non-patient specific sterile compounded drugs and dangerous drugs, without possessing an active TDDD license with the Board. The employees and owner, Charles Carroll, were unable to provide information to agents of the Board regarding where the dangerous drugs came from. Specifically, the following dangerous drugs or compounded sterile products were observed:
 - a. Vitamin B injections
 - b. Magnesium injections (200 mg/mL)
 - c. Glutathione injections
 - d. Ascorbic acid injection (500 mg/mL)
 - e. Travasol 10%
 - f. Medical oxygen (approximately 15 tanks)
2. On March 22, 2019, in addition to possessing non-patient specific compounded drugs and dangerous drugs without a Board issued license, the following violations requiring written warnings were observed by agents of the Board:
 - a. Dangerous drugs were accessible to all facility personnel, including those who were not licensed healthcare professionals.
 - b. Sterile drugs were stored in an unlocked refrigerator. The refrigerator did not contain a thermometer and no temperature log was being

maintained to ensure the integrity of drugs stored within the refrigerator.

- c. The facility compounded dangerous drugs on site, including the compounding of IV hydration bags containing at least three separate sterile ingredients.
 - d. Approximately 15 containers of medical oxygen were observed on-site.
3. From on or about January 16, 2018 through October 15, 2018, KRS Biotechnology sold and shipped compounded dangerous drugs to Myra Wright, CNP, an employee of BodyGarage Dayton, as set forth in Attachment A, attached hereto and incorporated as though fully set forth herein. The drugs were sent to 138 S. Wilkinson Street, Dayton, Ohio, the address used for BodyGarage Dayton's State of Ohio Business Certificate. This certificate was used in the application for a TDDD license with the Board, and the address of two businesses owned by Charles Carroll. During the time of the eight shipments, BodyGarage Dayton did not possess a TDDD license with the Board and was operating as an unlicensed entity.
 4. On or about February 5, 2019, RXQ Compounding sold and shipped compounded dangerous drugs and infusion supplies to Myra Wright, CNP, at BodyGarage Dayton, an unlicensed entity at the time of the sales. The illegal sales are set forth in Attachment B, attached hereto and incorporated as though fully set forth herein.
 5. On or about March 22, 2019 and June 5, 2019, Charles Carroll made the following statements to an agent of the Board:
 - a. He was ignorant of the Board's licensure requirements as well as the rules and laws surrounding dangerous and compounded drugs.
 - b. BodyGarage Dayton opened and performed the first infusion November 2018.
 - c. BodyGarage obtained sterile compounding vitamins from Liquivida, Inc. and KRS Biotechnology.
 6. On or about April 18, 2019, Myra Wright, CNP, made the following statements to an agent of the Board:
 - a. She has been employed as the associate medical director at BodyGarage Dayton since November 2018. She worked under a collaborative practice agreement with Joseph Bosiljevac, MD.
 - b. Infusions were administered at BodyGarage four separate times; she was unable to recollect what drugs were contained in within the fusions.

- c. Two patients were administered infusions on January 12, 2019 and two were administered infusions on February 23, 2019.
7. On or about May 30, 2019, Amy Carroll, RN, admitted to an agent of the Ohio Nursing Board she administered IV infusions to "friends and family" at BodyGarage in January and February 2019. She stated she did not know about compounding drugs but described a process in which she injected multiple sterile medications into a saline bag which was then infused to a patient.

CONCLUSIONS OF LAW

1. Such conduct, as set forth in paragraphs (1)(a)-(h), (2)(a)-(d), (3)(a)-(n), and (4)(a)-(n) of the Findings of Fact Section constitutes a violation of Section 4729.51(E)(1)(b) of the ORC, Except as provided in division (E)(2) of this section, no person shall do any of the following: Possess for sale, at retail, dangerous drugs.
2. Such conduct, as set forth in paragraphs (6)(b)-(d) and (7) of the Findings of Fact Section constitutes a violation of Section 4729.51(E)(1)(a) of the ORC, Except as provided in division (E)(2) of this section, no person shall do any of the following: Sell or distribute, at retail, dangerous drugs.
3. Such conduct, as set forth in the Findings of Fact Section constitutes a violation of each of the following divisions of Section 4729.57 of the ORC:
 - a. Violating any rule of the board, ORC Section 4729.57(B)(2); and
 - b. Violating any provision of this chapter, ORC Section 4729.57(B)(3); and
 - c. Ceasing to satisfy the qualifications of a TDDD set forth in section 4729.55 of the Revised Code, ORC Section 4729.57(B)(7); and
 - d. Any other cause for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.57(B)(10).
4. Such conduct, as set forth in Findings of Fact Section constitutes a violation of each of the following divisions of Section 4729.55 of the ORC, as effective April 6, 2017, TDDD license requirements:
 - a. The applicant is equipped as to land, buildings, and equipment to properly carry on the business of a TDDD within the category of licensure approved by the board, ORC 4729.55(A); and

- b. A pharmacist, licensed health professional authorized to prescribe drugs, animal shelter licensed with the state board of pharmacy under section 4729.531 of the Revised Code, or a laboratory as defined in section 3719.01 of the Revised Code will maintain supervision and control over the possession and custody of dangerous drugs that may be acquired by or on behalf of the applicant, ORC 4729.55(B); and
 - c. Adequate safeguards are assured to prevent the sale or other distribution of dangerous drugs by any person other than a pharmacist or licensed health professional authorized to prescribe drugs, ORC 4729.55(C).
5. Such conduct, as set forth in the Findings of Fact Section constitutes a violation of Rule 4729:5-2-01(E) of the OAC, as effective March 1, 2019:
- a. The responsible person to whom the terminal distributor of dangerous drugs license has been issued and all licensed health professionals on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of dangerous drugs, OAC Rule 4729:5-2-01(E)(4); and
 - b. A responsible person must be physically present at the location for a sufficient amount of time to provide supervision and control of dangerous drugs on-site, OAC Rule 4729:5-2-01(E)(5); and
 - c. The responsible person shall be responsible for ensuring the terminal distributor of dangerous drugs requirements are met, including, but not limited to, the supervision and control of dangerous drugs as required in division (B) of section 4729.55 of the Revised Code, adequate safeguards as required in division (C) of section 4729.55 of the Revised Code, security and control of dangerous drugs and maintaining all drug records otherwise required, OAC Rule 4729:5-2-01(E)(6).
6. Such conduct, as set forth in the Findings of Fact Section constitutes a violation of Rule 4729-5-11(C) of the OAC, as effective February 17, 2017:
- a. The responsible person to whom the terminal distributor of dangerous drugs license has been issued and all licensed health professionals on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of dangerous drugs, OAC Rule 4729-5-11(C)(4); and
 - b. A responsible person must be physically present at the location for a sufficient amount of time to provide supervision and control of dangerous drugs on-site, OAC Rule 4729-5-11(C)(5); and

- c. The responsible person shall be responsible for ensuring the terminal distributor of dangerous drugs requirements are met, including, but not limited to, the supervision and control of dangerous drugs as required in division (B) of section 4729.55 of the Revised Code, adequate safeguards as required in division (C) of section 4729.55 of the Revised Code, security and control of dangerous drugs as required in rule 4729-9-11 of the Administrative Code and maintaining all records relating to the distribution dangerous drugs, OAC Rule 4729-5-11(C)(6).
7. Such conduct, as set forth in paragraphs (2)(a) and (2)(b) of the Findings of Fact Section constitutes a violation of Rule 4729-9-11 of the OAC:
 - a. Dangerous drugs, exempt narcotics, uncompleted prescription blank(s) used for writing a prescription, D.E.A. controlled substance order forms, hypodermics and poisons must be stored in an area secured by either a physical barrier with suitable locks, which may include a substantially constructed cabinet, and/or an electronic barrier to deter and detect unauthorized access, OAC Rule 4729-9-11(B)(1); and
 - b. Only individuals authorized under state laws or rules shall have unsupervised access to dangerous drugs, OAC Rule 4729-9-11(E).
8. Such conduct, as set forth in the Findings of Fact Section constitutes a violation of the following sections of Rule 4729-9-19(A) of the OAC, as effective October 5, 2015, each violation punishable by a maximum penalty of \$1,000: The Board may consider as evidence of a person not meeting the requirements provided in sections 4729.53 and 4729.55 of the Revised Code, and may deny or discipline a person registration as a terminal distributor of dangerous drugs in Ohio if such person: Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed, OAC Rule 4729-9-19(A)(2).
9. Such conduct, as set forth in the Findings of Fact Section constitutes a violation of the following sections of Rule 4729-9-19(B)(3) of the OAC, as effective October 5, 2015, each violation punishable by a maximum penalty of \$1,000: When a request for licensure as a terminal distributor of dangerous drugs... is made, the state board of pharmacy may consider as evidence of the facility not meeting the requirements for licensure as provided in Chapters 3719. and 4729. of the Revised Code, or may deny issuance of such licensure, if the facility knowingly employs a person who: Has committed an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed, OAC Rule 4729-9-19(B)(3)(d).
10. Such conduct, as set forth in the Findings of Fact Section constitutes a violation of Rule 4729-16-13(B)(1) of the OAC.

11. Such conduct as set forth in the Findings of Fact Section constitutes a violation of the following sections of Rule 4729:5-4-01(B) of the OAC, as effective March 1, 2019:
 - a. Violating any rule of the board, OAC Rule 4729:5-4-01(B)(2); and
 - b. Violating any provision of Chapter 4729. of the Revised Code, OAC Rule 4729:5-4-01(B)(3); and
 - c. Ceasing to satisfy the qualifications of a TDDD set forth in section [4729.55](#) of the Revised Code, OAC Rule 4729:5-4-01(B)(7); and
 - d. Commission of an act of moral turpitude that constitutes a felony or misdemeanor, regardless of the jurisdiction in which the act was committed, OAC Rule 4729:5-4-01(B)(10); and
 - e. Commission of an act that constitutes a misdemeanor that is related to, or committed in, the person's professional practice, OAC Rule 4729:5-4-01(B)(20); and
 - f. The method used by the TDDD to store, possess or distribute dangerous drugs poses serious harm to others, OAC Rule 4729:5-4-01(B)(25).

DECISION OF THE BOARD

Pursuant to Section 4729.57 of the Ohio Revised Code, Rule 4729:5-4-01 of the Ohio Administrative Code, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby denies the Application for Registration as a Terminal Distributor of Dangerous Drugs submitted by BodyGarage Dayton on or about October 22, 2019.

Pursuant to Chapter 4729-9-01(I) of the Ohio Administrative Code and Section 4729.57 of the Ohio Revised Code, BodyGarage Dayton may not reapply for any State of Ohio Board of Pharmacy license until twelve months from the effective date of this Order. Additionally, the Board imposes a monetary penalty in the amount of \$6,000.00. The fine is stayed and shall be imposed as a condition prior to licensure, should BodyGarage Dayton apply for and be granted a license over which the Board has jurisdiction.

Further, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State's exhibit thirteen. The State's Motion to redact exhibit two, page 18, is also granted.

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

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

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

SO ORDERED.

R-2021-0391

After votes were taken in public session, the Board adopted the following order in the Matter of **KRS Global Biotechnology, INC., Boca Raton, Florida.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2020-0208)

In The Matter Of:

KRS Global Biotechnology, Inc.

c/o Najum Choudhry
791 Park of Commerce Blvd.
Boca Raton, FL 33487
License No. 01-2579900

INTRODUCTION

On June 29, 2020, the State of Ohio Board of Pharmacy (Board) issued a Notice of Opportunity for Hearing (Notice) to KRS Global Biotechnology, Inc. (Respondent) via certified mail, return receipt requested to Respondent's address of record. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within thirty days of the mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the matter came before the Board under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996) on February 2, 2021, before the following members: Jennifer Rudell, RPh, Presiding; Joshua Cox, RPh; Trina Buettner, RPh; Victor Goodman, Public Member; Rich Miller, RPh; Jeff Huston, RPh; and Shawn Wilt, RPh.

Megan Marchal was absent.

Respondent was not present. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Ryan Bolus, Board Compliance Specialist

Respondent's Witnesses:

None

State's Exhibits:

15. Notice Letter
16. Application for TDDD by BodyGarage
17. Inspection of BodyGarage in March 2019
18. Inspection of BodyGarage in October 2019
19. KRS Sales Documents

Respondent's Exhibits:

None

FINDINGS OF FACT

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

1. From on or about January 16, 2018 through October 15, 2018, KRS Biotechnology, located at 791 Park of Commerce Blvd., Boca Raton, FL, sold and shipped compounded dangerous drugs to Myra Wright, CNP, on behalf of BodyGarage Dayton, an unlicensed entity, as set forth in Attachment A, attached hereto and incorporated as though fully set forth herein. The drugs were sent to 138 S. Wilkinson Street, Dayton, Ohio, the address used for BodyGarage Dayton's State of Ohio Business Certificate. The certificate was used in the application for a TDDD license with the Board, and the address of two businesses owned by Charles Carroll. During the time of the eight shipments, BodyGarage Dayton did not possess a TDDD license with the Board and was operating as an unlicensed entity.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact Section, each constitutes a violation of Section 4729.51(B)(1) of the ORC, no wholesale distributor shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to any person other than the following: Subject to division (D) of this section, a licensed terminal distributor of dangerous drugs, each sale being a first-degree misdemeanor.

2. Such conduct as set forth in the Findings of Fact Section, each constitutes a violation of Section 4729.60(A)(1) of the ORC, Before a licensee identified in division (B)(1)(a) of section 4729.52 of the Revised Code may sell or distribute dangerous drugs at wholesale to any person, except as provided in division (A)(2) of this section, the licensee shall query the roster established pursuant to section 4729.59 of the Revised Code to determine whether the purchaser is a licensed terminal distributor of dangerous drugs.
3. Such conduct as set forth in the Findings of Fact Section, each constitutes a violation of Rule 4729-9-12(A)(1) of the OAC, as effective March 1, 2017, Before a wholesale distributor of dangerous drugs may make a sale of a dangerous drug to a terminal distributor of dangerous drugs, the wholesale distributor must obtain a copy of the current certificate of license as a terminal distributor from the purchaser pursuant to division (A) of section 4729.60 of the Revised Code or may utilize the board's online registry to confirm licensure.
4. Such conduct, as set forth in the Findings of Fact Section, constitutes the following violations of Section 4729.56 of the ORC:
 - a. Violating any federal, state, or local drug law; any provision of this chapter or Chapter 2925., 3715., or 3719. of the ORC; or any rule of the board, ORC 4729.56(A)(2)(b); and
 - b. Failing to satisfy the qualifications for registration under section 4729.53 of the Revised Code or the rules of the board or ceasing to satisfy the qualifications after the registration is granted or renewed, ORC Section 4729.56(A)(2)(d); and
 - c. Any other cause for which the board may impose sanctions as set forth in rules adopted under Section 4729.26 of the ORC, ORC 4729.56(A)(2)(g).

DECISION OF THE BOARD

Pursuant to Section 4729.56 of the Ohio Revised Code, Rule 4729:6-4-01 of the Ohio Administrative Code, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby imposes a monetary penalty in the amount of \$5,000.00 on KRS Global Biotechnology, Inc., License No. 01-2579900. This fine will be attached to your license record and must be paid no later than 90 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.

Further, the Board hereby grants the State's Motion to redact the Record in this matter including, but not limited to, all confidential and protected information contained in the record, specifically State's exhibit two, page 13.

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

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

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

SO ORDERED.

10:18 a.m.

Ms. Marchal joined the meeting. 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 **PSG of Sarasota, LLC, Tampa, Florida.**

R-2021-0392

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; Huston-yes; Marchal-yes; Miller-yes; and Wilt-yes.

11:05 a.m.

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

R-2021-0393

After votes were taken in public session, the Board adopted the following orders in the Matter of **PSG of Sarasota, LLC, Tampa, Florida.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2019-0005)

In The Matter Of:

**PSG of Sarasota, LLC, dba Advanced Rx Pharmacy 063
c/o Parag Choski, RPh
5315 Avion Park Drive, Suite 120
Tampa, FL 33607**

INTRODUCTION

On September 17, 2020, the State of Ohio Board of Pharmacy (Board) issued a Notice of Opportunity for Hearing (Notice) to PSG of Sarasota, LLC, dba Advanced Rx Pharmacy 063 (Respondent) via certified mail, return receipt requested to Respondent's address of record. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within thirty days of the mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the matter came before the Board under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996) on February 2, 2021, before the following members: Jennifer Rudell, RPh, *Presiding*; Joshua Cox, RPh; Trina Buettner, RPh; Victor Goodman, *Public Member*; Jeff Huston, RPh; Megan Marchal, RPh; Rich Miller, RPh; and Shawn Wilt, RPh.

Respondent was not present. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses

1. Ryan Bolus, Board Compliance Specialist

Respondent's Witnesses

None

State's Exhibits

1. Notice of Opportunity for Hearing Letter
2. License Information
3. License Application
4. Request for Records
5. Spreadsheet sent by Respondent (to be filed under seal)
6. Excerpts from spreadsheet sent by Respondent

Respondent's Exhibits

None

FINDINGS OF FACT

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

1. On June 28, 2016, the Board issued TDDD license 02-2627250 to PSG of Sarasota, LLC, then dba Pharmetrics Specialty Rx, which was located at 4211 W. Boy Scout Blvd., Suite 675, Tampa, FL 33607.

2. In May 2017, PSG of Sarasota, LLC, then dba Pharmedics Specialty Rx moved to a new location at 5315 Avion Park Drive, Suite 120, Tampa, FL 33607, which was not the establishment or place described in TDDD license 02-2627250, and which PSG of Sarasota, LLC, then dba Pharmedics Specialty Rx , did not apply for, or obtain Board-approval of, until January 18, 2018.
3. In October 2017, PSG of Sarasota, LLC, then dba Pharmedics Specialty Rx, changed its name to PSG of Sarasota, LLC, dba Advanced Rx Pharmacy 063, and did not apply for, or obtain Board-approval of, this change until January 18, 2018.
4. On January 18, 2018, PSG of Sarasota, LLC, dba Advanced Rx Pharmacy 063 submitted an application for, and obtained Board-approval of, its address and name changes.
5. From May 2017 until January 18, 2018, PSG of Sarasota, LLC, dba Advanced Rx Pharmacy 063 dispensed 138 prescriptions of dangerous drugs, including controlled substances, into the State of Ohio from a location other than the establishment or place described in TDDD license 02-2627250, and without applying for, and obtaining Board-approval of, its address and name changes. Of the 138 prescriptions, 128 of them were for controlled substances, including at least 123 prescriptions for Buprenorphine (a Schedule III controlled substance), 2 prescriptions for Oxycodone/Acetaminophen 5/325 (a Schedule II controlled substance), 2 prescriptions for Hydrocodone/Acetaminophen 5/325 (a Schedule II controlled substance), and 1 prescription for Diazepam (a Schedule IV controlled substance), as set forth in Attachment A of the Notice and incorporated as though fully set forth herein. Specifically:
 - a. In May 2017, PSG of Sarasota, LLC, then dba Pharmedics Specialty Rx, located at 5315 Avion Park Drive, Suite 120, Tampa, FL 33607, dispensed 6 prescriptions into the State of Ohio, from a location other than the establishment or place described in TDDD license 02-2627250, and without applying for, and obtaining Board-approval of, its address change.
 - b. In June 2017, PSG of Sarasota, LLC, then dba Pharmedics Specialty Rx, located at 5315 Avion Park Drive, Suite 120, Tampa, FL 33607

dispensed 9 prescriptions into the State of Ohio, from a location other than the establishment or place described in TDDD license 02-2627250, and without applying for, and obtaining Board-approval of, its address change.

- c. In July 2017, PSG of Sarasota, LLC, then dba Pharmedics Specialty Rx, located at 5315 Avion Park Drive, Suite 120, Tampa, FL 33607 dispensed 14 prescriptions into the State of Ohio, from a location other than the establishment or place described in TDDD license 02-2627250, and without applying for, and obtaining Board-approval of, its address change.

- d. In August 2017, PSG of Sarasota, LLC, then dba Pharmedics Specialty Rx, located at 5315 Avion Park Drive, Suite 120, Tampa, FL 33607 dispensed 18 prescriptions into the State of Ohio, from a location other than the establishment or place described in TDDD license 02-2627250, and without applying for, and obtaining Board-approval of, its address change.

- e. In September 2017, PSG of Sarasota, LLC, then dba Pharmedics Specialty Rx, located at 5315 Avion Park Drive, Suite 120, Tampa, FL 33607 dispensed 11 prescriptions into the State of Ohio, from a location other than the establishment or place described in TDDD license 02-2627250, and without applying for, and obtaining Board-approval of, its address change.

- f. In October 2017, PSG of Sarasota, LLC, dba Advanced Rx Pharmacy 063 located at 5315 Avion Park Drive, Suite 120, Tampa, FL 33607 dispensed 15 prescriptions into the State of Ohio, from a location other than the establishment or place described in TDDD license 02-2627250, and without applying for, and obtaining Board-approval of, its address and name changes.

- g. In November 2017, PSG of Sarasota, LLC, dba Advanced Rx Pharmacy 063 located at 5315 Avion Park Drive, Suite 120, Tampa, FL 33607 dispensed 29 prescriptions into the State of Ohio, from a location other than the establishment or place described in TDDD license 02-2627250,

and without applying for, and obtaining Board-approval of, its address and name changes.

- h. In December 2017, PSG of Sarasota, LLC, dba Advanced Rx Pharmacy 063 located at 5315 Avion Park Drive, Suite 120, Tampa, FL 33607 dispensed 21 prescriptions into the State of Ohio, from a location other than the establishment or place described in TDDD license 02-2627250, and without applying for, and obtaining Board-approval of, its address and name changes.
- i. In January 2018, PSG of Sarasota, LLC, dba Advanced Rx Pharmacy 063 located at 5315 Avion Park Drive, Suite 120, Tampa, FL 33607 dispensed 15 prescriptions into the State of Ohio, from a location other than the establishment or place described in TDDD license 02-2627250, and without applying for, and obtaining Board-approval of, its address and name changes.

CONCLUSIONS OF LAW

1. Such conduct, as set forth in Paragraph 5 of the Findings of Fact Section, constitutes a violation of ORC 4729.51(E)(1)(a) (as effective April 6, 2017), each violation punishable by a maximum penalty of \$5,000 if committed by an organization: Except as provided in division (E)(2) of this section, no person shall do any of the following. . . sell or distribute, at retail, dangerous drugs. . . unless licensed as a terminal distributor of dangerous drugs.
2. Such conduct, as set forth in Paragraph 5 of the Findings of Fact Section, constitutes a violation of ORC 4729.51(E)(1)(a) (as effective September 29, 2017), each violation punishable by a maximum penalty of \$5,000, if committed by an organization: Except as provided in division (E)(2) of this section, no person shall do any of the following. . . sell or distribute, at retail, dangerous drugs. . . unless licensed as a terminal distributor of dangerous drugs.
3. Such conduct, as set forth in Paragraph 5 of the Findings of Fact Section, constitutes a violation of ORC 4729.54(H)(2) (as effective April 6, 2017, and September 29, 2017), each violation punishable by a maximum penalty of \$5,000, if committed by an organization: The [TDDD] license shall describe one establishment at which the licensee may engage in the sale or other distribution of dangerous drugs at retail and maintain possession, custody, or control of dangerous drugs for purpose other than the licensee's

own use or consumption...No such license shall authorize or permit the TDDD named in it to engage in the sale or other distribution of dangerous drugs at retail or to maintain possession, custody, or control of dangerous drugs for any purpose other than the distributor's own use or consumption, at any establishment or place other than that described in the license.

4. Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of the following divisions of ORC 4729.55 (as effective April 6, 2017), TDDD license requirements:
 - a. Adequate safeguards are assured to prevent the sale or other distribution of dangerous drugs by any person other than a pharmacist or licensed health professional authorized to prescribe drugs, ORC 4729.55(C); and/or
 - b. Adequate safeguards are assured that the applicant will carry on the business of a terminal distributor of dangerous drugs in a manner that allows pharmacists and pharmacy interns employed by the terminal distributor to practice pharmacy in a safe and effective manner, ORC 4729.55(D).
5. Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of the following divisions of ORC 4729.57 (as effective April 6, 2017), each violation punishable by a maximum penalty of \$1,000:
 - a. Violating any rule of the board, ORC 4729.57(A)(2); and/or
 - b. Violating any provision of this chapter, ORC 4729.57(A)(3); and/or
 - c. Ceasing to satisfy the qualifications of a TDDD set forth in ORC 4729.55, ORC 4729.57(A)(7).
6. Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of the following divisions of ORC 4729.57 (as effective September 29, 2017), each violation punishable by a maximum penalty of \$1,000:
 - a. Violating any rule of the board, ORC 4729.57(B)(2); and/or
 - b. Violating any provision of this chapter, ORC 4729.57(B)(3); and/or
 - c. Ceasing to satisfy the qualifications of a TDDD set forth in ORC 4729.55, ORC 4729.57(B)(7); and/or
 - d. Any other cause for which the Board may impose discipline as set forth in rules adopted under ORC 4729.26, ORC 4729.57(B)(10).

7. Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of OAC 4729-9-08(A) (as effective February 1, 2017), each violation punishable by a maximum penalty of \$1,000: For the purpose of ORC 4729.51(E) and ORC 4729.52(D), any change in the ownership, business or trade name, category, or address of a terminal or wholesale distributor of dangerous drugs requires a new application, required fee, and license. The new application and required fee shall be submitted within thirty days of any change in the ownership, business or trade name, category, or address.
8. Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of OAC 4729-9-19(A)(4) (as effective October 5, 2015), each violation punishable by a maximum penalty of \$1,000: Not of good moral character and habits.

DECISION OF THE BOARD

After consideration of the record as a whole, and pursuant to Section 4729.57 of the Ohio Revised Code, the State of Ohio Board of Pharmacy hereby:

1. Disciplines PSG of Sarasota, LLC, with a written reprimand for its actions in this matter; and
2. Imposes a monetary penalty in the amount of \$4,500.00. 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.

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, and specifically State's exhibit 5.

Ms. Marchal moved for Findings of Fact; Mr. Wilt seconded the motion. Motion passed (Aye-7/Nay-0).

Ms. Marchal moved for Conclusions of Law; Mr. Wilt seconded the motion. Motion passed (Aye-7/Nay-0).

Ms. Buettner moved for Action of the Board; Mr. Huston seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

- 11:12 a.m.** Ms. Southard presented the Intern Ratio Request of Toledo Clinic/Northwest Ohio Accountable Care Organization to the Board for consideration.
- R-2021-0394** Mr. Cox moved to approve the Intern Ratio Request of Toledo Clinic/Northwest Ohio Accountable Care Organization. The Motion was seconded by Mr. Wilt and approved by the Board. A roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Huston-yes; Marchal-no; Miller-yes; and Wilt-yes. Motion passed yes-6/no-1.
- 11:18 a.m.** Ms. Wai led a discussion on the National Association of Boards of Pharmacy (NABP) Virtual Inspections. The Board agreed the staff should continue to accept virtual inspections as has been practice to-date.
- 11:22 a.m.** Ms. Maerten-Moore provided the Medical Marijuana Program Update.
- 11:37 a.m.** Ms. Maerten-Moore presented amendments to the following rules *OAC 3796:6-2-01-Requests for application to operate medical marijuana dispensaries, OAC 3796:6-2- 02-Applications to operate medical marijuana dispensaries, OAC 3796:6-2-04-Medical marijuana dispensary license application evaluation* to the Board for consideration.
- R-2021-0395** Ms. Buettner moved to approve rules *OAC 3796:6-2-01-Requests for application to operate medical marijuana dispensaries, OAC 3796:6-2- 02-Applications to operate medical marijuana dispensariesc, OAC 3796:6-2-04-Medical marijuana dispensary license application evaluation*, for filing with JCARR. The motion was seconded by Mr. Miller and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Huston-yes; Marchal-yes; Miller-yes; and Wilt-yes.
- 11:49 a.m.** Ms. Maerten-Moore presented amendments to the following rule *OAC 3796:6-3-20-Medical marijuana dispensary inventory control system* to the Board for consideration.
- R-2021-0396** Mr. Wilt moved to approve rules *OAC 3796:6-3-20-Medical marijuana dispensary inventory control system*, for filing with CSI. The motion was seconded by Mr. Miller and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Huston-yes; Marchal-yes; Miller-yes; and Wilt-yes.
- 11:55 a.m.** Ms. Maerten-Moore led a discussion on New Form/Method of Medical Marijuana Petition-Suppository, which was tabled for additional information to be obtained.
- Mr. Miller left the meeting due to a schedule conflict.

R-2021-0397

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; Huston-yes; Marchal-yes; and Wilt-yes.

3:09 p.m.

The Board returned to public session.

R-2021-0398

After votes were taken in public session, the Board adopted the following Order in the Matter of Medical Marijuana Patient **Kala Wachenschwanz, Lancaster, 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-2020-0102)

IN THE MATTER OF:
Kala Wachenschwanz (Respondent)
(License No. MME.05300340)
106 South George Street
Lancaster, OH 43130

INTRODUCTION

In the Matter of: Kala Wachenschwanz came for hearing before Hearing Examiner Robert C. Angell on December 1, 2020, and for consideration by the State of Ohio Board of Pharmacy (Board) on February 2, 2021 before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer M. Rudell, RPh, *Presiding*; Megan E. Marchal, RPh; Joshua M. Cox, RPh; N. Victor Goodman, *Public Member*; Shawn C. Wilt, RPh; Jeff Huston, RPh; and Trina Buettner, RPh.

Respondent was represented by Colin E. McNamee, Esq. during the administrative hearing on December 1, 2020. The State of Ohio was represented by Henry G. Appel, Principal 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) Notice of Opportunity for Hearing/Proposal to Take Disciplinary Action Against Medical Marijuana Employee License, Case No. A-2020-0102
- 2) Proof of Service, Notice of Opportunity for Hearing/Proposal to Take Disciplinary Action Against Medical Marijuana Employee License, Case No. A-2020-0102
- 3) Request for Hearing
- 4) Acknowledgement of Hearing Request
- 5) Proof of service, Acknowledgement of Hearing Request (Unclaimed)
- 6) Hearing Examiner Appointment Letter
- 7) Appearance of Counsel
- 8) Hearing Examiner Entry and Order, dated October 22, 2020
- 9) Hearing Examiner Entry and Order, dated October 27, 2020
- 10)Hearing Examiner Entry and Order, dated November 5, 2020
- 11)Hearing Examiner Entry and Order (Unclaimed)
- 12)Hearing Transcript
- 13)The following State of Ohio Exhibits admitted by the Hearing Examiner:
 - Exhibit 01a. Notice of Opportunity for Hearing, Dated July 23, 2020
 - Exhibit 01b. Notice of Opportunity for Hearing, Dated July 24, 2020
 - Exhibit 01c. Identifier Key – **Admitted Under Seal**
 - Exhibit 01d. Proof of Service
 - Exhibit 02. Request for Hearing, Dated August 24, 2020
 - Exhibit 03. Hearing Examiner’s Entry and Order, dated November 5, 2020
 - Exhibit 04. Email, dated December 3, 2019 – **Admitted Under Seal**

Exhibit 05. Email, dated September 27, 2019 – **Admitted Under Seal**

Exhibit 06. Written Statement of B.P. – **Admitted Under Seal**

Exhibit 07. Photograph

Exhibit 08. Photograph

Exhibit 09. Photograph

Exhibit 10. Receipt, dated September 21, 2019

Exhibit 11. Photographs

14) Report and Recommendation, Dated January 5, 2020 (sic)

15) Report and Recommendation Cover Letter, Dated January 6, 2021

16) Proof of Service, Report and Recommendation

DECISION OF THE BOARD

After thorough review of the administrative record, the Board hereby confirms and approves the Hearing Examiner's Findings of Fact 1 through 10 (inclusive) in their entirety as set forth in the Report and Recommendation.

Additionally, after a thorough review of the administrative record, the Board hereby confirms and approves the Hearing Examiner's Conclusions of Law in their entirety, as set forth in the Report and Recommendation, except for the following modification: The Board additionally finds that such conduct as set forth in the Findings of Fact constitutes a violation of R.C. 2925.03, Aggravated Trafficking in Drugs, as alleged in the Notice of Opportunity for Hearing as Potential Violation of Law #1, because R.C. 4729.01(J) defines "sale" or "sell" to include "any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both."

After a thorough review of the administrative record, the Board confirms and approves the Hearing Examiner's recommendation to suspend Respondent's medical marijuana employee license for a period of 12 months from the date of this Order.

The Board orders that State's Exhibits 1(c), 4, 5, and 6 be placed under seal.

Mr. Wilt moved to confirm and approve the Report and Recommendation of Hearing Examiner Angell, subject to the modifications set forth herein; Ms.

Marchal seconded the motion. Motion passed (Aye-4/Nay-2) (Joshua M. Cox, RPh-Nay; Megan E. Marchal, RPh-Aye; Jeff Huston, RPh-Aye; N. Victor Goodman, *Public Member*-Nay; Trina Buettner, RPh-Aye, and Shawn C. Wilt, RPh-Aye).

SO ORDERED.

R-2021-0399

After votes were taken in public session, the Board adopted the following Order in the Matter of **Caitlin Heraghty, Cleveland, Ohio.**

**ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING AND APPROVING
REPORT AND RECOMMENDATION OF HEARING EXAMINER**

(Case No. A-2020-0585)

In the Matter of Caitlin Heraghty:

Caitlin Heraghty, Registered Pharmacy Technician

6144 N. Pointe Drive
Cleveland, OH 44124

(Suspended Registration No. 09-211657)

INTRODUCTION

A Summary Suspension/Notice of Opportunity for Hearing (Notice) was issued by the Board on September 4, 2020. The Matter of Caitlin Heraghty came for hearing before Hearing Examiner David Hasselback on December 10, 2020 at which Ms. Heraghty was represented by attorney Matthew Lallo. 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 January 5, 2021. The matter subsequently came for consideration by the Board on February 2, 2021, before the following members: Jennifer Rudell, RPh, *Presiding*; Joshua Cox, RPh; Trina Buettner, RPh; Victor Goodman, *Public Member*; Jeff Huston, RPh; Megan Marchal, RPh; and Shawn Wilt, RPh.

Rich Miller, RPh; Absent.

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items: State's Exhibits numbered 1 through 8, the hearing transcript, and Hearing Examiner Hasselback's Report and Recommendation, and Respondent's Exhibits A and B (as ordered sealed by the Hearing Examiner).

DECISION OF THE BOARD

After thorough review of the entire administrative record, the Board hereby confirms, approves, and adopts, without modification, Hearing Examiner Hasselback's Finding of Facts, in their entirety, including those that specifically relate to the Board's Notice letter, dated September 4, 2020, as set forth in the Report and Recommendation.

After thorough review of the entire administrative record, the Board hereby confirms, approves, and adopts, without modification, Hearing Examiner Hasselback's Violations of Law, in their entirety, as set forth in the Report and Recommendation.

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 confirms, approves, and adopts, without modification, Hearing Examiner Hasselback's recommendation. The Board hereby removes the summary suspension and suspends indefinitely the registered pharmacy technician registration held by Ms. Heraghty, No. 09-211657, and such suspension is effective from the Board's Notice letter, September 4, 2020.

Ms. Heraghty, 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 18 months from the date of the Board's Notice letter, September 4, 2020, the Board will consider any petition filed by Ms. Heraghty for a hearing, pursuant to R.C. Chapter 119, for reinstatement. The Board will consider reinstatement of the registered pharmacy technician registration if the following conditions have been met:

1. Ms. Heraghty must comply with all terms of this Order.
2. Ms. Heraghty must maintain a current address with the Board throughout the duration of the suspension.
3. Ms. Heraghty must provide, in the reinstatement petition, a letter and medical records from her treating healthcare professional(s) that demonstrate that Ms. Heraghty has successfully completed the treatment she described at the December 10, 2020, administrative hearing, that the treatment professional supports Ms. Heraghty's safe return to work as a pharmacy technician, and that Ms. Heraghty is fit to practice pharmacy. The documentation must be submitted no sooner than two months prior to reinstatement.
4. Ms. Heraghty must provide, in the reinstatement petition, documentation of at least 2 clean, random drug screens completed between the effective

date of the order (February 3, 2021), and her application for reinstatement. Drug screens completed in the course of any intervention in lieu related a criminal case (if applicable) or in the course of the treatment described above in Paragraph (3) is sufficient.

5. Prior to any reinstatement, Ms. Heraghty must submit for a "fitness for duty" examination, as directed by the Board.
6. 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.
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 Ms. Heraghty's employment is related to the practice of pharmacy, Ms. Heraghty must notify her employer of the terms of her 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 Ms. Heraghty's registered pharmacy technician registration.

Ms. Buettner moved to confirm and approve Hearing Examiner Hasselback's Report and Recommendation. Mr. Goodman 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-2021-400

After votes were taken in public session, the Board adopted the following Order in the Matter of Medical Marijuana Patient **K.W., Lancaster, 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-2020-0536-MPT)

IN THE MATTER OF:
K.W. (Respondent)

(Patient Registration No. [REDACTED])

INTRODUCTION

In the Matter of: K.W. came for hearing before Hearing Examiner Robert C. Angell on December 1, 2020, and for consideration by the State of Ohio Board of Pharmacy (Board) on February 2, 2021 before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer M. Rudell, RPh, *Presiding*; Megan E. Marchal, RPh; Joshua M. Cox, RPh; N. Victor Goodman, *Public Member*; Shawn C. Wilt, RPh; Jeff Huston, RPh; and Trina Buettner, RPh.

Respondent was represented by Colin E. McNamee, Esq. during the administrative hearing on December 1, 2020. The State of Ohio was represented by Henry G. Appel, Principal 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:

- 17) Notice of Opportunity for Hearing/Proposal to Take Disciplinary Action Against Medical Marijuana Employee License, Case No. A-2020-0536-MPT
- 18) Proof of Service, Notice of Opportunity for Hearing/Proposal to Take Disciplinary Action Against Medical Marijuana Employee License, Case No. A-2020-0536-MPT
- 19) Request for Hearing
- 20) Acknowledgement of Hearing Request
- 21) Proof of service, Acknowledgement of Hearing Request (Unclaimed)
- 22) Hearing Examiner Appointment Letter
- 23) Appearance of Counsel

- 24)Hearing Examiner Entry and Order, dated October 22, 2020
- 25)Hearing Examiner Entry and Order, dated October 27, 2020
- 26)Hearing Examiner Entry and Order, dated November 5, 2020
- 27)Hearing Examiner Entry and Order (Unclaimed)
- 28)Hearing Transcript
- 29)The following State of Ohio Exhibits admitted by the Hearing Examiner:
 - Exhibit 01a. Notice of Opportunity for Hearing, Dated July 23, 2020
 - Exhibit 01b. Notice of Opportunity for Hearing, Dated July 24, 2020
 - Exhibit 01c. Identifier Key – **Admitted Under Seal**
 - Exhibit 01d. Proof of Service
 - Exhibit 02. Request for Hearing, Dated August 24, 2020
 - Exhibit 03. Hearing Examiner’s Entry and Order, dated November 5, 2020
 - Exhibit 04. Email, dated December 3, 2019 – **Admitted Under Seal**
 - Exhibit 05. Email, dated September 27, 2019 – **Admitted Under Seal**
 - Exhibit 06. Written Statement of B.P. – **Admitted Under Seal**
 - Exhibit 07. Photograph
 - Exhibit 08. Photograph
 - Exhibit 09. Photograph
 - Exhibit 10. Receipt, dated September 21, 2019
 - Exhibit 11. Photographs
- 30)Report and Recommendation, Dated January 5, 2020 (sic)
- 31)Report and Recommendation Cover Letter, Dated January 6, 2021
- 32)Proof of Service, Report and Recommendation

DECISION OF THE BOARD

After thorough review of the administrative record, the Board hereby confirms and approves the Hearing Examiner's Findings of Fact 1 through 10 (inclusive) in their entirety as set forth in the Report and Recommendation.

Additionally, after a thorough review of the administrative record, the Board hereby confirms and approves the Hearing Examiner's Conclusions of Law in their entirety, as set forth in the Report and Recommendation, except for the following modifications: The Board finds such conduct as set forth in the Findings of Fact constitutes a violation of R.C. 2925.03, Aggravated Trafficking in Drugs, as alleged in the Notice of Opportunity for Hearing as Potential Violation of Law #1; and a violation of Ohio Adm.Code 0796:6-2-08(B)(14), the patient or caregiver sold marijuana to any other person, including other patients or caregivers as Potential Violation of Law #2(c), because R.C. 4729.01(J) defines "sale" or "sell" to include "any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both."

After a thorough review of the administrative record, the Board confirms and approves the Hearing Examiner's recommendation to Reprimand Respondent's medical marijuana patient registration. The Board hereby issues a public Reprimand.

The Board orders that State's Exhibits 1(c), 4, 5, and 6 be placed under seal.

Mr. Wilt moved to confirm and approve the Report and Recommendation of Hearing Examiner Angell; Ms. Marchal seconded the motion. Motion passed (Aye-5/Nay-1) (Joshua M. Cox, RPh-Aye; Megan E. Marchal, RPh-Aye; Jeff Huston, RPh-Aye; N. Victor Goodman, *Public Member*-Nay; Trina Buettner, RPh-Aye, and Shawn C. Wilt, RPh-Aye).

SO ORDERED.

R-2021-0401

After votes were taken in public session, the Board adopted the following Order in the Matter of **Erica Johnson, Warren, Ohio**.

ORDER OF THE STATE BOARD OF PHARMACY
CONFIRMING AND APPROVING IN PART & MODIFYING IN PART
REPORT & RECOMMENDATION OF HEARING EXAMINER
(Case Number A-2020-0103)

In The Matter Of Erica Johnson:

Erica Johnson, Certified Pharmacy Technician.

3087 Dunstan Drive NW

Warren, Ohio 44485

(Suspended Registration No. 09-301970)

INTRODUCTION

A Summary Suspension/Notice of Opportunity for Hearing (Notice) was issued by the Board on February 12, 2020. The Matter of Erica Johnson came for hearing before Hearing Examiner Kristin E. Rosen on August 20, 2020 at which time Erica Johnson was represented by counsel, Brandon Smith. 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 December 9, 2020. Respondent's counsel filed a written objection to the report and recommendation with the Board on December 21, 2020. Respondent's attorney, Brandon Smith, and Assistant Attorney General, Henry Appel, addressed the Board on February 1, 2021, and the matter subsequently came for consideration by the Board on February 2, 2021, 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*; Jeff Huston, RPh, Megan Marchal, 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 (16), the hearing transcript, Hearing Examiner Rosan's Report and Recommendation, and Respondent's Objections to the Report and Recommendation, and Respondent's February 1, 2021 Oral Address.

DECISION OF THE BOARD

After thorough review of the entire administrative record, the Board hereby adopts Hearing Examiner Rosan's Findings of Facts (1) through (11), including those that specifically relate to the Board's Notice letter dated April 8, 2020. The Board further modifies the Report and Recommendation to include the Board's Findings of Fact as set forth in the Notice of Hearing dated February 12, 2020, paragraphs:

1. While working as a certified pharmacy technician at Walgreens Pharmacy #05549, located at 804 W. Market Street, Warren, Ohio, six fraudulent prescriptions were filled between August 18, 2019 and September 10, 2018. Respondent was working while two of the six prescriptions were dispensed.
2. On or about February 9, 2020, Respondent was interviewed by agents of the Board. Respondent admitted and the Board finds to be fact:
 - a. Gabriel Green questioned Respondent about prescription paper and whether the pharmacy receives fake prescriptions. Mr. Green later asked Respondent for DEA and NPI numbers for physicians. Respondent did not know how to obtain the DEA and NPI numbers that were requested, but Respondent was able to obtain addresses for the prescribers. Respondent provided the addresses to Mr. Green.
 - b. Mr. Green paid Respondent \$20.00 to \$30.00 to check DEA numbers.
 - c. Mr. Green asked Respondent to check the DEA number of Dr. Danielle Hoover, a doctor who confirmed fraudulent prescriptions were issued in her name.
 - d. Respondent met Mr. Green in the parking lot at work; he asked Respondent to get him a prescriber's DEA number in exchange for a firearm. Respondent provided Mr. Green a DEA number from a patient's prescription. Respondent made sure two of the numbers were incorrect. Mr. Green provided Respondent with a firearm.
 - e. Mr. Green gave Respondent a small, silver handgun, possibly a .38 caliber, he obtained from a gun show. Respondent did not register the gun.
 - f. Mr. Green brought a prescription to Respondent at her residence for Respondent to review. Respondent reviewed whether the paper felt consistent with Cleveland Clinic prescriptions. Mr. Green informed Respondent that the prescription was fraudulent.

The Board adopts Conclusions of Law (23) through (30), including the Board's violations of law as set forth in the Notice of Hearing dated February 12, 2020, as set forth by Hearing Examiner Rosan.

All violations of law are supported based on the evidence in the record. Specifically, Ms. Johnson's written statement (State's Ex. 5) and Agent DiFrangia's testimony. Agent DiFrangia testified that Respondent provided addresses of the prescribers associated with DEA and NPI numbers (provided by Gabriel Green), Respondent reviewed fraudulent prescriptions for Mr. Green, Mr. Green provided Respondent a firearm during one of their meetings outside the pharmacy, and Mr. Green provided Respondent \$20-\$30 (Tr. At 55, 56). Additionally, "Mr. Green's numerous inquiries into the practice of pharmacy and DEA numbers and prescription consistencies, it appeared that... he was engaging in some sort of fraudulent, criminal activity with prescription medication to Ms. Johnson." (Tr. At 57). Agent DiFrangia further testified that Respondent informed Mr. Green of times the main pharmacist at her place of employment was sick (*Id.*). All fraudulent prescriptions filled at the

Respondent's place of employment were for a highly abused medication, Oxycodone, a Schedule II controlled substance. (Tr. At 64). Additionally, Respondent provided Mr. Green with her work schedule and at least two prescriptions were filled while she was at the pharmacy working as a technician. (Tr. At 65-68; State's Ex. 10, 11, 16).

The Board adopts the Hearing Examiner's Recommendation with modification. Pursuant to Section 4729.96 of the Ohio Revised Code and Rule 4729:3-4-01 of the Ohio Administrative Code, and after consideration of the record as a whole, the Board hereby modifies the recommendation of the Hearing Examiner and revokes the suspended registration as a certified pharmacy technician of Erica Johnson, no. 09-301970. The Board finds the Respondent's complicity in the activities of Mr. Green, including the participation allowing fraudulent prescriptions to be filled and providing details as to the internal pharmacy operations to be so aggravating as to not warrant Respondent's future participation in the practice of pharmacy. The revocation is effective as of the mailing of this Order. Erica Johnson may not be employed by any facility in the capacity of a pharmacy technician. The Board Orders:

On the basis of the Findings of Facts (1) through (22) with the Board's modifications, and the Hearing Examiner's Conclusion of Law (25) as it relates to the Notice dated February 12, 2020, the State of Ohio Board of Pharmacy hereby revokes permanently the certified pharmacy technician registration, No. 09-301970, held by Erica Johnson, effective as of the date of the mailing of this order.

On the basis of the Findings of Facts (1) through (22) with the Board's modifications, and the Hearing Examiner's Conclusion of Law (26) as it relates to the Notice dated February 12, 2020, the State of Ohio Board of Pharmacy hereby revokes permanently the certified pharmacy technician registration, No. 09-301970, held by Erica Johnson, effective as of the date of the mailing of this order.

On the basis of the Findings of Facts (1) through (22) with the Board's modifications, and the Hearing Examiner's Conclusion of Law (27) as it relates to the Notice dated February 12, 2020, the State of Ohio Board of Pharmacy hereby revokes permanently the certified pharmacy technician registration, No. 09-301970, held by Erica Johnson, effective as of the date of the mailing of this order.

On the basis of the Findings of Facts (1) through (22) with the Board's modifications, and the Hearing Examiner's Conclusion of Law (28) as it relates to the Notice dated February 12, 2020, the State of Ohio Board of Pharmacy hereby revokes permanently the certified pharmacy technician registration, No. 09-301970, held by Erica Johnson, effective as of the date of the mailing of this order.

On the basis of the Findings of Facts (1) through (22) with the Board's modifications, and the Hearing Examiner's Conclusion of Law (29) as it relates to the Notice dated February 12, 2020, the State of Ohio Board of Pharmacy hereby revokes permanently the certified pharmacy technician registration, No. 09-301970, held by Erica Johnson, effective as of the date of the mailing of this order.

Mr. Wilt moved to confirm and approve the Report and Recommendation of Hearing Examiner Rosan with the modifications outlined above. Mr. Cox seconded the motion. Motion passed (Aye - 6/Nay - 0).

SO ORDERED.

R-2021-0402

After votes were taken in public session, the Board adopted the following Order in the Matter of **Marcia Coleman, Dayton, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0230
Marcia Coleman	:	
131 N. Marion Street	:	License No. 09-305449
Dayton, Ohio 45417	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Marcia Coleman ("Respondent") was issued a registration as a certified pharmacy technician by the State of Ohio Board of Pharmacy on June 26, 2018. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent on May 27, 2020. The mailing was returned to the Board undeliverable. A new address was located and the Notice was mailed on July 6, 2020. Respondent received the Notice, via certified mail, return receipt requested, on July 14, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of delivery. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 \$1,000.00. 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. Respondent's certified pharmacy registration, No. 09-305449, is subject to a minimum two-year probationary period beginning the effective date of this Order.
3. The Board hereby imposed a written reprimand on Respondent's certified pharmacy registration, No. 09-305449.
4. This Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which Respondent currently holds a professional license, including to the Board on renewal applications or applications for a new license or registration.

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

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0403

After votes were taken in public session, the Board adopted the following Order in the Matter of **Terry Wells, Moraine, Ohio**.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0086
Terry Wells	:	

2512 Blanchard Avenue, Apt. 3 : **License No. 09-314103**
 Moraine, Ohio 45439 :
 :
Respondent. :

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Terry Wells ("Respondent") was issued a registration as a pharmacy technician on June 27, 2018. It expired on June 27, 2019. Respondent was then issued a registration as a certified pharmacy technician by the State of Ohio Board of Pharmacy under this license number on January 3, 2020. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent on June 4, 2020. Respondent received the Notice, via certified mail, return receipt requested, on June 6, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of delivery. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 \$750.00. 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. 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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0404

After votes were taken in public session, the Board adopted the following Order in the Matter of **Eric Freeze, Huber Heights, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0185
Eric Freeze	:	
8301 Chinaberry Place	:	License No. 09-303655
Huber Heights, OH 45424	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Eric Freeze ("Respondent") was issued a registration as a certified pharmacy technician by the State of Ohio Board of Pharmacy on April 26, 2018. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on March 13, 2020. Respondent received the Notice, via certified mail, return receipt requested, on March 17, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 Registration as a registered pharmacy technician, No. 09-303655, may be REINSTATED as of the date of this Order so long as all licensing conditions have been met. If any licensing conditions are outstanding, they must first be completed prior to reinstatement, including renewal if appropriate.

2. The Board hereby imposes a fine in the amount of \$250.00. 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.

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

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).
SO ORDERED.

R-2021-0405

After votes were taken in public session, the Board adopted the following Order in the Matter of **Angela Wilkes, Cleveland, Ohio**.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0198
Angela Wilkes	:	
10622 Columbia Avenue	:	No. App-000304544
Cleveland, Ohio 44108	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Angela Wilkes ("Respondent") submitted an application for registration as a certified pharmacy technician ("Application") to the State of Ohio Board of Pharmacy on October 18, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on May 18, 2020. The Board issued Respondent the Notice, via certified mail, return receipt requested, and it was served on May 26, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 grants the Pending Registration No. App-000304544 as a certified pharmacy technician conditioned upon payment of a fine in the amount of \$500.00. To pay this fine Respondent must login to www.elicense.ohio.gov and process the items in the cart.
2. The Board hereby imposed a written reprimand on Respondent's certified pharmacy registration, associated with Pending Registration No. App-000304544.
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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0406

After votes were taken in public session, the Board adopted the following Order in the Matter of **Jamie Garcia, Harrison, Ohio**.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	
Jamie Garcia	:	Case No. A-2020-0557
10242 Crosby Road	:	
Harrison, OH 45030	:	License No. 09-212241

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

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

Rich Miller, RPh; Absent.

SO ORDERED.

R-2021-0407

After votes were taken in public session, the Board adopted the following Order in the Matter of **Jordan Snow, Hamersville, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0655
Jordan Snow	:	
10783 Liming Lake Road	:	License No. 09-213068
Hamersville, OH 45130	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Jordan Snow ("Respondent") was issued a registration as a registered pharmacy technician by the State of Ohio Board of Pharmacy on March 13, 2020. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on October 2, 2020. Respondent received the Notice, via certified mail, return receipt requested, on October 5, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 Registration as a registered pharmacy technician, No. 09-213068, is REVOKED.
2. Notwithstanding the definition of “Revoke” in OAC 4729:3-1-01, Respondent may not apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twenty-four months from the date of this Order.
3. Respondent may only apply for a license or registration, as described above in Paragraph (2), if he provides 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 him unfit to practice pharmacy, to include at minimum, unless otherwise approved by the Board:
 - a. Successful completion of a Board-approved or court-ordered treatment program; and
 - b. Continuous participation in a Board-approved monitoring program for no less than 24 months, to include all components set forth in OAC 4729:4-1-04.
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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

Rich Miller, RPh; Absent.

SO ORDERED.

R-2021-0408

After votes were taken in public session, the Board adopted the following Order in the Matter of **Tammy Flora, Springfield, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0300
Tammy Flora	:	

3920 Kimberly Drive : **Registration No. 09-307815**
 Springfield, Ohio 45503 :
 :
Respondent. :

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Tammy Flora ("Respondent") was issued a registration as a certified pharmacy technician by the State of Ohio Board of Pharmacy on May 22, 2018. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on April 10, 2020. Respondent received the Notice, via certified mail, return receipt requested, on April 15, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 Registration as a certified pharmacy technician, No. 09-307815, is REVOKED.
2. Notwithstanding the definition of "Revoke" in OAC 4729:3-1-01, Respondent may not apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twenty-four months from the date of this Order.
3. Respondent may only apply for a license or registration, as described above in Paragraph (2), if she provides 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, to include at minimum, unless otherwise approved by the Board:
 - a. Successful completion of a Board-approved or court-ordered treatment program; and

- b. Continuous participation in a Board-approved monitoring program for no less than 24 months, to include all components set forth in OAC 4729:4-1-04.
- 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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0409

After votes were taken in public session, the Board adopted the following Order in the Matter of **Samantha Eleyet, Sprigfield, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0301
Samantha Eleyet	:	
4100 Troy Road, Lot 7	:	Registration No. 09-111159
Sprigfield, Ohio 45502	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Samantha Eleyet ("Respondent") was issued a registration as a pharmacy technician trainee by the State of Ohio Board of Pharmacy on November 21, 2019. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on April 10, 2020. Respondent received the Notice, via certified mail, return receipt requested, on April 14, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 Registration as a pharmacy technician trainee, No. 09-111159, is REVOKED.
2. Notwithstanding the definition of "Revoke" in OAC 4729:3-1-01, Respondent may not apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twenty-four months from the date of this Order.
3. Respondent may only apply for a license or registration, as described above in Paragraph (2), if she provides 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, to include at minimum, unless otherwise approved by the Board:
 - a. Successful completion of a Board-approved or court-ordered treatment program; and
 - b. Continuous participation in a Board-approved monitoring program for no less than 24 months, to include all components set forth in OAC 4729:4-1-04.
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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0410

After votes were taken in public session, the Board adopted the following Order in the Matter of **Michelle Barnett, Eaton, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0407
Michelle Barnett	:	
130 Valhalla Drive	:	Registration No. 09-304670
Eaton, Ohio 45320	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Michelle Barnett ("Respondent") was issued a registration as a certified pharmacy technician by the State of Ohio Board of Pharmacy on July 26, 2018. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on May 18, 2020. Respondent received the Notice, via certified mail, return receipt requested, on May 20, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 Registration as a certified technician, No. 09-304670, is REVOKED.
2. Notwithstanding the definition of "Revoke" in OAC 4729:3-1-01, Respondent may not apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twenty-four months from the date of this Order.
3. Respondent may only apply for a license or registration, as described above in Paragraph (2), if she provides 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, to include at minimum, unless otherwise approved by the Board:

- a. Successful completion of a Board-approved or court-ordered treatment program; and
 - b. Continuous participation in a Board-approved monitoring program for no less than 24 months, to include all components set forth in OAC 4729:4-1-04.
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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0411

After votes were taken in public session, the Board adopted the following Order in the Matter of **Amy Gleeson, Dayton, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0440
Amy Gleeson	:	
6371 Braxton Place	:	Registration No. 09-309060
Dayton, Ohio 45459	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Amy Gleeson ("Respondent") was issued a registration as a certified pharmacy technician by the State of Ohio Board of Pharmacy on July 26, 2018. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on June 22, 2020. Respondent received the Notice, via certified mail, return receipt requested, on June 22, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February

2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 Registration as a certified technician, No. 09-309060, is REVOKED.
2. Notwithstanding the definition of "Revoke" in OAC 4729:3-1-01, Respondent may not apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twenty-four months from the date of this Order.
3. Respondent may only apply for a license or registration, as described above in Paragraph (2), if she provides 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, to include at minimum, unless otherwise approved by the Board:
 - a. Successful completion of a Board-approved or court-ordered treatment program; and
 - b. Continuous participation in a Board-approved monitoring program for no less than 24 months, to include all components set forth in OAC 4729:4-1-04.
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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0412

After votes were taken in public session, the Board adopted the following Order in the Matter of **Hanna Coventry, Brook Park, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0004
Hanna Coventry	:	
13981 Dalebrook Avenue	:	License No. 09-204432
Brook Park, OH 44142	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Hanna Coventry ("Respondent") was issued a registration as a registered pharmacy technician by the State of Ohio Board of Pharmacy on February 26, 2018. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on January 6, 2020. Respondent received the Notice, via certified mail, return receipt requested, on January 24, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 Registration as a registered pharmacy technician, No. 09-204432, is REVOKED.
2. Notwithstanding the definition of "Revoke" in OAC 4729:3-1-01, Respondent may not apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719.,

3796., 4729. or 4752., for a period of at least twenty-four months from the date of this Order.

3. Respondent may only apply for a license or registration, as described above in Paragraph (2), if she provides 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 him unfit to practice pharmacy, to include at minimum, unless otherwise approved by the Board:
 - a. Successful completion of a Board-approved or court-ordered treatment program; and
 - b. Continuous participation in a Board-approved monitoring program for no less than 24 months, to include all components set forth in OAC 4729:4-1-04.
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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).
SO ORDERED.

R-2021-0413

After votes were taken in public session, the Board adopted the following Order in the Matter of **Kahla Bashoor, Brook Park, Ohio**.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0177
Kahla Bashoor	:	
13981 Dalebrook Avenue	:	License No. 09-313754
Brook Park, OH 44142	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Kahla Bashoor ("Respondent") was issued a registration as a certified pharmacy technician by the State of Ohio Board of Pharmacy on September 20, 2019. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on February 26, 2020. The Notice was returned to the

Board on March 31, 2020. The Notice was resent to a new address on April 2, 2020 and the Respondent received the Notice, via certified mail, return receipt requested, on April 4, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 Registration as a certified pharmacy technician, No. 09-313754, is REVOKED.
2. Notwithstanding the definition of "Revoke" in OAC 4729:3-1-01, Respondent may not apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twenty-four months from the date of this Order.
3. Respondent may only apply for a license or registration, as described above in Paragraph (2), if she provides 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 him unfit to practice pharmacy, to include at minimum, unless otherwise approved by the Board:
 - a. Successful completion of a Board-approved or court-ordered treatment program; and
 - b. Continuous participation in a Board-approved monitoring program for no less than 24 months, to include all components set forth in OAC 4729:4-1-04.
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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).
SO ORDERED.

R-2021-0414

After votes were taken in public session, the Board adopted the following Order in the Matter of **Victor Baldarez, Maumee, Ohio.**

In the Matter of	:	
	:	Case No. A-2020-0590
Victor Baldarez	:	
6707 Janel Lane	:	License No. 09-305114
Maumee, OH 43537	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Victor Baldarez ("Respondent") was issued a registration as a certified pharmacy technician by the State of Ohio Board of Pharmacy on April 2, 2018. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on September 11, 2020. Respondent received the Notice, via certified mail, return receipt requested, on September 14, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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. 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 prohibition on applying for any license or registration over which the Board has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent’s Registration as a certified pharmacy technician, No. 09-305114, is PERMANENTLY REVOKED.
2. 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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

Rich Miller, RPh; Absent.

SO ORDERED.

R-2021-0415

After votes were taken in public session, the Board adopted the following Order in the Matter of **Raneen Bayyoud, Fairborn, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0591
Raneen Bayyoud	:	
1757 Arlin Place, Apt. B	:	License No. 09-111851
Fairborn, OH 45324	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Raneen Bayyoud (“Respondent”) was issued a registration as a pharmacy technician trainee by the State of Ohio Board of Pharmacy on January 17, 2020. The Board issued a Summary Suspension/Notice of Opportunity for Hearing (“Notice”) to Respondent on September 11, 2020. Respondent received the Notice, via certified mail, return receipt requested, on September 14, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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. 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 prohibition on applying for any license or registration over which the Board has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent’s Registration as a pharmacy technician trainee, No. 09-111851, is PERMANENTLY REVOKED.
2. 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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

Rich Miller, RPh; Absent.

SO ORDERED.

R-2021-0416

After votes were taken in public session, the Board adopted the following Order in the Matter of **Alexis Hickel, Mansfield, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0668
Alexis Hickel	:	
784 Touby Lane	:	License No. 09-108273
Mansfield, OH 44903	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Alexis Hickel ("Respondent") was issued a registration as a pharmacy technician trainee by the State of Ohio Board of Pharmacy on May 1, 2019. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on October 16, 2020. Respondent received the Notice, via certified mail, return receipt requested, on October 28, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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. 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 prohibition on applying for any license or registration over which the Board has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Registration as a pharmacy technician trainee, No. 09-108273, is PERMANENTLY REVOKED.
2. 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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

Rich Miller, RPh; Absent.

SO ORDERED.

R-2021-0417

After votes were taken in public session, the Board adopted the following Order in the Matter of **Cyree' Tenney, Warren, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0587
Cyree' Tenney	:	
170 Woodbine SE	:	License No. 09-207143
Warren, OH 44483	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Cyree' Tenney ("Respondent") was issued a registration as a registered pharmacy technician by the State of Ohio Board of Pharmacy on June 5, 2018. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on September 4, 2020, via certified mail, return receipt requested. Because the Board was unable to confirm service, it re-issued the Notice to Respondent on October 28, 2020. Respondent received the Notice, via certified mail, return receipt requested, on November 2, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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. 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 prohibition on applying for any license or registration over which the Board has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Registration as a registered pharmacy technician, No. 09-207143, is PERMANENTLY REVOKED.
2. 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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

Rich Miller, RPh; Absent.

SO ORDERED.

R-2021-0418

After votes were taken in public session, the Board adopted the following Order in the Matter of **Christina Durbin, Findlay, Ohio**.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0612
Christina Durbin	:	
720 Franklin Ave.	:	Pending Reg. No. APP-000376656
Findlay, OH 45840	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Christina Durbin ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on July 15, 2020. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on September 30, 2020. Respondent received the Notice, via certified mail, return receipt requested, on October 3, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., 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).
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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

Rich Miller, RPh; Absent.

SO ORDERED.

R-2021-0419

After votes were taken in public session, the Board adopted the following Order in the Matter of **Gabriella Hanson, Athens, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0306
Gabriella Hanson	:	
127 Grosvenor Street	:	Pending Reg. No. APP-000209136
Athens, OH 45701	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Gabriella Hanson ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on December 5, 2018. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on October 2, 2020 via certified mail, return receipt requested. The Notice was returned to the Board marked "Unclaimed" on November 3, 2020. The Board re-issued the Notice, via ordinary mail on November 13, 2020. The Notice was not returned for failure of delivery. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., 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).
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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

Rich Miller, RPh; Absent.

SO ORDERED.

R-2021-0420

After votes were taken in public session, the Board adopted the following Order in the Matter of **Shauntae Jones, Euclid, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0678
Shauntae Jones	:	
19730 Euclid Ave., Apt. 106	:	Pending Reg. No. APP-000341464
Euclid, OH 44117	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Shauntae Jones ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on April 13, 2020. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on December 10, 2020. Respondent received the Notice, via certified mail, return receipt requested, on December 17, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., 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).

- 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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

Rich Miller, RPh; Absent.

SO ORDERED.

R-2021-0421

After votes were taken in public session, the Board adopted the following Order in the Matter of **Melissa Reinhard, Bowling Green, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2019-0253
Melissa Reinhard	:	
13822 Klopfenstein Rd.	:	Pending Reg. No. APP-000182133
Bowling Green, OH 43402	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Melissa Reinhard ("Respondent") submitted an application for registration as a registered pharmacy technician ("Application") to the State of Ohio Board of Pharmacy on August 23, 2018. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on September 23, 2019. Respondent received the Notice, via certified mail, return receipt requested, on September 25, 2019. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., 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).
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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

Rich Miller, RPh; Absent.

SO ORDERED.

R-2021-0422

After votes were taken in public session, the Board adopted the following Order in the Matter of **David Williams III, Oregon, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2019-0345
David Williams III	:	
3112 Corduroy Road, Apt. 2	:	Pending Reg. No. APP-000268026
Oregon, OH 43616	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

David Williams III (“Respondent”) submitted an application for registration as a pharmacy technician trainee (“Application”) to the State of Ohio Board of

Pharmacy on May 28, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on October 2, 2020 via certified mail, return receipt requested. The Notice was returned to the Board marked "Attempted – Not Known, Unable to Forward" on October 27, 2020, 2020. Upon verification of a new address for Respondent, the Board reissued the Notice on November 20, 2020, via certified mail, return receipt requested. Respondent received the Notice on November 23, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., 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).
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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

Rich Miller, RPh; Absent.

SO ORDERED.

R-2021-0423

After votes were taken in public session, the Board adopted the following Order in the Matter of **Gatorian Johnson, Cincinnati, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2019-0157
Gatorian Johnson	:	
3943 Holman Circle	:	Pending Reg. No. APP-000213299
Cincinnati, Ohio 45236	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Gatorian Johnson ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on December 17, 2018. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on October 11, 2019. The Board issued Respondent the Notice, via certified mail, return receipt requested, and it was returned to the Board as unclaimed. On November 26, 2019, the Notice was sent with a Certificate of Mailing. It was not returned for failure of service. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., 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).

3. Respondent may only apply for a license or registration, as described above in Paragraph (2), if he provides 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 him unfit to practice pharmacy, to include at minimum, unless otherwise approved by the Board:
 - a. Successful completion of a Board-approved or court-ordered treatment program; and
 - b. Continuous participation in a Board-approved monitoring program for no less than 24 months, to include all components set forth in OAC 4729:4-1-04.
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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0424

After votes were taken in public session, the Board adopted the following Order in the Matter of **Diane Boles, Columbus, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0519
Diane Boles	:	
847 E. Weber Road	:	Pending Reg. No. APP-000336041
Columbus, Ohio 43211	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Diane Boles ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on March 5, 2020. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on August 7, 2020. Respondent received the Notice, via certified mail, return receipt requested, on August 19, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested

within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least one-month from the date of this Order, as set forth in OAC 4729:3-1-01(U).
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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner, RPh, seconded the motion. Motion passed (Aye-6/Nay-0).
SO ORDERED.

R-2021-0425

After votes were taken in public session, the Board adopted the following Order in the Matter of **Victoria Schaab, Niles, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0126
Victoria Schaab	:	
5027 Youngstown-Warren Rd.	:	Pending Reg. No. APP-000301436
Niles, Ohio 44446	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Victoria Schaab ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on October 1, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on April 17, 2020. The Board issued Respondent the Notice, via certified mail, return receipt requested, and it was served on May 1, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., 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).
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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

R-2021-0426

After votes were taken in public session, the Board adopted the following Order in the Matter of **Keisha Law, Goshen, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0141
Keisha Law	:	
6370 Roudebush Road	:	Pending Reg. No. APP-000304044
Goshen, Ohio 45122	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Keisha Law ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on October 17, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on March 25, 2020. The Board issued Respondent the Notice, via certified mail, return receipt requested, and it was served on March 27, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on February 2, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the 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.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board 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 apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., 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).

3. Respondent may only apply for a license or registration, as described above in Paragraph (2), if he provides 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 him unfit to practice pharmacy, to include at minimum, unless otherwise approved by the Board:
 - a. Successful completion of a Board-approved or court-ordered treatment program; and
 - b. Continuous participation in a Board-approved monitoring program for no less than 24 months, to include all components set forth in OAC 4729:4-1-04.
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 ORC Chapter 119.

Joshua Cox, RPh, moved for the findings and decision of the Board. Trina Buettner seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

3:24 p.m.

Pursuant to Section 3719.121(B) of the Ohio Revised Code and under authority 4729.96 of the Revised Code, the State of Ohio Board of Pharmacy was joined by Thomas A. Pyles, Chief of Investigations, for the purpose of whether to consider a summary suspension related to a Certified Pharmacy Technician.

R-2021-0427

After hearing Mr. Pyles discuss the significant facts regarding the activities **Certified Pharmacy Technician Amanda Adams, Hamilton, Ohio**, Mr. Wilt moved that the Board summarily suspend the Certified Pharmacy Technician license belonging to **Amanda Adams, Hamilton, Ohio**. 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; Huston-yes; Marchal-yes; and Wilt-yes.

R-2021-0428

Ms. Marchal moved that the **January 5-6, 2021 Board Meeting Minutes** be approved as written. 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; **Huston-Abstain**; Marchal-yes; and Wilt-yes. (Yes-5/No-0, Abstain-1)

R-2021-0429

Ms. Marchal moved that the **January 12, 2021 Conference Call Minutes** be approved as written. 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; **Huston-Abstain**; Marchal-yes; and Wilt-yes. (Yes-5/No-0, Abstain-1)

R-2021-0430

Mr. Cox moved that the **January 6, 2021 Probation Committee Minutes** be approved as written. 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; **Huston-Abstain**; Marchal-yes; and Wilt-yes. (Yes-5/No-0, Abstain-1)

R-2021-0431

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

**IN THE MATTER OF:
CASE NO. A-2018-0099**

Buy-Rite Drugs
License No. 02-2793050
c/o Michael Strickland
401 Corsbie Street, NW
Hartselle, AL 35640

**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 Buy-Rite Drugs, for the purpose of resolving all issues between the parties relating to the Board investigation of the illegal sales of dangerous drugs and failure to disclose discipline. Together, the Board and Buy-Rite Drugs 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. Buy-Rite Drugs is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2793050.

FACTS

1. The Board initiated an investigation of Buy-Rite Drugs, Terminal Distributor of Dangerous Drugs license number 02-2793050, related to Buy-Rite Drugs' illegal sales of dangerous drugs and failure to disclose discipline.
2. On or about May 15, 2020 the Board sent a Notice of Opportunity for Hearing to Buy-Rite Drugs, 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. Buy-Rite Drugs neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated May 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. Buy-Rite Drugs agrees to pay to the Board a monetary penalty in the amount of \$7,000.00. 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. Buy-Rite Drugs 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. Buy-Rite Drugs 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 Buy-Rite Drugs 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 Buy-Rite Drugs by the Board and will NOT discharge Buy-Rite Drugs from any obligation under the terms of this Agreement.

6. Buy-Rite Drugs agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Buy-Rite Drugs 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 Buy-Rite Drugs will operate.
9. Buy-Rite Drugs 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-2021-0432

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

IN THE MATTER OF:

**Case No. A-2020-0234
I-2019-1522-D**

Foster's Pharmacy
License No. 02-0179600
c/o Heidi Hatfield, RPh
207 W. High Street
Mount Vernon, OH 43050

**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 Foster's Pharmacy (Respondent) for the purpose of resolving all issues between the parties relating to the Board investigation of pharmacy technicians working at the pharmacy without the pharmacy technicians first obtaining and maintaining Board-registration. Together, the Board and Respondent 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 4729.55 of the Ohio Revised Code to practice as a TDDD in the state of Ohio. Additionally, Section 4729.57 of the Revised Code grants the Board 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 \$1,000 if the acts committed have not been classified as an offense by the Revised Code.
2. Respondent has an active TDDD license with the Board under license number 02-0179600, which lists Heidi Hatfield, RPh as the Responsible Person.

FACTS

1. The Board initiated an investigation related to pharmacy technicians working at Foster's Pharmacy without first obtaining and maintaining Board-registration.
2. On or about June 9, 2020 the Board sent a Notice of Opportunity for Hearing to Respondent 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 7, 2020, Heidi Hatfield, as Responsible Person for Respondent, expressly waived the Respondent's opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and any right to an appeal.

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. Respondent neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 9, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Respondent agrees to pay to the Board the amount of amount of \$250.00. This fine will be attached to the license record and must be paid no later than 30 days from the effective date of this Agreement. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
4. Respondent 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. 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 it has the right to be represented by counsel for review and execution of this agreement.
7. 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 Respondent will operate.
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 Section 149.43 of the Revised Code.
 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-2021-0433

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

**IN THE MATTER OF:
Case No. A-2020-0235
I-2019-1522-C**

**Heidi Hatfield, RPh
License No. 03-221066
15344 Mishey Road
Fredricktown, OH 43019**

**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 Heidi Hatfield for the purpose of resolving all issues between the parties relating to the Board investigation of pharmacy technicians working at the pharmacy for which she was listed as the Responsible Person, without the pharmacy technicians first obtaining and maintaining Board-registration. Together, the Board and Heidi Hatfield 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. Heidi Hatfield is a licensed pharmacist in the State of Ohio under license number 03-221066, and is listed as the Responsible Person of Foster's Pharmacy, 207 W. High Street, Mount Vernon, OH 43050.

FACTS

4. The Board initiated an investigation related to pharmacy technicians working at Foster's Pharmacy without first obtaining and maintaining Board-registration while Heidi Hatfield was the Responsible Person at the pharmacy.
5. On or about June 9, 2020 the Board sent a Notice of Opportunity for Hearing to Heidi Hatfield 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.
6. On or about July 7, 2020, Heidi Hatfield expressly waived her opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and any right to an appeal.

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:

12. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
13. Heidi Hatfield neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 9, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
7. Heidi Hatfield agrees to pay to the Board the amount of amount of \$250.00. This fine will be attached to the license record and must be paid no later than 30 days from the effective date of this Agreement. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
8. Heidi Hatfield agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

9. Heidi Hatfield understands that she has the right to be represented by counsel for review and execution of this agreement.
10. Heidi Hatfield 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. 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-2021-0434

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

**IN THE MATTER OF:
Case No. A-2019-0193
I-2018-2645-B**

**Shady Arafa, RPh
License No. 03-131648
4945 Lakota Woods Dr.
Liberty Twp., OH 45044**

**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 Shady Arafa for the purpose of resolving all issues between the parties relating to the Board's inspection conducted at a pharmacy previously owned by Arafa and at which he served as a staff

pharmacist. Together, the Board and Shady Arafa are referred to hereinafter as "the parties."

JURISDICTION

3. Pursuant to R.C. 4729.16 and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to R.C. 4729.16 to practice pharmacy in the State of Ohio.
4. Shady Arafa is a licensed pharmacist in the State of Ohio under license number 03-131648.

FACTS

1. The Board initiated an investigation of Shady Arafa, pharmacist license number 03-131648, related to an inspection conducted at a pharmacy previously owned by Arafa and at which he served as a staff pharmacist.
2. On or about September 18, 2020, the Board sent a Notice of Opportunity for Hearing to Shady Arafa, 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. Shady Arafa neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated September 18, 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. Shady Arafa agrees to pay to the Board the amount of amount of \$1,000.00. This fine will be attached to the license record and must be paid no later than 30 days from the effective date of this Agreement. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
4. Shady Arafa 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. Shady Arafa agrees that, should he ever resume holding a position of executive decision-making authority at a facility licensed by the Board (E.g., as an owner, operator, or RP at a Terminal Distributor of Dangerous Drugs or other Board-licensed facility) and as determined by the Board, he must, within three months after assuming such role, engage an independent third party to review the facility's policies and procedures for compliance with all relevant state and federal law and provide a written report of such review to the Board.
6. Shady Arafa understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Shady Arafa 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. Shady Arafa waives an opportunity to be heard pursuant to R.C. Chapter 119. 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 R.C. 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-2021-0435

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

**IN THE MATTER OF:
CASE NO. A-2019-0454**

Madelyn Marsh
SURRENDERED Registration No. 09-211485
6584 Stonegate Drive
Guilford, IN, 47022

**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 and coupons from her employer. 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 09-211485.

FACTS

1. The Board initiated an investigation of Respondent, registered pharmacy technician registration number 09-211485, related to Respondent's theft of controlled substances and coupons from her employer.
2. On or about October 4, 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. On October 27, 2019, Respondent requested an administrative hearing through her attorney, Todd Collis, which was originally scheduled for November 11, 2019 and indefinitely suspended due to COVID-19.

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 4, 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. 09-211485, 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 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-2021-0436

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

**IN THE MATTER OF:
Case No. A-2018-0032**

**CVS Pharmacy #3697
License No. 02-0796300**
c/o Kelly Hihn, RPh
19950 Detroit Road

Rocky River, OH 44116

**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 CVS Pharmacy #3697 (Respondent), for the purpose of resolving all issues between the parties relating to the Board's investigation of Respondent's drug security issues. Together, the Board and Respondent are referred to hereinafter as "the parties."

JURISDICTION

3. Pursuant to R.C. 4729.57 and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to R.C. 4729.55 to practice as a TDDD in the State of Ohio. Additionally, R.C. 4729.57 grants the Board the authority to impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the R.C. for a similar offense or \$1,000 if the acts committed have not been classified as an offense by the R.C.
4. CVS Pharmacy #3697 has an active TDDD license with the Board under license number 02-0796300, which lists Kelly Hihn, RPh as the Responsible Person.

FACTS

1. The Board initiated an investigation of Respondent, TDDD License No. 02-0796300, related to Respondent's drug security issues.
2. On or about August 12, 2020, the Board sent a Notice of Opportunity for Hearing to Respondent for Case No. A-2018-0032, 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. Respondent 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. In order to resolve both Case No. A-2018-0032, Respondent agrees to pay to the Board a total monetary penalty the amount of \$1,000.00. 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. Respondent 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. 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 it has the right to be represented by counsel for review and execution of this agreement.
7. 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 Respondent will operate.
8. Respondent waives its right to a hearing and an opportunity to be heard pursuant to R.C. Chapter 119 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 R.C. 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-2021-0437

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

**IN THE MATTER OF:
Case No. A-2020-0227
I-2019-1597-A**

**Ziks Family Pharmacy #102
License No. 02-1990900**
c/o Nnenna Iheme, RPh
4140 Salem Avenue
Dayton, Ohio 45416

**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 Ziks Family Pharmacy #102 (Ziks #102) for the purpose of resolving all issues between the parties relating to the Board investigation of two employees performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. Together, the Board and Ziks #102 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. Ziks Family Pharmacy #102 has an active TDDD license with the Board under license number 02-1990900, which lists Nnenna Iheme, RPh, as the Responsible Person.

FACTS

1. The Board initiated an investigation of Ziks #102, TDDD license number 02-1990900, related to two Ziks employees performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. One of the technicians registered with the Board provided a falsified document required for certification. Nnenna Iheme was not aware the document was falsified until notified by an agent of the Board.

2. On or about May 28, 2020, the Board sent a Notice of Opportunity for Hearing to Ziks #102, 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 June 12, 2020, Ziks #102, through counsel, Todd Collis, timely requested an administrative hearing, which was subsequently scheduled for November 3, 2020.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Ziks #102 neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated May 28, 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. Ziks #102 agrees to pay to the Board a monetary penalty the amount of \$1,500.00. This fine will be attached to Ziks #102's license record and must be paid no later than 60 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. Ziks #102 and Nnenna Ihome agree that Nnenna Ihome, Responsible Person, must complete the Responsible Person Roundtable, which may not also be used for license renewal. The Responsible Person Roundtable must be completed within six months from the effective date of this agreement. A copy of the completed CEU must be e-mailed to legal@pharmacy.ohio.gov.
5. Ziks #102 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. Ziks #102 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 Ziks #102 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 Ziks #102 by the Board and will NOT discharge Ziks #102 from any obligation under the terms of this Agreement.

7. Ziks #102 agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Ziks #102 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 Ziks #102 will operate.
10. Ziks #102 waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically withdraws its request for a hearing, and waives any right to appeal.
11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
13. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
14. This Agreement shall become effective upon the date of the Board President's signature below.

R-2021-0438

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

**IN THE MATTER OF:
Case No. A-2020-0228
I-2019-1597-D**

Nnenna Iheme, RPh
License No. 03-129668
5105 Rollman Estates Drive
Cincinnati, Ohio 45236

**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 Nnenna Iheme, for the purpose of resolving all issues between the parties relating to the Board investigation of two employees performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. Together, the Board and Nnenna Iheme 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. Nnenna Iheme is a licensed pharmacist in the state of Ohio under license number 03-129668.
3. Nnenna Iheme is the Responsible Person and owner of Ziks Family Pharmacy #102, located at 4140 Salem Avenue, Dayton, Ohio.

FACTS

1. The Board initiated an investigation of Nnenna Iheme, pharmacist license number 03-129668, and Ziks Family Pharmacy #102, related to two Ziks employees performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. One of the technicians registered with the Board provided a falsified document required for certification. Nnenna Iheme was not aware the document was falsified until notified by an agent of the Board.
2. On or about May 28, 2020, the Board sent a Notice of Opportunity for Hearing to Nnenna Iheme, 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 12, 2020, Nnenna Iheme, through counsel, Todd Collis, timely requested an administrative hearing, which was subsequently scheduled for November 3, 2020.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Nnenna Iheme neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated May 28, 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. Nnenna Iheme agrees to pay to the Board a monetary penalty in the amount of \$1,500.00. This fine will be attached to Nnenna Iheme's license record and must be paid no later than 60 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. Nnenna Iheme must obtain twelve hours of approved continuing pharmacy education (1.2 CEUs) which may not also be used for license renewal. The 1.2 CEUs must be completed within six months from the effective date of this agreement. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Nnenna Iheme agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Nnenna Iheme understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Nnenna Iheme 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. Nnenna Ihome 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.
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-2021-0439

Ms. Rudell dismissed the matter of **TMJ and Facial Pain Center, Inc., Westerville, Ohio.**

R-2021-0440

Ms. Rudell dismissed the matter of **Liberty RX, Palm Harbor, Florida.**

R-2021-0441

Ms. Rudell dismissed the matter of **On Point Aesthetics, Powell, Ohio.**

3:32 p.m.

Ms. Dehner led a discussion on PMC Felony Conviction "Waiver Request." The Board did not elect to consider or pursue amendments to the PMC statute at this time.

R-2021-0442

Mr. Cox moved to Adjourn the February State of Ohio Board of Pharmacy Meeting. 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; Huston-yes; Marchal-yes; and Wilt-yes.

3:45 p.m.

The Board Meeting Adjourned.

_____ Date: _____
Jennifer M. Rudell, RPh, President

_____ Date: _____
Steven W. Schierholt, Executive Director