



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

**Monday March 1, 2021**

**9:00 a.m.** Acting under the authority Section 12 of Substitute House Bill number 197 of the 133<sup>rd</sup> 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*; and Donald R. Miller, RPh.

Shawn C. Wilt, RPh; absent.

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*; Michelle Siba, *Senior Legal Counsel*; and Jenni Wai, *Chief Pharmacist*.

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**9:01 a.m.** Mr. Garner and Mr. Cathcart provided the OARRS Report.

**9:06 a.m.** Mr. Griffin provided the Compliance and Enforcement Report.

**9:09 a.m.** Ms. Southard provided the Licensing Report.

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**9:14 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 **Marcus Carbon, Youngstown, Ohio.**

**R-2021-0444** 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; Marchal-yes; and Miller-yes.

**10:15 a.m.** The deliberation ended and the hearing was opened to the public.

**R-2021-0445** After votes were taken in public session, the Board adopted the following orders in the Matter of **Marcus Carbon, Youngstown, Ohio.**

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**ORDER OF THE STATE BOARD OF PHARMACY**

(Case Number A-2019-0409)

In The Matter Of:

Marcus Carbon, RPh  
8116 Cliffview Dr.  
Youngstown, Ohio 44514  
(License No. 03-129839)

**INTRODUCTION**

The Matter of Marcus Carbon came for hearing on March 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; Rich Miller, RPh.

Shawn Wilt, RPh; Absent.

Marcus Carbon was represented by Levi J. Tkach. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

### SUMMARY OF EVIDENCE

#### State's Witnesses:

1. None

#### Respondent's Witnesses:

1. Marcus Carbon—Petitioner
2. Andy Pierron, BSP Pharm R.Ph.—PRO Executive Director
3. Steve Trehune—AA Sponsor

#### State's Exhibits:

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

#### Respondent's Exhibits:

- A. PRO Contract (Mar. 11, 2020)
- B. PRO Participation Summary
- C. Glenbeigh Discharge Plan
- D. Glenbeigh Post-Discharge Progress Reports
- E. AA Meeting logs
- F. Letters of Support

### FINDINGS OF FACT & DECISION OF THE BOARD

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the Board finds that Marcus Carbon has substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, A-2019-0409 dated February 19, 2020.

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. 03-129839, held by Marcus Carbon 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. Marcus Carbon 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. Marcus

Carbon 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 Marcus Carbon 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 Marcus Carbon 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. Marcus Carbon 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 Marcus Carbon reappear before the Board for possible additional sanctions, including and up to revocation of license.

4. Marcus Carbon 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 Marcus Carbon reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. Marcus Carbon 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 Marcus Carbon's progress towards recovery and what Marcus Carbon 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. Marcus Carbon must provide copies of the board order or settlement agreement to all employers or prospective employers, all licensing authorities in which Marcus Carbon holds a professional license or applies for a professional license, and all persons that provide Marcus Carbon chemical dependency treatment or monitoring, during the effective period of this order or agreement.
7. Other terms of probation are as follows:
  - a. Marcus Carbon must meet at least annually with the Board's Probation Committee, the first meeting to be held March 2022. Additional periodic appearances may be requested.
  - b. The State of Ohio Board of Pharmacy hereby declares that Marcus Carbon'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. Marcus Carbon 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. Marcus Carbon may not serve as a responsible pharmacist or a designated representative in a dispensary or for home medical equipment.
  - e. Marcus Carbon may not engage in a consult agreement, unless approved by the board.
  - f. Marcus Carbon may not destroy, assist in, or witness the destruction of controlled substances.
  - g. Marcus Carbon may not work in a pharmacy more than 40 hours per week or 80 hours over a two-week period.
  - h. Marcus Carbon must not violate the drug laws of Ohio, any other state, or the federal government.
  - i. Marcus Carbon must abide by the rules of the State of Ohio Board of Pharmacy.
  - j. Marcus Carbon must comply with the terms of this Order.
  - k. Marcus Carbon's license is deemed not in good standing until successful completion of the probationary period.
  - l. Marcus Carbon 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.
8. When deemed appropriate by the Board, Marcus Carbon must submit to a psychiatric evaluation, and, where appropriate, continued treatment acceptable to the Board.

9. Marcus Carbon 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. Marcus Carbon must immediately report any violation of the terms of this probation to the Board by contacting [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov). Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Marcus Carbon 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 Marcus Carbon's license.
12. Periods during which Marcus Carbon 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 Marcus Carbon.

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

Rich Miller, RPh, moved for Findings of Fact and Decision of the Board; Joshua Cox, RPh, seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

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**10:16 a.m.** The Board recessed for a break.

**10:22 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 **Alan J. Mike, Warren, Ohio and Conitaca Medical Associates, Lake Milton, Ohio.**

**R-2021-0446** Ms. Buettner 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; and Miller-yes.

**11:46 a.m.**

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

**R-2021-0447**

After votes were taken in public session, the Board adopted the following orders in the Matter of **Conitaca Medical Associates, Lake Milton, Ohio**.

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**ORDER OF THE STATE BOARD OF PHARMACY**

(Case Number A-2019-0522)

In The Matter Of:

**Conitaca Medical Associates**

c/o Dr. Martin Escobar  
17674 Mahoning Ave.  
Lake Milton, OH 44429  
License No. 02-2146750

**INTRODUCTION**

On November 27, 2019, the State of Ohio Board of Pharmacy (Board) issued a Notice of Opportunity for Hearing (Notice) to Conitaca Medical Associates 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 March 1, 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 Rich Miller, RPh.

Shawn Wilt, RPh; Absent.

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

### SUMMARY OF EVIDENCE

#### State's Witnesses:

1. William DiFrangia—Agent

#### Respondent's Witnesses:

1. None

#### State's Exhibits:

1. Notice Letter 2
2. Criminal Complaint with Affidavit 8
3. Surrender of DEA License 28
4. Conditions for Release 29
5. Order for GPS Monitoring 33
6. Medical Board Notice of Opportunity for Hearing 34
7. Federal Court Docket 36
8. Federal Court Indictment

#### Respondent's Exhibits:

- A. 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. Dr. Martin Escobar (Escobar) is the sole owner, sole prescriber and Responsible Person at Conitaca Medical Associates.
2. On or about November 21, 2019, a criminal complaint was filed against Escobar alleging violations of Title 21, United States Code, Section 841, Illegal Trafficking in Controlled Substances and Title 18, United States Code, Section 1347, Health Care Fraud. *United States of America v. Martin Escobar, United States District Court for the Northern District of Ohio, Case no. 4:19M 6238.*
3. On or about November 21, 2019, Escobar was arrested pursuant to an arrest warrant/information filed with the United States District Court for the Northern District of Ohio.
4. On or about November 25, 2019, Escobar voluntarily surrendered for cause his Drug Enforcement Administration Registration Numbers for the

states of Ohio, Michigan and West Virginia at his bond hearing on the pending criminal complaint as a condition of his release from custody.

5. On or about November 25, 2019, Escobar was ordered by the U.S. District Court for the Northern District of Ohio not to perform any tasks of prescribing medication during the pendency of pending criminal complaint as a condition of his release from custody at his bond hearing.

#### CONCLUSIONS OF LAW

1. Such conduct, as set forth in the Findings of Fact Section a violation of section 4729.552(B)(2), the holder of a terminal distributor license with pain management classification shall comply with the requirements for the operation of a pain management clinic, as established by the state medical board in rules adopted under section 4731.054 of the Revised Code.
2. Such conduct, as set forth in the Findings of Fact Section constitutes a violation of section 4729.552(C), no person who holds a category III license with a pain management classification shall fail to remain in compliance with the requirements of 4729.552(B) and any other applicable requirements of this chapter.
3. Such conduct, as set forth in the Findings of Fact Section constitutes a violation of section 4729.55(C), Terminal Distributor License Requirements, adequate safeguards are assured to prevent the sale or other distribution of dangerous drugs by any person other than a pharmacist or license health professional authorized to prescribe drugs.
4. Such conduct, as set forth in the Findings of Fact Section constitutes a violation of section 4729.55(J), Terminal Distributor License Requirements, a pain management clinic must meet the requirements to receive a license with a pain management classification issued under section 4729.552 of the Revised Code.
5. Such conduct as set forth in 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. Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code, ORC 4729.57(B)(5); and
  - d. 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

- e. 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).
6. Such conduct as set forth in the Findings of Fact Section constitutes a violation of Rule 4729:5-2-01(C)(4) of the OAC, Responsible Person, Terminal Distributor, the person to whom the category III terminal distributor of dangerous drugs license with a pain management clinic classification has been issued, the responsible person and all licensed health professionals practicing at that location are responsible for compliance with all state and federal laws, regulations, and rules governing the operation of a pain management clinic and prescribing of controlled substances.
  7. Such conduct as set forth in the Findings of Fact Section constitutes a violation of the following division of Rule 4729:5-2-01(E) of the OAC, Responsible Person-Terminal Distributor:
    - a. A location licensed as a terminal distributor of dangerous drugs must have a responsible person at all times, OAC Rule 4729:5-2-01(E)(1); and
    - b. 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
    - 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).
  8. Such conduct as set forth in the Findings of Fact Section constitutes a violation of Rule 4729:5-2-01(F)(12)(a) of the OAC, Responsible Person-Terminal Distributor, the terminal distributor shall not have a responsible person who has been the subject of a disciplinary action that resulted in the suspension of the person's license by the drug enforcement administration.

DECISION OF THE BOARD

Pursuant to Section 4729.57 of the Ohio Revised Code, and pursuant to Section 4729-9-01(E) of the Ohio Administrative Code, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy adjudicates the matter of Conitaca Medical Associates as follows:

**On the basis of the Findings of Fact and section (1) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs License No. 02-2146750, held by Conitaca Medical Associates effective as of the date of the mailing of this Order.**

**On the basis of the Findings of Fact and section (2) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs License No. 02-2146750, held by Conitaca Medical Associates effective as of the date of the mailing of this Order.**

**On the basis of the Findings of Fact and section (3) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs License No. 02-2146750, held by Conitaca Medical Associates effective as of the date of the mailing of this Order.**

**On the basis of the Findings of Fact and section (4) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs License No. 02-2146750, held by Conitaca Medical Associates effective as of the date of the mailing of this Order.**

**On the basis of the Findings of Fact and section (5) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs License No. 02-2146750, held by Conitaca Medical Associates effective as of the date of the mailing of this Order.**

**On the basis of the Findings of Fact and section (6) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs License No. 02-2146750, held by Conitaca Medical Associates effective as of the date of the mailing of this Order.**

**On the basis of the Findings of Fact and section (7) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs License No. 02-2146750, held by Conitaca Medical Associates effective as of the date of the mailing of this Order.**

**On the basis of the Findings of Fact and section (8) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs License No. 02-2146750, held by Conitaca Medical Associates effective as of the date of the mailing of this Order.**

Pursuant to Section 4729.57 of the Ohio Revised Code, the State of Ohio Board of Pharmacy imposes a monetary penalty in the amount of \$10,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in your cart.

Furthermore, the State of Ohio Board of Pharmacy forbids Dr. Martin Escobar from serving as a responsible pharmacist or a designated representative in a dispensary or for home medical equipment.

Mr. Cox moved for Findings of Fact; Mr. Miller seconded the motion. Motion passed (Yes-6/No-0).

Mr. Miller moved for Conclusions of Law; Ms. Buettner seconded the motion. Motion passed (Yes-6/No-0).

Ms. Marchal moved for Action of the Board; Mr. Cox seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

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**R-2021-0448**

After votes were taken in public session, the Board adopted the following orders in the Matter of **Alan J. Mike, Warren, Ohio.**

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**ORDER OF THE STATE BOARD OF PHARMACY**

(Case Number A-2019-0395)

In The Matter Of:

**Alan J. Mike, R.Ph.**

217 S. Aspen Court, Unit 4

Warren, OH 44484

(License No. 03-234206)

INTRODUCTION

On September 18, 2019, the State of Ohio Board of Pharmacy (Board) issued a Notice of Opportunity for Hearing (Notice) to Alan J. Mike via certified mail, return receipt requested to Respondent's address of record. Pursuant to Ohio Revised Code Section 119.07, Alan J. Mike had a right to a hearing if requested within thirty days of the mailing. Alan J. Mike 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 March 1, 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.

Shawn Wilt, RPh; Absent.

Alan J. Mike was not present and was not represented by counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCEState's Witnesses:

1. William DiFrangia—*Agent*

Respondent's Witnesses:

1. None

State's Exhibits:

1. Notice Letter
2. Photo July 18, 2019
3. Photo August 19, 2019
4. Fraudulent Prescriptions Part 1 (Filed Under Seal)
5. Fraudulent Prescriptions Part 2 (Filed Under Seal)

6. Comparison of False Prescriptions with Legitimate Prescription Form (Filed Under Seal)
7. Statement of Dr. Martin Escobar
8. Statement of Michael Perry
9. Records of Fictitious Patient "JW" (Filed Under Seal)
10. Property Impound Report

Respondent's Exhibits:

- A. 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 July 18, 2019, Alan J. Mike attempted to purchase 112 oxycodone 30mg tablets, a Schedule II controlled substance (only 12 were dispensed), at Rite Aid Pharmacy #3062, located at 2154 Elm Road, Warren, Ohio, using a fraudulent prescription using the name of Dr. Martin Escobar without his authorization.
2. On or about August 19, 2019, Alan J. Mike purchased 112 oxycodone 30mg tablets, a Schedule II controlled substance, at Rite Aid Pharmacy #3062, located at 2154 Elm Road, Warren, Ohio, using a fraudulent prescription using the name of Dr. Martin Escobar without his authorization.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraphs (1) and (2) of the Findings of Fact Section each constitutes a violation of Section 2925.22 of the ORC, Deception to Obtain Dangerous Drugs, involving a compound, mixture, preparation, or substance included in schedule II and the amount of drug involved equals or exceeds five times the bulk amount but less than 50 times the bulk amount.
2. Such conduct as set forth in paragraphs (1) and (2) of the Findings of Fact Section each constitutes a violation of Section 2925.23 of the ORC, the drug involved is a compound, mixture, preparation, or substance included in schedule II, Illegal Processing of Drug Documents.
3. Such conduct as set forth in the Findings of Fact Section constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 6, 2017:

- a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and
  - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter 3715.75 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e).
  - c. Engaged in any conduct for which the board may imposed discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
4. Such conduct as set forth in the Findings of Fact Section constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective April 30, 2018, each violation punishable by a maximum penalty of \$500:
- a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and
  - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. Or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(e); and
  - c. Committed acts that constitute moral turpitude that constitutes a misdemeanor or a felony in this state, regardless of the jurisdiction in which it was committed, OAC Rule 4729:1-4-01(B)(2)(l); and
  - d. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration, OAC Rule 4729:1-4-01(B)(2)(m).

#### DECISION OF THE BOARD

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: 4, 5, 6, and 9.

Pursuant to Section 4729.16 of the Ohio Revised Code, and pursuant to Section 4729-9-01(E) of the Ohio Administrative Code, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy adjudicates the matter of Alen J. Mike as follows:

**On the basis of the Findings of Fact and section (1) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-234206, held by Alen J. Mike effective as of the date of the mailing of this Order.**

**On the basis of the Findings of Fact and section (2) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-234206, held by Alen J. Mike effective as of the date of the mailing of this Order.**

**On the basis of the Findings of Fact and section (3) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-234206, held by Alen J. Mike effective as of the date of the mailing of this Order.**

**On the basis of the Findings of Fact and section (4) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 03-234206, held by Alen J. Mike effective as of the date of the mailing of this Order.**

Pursuant to Section 4729.16 of the Ohio Revised Code, the State of Ohio Board of Pharmacy imposes a monetary penalty in the amount of \$20,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to [www.license.ohio.gov](http://www.license.ohio.gov) and process the items in your cart.

Mr. Miller moved for Findings of Fact; Mr. Goodman seconded the motion. Motion passed (Yes-6/No-0).

Mr. Cox moved for Conclusions of Law; Mr. Goodman seconded the motion. Motion passed (Yes-6/No-0).

Ms. Marchal moved for Action of the Board; Mr. Goodman seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

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- 11:52 a.m.** The Board recessed for lunch.
- 12:32 p.m.** The Board returned to public session. Ms. Maerten-Moore provided the Medical Marijuana Program Update.
- 12:47 p.m.** Mr. McNamee and Ms. Wai presented the following resolution titled: *Expansion of Intern Supervision Ratio for COVID-19 Vaccine Administration* to the Board for approval.
- R-2021-0449** Mr. Miller moved that the Board ratify the resolution titled *Expansion of Intern Supervision Ratio for COVID-19 Vaccine Administration*. The motion was seconded Ms. Marchal 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; and Miller- yes. The following resolution was adopted by the Board:

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1) Expansion of Intern Supervision Ratio for COVID-19 Vaccine Administration\*

To maximize the safe administration of COVID-19 vaccines, the State of Ohio Board of Pharmacy temporarily expands the pharmacy intern supervision requirements in OAC 4729:2-1-01 (O)(4) as follows:

Pursuant to OAC 4729:2-1 -01, the Board authorizes a pharmacist to supervise up to six pharmacy interns providing immunizations. The Board hereby expands the number of pharmacy interns providing COVID-19 vaccines a pharmacist can supervise as follows:

- A pharmacist may supervise between 7-12 pharmacy interns at once if a nurse licensed or registered under Chapter 4723. of the Revised Code or an Ohio EMS certificate holder practicing in accordance with the vaccine administration guidance from the Ohio EMS Board is present and assisting with the administration of COVID-19 vaccines.
- A pharmacist may supervise between 13-18 pharmacy interns at once if two or more nurses licensed or registered under Chapter 4723. of the Revised Code or two or more Ohio EMS certificate holders practicing in accordance with the vaccine administration guidance from the Ohio EMS Board are present and assisting with the administration of COVID-19 vaccines.

This resolution is being issued in accordance with a Board resolution adopted on May 5, 2020. This resolution shall remain in effect until rescinded by the Board.

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**12:51 p.m.**

Mr. McNamee and Ms. Wai presented the following resolution titled: *Pharmacy Compounding Implementation - Discussion and Resolution* to the Board for approval.

**R-2021-0450**

Mr. Cox moved that the Board ratify the resolution titled *Pharmacy Compounding Implementation - Discussion and Resolution*. The motion was seconded Ms. Marchal 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; and Miller- yes. The following resolution was adopted by the Board:

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The State of Ohio hereby postpones the enforcement of USP 800 as required in rule 4729:7-2-03 until February 1, 2022. Licensees are encouraged to adopt and comply with the provisions of USP 800 but will not be required to comply with its provisions until February 1, 2022. Instead, licensees shall comply with the hazardous drug compounding provisions in USP 797 (last revised in 2008).

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**12:59 p.m.**

Mr. Wilt joined the meeting.

**12:59 p.m.**

Mr. McNamee presented amendments to rule 4729:5-5-25 – *Remote Prescription Entry (NEW) – Technician* to the Board for approval.

**R-2021-0451**

Ms. Marchal moved to approve rule 4729:5-5-25 – *Remote Prescription Entry (NEW) – Technician*, **as amended**, for filing with JCARR. The motion was seconded by Mr. Wilt and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Huston-yes; Marchal-yes; Miller-yes; and Wilt-yes.

**1:27 p.m.**

Mr. McNamee presented amendments to rule 4729:5-9-02.15 – *Remote Order Entry (NEW) – Technicians* to the Board for approval.

**R-2021-0452**

Ms. Marchal moved to approve rule 4729:5-5-25 – *Remote Prescription Entry (NEW) – Technician*, **as amended**, for filing with JCARR. The motion was seconded by Mr. Cox and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Huston-yes; Marchal-yes; Miller-yes; and Wilt-yes.

- 1:30 p.m.** Mr. McNamee presented amendments to rule *4729:5-5-20 - (NEW) Remote Outpatient Prescription Processing* to the Board for approval.
- R-2021-0453** Ms. Marchal moved to approve rule *4729:5-5-20 - (NEW) Remote Outpatient Prescription Processing* for filing with JCARR. The motion was seconded by Ms. Buettner and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Huston-yes; Marchal-yes; Miller-yes; and Wilt-yes.
- 1:33 p.m.** Mr. McNamee presented amendments to rule *4729:5-18-02 - Ownership and Operation* to the Board for approval.
- R-2021-0454** Mr. Cox moved to approve rule *4729:5-18-02 - Ownership and Operation* 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.
- 1:35 p.m.** Mr. McNamee presented amendments to rule *4729:5-9-03.1 - Contingency drugs in an institutional facility and emergency access to an institutional pharmacy* to the Board for approval.
- R-2021-0455** Mr. Miller moved to approve rule *4729:5-9-03.1 - Contingency drugs in an institutional facility and emergency access to an institutional pharmacy* for filing with JCARR. The motion was seconded by Mr. Cox and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Huston-yes; Marchal-yes; Miller-yes; and Wilt-yes.
- 1:41 p.m.** Mr. McNamee presented amendments to rule *4729:7-3-02 Exemptions* to the Board for approval.
- R-2021-0456** Ms. Marchal moved to approve rule *4729:7-3-02 Exemptions* for filing with JCARR. The motion was seconded by Mr. Wilt and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Goodman-yes; Huston-yes; Marchal-yes; Miller-yes; and Wilt-yes.
- 1:43 p.m.** Mr. McNamee and Ms. Wai led a discussion on FDA MOU.
- 2:11 p.m.** Mr. McNamee led a discussion on the Innovations Committee.
- 2:28 p.m.** Mr. McNamee led a discussion on "Apothecary" Language Review.
- 2:34 p.m.** Ms. Dehner presented an updated Probation Violation Tolling Grid to the Board for approval.

**R-2021-0457**

Mr. Wilt moved to approve the updated Probation Violation Tolling Grid. 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.

**2:42 p.m.**

The Board recessed for the day.

**Tuesday, March 2, 2021****9:00 a.m.**

Acting under the authority Section 12 of Substitute House Bill number 197 of the 133<sup>rd</sup> 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; Jeff Huston, RPh; Megan Marchal, RPh; Donald R. Miller, RPh; and Shawn C. Wilt, RPh.

Victor Goodman, *Public Member*; 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*; Eric Griffin, *Director of Compliance and Enforcement*; Joseph Koltak, *Senior Legal Counsel*; Kathryn Lewis, *Administrative Assistant*; Michelle Siba, *Senior Legal Counsel*; Justin Sheridan, *Senior Legal Counsel*; and Jenni Wai, *Chief Pharmacist*.

**9:01 a.m.**

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

**R-2021-0458**

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

**11:56 a.m.**

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

**R-2021-0459**

After votes were taken in public session, the Board adopted the following orders in the Matter of **Housam Abdelhamid, Liberty Twp., Ohio.**

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**ORDER OF THE STATE BOARD OF PHARMACY**

(Case Number A-2019-0194)

In the Matter Of:

**Housam Abdelhamid, RPh**

6833 Oleander Court  
Liberty Twp., OH 45044  
(License No. 03-132348)

**INTRODUCTION**

The Matter of Housam Abdelhamid came for hearing on March 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; Jeff Huston, RPh; Megan Marchal, RPh; Rich Miller, RPh; and Shawn Wilt, RPh.

Victor Goodman, Public Member; Absent.

Housam Abdelhamid was present and was not represented by counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

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

1. Housam Abdelhamid - Respondent
2. Teresa Meyer—Agent
3. Ryan Bolus – Specialist

**Respondent's Witnesses:**

1. None

**State's Exhibits:**

1. Notice Letter
2. Request for Hearing
3. Scheduling Order
4. Inspection Report March 2019
5. Written Response to March 2019 Inspection Report
6. 2017 Annual Inventory
7. 2018 Annual Inventory

8. Prescription for Patient P.M. [to be filed under seal]
9. Protocol for Suboxone

Respondent's Exhibits:

- A. Housam Abdelhamid's role and responsibilities.
- B. Board RP change request.
- C. Written response for the board inspection.
- D. Resume/Partner's supporting letter/Honor Society Certificate
- E. Prescription back-tag samples.
- F. Red ink stamp example.
- G. End of Day report samples.
- H. My OARRS reports samples.
- I. Temperature logs samples.
- J. Dispensing error reports samples.
- K. March 6<sup>th</sup>, 2019 Inspection Report
- L. CII drugs inventory reports for 2017/18.
- M. Actual clock-in card for 06/12/2018.
- N. Respondent written statement 2/14/21.

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 6, 2019, Housam Abdelhamid was designated as the Responsible Person at Econo Pharmacy located at 11534 Springfield Pike Springdale, Ohio 45246. Board staff conducted an inspection which discovered the following violations related to the practice of pharmacy:
  - a. Econo Pharmacy had one refrigerator without a thermometer or temperature log.
  - b. The following violations related to improper dispensing were discovered:
    - i. Ohio Automated Rx Reporting System ("OARRS") was not being run for patients who presented prescriptions for controlled substances.
    - ii. Prescriptions were dispensed without proper DUR being completed.

- iii. Prescriptions were dispensed in a one-time quantity greater than the physician directions indicated.
- c. The following violations related to drug stock bottles containing more tablets than the package indicates were discovered:
  - i. Paroxetine 40mg 100 tablet bottles contained 110 tablets.
  - ii. Propranolol 40 mg 100 tablet bottle contained 107 tablets.
- d. Expired medications were discovered within Econo Pharmacy's active drug stock, including Humulin 70/30 KwikPen, with an expiration date of 2/2018, found in the refrigerated drug stock.
- e. The following violations related to improper record keeping for non-sterile compounded drugs were discovered:
  - i. Compounded drug labels did not have a beyond use date.
  - ii. Compounding records did not indicate any specific beyond use date for any compounded product.
- f. Compounded products did not have proper labels. Board staff observed 3 syringes of methimazole P-O compounded gel in the refrigerator with no labels. Records indicated that this product was compounded and expired in 2015. Labels for all compounded products did not contain the phrasing "compounded drug product."
- g. The following compounding components were expired but present in active stock:
  - i. Metronidazole powder, expired 9/2018
  - ii. Baclofen powder, expired 7/2018
  - iii. Beef flavor powder, expired 2/2018
  - iv. Tuna flavor powder, expired 7/2018
- h. Housam Abdelhamid, as the Responsible Person at Econo Pharmacy, could not produce a controlled substance inventory for the pharmacy for 2017 or 2018.

CONCLUSIONS OF LAW

1. Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of ORC 4729.16(A) (as effective September 29, 2017), each violation constituting a minor misdemeanor:
  - a. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, ORC 3715.52 to 3715.72, ORC Chapters 2925. or 3719., or any rule adopted by the Board under those provisions, ORC 4729.16(A)(2)(e); and
  - b. Engaged in any conduct for which the Board may impose discipline as set forth in rules adopted under ORC 4729.26, ORC 4729.16(A)(2)(l).
2. Such conduct, as set forth in the Findings of Fact Section, each constitutes the following violations of OAC 4729:1-4-01(B)(2) (as effective May 1, 2018):
  - a. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of ORC Chapter 4729., ORC 3715.52 to 3715.72, ORC Chapters 2925., 3796., 3719. or 4752., or any rule adopted by the Board under those provisions, OAC 4729:1-4-01(B)(2)(e); and
  - b. Violated any state or federal law, regulation, or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations..., OAC 4729:1-4-01(B)(2)(m); and
  - c. Failed to conform to prevailing standards of care of similar pharmacists under the same or similar circumstances, whether or not actual injury to a patient is established, OAC 4729:1-4-01(B)(2).
3. Such conduct, as set forth in paragraphs (1)(c), (1)(d), (1)(e), (1)(f), and (1)(g) of the Findings of Fact Section, constitutes a violation of ORC 3715.52(A)(2), the adulteration or misbranding of any food, drug, device or cosmetic, constituting a misdemeanor of the fourth degree.
4. Such conduct, as set forth in paragraphs (1)(e) and (1)(f) of the Findings of Fact Section, constitutes a violation of ORC 3715.64(A)(1), misbranded drug – its labeling is false or misleading in any particular, a misdemeanor of the fourth degree.
5. Such conduct, as set forth in paragraph (1)(c) of the Findings of Fact Section, constitutes a violation of ORC 3715.64(A)(2), misbranded drug – its labeling does not contain an accurate statement of the quantity of the contents...a misdemeanor of the fourth degree.

6. Such conduct, as set forth in paragraphs (1)(e) and (1)(f) of the Findings of Fact Section, constitutes a violation of ORC 3715.64(A)(10)(a), misbranding – it is a drug and its container is so made, formed, or filled as to be misleading.
7. Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of the following paragraphs of OAC 4729-5-11 (as effective February 17, 2017):
  - a. Failure of the responsible person to be responsible for the practice of the profession of pharmacy, including by not limited to “supervision and control” of dangerous drugs as required in ORC 4729.55(B), “adequate safeguards” as required in ORC 4729.55(C), and maintain all drug records otherwise required, OAC 4729-5-11(A)(2); and
  - b. Failure of the person to whom the TDDD license has been issued and all pharmacists on duty to be responsible for compliance with all state and federal laws, regulations, and rules regulating the distribution of drugs and the practice of pharmacy, OAC 4729-5-11(A)(3).
8. Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of the following OAC 4729:5-2-01(A) (as effective March 1, 2019):
  - a. The responsible person shall be responsible for the practice of the profession of pharmacy, including, but not limited to, “supervision and control” of dangerous drugs as required in ORC 4729.55(B), “adequate safeguards” as required in ORC 4729.55(C), security and control of dangerous drugs, and maintaining all drug records otherwise required, OAC 4729:5-2-01(A)(2); and
  - b. The person to whom the terminal distributor of dangerous drugs license has been issued and all pharmacists on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of drugs and the practice of pharmacy, OAC 4729:5-2-01(A)(3).
9. Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of the following paragraphs of OAC 4729-5-20(D): Prior to dispensing an outpatient prescription for a reported drug as listed in OAC [4729-37-02](#), at a minimum, a pharmacist shall request and review an OARRS report covering at least a one year time period, including a border state's information when the pharmacist is practicing in a county bordering another state if that state's information is available, in any of the following circumstances:
  - a. A patient adds a different or new reported drug to their therapy that was not previously included, OAC 4729-5-20(D)(1); and

- b. An OARRS report has not been reviewed for that patient during the preceding twelve months, as indicated in the patient profile, OAC 4729-5-20(D)(2); and
  - c. A prescriber is located outside the usual pharmacy geographic area, OAC 4729-5-20(D)(3); and
  - d. A patient is from outside the usual pharmacy geographic area, OAC 4729-5-20(D)(4); and
  - e. A pharmacist has reason to believe the patient has received prescriptions for reported drugs from more than one prescriber in the preceding three months, unless the prescriptions are from prescribers who practice at the same physical location, OAC 4729-5-20(D)(5); and
  - f. Patient is exhibiting signs of potential abuse or diversion. This includes, but is not limited to, over-utilization, early refills, appears overly sedated or intoxicated upon presenting a prescription for a reported drug, or an unfamiliar patient requesting a reported drug by specific name, street name, color, or identifying marks, OAC 4729-5-20(D)(6).
10. Such conduct, as set forth in paragraph (1)(b) of the Findings of Fact Section, constitutes a violation of OAC 4729-5-20(G), Prospective drug utilization review.
11. Such conduct, as set forth in paragraph (1)(a) of the Findings of Fact Section, constitutes a violation of OAC 4729-9-11(D), Security and Control of Dangerous Drugs.
12. Such conduct, as set forth in paragraph (1)(h) of the Findings of Fact Section, constitutes the following violations of OAC 4729-9-14(A): Each prescriber or terminal distributor of dangerous drugs shall keep a record of all controlled substances received, administered, personally furnished, dispensed, sold, destroyed, or used. The acts of prescribing, administering, dispensing, and destroying of a controlled substance must be documented with the positive identification of the responsible individual pursuant to OAC [4729-5-01\(N\)](#). These records may be kept electronically if the method is approved by the Board and the records are backed-up each business day.
- a. Records of receipt shall contain a description of all controlled substances received, the kind and quantity of controlled substances received, the name and address of the persons from whom received, and the date of receipt, OAC 4729-9-14(A)(1); and
  - b. Records of administering, dispensing, personally furnishing, or using controlled substances shall contain a description of the kind and quantity

of the controlled substance administered, dispensed, personally furnished or used, the date, the name and address of the person to whom or for whose use, or the owner and identification of the animal for which, the controlled substance was administered, dispensed, or used, OAC 4729-9-14(A)(2).

13. Such conduct, as set forth in paragraphs (1)(e), (1)(f), and (1)(g) of the Findings of Fact Section, constitutes a violation of OAC 4729-16-03(A), Drugs compounded in the pharmacy, for all non-sterile compounded drug products, the pharmacy shall comply with the United States pharmacopeia chapter <795>, USP 38-NF 33, or any official supplement thereto.
14. Such conduct, as set forth in paragraphs (1)(e), (1)(f), and (1)(g) of the Findings of Fact Section, constitutes a violation of the following paragraphs of OAC 4729-16-03(O), Drugs compounded in the pharmacy, labels for a compounded drug product that is prepared in anticipation of a prescription drug order shall contain, but not be limited to, the following:
  - a. The name, strength, and quantity of each drug used in the compounded drug product, OAC 4729-16-03(O)(1); and
  - b. The identification of the repackager by name, by the final seven digits of its terminal distributor of dangerous drugs license number, or any other board approved identifier, OAC 4729-16-03(2) and
  - c. The pharmacy control number, OAC 4729-16-03(O)(3); and
  - d. The pharmacy's expiration date or beyond use date, OAC 4729-16-03(O)(4); and
  - e. "Compounded Drug Product " or other similar statement, OAC 4729-16-03(O)(5).

#### DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State of Ohio Board of Pharmacy imposes a monetary penalty in the amount of \$1,500.00. This fine will be attached to licensee's license record and must be paid no later than 6 months from the effective date of this Order. To pay this fine the licensee must login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in the cart.

Housam Abdelhamid must obtain, within 6 months from the effective date of this Agreement, 6 hours of approved continuing pharmacy education (0.6 CEUs), which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov)

Housam Abdelhamid must attend a Board-sponsored "Responsible Person Roundtable," within one year of the effective date of this agreement, and provide proof of completion to the Board within 30 days of attendance.

Should Housam Abdelhamid ever apply as an owner or operator for any facility licensed by the Board, and as determined by the Board, he must within three months after obtaining such license, 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.

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 8.

Mr. Wilt moved for Findings of Fact; Ms. Marchal seconded the motion. Motion passed (Yes-6/No-0).

Mr. Wilt moved for Conclusions of Law; Mr. Miller seconded the motion. Motion passed (Yes-6/No-0).

Mr. Miller moved for Decision of the Board; Mr. Cox seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

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**R-2021-0460**

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

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**R-2021-0461**

After votes were taken in public session, the Board adopted the following Order in the Matter of Medical Marijuana Patient **A.P.**

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**ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**  
**CONFIRMING AND APPROVING**  
**REPORT & RECOMMENDATION OF HEARING EXAMINER**  
(Case Number A-2020-0488)

IN THE MATTER OF:  
A.P. (Respondent)  
13 Medalist Way  
Xenia, OH 45385  
(Patient Registration No. [REDACTED])

INTRODUCTION

*In the Matter of: A.P.* came for hearing before Hearing Examiner Ronda Shamansky on December 4, 2020, and for consideration by the State of Ohio Board of Pharmacy (Board) on March 3, 2021 before the following members of the Board: Jennifer M. Rudell, RPh, *Presiding*; Megan E. Marchal, RPh; Joshua M. Cox, RPh; Rich D. Miller, RPh; Shawn C. Wilt, RPh; Trina Buettner, RPh; and Jeff Huston, RPh.

Respondent was represented by attorney Matthew Barbato. The State of Ohio was represented by Principal Assistant Attorney General Henry G. Appel.

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 for Case No. A-2020-0488
- 2) Proof of Service, Notice of Opportunity for Hearing for Case No. A-2020-0488
- 3) Request for Hearing
- 4) Acknowledgement of Hearing Request
- 5) Proof of Service, Acknowledgement of Hearing Request
- 6) Hearing Examiner Appointment Letter
- 7) Journal Entry with Notice of Hearing, Dated October 23, 2020
- 8) Request for Continuance, Dated November 16, 2020

- 9) Journal Entry of Continuance with Notice of New Hearing Date, Dated November 20, 2020
- 10) Journal Entry of Continuance with Notice of New Hearing Date, Proof of Service
- 11) Notice of Appearance
- 12) Hearing Transcript
- 13) The following State of Ohio Exhibits admitted by the Hearing Examiner:
  - Exhibit 01. Notice of Opportunity for Hearing\*
  - Exhibit 02. Request for Hearing\*
  - Exhibit 03. Scheduling Order
  - Exhibit 04. Statement of Respondent\*
  - Exhibit 05. Statement of Jeremy Snyder\*
  - Exhibit 06. Statement of Jacob Sanders\*
  - Exhibit 07. Statement of Scott Spitnale\*
  - Exhibit 08. Statement of Jonathan King\*
  - Exhibit 09. Incident Report\*
  - Exhibit 10. Indictment\*
  - Exhibit 11. Motion for Intervention in Lieu of Conviction\*
  - Exhibit 12. Entry Granting Intervention in Lieu of Conviction\*
- \*Exhibits 01, 02, 04, 05, 06, 07, 08, 09, 10, 11, and 12 were admitted under seal**
- 14) The following Respondent Exhibits admitted by the Hearing Examiner\*:
  - Exhibit A. Letter from Counselor William LaVanche\*
  - Exhibit B. Statement of Physician Assistant Cassandra Williamson\*
- \*The record was held open by the Hearing Examiner until January 4, 2021. Exhibits A and B were admitted under seal**
- 15) State of Ohio Written Closing Statement
- 16) Respondent Written Closing Statement
- 17) Report and Recommendation, Dated January 21, 2021

18) Proof of Service, Report and Recommendation

19) Report and Recommendation Cover Letter

20) Report and Recommendation Cover Letter, Proof of Service

#### DECISION OF THE BOARD

After thorough review of the administrative record, including the stipulations of the parties, the Board hereby confirms and approves in its entirety Hearing Examiner Shamansky's Findings of Fact as detailed in the Report and Recommendation. The Board hereby confirms and approves in its entirety Hearing Examiner Shamansky's Conclusions of Law as detailed in the Report and Recommendation. Finally, the Board hereby confirms and approves in its entirety Hearing Examiner Shamansky's Recommendation. The Board Orders that Respondent's patient registration is suspended indefinitely until the following conditions are satisfied:

1. Respondent submits to the Board documentation from a physician with a valid Certificate to Recommend that includes all of the following information:
  - a. The physician is aware of Respondent's chemical dependency history involving cocaine and opiate use;
  - b. The physician has reviewed Hearing Examiner Shamansky's Report and Recommendation;
  - c. The physician has reviewed this Order;
  - d. The physician has reviewed Respondent's Exhibit A—letter from William LaVanche; and
  - e. The physician believes a recommendation for use of medical marijuana by Respondent is appropriate.

Upon satisfying the above conditions, the suspension of Respondent's patient registration will be lifted, subject to the following conditions:

1. For a period of one year after the suspension Respondent's patient registration is lifted, Respondent may not physically enter a medical marijuana dispensary.

Finally, the Board Orders that State's Exhibits 01, 02, 04, 05, 06, 07, 08, 09, 10, 11, and 12, and Respondent's Exhibits A and B, be placed under seal.

Mr. Wilt moved to confirm and approve the Report and Recommendation of Hearing Examiner Shamansky; Ms. Buettner seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

**R-2021-0462**


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After votes were taken in public session, the Board adopted the following Order in the Matter of **Tony King, New Holland, Ohio.**

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**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2019-0281</b>
<b>Tony King</b>	:	
<b>106 W. Front Street</b>	:	
<b>New Holland, OH 43145</b>	:	<b>Pending Reg. No. 0090-2070-</b>
	:	<b>1002-6153-6361</b>
<b>Respondent.</b>	:	

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

Tony King ("Respondent") submitted an application for registration as a medical marijuana caregiver ("Application") to the State of Ohio Board of Pharmacy on March 7, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Caregiver Registration ("Notice") to Respondent September 30, 2019, via certified mail, return receipt requested. On October 25, 2019, the Board became aware the Notice was returned as unclaimed. Consistent with Chapter 119. of the Ohio Revised Code (ORC), the Board reissued the Notice via Ordinary Mail, with Certificate of Mailing to Respondent's address of record on October 29, 2019. It was not returned for failure of delivery. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the following exhibits in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:7-2-08, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:7-2-08(B) 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. With the exception of a medical marijuana patient registration issued pursuant to ORC Chapter 3796., Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twelve months from the date of this Order, as set forth in OAC 3796:7-1-01(D).  
Service of this Order shall be perfected in accordance with the requirements of ORC Chapter 119.

Board Member Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Jeff Huston, RPh seconded the motion. Motion passed (Yes-6/No-0).

Board member Victor Goodman was absent.

SO ORDERED.

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**R-2021-0463**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Monty Smith, Ravenna, Ohio.**

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**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2019-0282</b>
<b>Monty Smith</b>	:	
<b>405 S. Chestnut Street</b>	:	
<b>Ravenna, OH 44266</b>	:	<b>Pending Reg. No. 0020-0070-</b>
	:	<b>0052-6447-0549</b>
<b>Respondent.</b>	:	

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

Monty Smith ("Respondent") submitted an application for registration as a medical marijuana caregiver ("Application") to the State of Ohio Board of Pharmacy on March 23, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Caregiver Registration ("Notice") to Respondent September 30, 2019, via certified mail, return receipt requested. Respondent received the Notice on October 2, 2019. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the following exhibits in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:7-2-08, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:7-2-08(B) 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. With the exception of a medical marijuana patient registration issued pursuant to ORC Chapter 3796., Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twelve months from the date of this Order, as set forth in OAC 3796:7-1-01(D).

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

Board Member Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Jeff Huston, RPh seconded the motion. Motion passed (Yes-6/No-0).

Board member Victor Goodman was absent.

SO ORDERED.

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**R-2021-0464**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Brandon Payne, Akron, Ohio**.

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<b>In the Matter of</b>	:	
	:	<b>Case No. A-2019-0285</b>
<b>Brandon Payne</b>	:	
<b>770 Baltimore Ave., Apt. 3</b>	:	
<b>Akron, OH 44306</b>	:	<b>Pending Reg. No. 0010-7010-3052-1991-4846</b>
<b>Respondent.</b>	:	

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

Brandon Payne ("Respondent") submitted an application for registration as a medical marijuana caregiver ("Application") to the State of Ohio Board of Pharmacy on April 14, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Caregiver Registration ("Notice") to Respondent September 30, 2019, via certified mail, return receipt requested. Respondent received the Notice on October 3, 2019. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the following exhibits in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:7-2-08, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:7-2-08(B) 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. With the exception of a medical marijuana patient registration issued pursuant to ORC Chapter 3796., Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twelve months from the date of this Order, as set forth in OAC 3796:7-1-01(D).

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

Board Member Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Jeff Huston, RPh seconded the motion. Motion passed (Yes-6/No-0).

Board member Victor Goodman was absent.

SO ORDERED.

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**R-2021-0465**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Brenda Thompson, Akron, Ohio.**

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**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2019-0470</b>
<b>Brenda Thompson</b>	:	
<b>901 Cordova Ave.</b>	:	
<b>Akron, OH 44320</b>	:	<b>Pending Reg. No. 0070-1030-</b>
	:	<b>8084-0006-1639</b>
<b>Respondent.</b>	:	

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

Brenda Thompson ("Respondent") submitted an application for registration as a medical marijuana caregiver ("Application") to the State of Ohio Board of Pharmacy on June 15, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Caregiver Registration ("Notice") to Respondent January 29, 2020, via certified mail, return receipt requested. Respondent received the Notice on February 6, 2020. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the following exhibits in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:7-2-08, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:7-2-08(B) 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. With the exception of a medical marijuana patient registration issued pursuant to ORC Chapter 3796., Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twelve months from the date of this Order, as set forth in OAC 3796:7-1-01(D).

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

Board Member Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Jeff Huston, RPh seconded the motion. Motion passed (Yes-6/No-0).

Board member Victor Goodman was absent.

SO ORDERED.

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**R-2021-0466**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Mark Stolzenburg, Wapakoneta, Ohio.**

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**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2019-0476</b>
<b>Mark Stolzenburg</b>	:	
<b>509 Edith Street</b>	:	
<b>Wapakoneta, OH 45895</b>	:	<b>Pending Reg. No. 0050-1080-1035-0717-4301</b>
<b>Respondent.</b>	:	

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

Mark Stolzenburg ("Respondent") submitted an application for registration as a medical marijuana caregiver ("Application") to the State of Ohio Board of Pharmacy on September 26, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Caregiver Registration ("Notice") to Respondent January 29, 2020, via certified mail, return receipt requested. On March 3, 2020, the Board became aware the Notice was returned as unclaimed. Consistent with Chapter 119. of the Ohio Revised Code (ORC), the Board reissued the Notice via Ordinary Mail, with Certificate of Mailing to Respondent's address of record on March 5, 2020. It was not returned for failure of delivery. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. And pursuant to Am. Sub. H.B. 197 of the 133<sup>rd</sup> General Assembly, that deadline was tolled through July 30, 2020. To date, the Board has not received a request for hearing from Respondent. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the following exhibits in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:7-2-08, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:7-2-08(B) 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. With the exception of a medical marijuana patient registration issued pursuant to ORC Chapter 3796., Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twelve months from the date of this Order, as set forth in OAC 3796:7-1-01(D).

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

Board Member Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Jeff Huston, RPh seconded the motion. Motion passed (Yes-6/No-0).

Board member Victor Goodman was absent.

SO ORDERED.

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**R-2021-0467**

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

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**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2020-0015</b>
<b>Edward Carmack</b>	:	
<b>6166 Teagarden Circle</b>	:	
<b>Dayton, OH 45449</b>	:	<b>Pending Reg. No. 0000-1070-</b>
	:	<b>0056-3323-8914</b>
<b>Respondent.</b>	:	

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

Edward Carmack ("Respondent") submitted an application for registration as a medical marijuana caregiver ("Application") to the State of Ohio Board of Pharmacy on October 29, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Caregiver Registration ("Notice") to Respondent February 5, 2020, via certified mail, return receipt requested. Respondent received the Notice on February 8, 2020. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the following exhibits in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:7-2-08, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:7-2-08(B) 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. With the exception of a medical marijuana patient registration issued pursuant to ORC Chapter 3796., Respondent may not reapply for any

license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twelve months from the date of this Order, as set forth in OAC 3796:7-1-01(D).

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

Board Member Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Jeff Huston, RPh seconded the motion. Motion passed (Yes-6/No-0).

Board member Victor Goodman was absent.

SO ORDERED.

**R-2021-0468**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Charles Foy, Amelia, Ohio.**

**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2020-0176</b>
<b>Charles Foy</b>	:	
<b>2191 State Route 125, Lot 117</b>	:	
<b>Amelia, OH 45102</b>	:	<b>Pending Reg. No. 0010-4030-</b>
	:	<b>6097-9710-7085</b>
<b>Respondent.</b>	:	

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

Charles Foy ("Respondent") submitted an application for registration as a medical marijuana caregiver ("Application") to the State of Ohio Board of Pharmacy on January 25, 2020. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Caregiver Registration ("Notice") to Respondent November 10, 2020, via certified mail, return receipt requested. Respondent received the Notice on November 12, 2020. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the following exhibits in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:7-2-08, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:7-2-08(B) 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. With the exception of a medical marijuana patient registration issued pursuant to ORC Chapter 3796., Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twelve months from the date of this Order, as set forth in OAC 3796:7-1-01(D).

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

Board Member Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Jeff Huston, RPh seconded the motion. Motion passed (Yes-6/No-0).

Board member Victor Goodman was absent.

SO ORDERED.

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**R-2021-0469**

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

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**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2020-0432</b>
<b>Christian Flowers</b>	:	
<b>3389 E. 146<sup>th</sup> Street, #C</b>	:	
<b>Cleveland, OH 44120</b>	:	<b>Application No. APP-000335626</b>
	:	
<b>Respondent.</b>	:	

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

Christian Flowers ("Respondent") submitted an application for licensure as a medical marijuana support employee ("Application") to the State of Ohio Board of Pharmacy on February 17, 2020. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Support Employee License ("Notice") to Respondent September 21, 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 October 31, 2020. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the following exhibits in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:6-4-03, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:6-4-03(A) 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. With the exception of a medical marijuana patient registration issued pursuant to ORC Chapter 3796., Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twelve months from the date of this Order, as set forth in OAC 3796:6-1-01(I).

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

Board Member Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Jeff Huston, RPh seconded the motion. Motion passed (Yes-6/No-0).

Board member Victor Goodman was absent.

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**R-2021-0470**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Jaycee Blair, Glouster, Ohio.**

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**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2019-0445</b>
<b>Jaycee Blair</b>	:	
<b>7424 State Route 685</b>	:	
<b>Glouster, OH 45732</b>	:	<b>Application No. APP-000236590</b>
	:	
<b>Respondent.</b>	:	

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

Jaycee Blair ("Respondent") submitted an application for licensure as a medical marijuana key employee ("Application") to the State of Ohio Board of Pharmacy on March 6, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Key Employee License ("Notice") to Respondent September 21, 2020, via certified mail, return

receipt requested. The Notice was returned to the Board marked "Not Deliverable as Addressed, Unable to Forward" on October 6, 2020. Upon verification of a new address for Respondent, the Board reissued the Notice on October 20, 2020, via certified mail, return receipt requested. Respondent received the Notice on October 22, 2020. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the following exhibits in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:6-4-03, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:6-4-03(A) 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. With the exception of a medical marijuana patient registration issued pursuant to ORC Chapter 3796., Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twelve months from the date of this Order, as set forth in OAC 3796:6-1-01(I).  
Service of this Order shall be perfected in accordance with the requirements of ORC Chapter 119.

Board Member Joshua Cox, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member Jeff Huston, RPh seconded the motion. Motion passed (Yes-6/No-0).

Board member Victor Goodman was absent.

SO ORDERED.

**R-2021-0471**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Medical Marijuana Patient S.F.**

**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2019-0017</b>
<b>S.F.</b>	:	
[REDACTED]	:	
<b>Respondent.</b>	:	

**Patient Registration No.** [REDACTED]

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

S.F. ("Respondent") was issued Medical Marijuana Patient Registration No. [REDACTED] by the State of Ohio Board of Pharmacy on or about December 5, 2018. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on July 25, 2019, via certified mail, return receipt requested. Respondent was served with the Notice on January 1, 2021. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

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

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

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

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Huston seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

**R-2021-0472**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Medical Marijuana Patient S.F.**

**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

In the Matter of	:	
	:	<b>Case No. A-2019-0364</b>
<b>S.F.</b>	:	
[REDACTED]	:	
Respondent.	:	

**Patient Registration No. [REDACTED]**

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

S.F. ("Respondent") was issued Medical Marijuana Patient Registration No. [REDACTED] by the State of Ohio Board of Pharmacy on or about January 3, 2019. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on August 20, 2019, via certified mail, return receipt requested. Respondent was served with the Notice on August 22, 2019. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

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

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

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

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Huston seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

**R-2021-0473**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Medical Marijuana Patient D.M.**

**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2019-0453-</b>
<b>MPT</b>	:	
<b>D.M.</b>	:	
[REDACTED]	:	
<b>Respondent.</b>	:	

**Patient Registration No.** [REDACTED]

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

D.M. ("Respondent") was issued Medical Marijuana Patient Registration No. [REDACTED] by the State of Ohio Board of Pharmacy on or about July 11, 2019. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on October 4, 2019, via certified mail, return receipt requested. Respondent was served with the Notice on February 27, 2020. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

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

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

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

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Huston seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

**R-2021-0474**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Medical Marijuana Patient J.A.**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2019-0475-</b>
<b>MPT</b>	:	
<b>J.A.</b>	:	
[REDACTED]	:	
<b>Respondent.</b>	:	
<b>Patient Registration No.</b>	:	[REDACTED]

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

J.A. (“Respondent”) was issued Medical Marijuana Patient Registration No. [REDACTED] by the State of Ohio Board of Pharmacy on or about March 11, 2019. The Board issued a Notice of Opportunity for Hearing/Proposal to Take Disciplinary Action Against Patient Registration (“Notice”) to Respondent on January 29, 2020, via certified mail, return receipt

requested. On April 2, 2020, the Board became aware the Notice was returned as unclaimed. Consistent with Chapter 119. of the Ohio Revised Code, the Board reissued the Notice via Ordinary Mail, with Certificate of Mailing to J.A's address of record on April 10, 2020. It was not returned for failure of delivery. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

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

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

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

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Huston seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

**R-2021-0475**

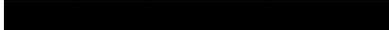
After votes were taken in public session, the Board adopted the following Order in the Matter of **Medical Marijuana Patient T.I.**

**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2019-0523-</b>
<b>MPT</b>	:	
<b>T.I.</b>	:	
	:	
<b>Respondent.</b>	:	

**Patient Registration No.** 

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

T.I. ("Respondent") was issued Medical Marijuana Patient Registration No.  by the State of Ohio Board of Pharmacy on or about July 12, 2019. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on December 4, 2019, via certified mail, return receipt requested. On or about January 13, 2020, the Board became aware the Notice was returned as unclaimed. Consistent with Chapter 119. of the Ohio Revised Code, the Board reissued the Notice via Ordinary Mail, with Certificate of Mailing to Respondent's address of record on January 13, 2020. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

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

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

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

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Huston seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

**R-2021-0476**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Medical Marijuana Patient K.P.**

**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2019-0527-</b>
<b>MPT</b>	:	
<b>K.P.</b>	:	
[REDACTED]	:	
<b>Respondent.</b>	:	

**Patient Registration No. [REDACTED]**

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

K.P. ("Respondent") was issued Medical Marijuana Patient Registration No. [REDACTED] by the State of Ohio Board of Pharmacy on or about November 6, 2019. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on December 12, 2019, via certified mail, return receipt requested. On February 11, 2020, the Board became aware the Notice was returned as unclaimed. Consistent with Chapter 119. of the Ohio Revised Code, the Board reissued the Notice via Ordinary Mail, with Certificate of Mailing to K.P.'S address of record on February 12, 2020. It was not returned for failure of delivery. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

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

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

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

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Huston seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

**R-2021-0477**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Medical Marijuana Patient S.T.**

**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2019-0533-</b>
<b>MPT</b>	:	
<b>S.T.</b>	:	
	:	
<b>Respondent.</b>	:	

**Patient Registration No.** 

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

S.T. ("Respondent") was issued Medical Marijuana Patient Registration  by the State of Ohio Board of Pharmacy on or about October 15, 2019. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on December 30, 2019, via certified mail, return receipt requested. Respondent was served with the Notice on January 4, 2020. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

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

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

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

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Huston seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

**R-2021-0478**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Medical Marijuana Patient G.F.**

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**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2020-0425-</b>
<b>MPT</b>	:	
<b>G.F.</b>	:	
[REDACTED]	:	
<b>Respondent.</b>	:	

**Patient Registration No. [REDACTED]**

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

G.F. ("Respondent") was issued Medical Marijuana Patient Registration No. [REDACTED] by the State of Ohio Board of Pharmacy on or about February 18, 2020. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on May 20, 2020, via certified mail, return receipt requested. Respondent was served with the Notice on May 27, 2020. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

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

WHEREFORE, after review of the State's Exhibits and pursuant to R.C. 3796.14 and based on the findings contained herein, the Board ORDERS as follows:

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

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Huston seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

**R-2021-0479**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Medical Marijuana Patient K.L.**

**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2020-0443-</b>
<b>MPT</b>	:	
<b>K.L.</b>	:	
[REDACTED]	:	
[REDACTED]	:	
<b>Respondent.</b>	:	

**Patient Registration No.** [REDACTED]

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

K.L. ("Respondent") was issued Medical Marijuana Patient Registration No. [REDACTED] by the State of Ohio Board of Pharmacy on or about September 6, 2019. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on July 1, 2020, via certified mail, return receipt requested. Respondent was served with the Notice on July 3, 2020. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

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

WHEREFORE, after review of the State’s Exhibits and pursuant to R.C. 3796.14 and based on the findings contained herein, the Board ORDERS as follows:

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

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Huston seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

**R-2021-0480**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Medical Marijuana Patient Michael Anderson.**

**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2019-0442</b>
<b>Michael Anderson</b>	:	
[REDACTED]	:	
<b>Respondent.</b>	:	

**Caregiver Registration No. [REDACTED]**

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

Michael Anderson (“Respondent”) was issued Medical Marijuana Caregiver Registration No. [REDACTED] by the State of Ohio Board of Pharmacy on or about November 2, 2019. The Board issued a Summary Suspension/Notice of Opportunity for Hearing (“Notice”) to Respondent on July 1, 2020, via certified mail, return receipt requested. Respondent was served with the Notice on July 3, 2020. Pursuant to Ohio Revised Code Section 119.07,

Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

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

WHEREFORE, after review of the State's Exhibits and pursuant to R.C. 3796.14 and based on the findings contained herein, the Board ORDERS as follows:

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

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Huston seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

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**R-2021-0481**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Tara M. Cox, Springfield, Ohio.**

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**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2019-0471-</b>
<b>MME</b>	:	
<b>Tara M. Cox</b>	:	
<b>221 N. Douglas Ave.</b>	:	<b>License No. MME.05300258</b>
<b>Springfield, OH 45503</b>	:	
<b>Respondent.</b>	:	

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

Tara M. Cox ("Respondent") was issued Medical Marijuana Support Employee License Number MME.05300258 by the State of Ohio Board of Pharmacy on May 6, 2019. The Board issued a Notice Opportunity for Hearing/Proposal to Take Disciplinary Action Against Medical Marijuana Support Employee License ("Notice") to Respondent on January 29, 2020, via certified mail, return receipt requested. Respondent was served with the Notice on February 1, 2020. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

WHEREFORE, after review of the State's Exhibits and pursuant to ORC 3976.14, Ohio Administrative Code 3796:6-4-03, and Ohio Administrative Code 3796:6-4-04 the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:6-4-03 and all violations of law as described in the Notice.

Additionally, the Board further finds the criminal conduct to be of such an egregious nature that employment in a facility responsible for dispensing medical marijuana, and providing services that impact the public's health and safety, warrant a permanent revocation. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Medical Marijuana Support Employee License Number MME.05300258 is REVOKED.
2. With the exception of a medical marijuana patient/caregiver registration issued pursuant to Chapter 3796. of the Revised Code, Respondent may not apply or reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, as set for in OAC 4729:3-1-01(X).

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Huston seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

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**R-2021-0482**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Stephenie Thayer, Painesville, Ohio.**

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**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2019-0533-</b>
<b>MME</b>	:	
<b>Stephenie Thayer</b>	:	
<b>497 Reed Ave.</b>	:	
<b>Painesville, OH 44077</b>	:	<b>: License No. MME.05300407</b>
<b>Respondent.</b>	:	<b>: License No. MME.05200318</b>

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

Stephenie Thayer ("Respondent") was issued Medical Marijuana Support Employee License Number MME.05300407 by the State of Ohio Board of Pharmacy on July 15, 2019 and Medical Marijuana Key Employee License

Number MME.05200318 on November 1, 2019. The Board issued a Summary Suspension/Notice Opportunity ("Notice") to Respondent on December 30, 2019, via certified mail, return receipt requested. Respondent was served with the Notice on January 4, 2020. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on November 4, 2020 under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

WHEREFORE, after review of the entire administrative record and pursuant to ORC 3976.14, Ohio Administrative Code 3796:6-4-03, and Ohio Administrative Code 3796:6-4-04 the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:6-4-03 and all violations of law as described in the Notice.

WHEREFORE, after review of the entire administrative record and pursuant to R.C. 3796.14 and Ohio Adm.Code 3796:6-1-01(K), the Board further finds the criminal conduct to be of such an egregious nature that employment in a facility responsible for dispensing medical marijuana, and providing services that impact the public's health and safety, warrant a permanent revocation. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Medical Marijuana Support Employee License Number MME.05300407 is REVOKED.
2. Respondent's Medical Marijuana Key Employee License Number MME.05200318 is REVOKED.
3. With the exception of a medical marijuana patient/caregiver registration issued pursuant to Chapter 3796. of the Revised Code, Respondent may not apply or reapply for any license or registration over which the State of Ohio

Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, as set for in OAC 4729:3-1-01(X).

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Huston seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

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**R-2021-0483**

After votes were taken in public session, the Board adopted the following Order in the Matter of **Garrett Fairchild, North Lima, Ohio.**

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**BEFORE THE STATE OF OHIO BOARD OF PHARMACY**

<b>In the Matter of</b>	:	
	:	<b>Case No. A-2020-0424-</b>
<b>MME</b>	:	
<b>Garrett Fairchild</b>	:	
<b>82 E. South Range, Unit C</b>	:	
<b>North Lima, OH 44452</b>	:	<b>License No. MME.05300608</b>
<b>Respondent.</b>	:	

**FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

Garrett Fairchild ("Respondent") was issued Medical Marijuana Support Employee License Number MME.05300608 by the State of Ohio Board of Pharmacy on November 7, 2019. The Board issued a Summary Suspension/Notice Opportunity ("Notice") to Respondent on May 20, 2020, via certified mail, return receipt requested. Respondent was served with the Notice on May 27, 2020. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the Board considered the matter on March 2, 2021, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996).

The Board reviewed the followings items in this matter prior to making its decision:

- State's Exhibit 1: Notice of Opportunity for Hearing
- State's Exhibit 2: Affidavit by Assigned Compliance Agent

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavit submitted by the Board's compliance agent, labeled as State's Exhibit 2, and finds the same.

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

WHEREFORE, after review of the State's Exhibits and pursuant to ORC 3976.14, Ohio Administrative Code 3796:6-4-03, and Ohio Administrative Code 3796:6-4-04 the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:6-4-03 and all violations of law as described in the Notice.

Additionally, the Board further finds the criminal conduct to be of such an egregious nature that employment in a facility responsible for dispensing medical marijuana, and providing services that impact the public's health and safety, warrant a permanent revocation. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Medical Marijuana Support Employee License Number MME.05300608 is REVOKED.
2. With the exception of a medical marijuana patient/caregiver registration issued pursuant to Chapter 3796. of the Revised Code, Respondent may not apply or reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, as set for in OAC 4729:3-1-01(X).

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

Mr. Cox moved for the findings of fact, conclusions of law, and decision of the Board. Mr. Huston seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

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**R-2021-0484**

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

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**IN THE MATTER OF:****Case No. A-2020-0551  
I-2020-1008-B****Eric Schaaf, RPh**  
2527 Breezewood Lane  
Lima, Ohio 45805**License No. 03-122850****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 Eric Schaaf, for the purpose of resolving all issues between the parties relating to the Board investigation of the compounding, sale and distribution of hand sanitizer found to be adulterated due to the addition of essential oils and vitamin E, in violation of FDA and Board policy. Together, the Board and Eric Schaaf 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. Eric Schaaf is a licensed pharmacist in the state of Ohio under license number 03-122850, who is listed as the Responsible Person and owner of Heartlight Pharmacy Services, located at 1331 N. Cole Street, Lima, Ohio.

**FACTS**

1. The Board initiated an investigation of Eric Schaaf, pharmacist license number 03-122850, and Heartlight Pharmacy Services, related to of the compounding, sale and distribution of hand sanitizer found to be adulterated due to the addition of essential oils and vitamin E, in violation of FDA and Board policy.
2. On or about October 13, 2020, the Board sent a Notice of Opportunity for Hearing to Eric Schaaf, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about October 16, 2020, Eric Schaaf, through counsel Zachary Swisher, timely requested an administrative hearing, which was subsequently scheduled for January 6, 2021.

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. Eric Schaaf neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated October 13, 2020; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Eric Schaaf must obtain ten hours of approved continuing pharmacy education (1.0 CEUs) in the compounding practices which may not also be used for license renewal. The 1.0 CEUs must be completed within 180 days from the effective date of this agreement. Additionally, Eric Schaaf must complete the Responsible Person Roundtable, for a total of one hour (0.1 CEU). Copies of completed CEUs must be e-mailed to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov).
4. Eric Schaaf agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Eric Schaaf understands that he has the right to be represented by counsel for review and execution of this agreement.
6. Eric Schaaf 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.
7. Eric Schaaf expressly withdraws his 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.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
11. This Agreement shall become effective upon the date of the Board President's signature below.

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**R-2021-0485**

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

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**IN THE MATTER OF:  
CASE NO. A-2019-0089  
A-2020-0658**

**Heartlight Pharmacy Services  
License No. 02-1884900**  
c/o Albert Easley, R.Ph.  
400 East Wilson Bridge Road, Suite L  
Columbus, OH 43085

**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 Heartlight Pharmacy Services, for the purpose of resolving all issues between the parties relating to the Board investigation of compounding compliance issues and illegal purchases of dangerous drugs. Together, the Board and Heartlight Pharmacy Services (Heartlight) 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. Heartlight Pharmacy Services is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1884900.

### **FACTS**

1. The Board initiated an investigation of Heartlight, Terminal Distributor of Dangerous Drugs license number 02-1884900, related to Heartlight's compounding compliance issues and illegal purchases of dangerous drugs.
2. On or about August 14, 2019 the Board sent a Notice of Opportunity for Hearing to Heartlight regarding case number A-2019-0089, and on or about October 2, 2020, the Board sent a Notice of Opportunity of Hearing to Heartlight regarding case number A-2020-0658. Both Notices 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 August 31, 2019, Heartlight Pharmacy Services, through counsel Zachary Swisher, timely requested an administrative hearing for case A-2019-0089 and on or about October 16, 2020, a hearing was timely requested for A-2020-0658. Both case numbers were subsequently scheduled for January 6, 2021.

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. Heartlight neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 14, 2019 for case number A-2019-0089 and in the Notice of Opportunity for Hearing letter dated October 2, 2020 for case number A-2020-0658, 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. Heartlight agrees to pay to the Board a monetary penalty in the amount of \$5,000.00 for case number A-2019-0089 and the amount of \$1,750 for case number A-2020-0658. The total fine amount being \$6,750. 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](http://www.elicense.ohio.gov) and process the items in your cart.

4. Heartlight 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. Heartlight 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 Heartlight 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 Heartlight by the Board and will NOT discharge Heartlight from any obligation under the terms of this Agreement.
  6. Heartlight agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
  7. Heartlight 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 Heartlight will operate.
  9. Heartlight waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.
  10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
  11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
  12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
  13. This Agreement shall become effective upon the date of the Board President's signature below.
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**R-2021-0486**

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

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**IN THE MATTER OF:****CASE No. A-2020-0550  
I-2020-1008-A****Heartlight Pharmacy Services**

c/o Eric Schaaf, RPh  
1331 N. Cole Street  
Lima, Ohio 48011

**License No. 02-1431250****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 Heartlight Pharmacy Services for the purpose of resolving all issues between the parties relating to the Board investigation of the compounding, sale and distribution of hand sanitizer found to be adulterated due to the addition of essential oils and vitamin E, in violation of FDA and Board policy. Together, the Board and Heartlight Pharmacy Services 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. Heartlight Pharmacy Services, located at 1331 N. Cole Street, Lima, Ohio, has an active TDDD license with the Board under license number 02-1431250, which lists Eric Schaaf, RPh as the Responsible Person and owner.

**FACTS**

1. On or about March 15, 2019, the Board initiated an investigation of Heartlight Pharmacy Services, TDDD license number 02-1200350, related to the compounding, sale and distribution of hand sanitizer found to be adulterated due to the addition of essential oils and vitamin E, in violation of FDA and Board policy.
2. On or about October 13, 2020, the Board sent a Notice of Opportunity for Hearing to Heartlight Pharmacy Services, which outlined the allegations and

provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

3. On or about October 16, 2020, Heartlight Pharmacy Services, through counsel Zachary Swisher, timely requested an administrative hearing, which was subsequently scheduled for January 6, 2021.

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. Heartlight Pharmacy Services neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated October 13, 2020, however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Heartlight Pharmacy Services agrees to pay to the Board a monetary penalty the amount of \$1,000.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in your cart.
4. Heartlight Pharmacy Services 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. Heartlight Pharmacy Services 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 Heartlight Pharmacy Services 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

Heartlight Pharmacy Services by the Board and will NOT discharge Heartlight Pharmacy Services from any obligation under the terms of this Agreement.

6. Heartlight Pharmacy Services agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Heartlight Pharmacy Services 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 Heartlight Pharmacy Services will operate.
9. Heartlight Pharmacy Services expressly 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.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

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**R-2021-0487**

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

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**IN THE MATTER OF:**

**CASE No. A-2019-0232**

**City of Struthers Fire Department**  
c/o Mark W. Swift, DO  
96 Elm Street  
Struthers, Ohio 44471

**License No. 02-92000006**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and The City of Struthers Fire Department (Struthers Fire Department) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of medical oxygen while operating as an unlicensed entity. Together, the Board and Struthers Fire Department are referred to hereinafter as "the parties."

### **JURISDICTION**

3. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
4. Struthers Fire Department is a licensed Terminal Distributor of Dangerous Drugs under license number 02-92000006.

### **FACTS**

1. The Board initiated an investigation of Struthers Fire Department, Terminal Distributor of Dangerous Drugs license number 02-92000006, related to Struthers Fire Department's illegal purchases of medical oxygen while operating as an unlicensed entity.
2. On or about April 27, 2020 the Board sent a Notice of Opportunity for Hearing to Struthers Fire Department, 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. Struthers Fire Department neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated April 27, 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. Struthers Fire Department agrees to pay to the Board a monetary penalty the amount of \$1,800. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in your cart.
4. Struthers Fire Department 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. Struthers Fire Department 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 Struthers Fire Department 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 Struthers Fire Department by the Board and will NOT discharge Struthers Fire Department from any obligation under the terms of this Agreement.
6. Struthers Fire Department agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Struthers Fire Department 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 Struthers Fire Department will operate.
9. Struthers Fire Department waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

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**R-2021-0488**

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

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**IN THE MATTER OF:  
CASE No. A-2019-0354**

**Albert Easley, R.Ph.  
License No. 03-116325**  
8720 Taylor Way  
Westerville, Ohio 43082

**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 Albert Easley, R.Ph. (Easley), for the purpose of resolving all issues between the parties relating to the Board investigation of his practice as a pharmacist. Together, the Board and Albert Easley, R.Ph., are referred to hereinafter as "the parties."

**JURISDICTION**

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Albert Easley is an Ohio-licensed pharmacist under license number 03-116325.

### **FACTS**

1. The Board initiated an investigation of Easley's practice of pharmacy. Easley is the Responsible Person for Heartlight Pharmacy Services. Heartlight Pharmacy Services was not complying with the proper standards for compounding drugs.
2. On or about August 14, 2019, the Board sent a Notice of Opportunity for Hearing to Albert Easley, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about August 31, 2019, Albert Easley, through counsel, timely requested an administrative hearing, which was subsequently scheduled for January 6, 2021.

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. Easley neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated August 14, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Easley must obtain, within 180 days from the effective date of this Agreement, 10 hours of approved continuing pharmacy education (1.0 CEUs) in compounding practices, which cannot be used for license renewal. Copies of completed continuing education courses must be e-mailed to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov) within 30 days of completion.
4. Easley agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

5. Easley understands that he has the right to be represented by counsel for review and execution of this agreement.
6. Easley 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.
7. Easley waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws his request for a hearing in this matter waives any right to an appeal.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
11. This Agreement shall become effective upon the date of the Board President's signature below.

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**R-2021-0489**

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

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**IN THE MATTER OF:**

**Case No. A-2020-0441  
I-2019-0383-B**

**Nicholas Newman, RPh**  
592 Cragside Lane, Apt. 201  
Westerville, Ohio 43082

**License No. 03-334894**

**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 Nicholas Newman, for the purpose of resolving all issues between the parties relating the Board investigation of a loss of controlled substances before or during transport to another pharmacy.

Together, the Board and Nicholas Newman 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. Nicholas Newman is a licensed pharmacist in the state of Ohio under license number 03-334894, who is listed as the Responsible Person of Essentra Pharmacy, located at 73 Sportsman’s Drive, Suite B, Marengo, Ohio 43334.

### **FACTS**

1. The Board initiated an investigation of Nicholas Newman, pharmacist license number 03-334894, and Essentra Pharmacy, related to the loss of controlled substances before or during transport to another pharmacy.
2. On or about September 21, 2020, the Board sent a Notice of Opportunity for Hearing to Nicholas Newman, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about September 29, 2020, Nicholas Newman, through counsel Zachary Swisher, timely requested an administrative hearing, which was subsequently scheduled for January 5, 2021 and continued to March 3, 2021.

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. Nicholas Newman neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated September 21, 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. Nicholas Newman must obtain six hours of approved continuing pharmacy education (0.6 CEUs) in law, drug security/safety, or a similar subject, which may not also be used for license renewal. Additionally, Nicholas Newman must complete the Responsible Person Roundtable, a total of one hour (0.1 CEU). The 0.6 CEUs must be completed within 180 days from the effective date of this agreement. Copies of completed CEUs must be e-mailed to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov).
4. Nicholas Newman agrees to pay to the Board a monetary penalty the amount of \$1,500.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in your cart.
5. Nicholas Newman agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Nicholas Newman understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Nicholas Newman 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. Nicholas Newman expressly withdraws his 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.

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**R-2021-0490**

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

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**IN THE MATTER OF:****CASE No. A-2020-0508  
I-2019-0383-A****Essentra Pharmacy**c/o Nicholas Newman, RPh  
73 Sportsman's Drive, Suite B  
Marengo, Ohio 43334**License No. 02-2629350****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 Essentra Pharmacy for the purpose of resolving all issues between the parties relating to the Board investigation of a loss of controlled substances before or during transport to another pharmacy. Together, the Board and Essentra Pharmacy are referred to hereinafter as "the parties."

**JURISDICTION**

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Essentra Pharmacy, located at 73 Sportsman's Drive, Suite B, Marengo, Ohio 43334, has an active TDDD license with the Board under license number 02-2629350, which lists Nicholas Newman, RPh as the Responsible Person.

**FACTS**

1. The Board initiated an investigation of Essentra Pharmacy, TDDD license number 02-2629350, related to the loss of controlled substances before or during transport to another pharmacy.
2. On or about September 21, 2020, the Board sent a Notice of Opportunity for Hearing to Essentra Pharmacy, 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 September 29, 2020, Essentra Pharmacy, through counsel Zachary Swisher, timely requested an administrative hearing, which was subsequently scheduled for January 5, 2021 and continued to March 3, 2021.

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. Essentra Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated September 21, 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. Essentra Pharmacy agrees to pay to the Board a monetary penalty the amount of \$1,500.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in your cart.
4. Essentra Pharmacy 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. Essentra Pharmacy 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 Essentra Pharmacy 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 Essentra Pharmacy by the Board and will NOT discharge Essentra Pharmacy from any obligation under the terms of this Agreement.
6. Essentra Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

7. Essentra Pharmacy 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 Essentra Pharmacy will operate.
9. Essentra Pharmacy expressly 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.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

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**R-2021-0491**

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

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**IN THE MATTER OF:**

**CASE No. A-2020-0118  
500-9253**

**Wayside Farm Nursing & Rehab Ctr    License No. 02-0862700**  
c/o Matthew Pool  
4557 Quick Road  
Peninsula, Ohio 44264

**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 Wayside Farm Nursing & Rehab Ctr (Wayside Farm) for the purpose of resolving all issues between the parties relating to the

Board investigation of illegal purchases of medical oxygen while operating without a Board-issued license. Together, the Board and Wayside Farm 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. Wayside Farm is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0862700.

### **FACTS**

1. The Board initiated an investigation of Wayside Farm, Terminal Distributor of Dangerous Drugs license number 02-0862700, related to Wayside Farm's illegal purchases of medical oxygen while operating without a Board-issued license.
2. On or about February 17, 2021 the Board sent a Notice of Opportunity for Hearing to Wayside Farm, 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. Wayside Farm neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 17, 2021; 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. Wayside Farm agrees to pay to the Board a monetary penalty the amount of \$350.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this

fine you must login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in your cart.

4. Wayside Farm 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. Wayside Farm 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 Wayside Farm 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 Wayside Farm by the Board and will NOT discharge Wayside Farm from any obligation under the terms of this Agreement.
6. Wayside Farm agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Wayside Farm 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 Wayside Farm will operate.
9. Wayside Farm waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

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

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**R-2021-0492** Ms. Marchal moved that the **February 1-2, 2021 Board Meeting Minutes** be approved, **as amended**. The motion was seconded by Mr. Wilt and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Huston-yes; Miller-yes; Marchal-yes; and Wilt-yes. (Yes-6/No-0)

**R-2021-0493** Ms. Marchal moved that the **February 5, 2021 Conference Call 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; Huston-yes; Miller-yes; Marchal-yes; and Wilt-yes. (Yes-6/No-0)

**R-2021-0494** Ms. Marchal moved that the **February 12, 2021 Conference Call 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; Huston-yes; Miller-yes; Marchal-yes; and Wilt-yes. (Yes-6/No-0)

**R-2021-0495** Ms. Marchal moved that the **February 3, 2021 Probation Committee Meeting Minutes** be approved, **as written**. The motion was seconded by Mr. Cox and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Huston-yes; Miller-yes; Marchal-yes; and Wilt-yes. (Yes-6/No-0)

**1:28 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 Pyles, Chief of Investigations, for the purpose of whether to consider a summary suspension related to a Certified Pharmacy Technician.

**R-2021-0496** After hearing Mr. Pyles discuss the significant facts regarding the activities **Certified Pharmacy Technician Lawrence Shonk II**, Mr. Cox moved that the Board summarily suspend the Certified Pharmacy Technician license belonging to **Lawrence Shonk II, Columbus, Ohio, License No. 09-312488**. The motion was seconded by Mr. Wilt and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Huston-yes; Miller-yes; Marchal-yes; and Wilt-yes. (Yes-6/No-0)

**1:31 p.m.**

Pursuant to Section 4729.571(A) and (B) of the Ohio Revised Code and under authority 4729.57 of the Revised Code, Chief Pyles, presented facts for the purpose of whether to consider a summary suspension related to a Terminal Distributor of Dangerous Drugs license.

**R-2021-0497**

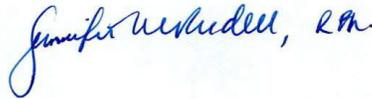
After hearing Mr. Pyles discuss the significant facts regarding the activities **Angel Animal Hospital**, Mr. Cox moved that the Board summarily suspend the Terminal Distributor of Dangerous Drugs license belonging to **Angel Animal Hospital, Galloway, Ohio, License No. 02-2598600**. The motion was seconded by Mr. Miller and a roll-call vote was conducted by President Rudell as follows: Buettner-yes; Cox-yes; Huston-yes; Miller-yes; Marchal-yes; and Wilt-yes. (Yes-6/No-0)

**R-2021-0498**

Mr. Cox moved to Adjourn the March 2021 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; Huston-yes; Miller-yes; Marchal-yes; and Wilt-yes. (Yes-6/No-0)

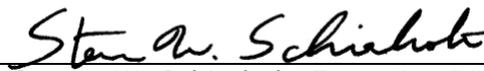
**1:40 p.m.**

The Board Meeting Adjourned.



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Jennifer M. Rudell, RPh, President

Date: 04.20.2021



\_\_\_\_\_  
Steven W. Schierholt, Executive Director

Date: 04.20.2021