



MINUTES OF THE SEPTEMBER 13-14, 2021
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, September 13, 2021

10:04 a.m.

The State of Ohio Board of Pharmacy convened in the Hearing Room, 17th Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, for a public meeting, which was also broadcast via Microsoft Teams audio/visual conference call, with the following members present:

Donald R. Miller, RPh, *Presiding*; Shawn C. Wilt, RPh, *Vice President*; Trina L. Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; Tod Grimm, RPh; Jeff Huston, RPh.; and Jennifer Rudell, RPh.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Ashley Gilbert, *Senior Legal Counsel*; Joseph Koltak, *Senior Legal Counsel*; Kathryn Lewis, *Legal Administrative Assistant*.

10:04 a.m.

Mr. Miller administered the Oath of New Member to Mr. Grimm.

I, Tod Grimm, as a member of the state of Ohio Board of Pharmacy,

do solemnly swear to uphold the Constitution of the United States and the State of Ohio;

to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the state of Ohio;

and carry out the responsibilities of the Board as mandated by the laws of the state of Ohio without bias or prejudice, so help me God.

10:06 a.m.

Mr. Miller administered the Oath of New Member to Mr. George.

I, Jason George, as a member of the state of Ohio Board of Pharmacy,
do solemnly swear to uphold the Constitution of the United States and
the State of Ohio;

to impartially enforce the laws governing the profession of pharmacy
and the legal distribution of drugs in the state of Ohio;

and carry out the responsibilities of the Board as mandated by the laws
of the state of Ohio without bias or prejudice, so help me God.

10:07 a.m.

President Miller announced the OAC Rule 4729-2-02 appointments to
replace Mr. Cox on budget/finance with Mr. George and to replace Ms.
Marchal on CE, Examination, Internship & Licensure with Mr. Huston.

R-2022-0115

Mr. Wilt moved that the Board approve the *Resolution for Vicki Whitt*.
The motion was seconded by Ms. Rudell and approved by the Board:
Aye-7, Nay-0. The following resolution was adopted by the Board:

WHEREAS, the administrative efforts of Vicki L. Whitt, as the Human
Resources Manager with the State of Ohio Board of Pharmacy, has
directly led to the successful and thoughtful measures to aid in the
fulfillment of the Mission of the Board; and

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

BE IT RESOLVED, that the State of Ohio Board of Pharmacy hereby
commends Vicki L. Whitt for more than 12 years of exemplary service
and performance to the Board and to the people of Ohio in carrying
out the responsibilities of her position, and

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

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

September 13, 2021

- 10:14 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 **Dane Allard, Hillsboro, Ohio.**
- 11:55 a.m.** The Board recessed for lunch.
- 12:33 p.m.** The Board reconvened in the Board Hearing Room to continue the Matter of **Dane Allard, Hillsboro, Ohio.**
- R-2022-0116** Mr. Wilt moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision*, et al. (1998) 81 Ohio St.3d 58. The motion was seconded by Mr. Grimm and a roll-call vote was conducted by President Miller as follows: Wilt-yes; Buettner-yes; George-yes; Goodman-yes; Grimm-yes; Huston-yes; and Rudell-yes.
- 6:06 p.m.** The deliberation ended and the hearing was opened to the public.
- R-2022-0117** After votes were taken in public session, the Board adopted the following order in the Matter of **Dane Allard, Hillsboro, Ohio.**
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ORDER OF THE STATE BOARD OF PHARMACY

(Case Numbers A-2021-0024)

In The Matter Of:

Dane Joseph Allard, RPh

123 Westover Dr.
Hillsboro, OH 45133
(License No. 03-132101)

INTRODUCTION

The Matter of Dane Joseph Allard came for hearing on September 13, 2021, before the following members of the State of Ohio Board of Pharmacy (Board): Rich Miller, RPh, *Presiding*; Shawn Wilt, RPh, *Vice President*; Trina Buettner, RPh; Jason George, RPh; Victor Goodman,

Public Member; T.J. Grimm, RPh; Jeff Huston, RPh; and Jennifer Rudell, RPh.

Dane Joseph Allard was represented by Todd Collis. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

This matter was heard concurrently with the Matter of Dane Joseph Allard Case Number A-2021-0152.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Ryan Bolus- Compliance Specialist

Respondent's Witnesses:

1. Dane Allard-Respondent
2. Jeff Beery, MD

State's Exhibits:

- 1a. Notice Letter/ Summary Suspension (Case No. A-2021-0024)
- 1b. Confidential Patient Key
- 1c. Notice Letter (Case No. A-2021-0152)
- 1d. Confidential Patient Key
2. Request for Hearing
3. Initial Scheduling Order
4. Current Scheduling Order
5. Clinton County Court Records
6. Intern Application
7. Pharmacist Application
8. Notice of Change of Responsible Person
9. Statement of Respondent #1
10. Medication List Faxed to Downtown Drug
11. Patient J.W. Access Records
12. Hospital Records for Patient J.W.
13. Medication List from Downtown Drug for Patient J.W.
14. Statement of Respondent #2
15. Statement of Patient J.W.
16. Statement of Raymond Mick

17. Patient J.W. Record dated 1/22/2018
18. Patient J.W. Record dated 1/23/2018
19. Patient J.W. Record dated 1/24/2018
20. Patient J.W. Record dated 1/29/2018
21. 2018 Inspection Report for Downtown Drug
22. Response to 2018 Inspection Report
23. Prescription Documents for Patient J.W.
24. Text regarding leaving pharmacy
25. 2020 Inspection Report
26. Response to 2020 Inspection Report
27. Jason Jones Termination
28. Pain Management Agreements (combined)
29. Positive Drug Screen – November 2020
30. Letter Terminating Respondent from Treatment
31. Medical Note dated 11/24/2020
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33. Prescription for Oxycodone 12-28-2020
34. Prescription for Oxycodone 1-16-2021
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37. Verbal Prescriptions From Jordan Allard to Dane Allard
- 38a. Prescription for Patient R.B. for tamsulosin (Flomax)
- 38b. Prescription Label for Patient R.B. for tamsulosin (Flomax)
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40. Receipt for Patient R.B. for tamsulosin (Flomax)
41. Sales Receipt for Patient R.B. and Respondent
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46. Medical Note re: Clonidine for Respondent
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49. Phone Prescription for Duone B for Respondent
50. Phone Prescription for Ventolin Inhaler for Patient W.W.
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57. Statement of Patient M.B.
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66. Oxycodone 1/31/2020 – Label
67. Oxycodone 1/31/2020 – Cost Information
68. Oxycodone 1/31/2020 – Employee Discount Policy
69. Oxycodone 1/31/2020 – E-mail from Marcus Barr
70. Oxycodone 1/31/2020 – Receipt
71. Medical Note 3/4/2021
72. Video
73. Text messages

Respondent's Exhibits:

- A. Curriculum Vitae of Dane Allard, RPh
- B. Letter of Support from Travis Plumley, PharmD
- C. Curriculum Vitae of Jeffrey S. Beery, M.D.
- D. Map of Downtown Drug to The Daily Grind
- E. Map of Downtown Drug to 123 Westover Drive
- F. Map of Downtown Drug to St. Mary Catholic School

- G. November 2020 screen
- H. December 2020 Pain Management Agreement
- I. December 15, 2020 prescription by Dr. Beery
- J. March 25, 2021 screen
- K. June 4, 2020 prescription by Dr. Beery
- L. June 25, 2020 prescription by Dr. Beery (with July 17, 2020 note by Dr. Beery)
- M. July 17, 2020 prescription by Dr. Beery
- N. August 13, 2020 prescription by Dr. Beery and note by Dr. Beery
- O. August 31, 2020 prescription by Dr. Beery and note by Dr. Beery
- P. September 24, 2020 prescription by Dr. Beery and note by Dr. Beery
- Q.
 - October 16, 2020 prescription by Dr. Beery and note by Dr. Beery
 - Letter from Dr. Beery to Dr. Langenderfer
- R. October 27, 2020 note by Dr. Beery
- S. November 3, 2020 note by Dr. Beery
- T.
 - November 9, 10, and 13, 2020 notes by Dr. Beery
 - November 13, 2020 Pain Management Agreement
- U. December 15, 2020 note by Dr. Beery
- V. Dane Allard Colorado travel record
- W. Dane Allard Denver Health Admission document
- X. December 28, 2020 note by Dr. Beery
- Y. December 28. 2020 prescription by Dr. Beery
- Z.
 - Two January 15, 2021 notes by Dr. Beery
 - January 16, 2021 Pain Management Agreement
 - January 16, 2021 prescription by Dr. Beery
- AA. Assessment by Jason Chandler at The Ridge
- BB. Letter of Support from Dr. Beery
- CC. Dr. Beery's data for Mr. Allard

FINDINGS OF FACT

The parties stipulated to – and the Board hereby adopts as fact – the Allegations as set forth in Summary Suspension/Notice of Opportunity for hearing dated April 21, 2021, case number A-2021-0024: 1 (excluding 1a), 3, 9, and 10; reiterated herein and set forth below (although renumbered consistent with the Board’s additional factual findings).

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each; the board specifically finds Dane Allard’s testimony on September 13, 2021, not to be credible, and further finds the following to be fact:

1. On multiple occasions Dane Allard left pharmacy technicians in charge, without a pharmacist, at Downtown Drug of Hillsboro, located at 119 S. High Street, Hillsboro, Ohio, where he was the Responsible Person. Dane Allard would leave pharmacy technicians in charge while he ran errands such as attending to his coffee shop, going home to pick up possessions, and taking his son to and from school.
 - a. On or about October 21, 2020, Dane Allard discovered a pharmacy technician reported this conduct to the Board. After the phone call, Dane Allard sent Ms. Rosenberger multiple text messages and a video of his minor son, repeatedly harassing Ms. Rosenberger for reporting his conduct to the Board.
2. On or about November 13, 2020, Dane Allard submitted to a drug test. The test was positive for both amphetamine and hydrocodone, despite Dane Allard not having an active prescription for either of these medications at the time.
3. Downtown Drug records indicate Dane Allard was dispensed a 314-day supply of various oxycodone containing prescriptions in a period encompassing 241 days, an excess supply of 73 days. Of note, Dane Allard received a prescription for 180 tablets (30-day supply) of oxycodone/APAP on December 15, 2020 and December 28, 2020. On January 16, 2021, Dane Allard received 90 tablets (14-day supply).
4. Dane Allard’s prescription profile from Downtown Drug showed numerous non-controlled substance prescriptions written for him by his wife, Jordan Allard, APRN. These prescriptions were verbal prescriptions recorded by Dane Allard. The majority, if not all, other prescriptions sent to Downtown Drug for her patients were electronically prescribed.

- a. When asked about the prescriptions, Ms. Allard indicated Dane Allard was not a patient of hers, however, she wrote Dane Allard prescriptions multiple times. She stated she could perform an assessment by listening to Dane Allard when he got home, and Dane Allard would call her from work and say that he really needed something. She did not keep a medical record of Dane Allard's treatment.
5. On or about July 30, 2020, Jordan Allard, APRN, called in a verbal prescription to Dane Allard, while he was working at Downtown Drug, for "Flomax 0.4 mg caps, #90 with 3 refills". The verbal prescription, Rx #665841, was written for patient R.B., DOB 1/17/54, and no address listed. This was the only prescription for R.B. filled at the pharmacy. The address was never entered into the system and appeared as "need info Hillsboro, OH 45133."
 - a. On or about July 30, 2020, the prescription was filled for the entire authorized quantity, 360 Flomax 0.4 mg caps.
 - b. The prescription was rung out of the POS on August 6, 2020, along with several prescriptions for you (Rx# 666316, Adderall; Rx# 666323, Hydroxychloroquine), J.A. (Rx# 666324, Hydroxychloroquine) and D.H. (Rx# 666253, Hydroxychloroquine). The POS receipt was signed by Dane Allard.
 - c. When questioned about Rx# 666324, Hydroxychloroquine (a verbal prescription), J.A. stated she had never taken this medication, she had never seen the prescribing doctor (Dr. Berry), and she did not even know there was a prescription in her name, nor had she seen the bottle.
6. From on or about December 2019 through April 2020, numerous verbal prescriptions, prescribed by Ms. Allard, APRN, were called into Downtown Drug for Dane Allard's family members and friends. The prescriptions were all called into Dane Allard (and recorded by Dane Allard), or called into another pharmacist, at Dane Allard's direction.
 - a. No records for at least 14 of the people with verbal prescriptions called in to Downtown Drug by Jordan Allard, were found at her place of employment, Premier Pain Institute, Mt. Orab. None of the 14 people who received prescriptions were patients of Ms. Allard.
 - b. On or about April 9, 2020, Rx# 658925, for one bottle of Clobetasol 0.05%, was called into Downtown Drug, prescribed for J.A. by Jordan Allard. When asked about this

medication, she stated she did not call in this prescription for J.A.

7. On or about December 21, 2019, Dane Allard sent a text message to a pharmacist at Downtown Drug requesting a dispensing of Azithromycin 200 mg/5 mL suspension, #75 mL. Dane Allard indicated the prescription is from Jordan Allard for minor child, H.A. The prescription was dispensed the same day. This prescription was dispensed for 3,000 mg, enough for a complete course for two adults.
8. On or about January 31, 2020, Dane Allard filled and received Rx# 654344, Oxycodone/APAP 5/325 mg tablets (60 count), for himself. On February 3, 2020, you paid \$11.04 for the prescription, even though the discounted price for an employee would have been \$15.63.
9. On or about October 22, 2020, Dane Allard spoke to an agent of the Board. Dane Allard stated the following:
 - a. Dane Allard sent a video of his son and multiple text messages to a Ms. Rosenberger, a pharmacy technician who was employed by Downtown Drug of Hillsboro, because he was upset and angry. Dane Allard admitted it was unprofessional and he should not have sent the texts or video.
 - b. Dane Allard left the pharmacy once to pick up his son from preschool.
 - c. Dane Allard admitted to leaving the pharmacy on at least four other occasions to do business at his coffee shop across the street and going home to get personal items such as his computer.
 - d. Dane Allard told Mr. Jones if he signed an agreement, Dane Allard would not pursue criminal charges against him.
 - e. Dane Allard denied having an addiction to opioids despite escalating dosing and a seeming accumulation of greater than 30 days of extra tablets over the preceding five months. Dane Allard stated he took opiates due to knee pain.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact Section constitutes a violation of Section 4729.27 of the ORC, any pharmacist who owns, manages, or conducts a pharmacy shall be personally in full and actual charge of the pharmacy, or shall

employ another pharmacist to be in full and actual charge of the pharmacy.

2. Such conduct as set forth in the Findings of Fact Section each constitutes a violation of the following sections of Rule 4729:5-2-01 of the OAC, 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, 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(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 Rule 4729:5-2-01(A)(3); and
 - c. 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
 - d. 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).
3. Such conduct as set forth in the Findings of Fact Section each constitutes a violation of the following sections of Rule 4729-9-11 of the OAC: A pharmacist, prescriber, and responsible person pursuant to rule 4729-5-11 of the Administrative Code shall provide supervision and control of dangerous drugs as required in division (B) of section 4729.55 of the Revised Code, and adequate safeguards to ensure that dangerous drugs are being distributed in accordance with all state and federal laws as required in section 4729.55 of the Revised Code, by the following procedures:

- a. In a pharmacy: Except as provided in paragraph (A)(2) of this rule, a pharmacist shall provide personal supervision of the dangerous drugs, exempt narcotics, hypodermics, poisons, D.E.A. controlled substance order forms, all records relating to the distribution of dangerous drugs, except where the board has granted a permission for such records to be stored at a secure off-site location pursuant to rules 4729-9-14 and 4729-9-22 of the Administrative Code, at all times in order to deter and detect theft or diversion, OAC Rule 4729-9-11(A)(1); and/
 - b. Whenever personal supervision of the dangerous drugs is not provided by a pharmacist, physical or electronic security of the dangerous drugs must be provided according to the following requirements: Except as provided in Rule 4729-17-03 of the OAC, only a pharmacist may have access to the prescription department or stock of dangerous drugs or assume responsibility for the security of dangerous drugs, exempt narcotics, hypodermics, poisons, and any other item or product that requires the personal supervision or sale by a pharmacist, OAC 4729-9-11(A)(2)(d).
4. Such conduct as set forth in the Findings of Fact Section constitutes a violation of Rule 4729-9-11(E) of the OAC, only individuals authorized under state laws or rules shall have unsupervised access to dangerous drugs.
5. Such conduct as set forth in the Findings of Fact Section constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 8, 2019:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16(A)(2)(b); and
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.75 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and
 - 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).
6. Such conduct as set forth in the Findings of Fact Section constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective March 20, 2020:

- a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and
- b. 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. 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

As this Matter, A-2021-0024, was heard concurrently with the Matter of A-2021-0152, only one Decision was made and issued for both Matters. The Decision below is identical to the Decision imposed in A-2021-0152 and does not impose additional requirements.

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Dane Allard on April 21, 2021 and approves the reinstatement of the pharmacist license no. 03-132101 held by Dane Allard to practice pharmacy in Ohio, no earlier than October 21, 2021, and conditioned upon completion of the following terms:

1. 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 \$2,000.00. This fine will be attached to Dane Allard's license record and must be paid prior to reinstatement of Dane Allard's license, or as otherwise agreed to by the Board. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
2. Dane Allard must attend a Board-sponsored "Responsible Person Roundtable" and a Board-sponsored "Law Review" and provide proof of completion to the Board within 30 days of attendance. The continued education credit may not also be used for license renewal.
3. Completion of the proper licensure paperwork.

Once Dane Allard's license to practice pharmacy is reinstated, the following terms apply:

1. Dane Allard may not dispense medication to himself or his immediate family for a period of two years from the date of the reinstatement of license no. 03-132101.
2. Dane Allard may not receive or dispense verbal prescription orders from Jordan Allard, APRN, so long as he is licensed by the Ohio Board of Pharmacy.

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: 1b, 1d, 7-20, 23, 24, 27-73 and Respondent's exhibits G-CC.

Mr. Wilt moved for Findings of Fact; Mr. George seconded the motion. Motion passed (Yes-7/No-0).

Mr. Wilt moved for Conclusions of Law; Mr. Grimm seconded the motion. Motion passed (Yes-7/No-0).

Mr. Wilt moved for Action of the Board; Ms. Buettner seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0118

After votes were taken in public session, the Board adopted the following order in the Matter of **Dane Allard, Hillsboro, Ohio**.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2021-0152)

In The Matter Of:

Dane Joseph Allard, RPh

123 Westover Dr.
Hillsboro, OH 45133
(License No. 03-132101)

INTRODUCTION

The Matter of Dane Joseph Allard came for hearing on September 13, 2021, before the following members of the State of Ohio Board of Pharmacy (Board): Rich Miller, RPh, *Presiding*; Shawn Wilt, RPh, *Vice President*; Trina Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; and Jennifer Rudell, RPh.

Dane Joseph Allard was represented by Todd Collis. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

This matter was heard concurrently with the Matter of Dane Joseph Allard Case Number A-2021-0024.

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1. Ryan Bolus- Compliance Specialist

Respondent's Witnesses:

1. Dane Allard- Respondent
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- J. March 25, 2021 screen
- K. June 4, 2020 prescription by Dr. Beery
- L. June 25, 2020 prescription by Dr. Beery (with July 17, 2020 note by Dr. Beery)
- M. July 17, 2020 prescription by Dr. Beery
- N. August 13, 2020 prescription by Dr. Beery and note by Dr. Beery
- O. August 31, 2020 prescription by Dr. Beery and note by Dr. Beery
- P. September 24, 2020 prescription by Dr. Beery and note by Dr. Beery
- Q.
 - October 16, 2020 prescription by Dr. Beery and note by Dr. Beery
 - Letter from Dr. Beery to Dr. Langenderfer
- R. October 27, 2020 note by Dr. Beery
- S. November 3, 2020 note by Dr. Beery
- T.
 - November 9, 10, and 13, 2020 notes by Dr. Beery
 - November 13, 2020 Pain Management Agreement
- U. December 15, 2020 note by Dr. Beery
- V. Dane Allard Colorado travel record
- W. Dane Allard Denver Health Admission document
- X. December 28, 2020 note by Dr. Beery
- Y. December 28. 2020 prescription by Dr. Beery
- Z.
 - Two January 15, 2021 notes by Dr. Beery
 - January 16, 2021 Pain Management Agreement
 - January 16, 2021 prescription by Dr. Beery
- AA. Assessment by Jason Chandler at The Ridge
- BB. Letter of Support from Dr. Beery
- CC. Dr. Beery's data for Mr. Allard

FINDINGS OF FACT

The parties stipulated to – and the Board hereby adopts as fact – the Allegations as set forth in the Notice of Opportunity for Hearing dated April 21, 2021, case number A-2021-0152: 1, 1a, 2, 2a (sic), 3, 3a, (with these stipulations being limited to factual accuracy not intent), and items 5a through 5r as those listed medications having been dispensed

(with that stipulation not including the allegations in the body of paragraph of 5). These stipulations, now Findings of Fact, are reiterated herein and set forth below (although renumbered consistent with the Board's additional factual findings).

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each; the board specifically finds Dane Allard's testimony on September 13, 2021, not to be credible, and further finds the following to be fact:

1. On Dane Allard's pharmacy intern application submitted on or about August 26, 2008, he falsely answered "No" to the question inquiring if he had ever been charged or convicted of a felony or misdemeanor other than a minor traffic violation (even if expunged or sealed).
 - a. On or about August 27, 2006, Dane Allard was arrested and charged for operating a vehicle under the influence or alcohol and/or a drug of abuse, a misdemeanor offense, in the Clinton County Municipal Court. On or about December 28, 2006, Dane Allard plead guilty to reckless operation of a vehicle. Dane Allard was sentenced to 30 days, all of which were suspended, \$555 in fines and court costs, \$55 of which were suspended. Case No. TRC060843A.
2. On Dane Allard's application for initial pharmacist licensure submitted on or about May 21, 2012, he falsely answered "No" to the question inquiring if he had ever been charged or convicted of a felony or misdemeanor other than a minor traffic violation (even if expunged or sealed).
 - a. On or about August 27, 2006, Dane Allard was arrested and charged for operating a vehicle under the influence or alcohol and/or a drug of abuse, a misdemeanor offense, in the Clinton County Municipal Court. On or about December 28, 2006, Dane Allard plead guilty to reckless operation of a vehicle. Dane Allard was sentenced to 30 days, all of which were suspended, \$555 in fines and court costs, \$55 of which were suspended. Case No. TRC060843A.
3. On the Terminal Distributor Change of Responsible Person Notification submitted on or about September 15, 2017, Dane Allard falsely answered "No" to the question inquiring if he had ever been convicted of a traffic offense involving alcohol, regardless of whether the original charge was ultimately reduced or plead to a different offense other than the original charge.
 - a. On or about August 27, 2006, Dane Allard was arrested and charged for operating a vehicle under the influence or alcohol and/or a drug of abuse, a misdemeanor offense, in the Clinton

County Municipal Court. On or about December 28, 2006, Dane Allard plead guilty to reckless operation of a vehicle. Dane Allard was sentenced to 30 days, all of which were suspended, \$555 in fines and court costs, \$55 of which were suspended. Case No. TRC060843A.

4. On or about January 12, 2018, Dane Allard dispensed Prescription No. 401161, Clonazepam 0.5 mg tabs, 60 tabs to patient J.W. to whom it was not currently prescribed. Dane Allard filled the prescription based on a three-page medication list, faxed to Downtown Drug of Hillsboro where he worked. The faxed document contained information for the clonazepam prescription and also listed fifteen other dangerous drugs. The DEA number of the prescriber was not present on the medication list. The quantity of the drug was not present on the medication list. Further, Dane Allard failed to check the Ohio Automated Rx Reporting System when filling Prescription No 401161. Patient J.W. ingested the medication and was hospitalized due to excessive sedation.
5. On or about January 12, 2018, Dane Allard dispensed eighteen prescriptions to patient J.W. from a three-page medication list faxed to Downtown Drug of Hillsboro and without a prescription written in compliance with OAC 4729-5-13 and 4729-5-30 and without conducting proper drug utilization review, in particular for Prescription No. 615517; simvastatin and Prescription No. 615494; atorvastatin which are therapeutic duplications. "Per MD Ray Mick" was written on the faxed, three-page medication list; however, Dane Allard never spoke with APRN Ray Mick to confirm these prescriptions. The following list contains the entirety of the dispensations Dane Allard made to patient J.W. from the faxed medication list:
 - a. Rx# 401161, Clonazepam 0.5 mg tabs, 60 tabs
 - b. Rx# 615492, Buspirone 15 mg tabs, 60 tabs
 - c. Rx# 615493, Donepezil 5 mg tabs, 30 tabs
 - d. Rx# 615494, Atorvastatin 40 mg tabs, 30 tabs
 - e. Rx# 615496, Clopidogrel 75 mg tabs, 30 tabs
 - f. Rx# 615498, Escitalopram 10 mg tabs, 30 tabs
 - g. Rx# 615499, Gabapentin 300 mg caps, 30 caps
 - h. Rx# 615501, Pantoprazole 40 mg tabs, 30 tabs
 - i. Rx# 615502, Vitamin D 50,000 U caps, 2 caps
 - j. Rx# 615504, Lantus Solostar 100 U/mL, 15 mL
 - k. Rx# 615508, Novolog 100 U/mL, 15 mL
 - l. Rx# 615512, Clotrimazole/Betamethasone 1/0.05 mg cream, 45 grams
 - m. Rx# 615514, Fluconazole 100 mg tabs, 15 tabs
 - n. Rx# 615516, Lisinopril 5 mg tabs, 30 tabs
 - o. Rx# 615517, Simvastatin 10 mg tabs, 30 tabs
 - p. Rx# 615522, Athletes Foot 1% Cream, 30 grams

- q. Rx# 615523, Ipratropium/Albuterol 0.5mg/2.5 mg solution, 360 mL
- r. Rx# 615524, Ammonium Lactate 12% Cream, 140 grams

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraph (1) and (2) of the Findings of Fact Section each constitutes a violation of the following divisions of section 4729.16 of the ORC, as effective February 12, 2001: Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code, ORC Section 4729.16(A)(10).
2. Such conduct as set forth in paragraph (3) of the Findings of Fact Section constitutes a violation of the following divisions of (A)(2) of section 4729.16 of the ORC, as effective April 6, 2017:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2)(b); and
 - b. Committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code; ORC Section 4729.16(A)(2)(j).
3. Such conduct as set forth in the paragraph (4) and (5) of the Findings of Fact Section constitutes a violation of 4729.16(A)(2)(b), as effective September 29, 2017, Engaged in dishonesty or unprofessional conduct in the practice of pharmacy.
4. Such conduct as set forth in the paragraph (4) and (5) of the Findings of Fact Section each constitutes a violation of 4729:1-4-01 (B)(2)(p) of the OAC, failed to conform to prevailing standards of care: Guilty of willfully violating...any of the provisions of this chapter...or any rule adopted by the board under those provisions, ORC Section 4729.16(A)(5).
5. Such conduct as set forth in paragraph (4) and (5) of the Findings of Fact Section constitutes a violation of the following divisions of section 4729.16(A) of the ORC, as effective September 29, 2017, each violation constituting a minor misdemeanor:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and
 - b. Violated...any of the provisions of this chapter 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the

- Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and
- 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).
6. Such conduct as set forth in paragraph (4) and (5) of the Findings of Fact Section each constitutes a violation of each of the following divisions of Rule 4729-5-04 of the OAC as effective April 28, 2016:
 - a. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, OAC Rule 4729-5-04(A); and
 - b. Violated...any of the provisions of Chapters 4729., 3715., 3719....of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729-5-04(B); and
 - c. Failed to conform to prevailing standards of care of similar pharmacists under same or similar circumstances, whether or not actual injury to a patient is established, OAC Rule 4729-5-04(L).
 7. Such conduct as set forth in paragraph (4) and (5) of the Findings of Fact Section each constitutes a violation of each of each of the following division of Rule 4729-5-13(A) of the OAC:
 - a. The prescription is issued in compliance with 4729-5-30 of the OAC, OAC Rule 4729-5-13(A)(1); and
 - b. If handwritten or typewritten, there are no more than three noncontrolled substance prescription orders per prescription form OAC Rule 4729-5-13(A)(2); and
 - c. If preprinted with multiple drug names or strength combinations:
 - i. There are no controlled substances among the choices; OAC Rule 4729-5-13(A)(3)(a); and
 - ii. There is only one prescription order selected per form. OAC Rule 4729-5-13(A)(3)(b).
 8. Such conduct as set forth in paragraph (4) and (5) of the Findings of Fact Section each constitutes a violation of the following division of Rule 4729-5-13(B) of the OAC:

- a. The controlled substance prescription has been issued in compliance with Rule 4729-5-30 of the Administrative code, OAC Rule 4729-5-13(B)(1); and
 - b. The controlled substance prescription contains only one prescription order per prescription form, whether handwritten, typewritten, or preprinted OAC Rule 4729-5-13(B)(2); and
 - c. The controlled substance prescription quantity has been written both numerically and alphabetically. OAC Rule 4729-5-13(B)(3).
9. Such conduct as set forth in paragraph (4) and (5) of the Findings of Fact Section each constitutes the following violations of Rule 4729-5-30(B) Manner of issuance of a prescription. All prescriptions issued by a prescriber shall:
- a. Be dated as of and on the day when issued, OAC Rule 4729-5-30(B)(1); and
 - b. Indicate the quantity to dispense, OAC Rule 4729-5-30(B)(6); and
 - c. For a controlled substance: Indicate the drug enforcement administration registration number of the prescriber pursuant to Title 21 CFR 1305.05 (3/31/2010). OAC Rule 4729-5-30(B)(14)(a).
10. Such conduct as set forth in paragraph (4) and (5) of the Findings of Fact Section each constitutes a violation of Rule 4729-5-20 of the OAC Prospective Drug Utilization Review:
- a. Therapeutic duplication; OAC Rule 4729-5-20(A)(2); and
 - b. Prior to dispensing an outpatient prescription for a reported drug as listed in rule 4729-37-02 of the Administrative Code, 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 patient adds a different or new reported drug to their therapy that was not previously included, OAC Rule 4729-5-20(D)(1).

DECISION OF THE BOARD

As this Matter, A-2021-0152, was heard concurrently with the Matter of A-2021-0024, only one Decision was made and issued for both Matters. The Decision below is identical to the Decision imposed in A-2021-0024 and does not impose additional requirements.

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Dane Allard on April 21, 2021 under case number A-2021-0024 and approves the reinstatement of the pharmacist license no. 03-132101 held by Dane Allard to practice pharmacy in Ohio, no earlier than October 21, 2021, and conditioned upon completion of the following terms:

1. Pursuant to Section 4729.56 of the Ohio Revised Code, the State of Ohio Board of Pharmacy imposes a monetary penalty in the amount of \$2,000.00. This fine will be attached to Dane Allard's license record and must be paid prior to reinstatement of Dane Allard's license, or as otherwise agreed to by the Board. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
2. Dane Allard must attend a Board-sponsored "Responsible Person Roundtable" and a Board-sponsored "Law Review" and provide proof of completion to the Board within 30 days of attendance. The continued education credit may not also be used for license renewal.
3. Completion of the proper licensure paperwork.

Once Dane Allard's license to practice pharmacy is reinstated, the following terms apply:

1. Dane Allard may not dispense medication to himself or his immediate family for a period of two years from the date of the reinstatement of license no. 03-132101.
2. Dane Allard may not receive or dispense verbal prescription orders from Jordan Allard, APRN, so long as he is licensed by the Ohio Board of Pharmacy.

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: 1b, 1d, 7-20, 23, 24, 27-73 and Respondent's exhibits G-CC.

Mr. Wilt moved for Findings of Fact; Ms. Rudell seconded the motion. Motion passed (Yes-7/No-0).

Mr. Wilt moved for Conclusions of Law; Mr. Goodman seconded the motion. Motion passed (Yes-7/No-0).

Mr. Wilt moved for Action of the Board; Ms. Buettner seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

6:11 p.m. The Board recessed for the day.

Tuesday, September 14, 2021

9:01 a.m. The State of Ohio Board of Pharmacy convened in the Hearing Room, 17th Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, for a public meeting via Microsoft Teams audio/visual conference call, which was also broadcast via Microsoft Teams, with the following members present:

Rich Miller, RPh, *Presiding*; Shawn C. Wilt, RPh, *Vice President*; Trina L. Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; Tod Grimm, RPh; Jeff Huston, RPh.; and Jennifer Rudell, RPh.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Joseph Koltak, *Senior Legal Counsel*; Michelle Bohlen, *Associate Legal Counsel*; Kathryn Lewis, *Legal Administrative Assistant*.

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 **Rapid Equine Solutions, LLC, Aston, PA.**

R-2022-0119 Mr. Wilt moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision*, et al. (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Rudell and a roll-call vote was conducted by President Miller as follows: Wilt-yes; Buettner-yes; George-yes; Goodman-yes; Grimm-yes; Huston-yes; and Rudell-yes.

9:27 a.m. The deliberation ended and the hearing was opened to the public.

R-2022-0120 After votes were taken in public session, the Board adopted the following order in the Matter of **Rapid Equine Solutions, LLC, Aston, PA.**

ORDER OF THE STATE BOARD OF PHARMACY
(Case Number A-2019-0482)

In The Matter Of:

Rapid Equine Solution, LLC
c/o Martin Farrell, RPh

**31A Mount Pleasant Drive
Aston, PA 19014
(License No. 02-2304200)**

INTRODUCTION

The Matter of Rapid Equine Solution, LLC came for hearing on September 14, 2021, before the following members of the State of Ohio Board of Pharmacy (Board): Rich Miller, RPh, *Presiding*; Shawn Wilt, RPh, *Vice President*; Trina Buettner, RPh; T.J. Grimm, RPh; Victor Goodman, *Public Member*; Jason George, RPh; Jeff Huston, RPh; and Jennifer Rudell, RPh.

A representative from Rapid Equine Solution, LLC was not present. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Paul Schad, *Board Agent*

Respondent's Witnesses:

1. N/A

State's Exhibits:

1. Notice Letter (Including FDA Report)
2. Request for Hearing
3. Scheduling Order
4. Response to FDA Report
5. Notice of Adverse Result
6. E-Mail from Board Agent to Respondent
7. Response to E-mail
8. Lab Report
9. FDA Testing Results
10. FDA Warning Letter
11. FDA Public Notice
12. Prescriptions
13. Compounding Report
14. Pennsylvania Inspection
15. Pyrimethamine Information

16. Toltrazuril Information

Respondent's Exhibits:

A. N/A

FINDINGS OF FACT

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

1. On or about May 9, 2019, Rapid Equine Solutions, LLC compounded Lot #20190509-11 and yielded 84 units of toltrazuril/pyrimethamine 60 ml at an expected concentration of 416 mg/ml of toltrazuril and 17 mg/ml of pyrimethamine. Upon analysis, it was determined that the compounded medication included much less toltrazuril and much more pyrimethamine than was prescribed. Testing of the compounded lot by an independent lab revealed a toltrazuril concentration of 13 mg/ml and pyrimethamine concentration of 175 mg/ml. The compound was prepared by a technician and verified by pharmacist Martin Farrell. A total of 10 units (60 ml each) were prescribed and dispensed for three horses in the care of Jeff Nisonger in Lebanon, Ohio.
 - a. Prescription number 92866, 3 units (60 ml each) for horse RJ Jetpac, who was administered two doses and died as a result of pyrimethamine toxicity;
 - b. Prescription number 92867, 3 units (60 ml each) for horse Northern Rock
 - c. Prescription number 92868, 4 units (60 ml each) for horse My Eliza Jane.
 - d. In Trouble Again, who was not directly prescribe the medication also received two doses of the compounded medication and exhibited behavior indicating he was not acting well.
2. As a result of the error, the FDA conducted an inspection at Rapid Equine Solutions, which concluded on August 9, 2019. Rapid Equine Solutions received eight observations on FDA form 483 because of the inspection findings. Attachment 1 was attached and incorporated as though fully set forth in the citation.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraph (1)(a), (1)(b), and (1)(c) of the Findings of Fact Section each constitutes a violation of section 3715.52(A)(2) of the ORC, the adulteration or misbranding of any food, drug, device or cosmetic, constituting.
2. Such conduct as set forth in paragraph (1)(a), (1)(b), and (1)(c) of the Findings of Fact Section each constitutes a violation of section

3715.64(A)(1), Misbranded drug – its labeling is false or misleading in any particular.

3. Such conduct as set forth in paragraph (1)(a), (1)(b), and (1)(c) of the Findings of Fact Section each constitutes the following violation of divisions of (A)(10) of section 3715.64 of the ORC, Misbranding, each violation.
 - a. It is a drug and its container is so made, formed, or filled as to be misleading, ORC Section 3715.64(A)(10)(a); and
 - b. The drug sold or dispensed is not the brand or drug specifically prescribed or ordered or, when dispensed by a pharmacist upon prescription, is neither the brand or drug prescribed nor a generically equivalent drug, ORC Section 3715.64(A)(10)(d).
4. Such conduct as set forth in paragraph (1) and (2) of the Findings of Fact Section constitutes a violation of Ohio Administrative Rule (OAC) 4729-16-08(A), for all non-sterile compounded drug products, the pharmacy shall comply with chapter <795> of the United States pharmacopeia, USP 38 - NF 33, or any official supplement thereto (09/01/2015).
5. Such conduct as set forth in paragraph (2) of the Findings of Fact Section constitutes a violation of OAC 4729-16-08(B), for all sterile compounded drug products, the pharmacy shall comply with the United States pharmacopeia chapter <797>, USP 38 - NF 33, or any official supplement thereto (09/01/2015).
6. Such conduct as set forth the Findings of Fact Section constitutes a violation of section 4729.55(D) of the ORC, adequate safeguards are assured to carry on the business of a TDDD in a manner that allows pharmacists and pharmacy interns employed by the terminal distributor to practice pharmacy in a safe and effective manner.
7. Such conduct as set forth in the Findings of Fact Section constitutes a violation of each of the following divisions of section 4729.57 of the ORC, as effective September 29, 2017, a minor misdemeanor:
 - a. Violating any rule of the board, ORC Section 4729.57(A)(2); and
 - b. Violating any provision of this chapter, ORC Section 4729.57(A)(3); and
 - c. Except as provided in 4729.89, violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 3715. of the Revised Code, ORC Section 4729.57(A)(4); and

- d. Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code, ORC Section 4729-57(A)(5); and
 - e. Ceasing to satisfy the qualifications of a TDDD set forth in 4729.55 of the Revised Code, ORC Section 4729.57(A)(7).
8. Such conduct as set forth in the Findings of Fact Section constitutes a violation of Rule 4729:5-4-01 of the OAC, as effective March 1, 2019:
- a. Violating any rule of the board, OAC Rule 4729:5-4-01(B)(2); and
 - b. Violating any provision of Chapter 4729. of the Revised Code OAC Rule 4729:5-4-01(B)(3); and
 - c. Except as provided in section [4729.89](#) of the Revised Code, violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 3715. of the Revised Code, OAC Rule 4729:5-4-01(B)(4); and
 - d. Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code, OAC Rule 4729:5-4-01(B)(5); and;
 - e. Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section [4729.55](#) of the Revised Code, OAC Rule 4729:5-4-01(B)(7); and;
 - f. The method used by the terminal distributor to store, possess or distribute dangerous drugs poses serious harm to others, OAC Rule 4729:5-4-01(B)(25).

DECISION OF THE BOARD

Pursuant to Section 4729.16 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 Rapid Equine Solution, LLC 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. 02-2304200, held by Rapid Equine Solution, LLC 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. 02-2304200, held by Rapid Equine Solution, LLC effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and sections (3a) and (3b) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs license No. 02-2304200, held by Rapid Equine Solution, LLC 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. 02-2304200, held by Rapid Equine Solution, LLC 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. 02-2304200, held by Rapid Equine Solution, LLC 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. 02-2304200, held by Rapid Equine Solution, LLC effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and sections (7a), (7b), (7c), (7d), and (7e) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs license No. 02-2304200, held by Rapid Equine Solution, LLC effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and sections (8a), (8b), (8c), (8d), (8e) and (8f) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs license No. 02-2304200, held by

Rapid Equine Solution, LLC effective as of the date of the mailing of this Order.

Pursuant to Section 4729.56 of the Ohio Revised Code, the State of Ohio Board of Pharmacy imposes a monetary penalty in the amount of \$9,000.00. This fine will be attached to your license record and must be paid no later than six months from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.

Mr. Wilt moved for Findings of Fact; Ms. Buettner seconded the motion. Motion passed (Yes-7/No-0).

Ms. Rudell moved for Conclusions of Law; Mr. Grimm seconded the motion. Motion passed (Yes-7/No-0).

Mr. Wilt moved for Action of the Board; Ms. Buettner seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

- 9:29 a.m.** Ms. Dehner presented the Legal Report.
- 9:31 a.m.** Ms. Maerten-Moore presented the Medical Marijuana Program Update.
- 9:36 a.m.** Ms. Maerten-Moore presented the MMAC Update and announced that the Committee had been sunset, in accordance with the statutory timeline.
- 9:36 a.m.** Ms. Maerten-Moore presented amendments to rule OAC 3796:6-2-02: Applications to operate medical marijuana dispensaries to the Board for approval.
- R-2022-0121** Ms. Rudell moved to approve rule OAC 3796:6-2-02: Applications to operate medical marijuana dispensaries, for filing with JCARR. The motion was seconded by Ms. Buettner and approved by the Board: Yes-7, No-0
- 9:38 a.m.** Ms. Maerten-Moore, Mr. Sheridan, and Ms. Siba presented RFA II to the Board for approval.
- R-2022-0122** Ms. Rudell moved to approve RFA II. The motion was seconded by Mr. Wilt and approved by the Board: Yes-7, No-0

9:43 a.m. Ms. Maerten-Moore discussed granting a Board member decision making authority on Medical Marijuana Matters, including RFA II, for decisions necessary when the Board is not in session.

R-2022-0123 Ms. Rudell moved to that the approval or denial of Medical Marijuana matters, including non-routine variance requests and decisions related to the application process for the upcoming RFA II, be delegated to Shawn Wilt The motion was seconded by Mr. Huston and approved by the Board: Yes-7, No-0

9:44 a.m. Ms. Maerten-Moore presented the following resolution titled: *Drive-Through Resolution* to the Board for approval.

R-2022-0124 Ms. Rudell moved that the Board approve the *Drive-Through Resolution*. The motion was seconded by Mr. Goodman and approved by the Board: Yes-7, No-0. The following resolution was adopted by the Board:

**Resolution: Drive-Through Windows for Medical Marijuana
Dispensaries**

Approved 9/14/2021

Notwithstanding the provision in rule 3796:6-3-22 of the Administrative Code, the State of Ohio Board of Pharmacy hereby authorizes applicants to include drive-through window specifications in the upcoming Request for Applications (RFA II).

This resolution shall remain in effect until proposed amendments to rule 3796:6-3-22 of the Administrative Code and a new rule outlining drive-through window requirements are finalized.

9:50 a.m. Ms. Maerten-Moore led a discussion on New Form/Method of Medical Marijuana Petitions- Buccal/Sublingual.

R-2022-0125 Ms. Buettner moved that the Board approve the Sublingual Medical Marijuana Petition, excluding the use of "pouches" as a method. The motion was seconded Mr. Wilt and approved by the Board: Yes-7, No-0.

R-2022-0126 Ms. Buettner moved that the Board deny the Buccal Medical Marijuana Petition. The motion was seconded Mr. Huston and denied by the Board: Yes-7, No-0.

10:10 a.m. Mr. Sheridan presented the Request to Relocate – ZenLeaf Canton to the Board, and discussion ensued.

R-2022-0127 Mr. Grimm moved that the Board grant ZenLeaf Canton’s Request to Relocate. The motion was seconded Mr. George and approved by the Board: Yes-7, No-0.

10:20 a.m. Mr. Schierholt provided the Executive Director Report.

10:22 a.m. Mr. Schierholt led a discussion on NABP District IV October 20-22, 2021.

10:25 a.m. Mr. Griffin provided the Compliance and Enforcement Report.

10:30 a.m. Mr. Cathcart provided the OARRS Report.

10:39 a.m. Ms. Southard provided the Licensing Report.

R-2022-0128 Mr. Wilt moved to approve a resolution granting Mr. Schierholt decision making authority between Board Meetings. The motion was seconded by Mr. Goodman and approved by the Board: Yes-7, No-0. The following resolution was adopted by the Board:

To address operational concerns and safeguard public health, the Board hereby grants the Executive Director, upon approval by the Board’s President, the ability to temporarily grant waivers, approvals, extensions regarding the practice of pharmacy, distribution of dangerous drugs, provision of home medical equipment services. The Board shall be required to ratify any authorization provided under this resolution issued at a subsequent meeting.

10:48 a.m. The Board took a brief recess.

11:19 a.m. After returning to public session, Mr. McNamee and Ms. Wai presented amendments to rules HB 263 Comments (OAC 4729-3-01, 4729:1-1-01, 4729:1-2-02, 4729:1-4- 01, 4729:1-4-02, 4729:2-4-01, 4729:2-4-02, 4729:3-4-01, 4729:3-4-02, 4729:5-1-01, 4729:5-2-01, 4729:5-4-01, 4729:6-1-01, 4729:6-2-01, 4729:6-4-01, 4729:11-1-01, 4729:11-2-02, 4729:11-4-01) to the Board for approval.

R-2022-0129 Mr. Goodman moved to approve rules HB 263 Comments (OAC 4729-3-01, 4729:1-1-01, 4729:1-2-02, 4729:1-4- 01, 4729:1-4-02, 4729:2-4-01, 4729:2-4-02, 4729:3-4-01, 4729:3-4-02, 4729:5-1-01, 4729:5-2-01, 4729:5-4-01, 4729:6-1-01, 4729:6-2-01, 4729:6-4-01, 4729:11-

1-01, 4729:11-2-02, 4729:11-4-01), for filing with CSI. The motion was seconded by Mr. Grimm and approved by the Board: Yes-7, No-0.

11:32 a.m.

Mr. McNamee and Ms. Wai presented amendments to Nuclear Pharmacy Rules (OAC 4729:5-6 & 4729:5-8) to the Board for approval.

R-2022-0130

Mr. Goodman moved to approve Nuclear Pharmacy Rules (OAC 4729:5-6 & 4729:5-8), for filing with JCARR. The motion was seconded by Mr. Grimm and approved by the Board: Yes-7, No-0.

11:50 a.m.

Mr. McNamee and Ms. Wai presented Mobile OTP Rules (OAC 4729:5-3-13 & 4729:5-21-05) to the Board for approval.

R-2022-0131

Mr. Wilt moved to approve Mobile OTP Rules (OAC 4729:5-3-13 & 4729:5-21-05), for filing with CSI and JCARR. The motion was seconded by Ms. Rudell and approved by the Board: Yes-7, No-0.

11:56 a.m.

Mr. McNamee and Ms. Wai presented Nicotine Replacement Therapy Rules (4729:1-3-07) to the Board for approval.

R-2022-0132

Ms. Rudell moved to approve Nicotine Replacement Therapy Rules (4729:1-3-07), for filing with CSI and JCARR. The motion was seconded by Mr. Grimm and approved by the Board: Yes-7, No-0.

12:03 p.m.

Ms. Southard presented the following resolution titled: COVID-19-Impacted License and Registration Late Renewal/Reinstatement Handling to the Board for approval.

R-2022-0133

Mr. Huston moved that the Board approve the *COVID-19-Impacted License and Registration Late Renewal/Reinstatement Handling*. The motion was seconded by Mr. George and approved by the Board: Yes-7, No-0. The following resolution was adopted by the Board:

COVID-19 Impacted License and Registration Late Renewal/Reinstatement Handling

The State of Ohio Board of Pharmacy (Board) hereby waives any administrative action for failure to renew licenses or registrations in which applications for renewal or reinstatement were submitted between July 2, 2021 and September 29, 2021, for the following licenses or registrations impacted by Ohio H.B. 404 (133rd Ohio General Assembly):

Registered Pharmacy Technicians – ORC 4729.902/OAC 4729:3-2-03

Certified Pharmacy Technicians – ORC 4729.902/OAC 4729:3-2-03

Home Medical Equipment Service Providers – ORC 4752.06 and ORC 4752.13/OAC 4729:11-2-03

Terminal Distributors of Dangerous Drugs – ORC 4729.58/OAC 4729:5-2-02

12:06 p.m.

Mr. McNamee presented the following resolution titled: *Enforcement of OAC 4729:5-18-01* to the Board for approval.

R-2022-0134

Mr. Wilt moved that the Board approve the resolution titled: *Enforcement of OAC 4729:5-18-01*. The motion was seconded by Mr. Huston and approved by the Board: Yes-7, No-0. The following resolution was adopted by the Board:

Delay of Additional OBOT Licensure Criteria

The State of Ohio Board of Pharmacy hereby delays the enforcement of paragraphs (A)(1)(b) & (c) of rule 4729:5-18-01 of the Administrative Code until June 1, 2022.

12:09 p.m.

Mr. McNamee presented the following resolution titled: *Naloxone Hotel Project* to the Board for approval.

R-2022-0135

Mr. Wilt moved that the Board approve the resolution titled: *Naloxone Hotel Project*. The motion was seconded by Ms. Rudell and approved by the Board: Yes-7, No-0. The following resolution was adopted by the Board:

The Board hereby grants a waiver to the Trumbull County Combined Health District from the following requirement in OAC 4729:5-3-19:

(2) Specify a process to be used to notify the terminal distributor that the naloxone has been accessed within a reasonable time of its being accessed, which may include any of the following:

(a) Documented checks of the emergency naloxone and its required components, to be conducted at least every thirty days, by an

employee of the terminal distributor of dangerous drugs. The terminal distributor shall include a telephone number where persons can report that the emergency naloxone has been used and needs replenishment.

In lieu of documented checks by employees of a licensed terminal distributor of dangerous drugs, the Trumbull County Combined Health District may enter into an agreement with participating hotels to require employees of the hotel to conduct the documented checks. The checks must be documented using a form that captures the following information:

- Location of NaloxBox (e.g., third-floor hallway);
- Expiration date of the naloxone;
- Date checked; and
- Name of hotel employee checking the box.

Such forms must be reviewed at least annually by an employee of the Trumbull County Combined Health District to ensure compliance with the requirements of this waiver. Copies of the forms (collected as part of the annual review process) should be maintained by the Trumbull County Combined Health District for at least three years from the date the forms are received.

12:19 p.m.

Mr. McNamee and Ms. Southard presented the following resolution titled: *Covid-19 Waivers* to the Board for approval.

R-2022-0136

Mr. Grimm moved that the Board approve the resolution titled: *Covid-19 Waivers*. The motion was seconded by Ms. Rudell and approved by the Board: Yes-7, No-0. The following resolution was adopted by the Board:

COVID-19 Waiver Comments – Draft Recommendations

September 2021 Board Meeting

Waiver	Expiration
Authorized the compounding and sale of certain alcohol-based hand sanitizer products by Ohio-	Resolution is tied to FDA authorization. Suggest retaining as long as FDA permits.

licensed pharmacies and outsourcing facilities.	
Authorized licensees conducting sterile compounding to reuse certain personal protective equipment (PPE). The waiver was updated to align with recently released PPE conservation guidance issued by the FDA.	Resolution is tied to FDA authorization. Suggest retaining as long as FDA permits.
Authorized automatic exemptions to rule authorizing the compounding of drugs in shortage (4729-16-10) under certain conditions.	Rescinded. Rule 4729-16-10 was rescinded effective July 1, 2021. FDA permits pharmacy compounding for drug shortages under temporary policy. Maintain authorization to compound under FDA authorization.
Authorized the extension of emergency refills.	Maintain for now. Cannot extend as permanent.
Authorized pharmacists, pharmacy interns, and pharmacy technicians licensed in other states to work in Ohio pharmacies under certain conditions.	Maintain for now. Review in November 2020.

Authorized expedited onboarding of pharmacy technician trainees.	Maintain for now.
Authorized prescribers working in an opioid treatment program licensed as a terminal distributor of dangerous drugs to temporarily delegate personally furnishing of buprenorphine products to nurses licensed under Chapter 4723. of the Revised Code.	Maintain and make permanent through the rule-making process.
Authorized home delivery of medications by opioid treatment programs under specific conditions.	Maintain until mobile OTP rules have been finalized.
Authorized prescribers to delegate personally furnishing non-controlled drugs to nurses licensed in accordance with Chapter 4723. of the Revised Code.	Maintain for now.
Authorized the temporary expansion of the maximum days' supply permitted under rules 4729-9-23 and 4729:5-5-18 of the Administrative Code from 31 days to 60 days.	Maintain for now. And consider incorporation into rule with standards similar to combining refills.

Authorized licensees to perform sterile compounding for another licensee, referred to as central compounding.	Maintain for now and develop rules to incorporate guardrails to make permanent.
Authorized registered pharmacy technicians to stock automated drug storage systems and send and receive copies of non-controlled prescriptions, under certain conditions. Additionally, provides clarification on the positive identification requirements for technicians transferring prescriptions.	Maintain for now.
Authorized an extension of drug distributor customer due diligence requirements pursuant to paragraph (G) of rule 4729:6-3-05 of the Administrative Code.	Waiver expired on 11/29/2020.
Authorized expedited licensure of drug distributors.	Maintain for now.
Authorized the sale and shipment of non-reportable dangerous drugs that are in shortage by unlicensed, out-of-state facilities.	Rescind.

Authorized the use of temporary satellite locations for the storage and use of dangerous drugs during COVID-19.	Maintain for now.
Permits the temporary reinstatement of lapsed or expired Ohio pharmacist licenses in Ohio under certain conditions.	Rescind (provision in law has expired). NOTE: Retired or inactive pharmacists may still administer COVID-19 vaccines under the Federal Prep Act.
Authorized nurses (LPN, RN, APRN) to stock automated drug storage systems within a terminal distributor of dangerous drugs that has an on-site pharmacy under certain conditions.	Maintain for now.
Authorized pharmacists, pharmacy interns, and certified pharmacy technicians to conduct FDA-authorized COVID-19 testing under certain conditions.	Rescind, this is now the law (ORC 4729.42).

Authorized the sale and shipment of patient-specific, non-reportable dangerous drugs by non-Ohio licensed border state facilities to patients residing in the state under certain conditions.	Rescind.
Authorized an Ohio pharmacy to request a temporary waiver to permit a pharmacist to supervise up to five pharmacy technician trainees at one time (up from the current limit of three).	Maintain for now.
Authorized the temporary waiver of the 5 percent limit on the occasional wholesale sales of dangerous drugs by a licensed pharmacy set forth in rule 4729:5-3-09 of the administrative Code.	Still DEA policy (click here), tie to federal authorization.
Extends recertification of primary and secondary engineering controls in accordance with guidance issued by USP.	Rescind.

<p>Authorizes a licensed terminal distributor of dangerous drugs (TDDD) to mail or deliver non-controlled drugs</p> <p>to patients that have been personally furnished by a prescriber that is employed or contracted by the terminal distributor.</p>	<p>Maintain for now.</p>
<p>Permits registered pharmacy technicians and pharmacy technician trainees to stock automated pharmacy systems and automated drug storage systems at a location licensed as a terminal distributor of dangerous drugs, subject</p> <p>to certain conditions</p>	<p>Maintain for now.</p>
<p>Temporarily suspends in-person training requirements for obtaining BLS in paragraph (M) of rule 4729:1-3-02 and (A)(3) of rule 4729:2-3-03 of the Administrative Code.</p>	<p>Maintain for now.</p>
<p>Temporarily expands the pharmacy intern supervision requirements in OAC 4729:2-1-01 for interns administering COVID-19 vaccine.</p>	<p>Maintain for now.</p>

<p>Authorization of use of support personnel for packaging shipping containers and to package medications for delivery or sale.</p>	<p>Maintain for now.</p>
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- 12:46p.m.** Ms. Southard presented a Pharmacy Technician Trainee Extension Request from **Madison Dollenmeyer – Batavia, Ohio (09107222)** to the Board for consideration.
- R-2022-0137** Mr. Grimm moved that the Board grant **Madison Dollenmeyer** a six-month extension. The motion was seconded Mr. Huston and approved by the Board: Yes-7, No-0.
- 12:53 p.m.** Ms. Southard presented a OBOT Non-Physician Owner/Operator Waiver Request from **On Demand Counseling – Boardman, OH (APP-000435337)** to the Board for consideration.
- R-2022-0138** Mr. Wilt moved that the Board grant **On Demand Counseling’s** Waiver Request. The motion was seconded Ms. Buettner and approved by the Board: Yes-7, No-0.
- 12:54 p.m.** Ms. Southard presented a OBOT Non-Physician Owner/Operator Waiver Request from **Spectrum Outreach Services, Ltd. – Ironton, OH (APP-000449814)** to the Board for consideration. The Matter was tabled.
- 1:00 p.m.** Ms. Southard presented a Pharmacy Intern Extension Request from **Saif Masri – Liberty Township, Ohio (061000012)** to the Board for consideration.
- R-2022-0139** Mr. Grimm moved that the Board grant **Saif Masri’s** a two-year extension. The motion was seconded Mr. Huston and approved by the Board: Yes-7, No-0.
- 1:02 p.m.** Ms. Southard presented a Pharmacy Extension Request from **Husam Jebriil – Hoover, AL (APP-000382696)** to the Board for consideration.
- R-2022-0140** Mr. Grimm moved that the Board grant **Husam Jebriil’s** extension request. The motion was seconded Mr. Huston and approved by the Board: Yes-7, No-0.

R-2022-0141

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

5:17 p.m.

The Board Returned to Public Session.

R-2022-0142

After votes were taken in public session, the Board adopted the following order in the Matter of **Candy Lemos, Cardington, Ohio.**

ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING AND APPROVING IN PART AND REJECTING IN
PART
REPORT & RECOMMENDATION OF HEARING EXAMINER
(Case Number A-2021-0127)

IN THE MATTER OF:
Candy Lemos
240 South Third Street
Cardington, OH 43315
(Medical Marijuana Support Employee License Number
MME.05300937)

INTRODUCTION

In the Matter of: Candy Lemos came for hearing before Hearing Examiner David Hasselback on June 29, 2021, and for consideration by the State of Ohio Board of Pharmacy (Board) on September 14, 2021 before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer M. Rudell, RPh; Tod Grimm, RPh; Jason George, RPh; Rich D. Miller, RPh, *Presiding*; N. Victor Goodman, *Public Member*; Jeff Huston, RPh; Shawn C. Wilt, RPh; and Trina Buettner, RPh.

Respondent was represented by attorneys John Izzo, Esq. and Brandon Smith, Esq. The State of Ohio was represented by Principal Assistant Attorney General Henry G. Appel, Esq.

BOARD REVIEW OF THE RECORD

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

- 1) Summary Suspension/Notice of Opportunity for Hearing, Case No. A-2021-0130
- 2) Summary Suspension/Notice of Opportunity for Hearing, Case No. A-2021-0127
- 3) Summary Suspension/Notice of Opportunity for Hearing, Case Nos. A-2021-0130; A-2021-0127 - Proof of Service
- 4) Request for Hearing, Case Nos. A-2021-0130; A-2021-0127
- 5) Acknowledgment of Hearing Request
- 6) Acknowledgment of Hearing Request - Proof of Service
- 7) Hearing Examiner Appointment Letter, Case Nos. A-2021-0130; A-2021-0127
- 8) Notice of Appearance
- 9) Hearing Examiner's First Scheduling Order
- 10) Hearing Examiner's First Scheduling Order - Proof of Service
- 11) Hearing Examiner's Second Scheduling Order
- 12) Hearing Examiner's Second Scheduling Order - Proof of Service
- 13) Hearing Transcript
- 14) The following State of Ohio Exhibits admitted by the Hearing Examiner:

Exhibit 01a: Notice Letter, Case No. A-2021-0127

Exhibit 01b: Notice Letter, Case No. A-2021-0128

Exhibit 1c: Proof of Service

Exhibit 1d: Identifier Key, Case No. A-2021-0127*

Exhibit 1e: Exhibit 1d: Identifier Key, Case No. A-2021-0130*

Exhibit 02: Request for Hearing

Exhibit 03: Initial Scheduling Order

Exhibit 04: Current Scheduling Order

Exhibit 05: Incident Report from Sunnyside Marion*

Exhibit 06: Statement of Respondent*

Exhibit 07: Statement of C.C.*

Exhibit 08: Statement of J.F.*

Exhibit 09: Statement of Nicole Beveridge*

Exhibit 10: Receipts from J.F.*

***Exhibits 1d, 1e, 05, 06, 07, 08, 09, and 10 were admitted under seal**

- 15) Report and Recommendation
- 16) Report and Recommendation Cover Letter
- 17) Objections to Report and Recommendation

DECISION OF THE BOARD

After thorough review of the administrative record, the Board hereby confirms and approves in its entirety Hearing Examiner Hasselback's Findings of Fact as detailed in the Report and Recommendation. The Board hereby confirms and approves in its entirety Hearing Examiner Hasselback's Conclusions of Law as detailed in the Report and Recommendation.

After thorough review of the administrative record, including the testimony of witnesses, exhibits, and oral address, the Board rejects the Hearing Examiner's recommendation. The Board finds the 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. Therefore, Respondent's Medical Marijuana Support Employee License Number MME.05300937 is REVOKED.

Finally, the Board Orders that State's Exhibits 1d, 1e, 5, 6, 7, 8, 9, and 10 be placed under seal.

Mr. Wilt moved to confirm and approve the Report and Recommendation of Hearing Examiner Hasselback; Mr. Grimm seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0143

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

**ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING AND APPROVING REPORT & RECOMMENDATION
OF HEARING EXAMINER**
(Case Number A-2021-0130)

IN THE MATTER OF:

C.L.

(Patient Registration No. [REDACTED])

INTRODUCTION

In the Matter of: C.L. came for hearing before Hearing Examiner David Hasselback on June 29, 2021, and for consideration by the State of Ohio Board of Pharmacy (Board) on September 14, 2021 before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer M. Rudell, RPh; Tod Grimm, RPh; Jason George, RPh; Rich D. Miller, RPh, *Presiding*; N. Victor Goodman, *Public Member*; Jeff Huston, RPh; Shawn C. Wilt, RPh; and Trina Buettner, RPh.

Respondent was represented by attorney John Izzo, Esq. and Brandon Smith, Esq. The State of Ohio was represented by Principal Assistant Attorney General Henry G. Appel, Esq.

BOARD REVIEW OF THE RECORD

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

- 1) Summary Suspension/Notice of Opportunity for Hearing, Case No. A-2021-0130
- 2) Summary Suspension/Notice of Opportunity for Hearing, Case No. A-2021-0127
- 3) Summary Suspension/Notice of Opportunity for Hearing, Case Nos. A-2021-0130; A-2021-0127 - Proof of Service
- 4) Request for Hearing, Case Nos. A-2021-0130; A-2021-0127
- 5) Acknowledgment of Hearing Request
- 6) Acknowledgment of Hearing Request - Proof of Service
- 7) Hearing Examiner Appointment Letter, Case Nos. A-2021-0130; A-2021-0127
- 8) Notice of Appearance
- 9) Hearing Examiner's First Scheduling Order
- 10) Hearing Examiner's First Scheduling Order - Proof of Service
- 11) Hearing Examiner's Second Scheduling Order
- 12) Hearing Examiner's Second Scheduling Order - Proof of Service
- 13) Hearing Transcript
- 14) The following State of Ohio Exhibits admitted by the Hearing Examiner:
 - Exhibit 01a: Notice Letter, Case No. A-2021-0127
 - Exhibit 01b: Notice Letter, Case No. A-2021-0128
 - Exhibit 1c: Proof of Service
 - Exhibit 1d: Identifier Key, Case No. A-2021-0127*
 - Exhibit 1e: Exhibit 1d: Identifier Key, Case No. A-2021-0130*
 - Exhibit 02: Request for Hearing
 - Exhibit 03: Initial Scheduling Order
 - Exhibit 04: Current Scheduling Order
 - Exhibit 05: Incident Report from Sunnyside Marion*

Exhibit 06: Statement of Respondent*
Exhibit 07: Statement of C.C.*
Exhibit 08: Statement of J.F.*
Exhibit 09: Statement of Nicole Beveridge*
Exhibit 10: Receipts from J.F.*

***Exhibits 1d, 1e, 05, 06, 07, 08, 09, and 10 were admitted under seal**

15) Report and Recommendation

16) Report and Recommendation Cover Letter

DECISION OF THE BOARD

After thorough review of the administrative record, the Board hereby confirms and approves in its entirety Hearing Examiner Hasselback's Findings of Fact as detailed in the Report and Recommendation. The Board hereby confirms and approves in its entirety Hearing Examiner Hasselback's Conclusions of Law as detailed in the Report and Recommendation.

After thorough review of the administrative record, including the testimony of witnesses, exhibits, and oral address, the Board the Board modifies the Recommendation that Respondent undergo a medical examination as to her present need for medical marijuana prior to reinstating Respondent's medical marijuana patient registration. The Board hereby lifts the Summary Suspension, and consistent with case precedent, issues a reprimand regarding Respondent's patient registration.

Finally, the Board Orders that State's Exhibits 1d, 1e, 5, 6, 7, 8, 9, and 10 be placed under seal.

Mr. Wilt moved to confirm and approve the Report and Recommendation of Hearing Examiner Hasselback; Ms Buettner seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0144

After votes were taken in public session, the Board adopted the following order in the Matter of **Tamara Tait, Euclid, Ohio.**

**ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING AND APPROVING IN PART AND MODIFYING IN
PART**

REPORT AND RECOMMENDATION OF HEARING EXAMINER

(Case Nos. A-2021-0080, A-2021-0164)

In the Matter of Tamara Tait:

Tamara Tait

742 Walnut Drive

Euclid, OH 44132

Registered Pharmacy Technician, no. 09-204330

Certified Pharmacy Technician Applicant, no. APP-000384562

INTRODUCTION

Tamara Tait (Respondent) was issued a registration as a Registered Pharmacy Technician (09-204330) on June 5, 2018, which is presently in active status. Respondent applied for registration as a Certified Pharmacy Technician (APP-000384562) on September 3, 2020. The Board issued a Proposal to Deny Application for Certified Pharmacy Technician Registration and/or Take Disciplinary Action Against Registered Pharmacy Technician Registration/Notice of Opportunity for Hearing on April 30, 2021. Respondent timely requested a hearing and the Matter of Tamara Tait came for hearing before Hearing Examiner Gregory Trout on July 27, 2021. Respondent was represented by Brandon Smith and the State of Ohio was represented by Henry Appel, Assistant Attorney General. The Hearing Examiner's Report and Recommendation was issued to Respondent's counsel via certified mail, return receipt requested, on or about August 6, 2021. A courtesy copy was also issued to Respondent's counsel via email that day. Respondent submitted written objections to the Report and Recommendation on August 16, 2021. The matter subsequently came for consideration by the Board on September 14, 2021, before the following members: Rich Miller, RPh, *Presiding*; Shawn Wilt, RPh; Trina Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; and Jennifer Rudell, RPh.

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items: State's Exhibits numbered 1 through 7 (1b, 6 under seal), Respondent's Exhibit A (under seal), the hearing transcript (confidential portions under seal), Hearing Examiner Trout's Report and Recommendation (confidential addendum under seal), and Respondent's objections.

DECISION OF THE BOARD

After thorough review of the entire administrative record, the Board hereby confirms, approves, and adopts the Hearing Examiner's Findings of Facts, including those that specifically relate to the Board's Notice

letter, dated April 30,2021, as set forth in the Report and Recommendation.

After thorough review of the entire administrative record, the Board hereby confirms, approves, and adopts the Hearing Examiner's Violations of Law, as set forth in the Report and Recommendation, with modifications to maintain consistency with Chapter 4729. of the Revised Code and the rules adopted thereunder, and eliminate the mention of "disqualifying offenses," which do not presently exist for, or apply to, pharmacy technicians, as follows:

- On Page 5 of the Report and Recommendation, amend these paragraphs:
"The Respondent's acts constitute the commission or violation of:

...

3. The following divisions of ORC 4729.96(A):

a. The Board finds the conduct violates Ohio Revised Code 4729.96(A)(2)(a), as alleged in the Notice of Opportunity for Hearing;

b. The Board finds the conduct violates Ohio Revised Code 4729.96(A)(2)(c), as alleged in the Notice of Opportunity for Hearing;

c. The Board finds the conduct violates Ohio Revised Code 4729.96(A)(2)(b) and Ohio Administrative Code 4729:3-4-01(C)(9), as alleged in the Notice of Opportunity for Hearing;

...

- On Page 5 of the Report and Recommendation, insert the following paragraphs:

e. The Board finds the conduct violates Ohio Administrative Code 4729:3-4-01(C)(1), as alleged in the Notice of Opportunity for Hearing;

f. The Board finds the conduct violates Ohio Administrative Code 4729:3-4-01(C)(2), as alleged in the Notice of Opportunity for Hearing.

After thorough review of the entire administrative record, and pursuant to Ohio Revised Code 4729.96 and Ohio Adm.Code 4729:3-4-01, the Board hereby modifies the Hearing Examiner's recommendation, as set forth in the Report and Recommendation, in order to resolve both matters, case no. A-2021-0080 and case no. A-2021-0164, as follows:

1. The Board imposes a reprimand on Tamara Tait's registered pharmacy technician registration, no 09-204330.
2. The Board grants Tamara Tait's application for a certified pharmacy technician registration, APP-000384562, upon completion of all relevant licensing documentation and payment of any related fees, as necessary.

Mr. Wilt moved to confirm, approve, and adopt Hearing Examiner Trout's Findings of Facts, as set forth in the Report and Recommendation. Mr. Goodman seconded the motion. Motion passed (Yes-7/No-0).

Mr. Wilt moved to confirm, approve, and adopt Hearing Examiner Trout's Violations of Law, as set forth in the Report and Recommendation, with the above modifications. Mr. Goodman seconded the motion. Motion passed (Yes-7/No-0).

Mr. Wilt moved to modify Hearing Examiner Trout's recommendation, as set forth in the Report and Recommendation, and as described above. Mr. Goodman seconded the motion. Motion passed (Yes-7/No-0).

The Board further orders that the record in this matter be sealed with respect to all confidential information contained in the record, and specifically State's Exhibits 1b and 6, Respondent's Exhibit A, and all portions designated confidential in the hearing transcript and the Report and Recommendation.

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

SO ORDERED.

R-2022-0145

After votes were taken in public session, the Board adopted the following order in the Matter of **Kody Barclay, Newark, Ohio.**

ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING AND APPROVING IN PART AND REJECTING IN
PART
REPORT & RECOMMENDATION OF HEARING EXAMINER
(Case Number A-2021-0157)

IN THE MATTER OF:
Kody Barclay
66 Day Avenue
Newark, OH 43055
(Medical Marijuana Support Employee License Number
MME.05301395)

INTRODUCTION

In the Matter of: Kody Barclay came for hearing before Hearing Examiner Gregory Trout on July 8, 2021, and for consideration by the State of Ohio Board of Pharmacy (Board) on September 14, 2021 before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer M. Rudell, RPh; Tod Grimm, RPh; Jason George, RPh; Rich D. Miller, RPh, Presiding; N. Victor Goodman, Public Member; Jeff Huston, RPh; Shawn C. Wilt, RPh; and Trina Buettner, RPh. Respondent was represented by attorneys John Izzo and Brandon Smith. 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) Summary Suspension/Notice of Opportunity for Hearing for Case No. A-2021-0157
- 2) Summary Suspension/Notice of Opportunity for Hearing for Case No. A-2021-0157 Identifier Key
- 3) Summary Suspension/Notice of Opportunity for Hearing for Case No. A-2021-0157 Proof of Service
- 4) Request for Hearing in Case No. A-2021-0157
- 5) Acknowledgment of Hearing Request
- 6) Hearing Examiner Appointment Letter in Case No. A-2021-0157
- 7) Journal Entry, Hearing Schedule, Dated May 12, 2021
- 8) Journal Entry, Continuance, Dated June 11, 2021
- 9) Notice of Opportunity for Hearing/Notice of Intent to Take Disciplinary Action Against Medical Marijuana Patient Registration for Case No. A-2021-0158
- 10) Notice of Opportunity for Hearing/Notice of Intent to Take Disciplinary Action Against Medical Marijuana Patient Registration for Case No. A-2021-0158 Proof of Service
- 11) Request for Hearing in Case No. A-2021-0158

- 12)Hearing Examiner Appointment Letter in Case No. A-2021-0158
- 13)Hearing Transcript
- 14)Hearing Transcript - Confidential Portion
- 15)The following State of Ohio Exhibits admitted by the Hearing Examiner:

Exhibit 01a: Notice Letter Case No. A-2021-0157
Exhibit 01b: Notice Letter Case No. A-2021-0158*
Exhibit 02a: Request for Hearing Case No. A-2021-0157
Exhibit 02b: Request for Hearing Case No. A-2021-0158*
Exhibit 03: Initial Scheduling Order
Exhibit 04: Current Scheduling Order
Exhibit 05: Statement from J.H.*
Exhibit 06: First Statement of Ronni Fleshman
Exhibit 07: Second Statement of Ronni Fleshman
Exhibit 08: Statement of Marisa Slone
Exhibit 09: Video Surveillance Notes
Exhibit 10: Statement of Tammie Patterson
Exhibit 11: Herbology Patient Transaction
Exhibit 12: Photos of Transaction
Exhibit 13: Photos from Herbology
Exhibit 14: Photos of RSO Syringe
Exhibit 15a: Herbology POS Video Surveillance
Exhibit 15b: Herbology Handoff of Cash Video Surveillance
Exhibit 15c: J.H. Getting Bag From Vehicle Video Surveillance
Exhibit 15d: Handoff of Bag Video Surveillance
Exhibit 15e: K.B. Putting Bag Into Vehicle Video Surveillance

***Exhibits 01b, 02b, and 5 were admitted under seal**

- 16)Report and Recommendation
- 17)Report and Recommendation Cover Letter
- 18)Request for Oral Address
- 19)Order Granting Request to Address the Board (later rescinded by Respondent)

DECISION OF THE BOARD

After thorough review of the administrative record, the Board hereby confirms and approves in its entirety Hearing Examiner Trout's Findings of Fact as detailed in the Report and Recommendation. The Board hereby confirms and approves in its entirety Hearing Examiner Trout's Conclusions of Law as detailed in the Report and Recommendation.

After thorough review of the administrative record, including the testimony of witnesses, exhibits, and oral address, the Board rejects the Hearing Examiner's recommendation that Respondent's employee license be suspended for a period of six months. The Board finds the

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. Therefore, Respondent's Medical Marijuana Support Employee License Number MME.05301395 is REVOKED.

Finally, the Board Orders that State's Exhibits 1b, 2b, and 5 be placed under seal.

Mr. Wilt moved to confirm and approve the Report and Recommendation of Hearing Examiner Trout; Mr. George seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0146

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

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

(Case Number A-2021-0158)

IN THE MATTER OF:

K.B.

(Patient Registration No. [REDACTED])

INTRODUCTION

In the Matter of: K.B. came for hearing before Hearing Examiner Gregory Trout on July 8, 2021, and for consideration by the State of Ohio Board of Pharmacy (Board) on September 14, 2021 before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer M. Rudell, RPh; Tod Grimm, RPh; Jason George, RPh; Rich D. Miller, RPh, Presiding; N. Victor Goodman, Public Member; Jeff Huston, RPh; Shawn C. Wilt, RPh; and Trina Buettner, RPh.

Respondent was represented by attorneys John Izzo and Brandon Smith. 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) Summary Suspension/Notice of Opportunity for Hearing for Case No. A-2021-0157
- 2) Summary Suspension/Notice of Opportunity for Hearing for Case No. A-2021-0157 Identifier Key
- 3) Summary Suspension/Notice of Opportunity for Hearing for Case No. A-2021-0157 Proof of Service
- 4) Request for Hearing in Case No. A-2021-0157
- 5) Acknowledgment of Hearing Request
- 6) Hearing Examiner Appointment Letter in Case No. A-2021-0157
- 7) Journal Entry, Hearing Schedule, Dated May 12, 2021
- 8) Journal Entry, Continuance, Dated June 11, 2021
- 9) Notice of Opportunity for Hearing/Notice of Intent to Take Disciplinary Action Against Medical Marijuana Patient Registration for Case No. A-2021-0158
- 10) Notice of Opportunity for Hearing/Notice of Intent to Take Disciplinary Action Against Medical Marijuana Patient Registration for Case No. A-2021-0158 Proof of Service
- 11) Request for Hearing in Case No. A-2021-0158
- 12) Hearing Examiner Appointment Letter in Case No. A-2021-0158
- 13) Hearing Transcript
- 14) Hearing Transcript - Confidential Portion
- 15) The following State of Ohio Exhibits admitted by the Hearing Examiner:

- Exhibit 01a: Notice Letter Case No. A-2021-0157
- Exhibit 01b: Notice Letter Case No. A-2021-0158*
- Exhibit 02a: Request for Hearing Case No. A-2021-0157
- Exhibit 02b: Request for Hearing Case No. A-2021-0158*
- Exhibit 03: Initial Scheduling Order
- Exhibit 04: Current Scheduling Order
- Exhibit 05: Statement from J.H.*
- Exhibit 06: First Statement of Ronni Fleshman
- Exhibit 07: Second Statement of Ronni Fleshman
- Exhibit 08: Statement of Marisa Slone
- Exhibit 09: Video Surveillance Notes
- Exhibit 10: Statement of Tammie Patterson
- Exhibit 11: Herbology Patient Transaction
- Exhibit 12: Photos of Transaction
- Exhibit 13: Photos from Herbology
- Exhibit 14: Photos of RSO Syringe
- Exhibit 15a: Herbology POS Video Surveillance
- Exhibit 15b: Herbology Handoff of Cash Video Surveillance

Exhibit 15c: J.H. Getting Bag From Vehicle Video Surveillance
 Exhibit 15d: Handoff of Bag Video Surveillance
 Exhibit 15e: K.B. Putting Bag Into Vehicle Video Surveillance

***Exhibits 01b, 02b, and 5 were admitted under seal**

- 16) Report and Recommendation
- 17) Report and Recommendation Cover Letter
- 18) Request for Oral Address
- 19) Order Granting Request to Address the Board

DECISION OF THE BOARD

After thorough review of the administrative record, the Board hereby confirms and approves in its entirety Hearing Examiner Trout's Findings of Fact as detailed in the Report and Recommendation. The Board hereby confirms and approves in its entirety Hearing Examiner Trout's Conclusions of Law as detailed in the Report and Recommendation.

After thorough review of the administrative record, including the testimony of witnesses, exhibits, and oral address, the Board confirms and approves the Hearing Examiner's recommendation that Respondent's patient registration be reprimanded. The Board hereby issues a reprimand.

Finally, the Board Orders that State's Exhibits 1b, 2b, and 5 be placed under seal.

Mr. Wilt moved to confirm and approve the Report and Recommendation of Hearing Examiner Trout; Mr. George seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0147

After votes were taken in public session, the Board adopted the following order in the Matter of **Tisha McCollum Jackson, Toledo, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0684
Tisha McCollum Jackson	:	
333 Willard Street	:	
Toledo, OH 43605	:	Reg. No. APP-000335647

Respondent. :
 :
 :

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Tisha McCollum Jackson (“Respondent”) submitted an application for registration as a pharmacy technician trainee (“Application”) to the State of Ohio Board of Pharmacy on March 27, 2020. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration (“Notice”) to Respondent December 9, 2020, via certified mail, return receipt requested. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice’s mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

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

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice. The Board further finds the conduct to be of such an egregious nature that employment in a facility containing dangerous drugs, including controlled substances, and providing services that impact the public’s health and safety warrant a permanent prohibition on applying for any license or registration over which the Board has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent’s Application is DENIED.

2. Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, for a period of at least twenty-four months from the date of this Order, as set forth in OAC 4729:3-1-01(U).

3. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0148

After votes were taken in public session, the Board adopted the following order in the Matter of **Darian Rossitto, Springfield, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0796
Darian Rossitto	:	
360 N Bird Road	:	License No. 09-210553
Springfield, Ohio 45503	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Darian Rossitto ("Respondent") was issued a registration as a registered pharmacy technician by the State of Ohio Board of Pharmacy on November 7, 2018. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on December 21, 2020. Respondent received the Notice, via certified mail, return receipt requested, on December 23, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio

Administrative Code (OAC) 4729:3-4-01(B), the Board finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Registration as a registered pharmacy technician, No. 09-210553, is REVOKED.
2. Notwithstanding the definition of "Revoke" in OAC 4729:3-1-01, Respondent may not apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twenty-four months from the date of this Order.
3. Respondent may only apply for a license or registration, as described above in Paragraph (2), if she provides satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to include at minimum, unless otherwise approved by the Board:
 - a. Successful completion of a Board-approved or court-ordered treatment program; and
 - b. Continuous participation in a Board-approved monitoring program for no less than 24 months, to include all components set forth in OAC 4729:4-1-04.
4. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0149

After votes were taken in public session, the Board adopted the following order in the Matter of **April Tolle, Eaton, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of _____ **:**

April Tolle : **Case No. A-2020-0302**
 4250 Swan Road :
 Eaton, OH 45320 : **Pending Reg. No. APP-000338267**
Respondent. :

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

April Tolle ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on February 27, 2020. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on January 4, 2021. Respondent received the Notice, via certified mail, return receipt requested, on January 6, 2021. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

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

1. Respondent's Application is DENIED.
2. Respondent may not apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twenty-four months from the date of this Order, as set forth in OAC 4729:3-1-01(U).
3. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).
SO ORDERED.

R-2022-0150

After votes were taken in public session, the Board adopted the following order in the Matter of **Erika Holder, North Ridgeville, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0547
Erika Holder	:	
5386 Mills Creek Lane	:	
North Ridgeville, OH 44039	:	
Respondent.	:	REVOKED Reg. No. 09-307569

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Erika Holder ("Respondent") was issued a registration as a certified pharmacy technician by the State of Ohio Board of Pharmacy on April 7, 2018. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent on January 13, 2021. Respondent received the Notice, via certified mail, return receipt requested, on January 15, 2021. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

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

1. Respondent's Registration as a certified pharmacy technician, No. 09-307569, is REVOKED.

2. Notwithstanding the definition of "Revoke" in OAC 4729:3-1-01, Respondent may not apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twenty-four months from the date of this Order.
 - a. Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, unless Erika Holder provides a Certificate of Qualification Employment (CQE) for Board consideration and review.
3. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

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

Shaw Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0151

After votes were taken in public session, the Board adopted the following order in the Matter of **Joshua Ross, Mount Orab, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0795
Joshua Ross	:	
808 Greenbush East Road	:	License No. 09-108276
Mount Orab, Ohio 45154	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Joshua Ross ("Respondent") was issued a registration as a pharmacy technician trainee by the State of Ohio Board of Pharmacy on May 2, 2019. The Board issued a Notice of Opportunity for Hearing/Summary Suspension ("Notice") to Respondent on December 21, 2020, via

certified mail, return receipt requested. The Board became aware the Notice was marked "unclaimed" on January 26, 2021. The Board re-issued the Notice, via certificate of mailing on January 29, 2021. The Notice was not returned for failure of delivery. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice. The Board further finds the conduct to be of such an egregious nature that employment in a facility containing dangerous drugs, including controlled substances, and providing services that impact the public's health and safety warrant a permanent prohibition on applying for any license or registration over which the Board has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Registration as a pharmacy technician trainee, No. 09-108276, is PERMANENTLY REVOKED.
2. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0152

After votes were taken in public session, the Board adopted the following order in the Matter of **Elizabeth Gaprindashvili, Mentor, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2021-0040
Elizabeth Gaprindashvili	:	
4798 Forest Road	:	License No. 09-314949
Mentor, OH 44060	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Elizabeth Gaprindashvili ("Respondent") was issued a registration as a certified pharmacy technician by the State of Ohio Board of Pharmacy on August 19, 2020. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on February 12, 2021. Respondent received the Notice, via certified mail, return receipt requested, on February 25, 2021. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

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

1. Respondent's Registration as a certified pharmacy technician, No. 09-314949, is REVOKED.
2. Notwithstanding the definition of "Revoke" in OAC 4729:3-1-01, Respondent may not apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twenty-four months from the date of this Order.
3. Respondent may only apply for a license or registration, as described above in Paragraph (2), if she provides satisfactory proof to the Board that she is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a

degree as to render her unfit to practice pharmacy, to include at minimum, unless otherwise approved by the Board:

- a. Successful completion of a Board-approved or court-ordered treatment program; and
 - b. Continuous participation in a Board-approved monitoring program for no less than 24 months, to include all components set forth in OAC 4729:4-1-04.
4. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0153

After votes were taken in public session, the Board adopted the following order in the Matter of **Lawrence Shonk II, Columbus, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2021-0047
Lawrence Shonk II	:	
2827 Redding Road	:	License No. 09-312488
Columbus, Ohio	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Lawrence Shonk ("Respondent") was issued a registration as a certified pharmacy technician by the State of Ohio Board of Pharmacy on September 10, 2018. The Board issued a Notice of Opportunity for Hearing/Summary Suspension ("Notice") to Respondent on March 3, 2021, via certified mail, return receipt requested. Respondent received the Notice via certified mail on March 5, 2021. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice. The Board further finds the conduct to be of such an egregious nature that employment in a facility containing dangerous drugs, including controlled substances, and providing services that impact the public's health and safety warrant a permanent prohibition on applying for any license or registration over which the Board has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Registration as a certified pharmacy technician, No. 09-312488, is PERMANENTLY REVOKED.
2. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0154

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

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0797
Angela Wells	:	
380 E. 162 nd Street	:	License No. 09-111753
Cleveland, OH 44110	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Angela Wells ("Respondent") was issued a registration as a pharmacy technician trainee by the State of Ohio Board of Pharmacy on January 7, 2020. The Board December 23, 2020, via certified mail, return receipt requested. The Board became aware that the Notice was marked "Unclaimed" on February 19, 2021. The Board re-issued the Notice, via ordinary mail on February 19, 2021. The Notice was not returned for failure of delivery. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice. The Board further finds the conduct to be of such an egregious nature that employment in a facility containing dangerous drugs, including controlled substances, and providing services that impact the public's health and safety warrant a permanent prohibition on applying for any license or registration over which the Board has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Registration as a pharmacy technician trainee, No. 09-111753, is PERMANENTLY REVOKED.
2. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0155

After votes were taken in public session, the Board adopted the following order in the Matter of **Amanda Adams-Goff, Cincinnati, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2021-0035
Amanda Adams-Goff	:	
11601 Springfield Pike	:	
Cincinnati, OH 45246	:	
	:	REVOKED Reg. No. 09-213239
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Amanda Adams-Goff ("Respondent") was issued a registration as a certified pharmacy technician by the State of Ohio Board of Pharmacy on April 28, 2020. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on February 3, 2021. The Notice was returned unclaimed. The Respondent was served with a Certificate of Mailing on March 19, 2021. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

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

1. Respondent's Registration as a certified pharmacy technician, No. 09-21323, is REVOKED.
2. Notwithstanding the definition of "Revoke" in OAC 4729:3-1-01, Respondent may not apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters

3719., 3796., 4729. or 4752., for a period of at least twenty-four months from the date of this Order.

3. Respondent may only apply for a license or registration, as described above in Paragraph (2), if she provides satisfactory proof to the Board that she is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to include at minimum, unless otherwise approved by the Board:
 - a. Successful completion of a Board-approved or court-ordered treatment program; and
 - b. Continuous participation in a Board-approved monitoring program for no less than 24 months, to include all components set forth in OAC 4729:4-1-04.
4. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0156

After votes were taken in public session, the Board adopted the following order in the Matter of **Cheyenne Edwards, Someville, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2019-0350
Cheyenne Edwards	:	
8219 Greenbush Rd	:	License No. 09-107817
Somerville, OH 45064	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Cheyenne Edwards ("Respondent") was issued a registration as a pharmacy technician trainee by the State of Ohio Board of Pharmacy on March 28, 2019. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent on December 2, 2019. After the Board was not

able to obtain personal service, the Board issued the Notice via certified mail. The Board became aware that the Notice was marked "Unclaimed" on April 27, 2021. The Board re-issued the Notice, via certificate of mailing on April 30, 2021. The Notice was not returned for failure of delivery. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

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

1. The Board hereby imposes a written reprimand on Respondent's pharmacy technician trainee registration, no. 09-107817.
2. The Board hereby imposes a fine in the amount of \$50.00. The fine is stayed and shall be imposed as a condition prior to licensure or registration, should Respondent apply for and be granted a license or registration over which the Board has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code.
3. This Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which Respondent currently holds a professional license, including to the Board on renewal applications or applications for a new license or registration.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0157

After votes were taken in public session, the Board adopted the following order in the Matter of **Tonya Roberts, Athens, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2019-
0017Tonya Roberts	:	
6219 Vore Ridge Rd.	:	Reg. No. 09-203223 (inactive)
Athens, OH 45701	:	
	:	
Respondent.	:	

FINAL AMENDED ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Tonya Roberts ("Respondent") was issued a registration as a registered pharmacy technician by the State of Ohio Board of Pharmacy on February 23, 2018. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent on April 9, 2021. The Notice was served on April 12, 2021. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

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

1. The Board hereby imposes a written reprimand on Respondent's registered pharmacy technician registration, no. 09-203223 (inactive).
2. The Board hereby imposes a fine in the amount of \$250.00. The fine is stayed and shall be imposed as a condition prior to licensure or registration, should Respondent apply for and be granted a license or registration over which the Board has jurisdiction, including those

set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code.

3. The Board hereby restricts the OARRS access of the Registered Pharmacy Technician registration of Tonya Roberts, no. 09-203223 (inactive) and any other registration or license with the State of Ohio Board of Pharmacy.
4. This Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which Respondent currently holds a professional license, including to the Board on renewal applications or applications for a new license or registration.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0158

After votes were taken in public session, the Board adopted the following order in the Matter of **Jodi Herrick, Canton, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2021-0073
Jodi Herrick	:	
3037 Park Lane NW	:	License No. 09-213891
Canton, OH 44709	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Jodi Herrick ("Respondent") was issued a registration as a registered pharmacy technician by the State of Ohio Board of Pharmacy on October 15, 2020. The Board issued a Notice of Opportunity for Hearing/Summary Suspension ("Notice") to Respondent on March 24, 2021, via certified mail, return receipt requested. The Board became aware the Notice was marked "unclaimed" on April 27, 2021. The Board re-issued the Notice, via certificate of mailing on April 30, 2021. The Notice was not returned for failure of delivery. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if

requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice. The Board further finds the conduct to be of such an egregious nature that employment in a facility containing dangerous drugs, including controlled substances, and providing services that impact the public's health and safety warrant a permanent prohibition on applying for any license or registration over which the Board has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Registration as a registered pharmacy technician, No. 09-213891, is PERMANENTLY REVOKED.
2. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0159

After votes were taken in public session, the Board adopted the following order in the Matter of **Jeremiah Hardy, Cincinnati, Ohio**.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of :
: **Case No. A-2021-0166**

Jeremiah Hardy :
 1315 Delta Ave., Apt. 11 : **License No. 09-116085**
 Cincinnati, OH 45208 :
 :
Respondent. :

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Jeremiah Hardy ("Respondent") was issued a registration as a pharmacy technician trainee by the State of Ohio Board of Pharmacy on December 11, 2020. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on May 7, 2021. Respondent received the Notice, via certified mail, return receipt requested, on May 18, 2021. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

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

1. Respondent's Registration as a pharmacy technician trainee, No. 09-116085, is REVOKED.
2. Notwithstanding the definition of "Revoke" in OAC 4729:3-1-01, Respondent may not apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twenty-four months from the date of this Order.
3. Respondent may only apply for a license or registration, as described above in Paragraph (2), if she provides satisfactory proof to the Board that she is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to include at minimum, unless otherwise approved by the Board:

- a. Successful completion of a Board-approved or court-ordered treatment program; and
 - b. Continuous participation in a Board-approved monitoring program for no less than 24 months, to include all components set forth in OAC 4729:4-1-04.
4. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0160

After votes were taken in public session, the Board adopted the following order in the Matter of **Patrick Curry, Cleveland, Ohio**.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2021-0181
Patrick Curry	:	
18019 Canterbury Road	:	
Cleveland, OH 44119	:	
	:	REVOKED Reg. No. 09-308512
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Patrick Curry ("Respondent") was issued a registration as a certified pharmacy technician by the State of Ohio Board of Pharmacy on November 17, 2020. The Board issued a Summary Suspension/Notice of Opportunity for Hearing ("Notice") to Respondent on May 19, 2021. The Notice was served on June 2, 2021. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the

allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

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

1. Respondent's Registration as a certified pharmacy technician, No. 09-308512, is REVOKED.
2. Notwithstanding the definition of "Revoke" in OAC 4729:3-1-01, Respondent may not apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twenty-four months from the date of this Order.
3. Respondent may only apply for a license or registration, as described above in Paragraph (2), if she provides satisfactory proof to the Board that she is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to include at minimum, unless otherwise approved by the Board:
 - a. Successful completion of a Board-approved or court-ordered treatment program; and
 - b. Continuous participation in a Board-approved monitoring program for no less than 24 months, to include all components set forth in OAC 4729:4-1-04.
4. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0161

After votes were taken in public session, the Board adopted the following order in the Matter of **Patrick DeLess, Canton, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0598
Patrick DeLess	:	
8004 Sapphire Ave., NE	:	Pending Reg. No. APP-000337363
Canton, OH 44721	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Patrick DeLess ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on May 28, 2020. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on May 25, 2021. Respondent received the Notice, via certified mail, return receipt requested, on May 28, 2021. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

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

1. Respondent's Application is DENIED.
2. Respondent may not apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twenty-four months from the date of this Order, as set forth in OAC 4729:3-1-01(U).

3. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0162

After votes were taken in public session, the Board adopted the following order in the Matter of **Patricia Finelli, Toledo, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0680
Patricia Finelli	:	
66174 Arbordale Avenue	:	
Toledo, OH 43605	:	Reg. No. APP-000374645
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Patricia Finelli ("Respondent") submitted an application for registration as a pharmacy technician trainee ("Application") to the State of Ohio Board of Pharmacy on July 3, 2020. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent May 25, 2021, via certified mail, return receipt requested. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

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

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice. The Board further finds the conduct to be of such an egregious nature that employment in a facility containing dangerous drugs, including controlled substances, and providing services that impact the public's health and safety warrant a permanent prohibition on applying for any license or registration over which the Board has jurisdiction as set forth below. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application is DENIED.
2. Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, for a period of at least twenty-four months from the date of this Order, as set forth in OAC 4729:3-1-01(U).
3. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0163

After votes were taken in public session, the Board adopted the following order in the Matter of **Terry Pollard, Springfield, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0628
Terry Pollard	:	
3454 Folk Ream Road, Lot 64	:	APP-000359500
Springfield, Ohio 45502	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Terry Pollard ("Respondent") submitted an application for registration as a pharmacy technician trainee by the State of Ohio Board of Pharmacy on May 8, 2020. The Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration ("Notice") to Respondent on May 25, 2021, via certified mail, return receipt requested. Respondent received the Notice via certified mail on June 16, 2021. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

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

1. Respondent's Application for registration as a pharmacy technician trainee is GRANTED, effective the date of the issuance of this Order.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0164

After votes were taken in public session, the Board adopted the following order in the Matter of **Shelby Vincent, Marietta, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0289
Shelby Vincent	:	
716 8 th Street	:	License No. 09-112780
Marietta, OH 45750	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Shelby Vincent ("Respondent") was issued a registration as a pharmacy technician trainee by the State of Ohio Board of Pharmacy on March 16, 2020. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent on March 19, 2021. The Board became aware that the Notice was marked "Unclaimed" on April 20, 2021. The Board re-issued the Notice, via ordinary mail on June 4, 2021. The Notice was not returned for failure of delivery. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

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

1. The Board hereby imposes a written reprimand on Respondent's pharmacy technician trainee registration, no. 09-112780.
2. The Board hereby imposes a fine in the amount of \$50.00. The fine is stayed and shall be imposed as a condition prior to licensure or registration, should Respondent apply for and be granted a license or registration over which the Board has jurisdiction, including those

set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code.

3. This Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which Respondent currently holds a professional license, including to the Board on renewal applications or applications for a new license or registration.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston, RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0165

After votes were taken in public session, the Board adopted the following order in the Matter of **Tonya Doll, Union, Ohio**.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0224
Tonya Doll	:	
108 McLaughlin Drive	:	
Union, OH 45322	:	
	:	:REVOKED Reg. No. 09-109924
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Tonya Doll ("Respondent") was issued a registration as a pharmacy technician trainee by the State of Ohio Board of Pharmacy on August 15, 2019. The Board issued a Notice of Opportunity for Hearing ("Notice") to Respondent on May 26, 2020. The Notice was served on June 3, 2020. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on September 14, 2021, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the

allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

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

1. Respondent's Registration as a pharmacy technician trainee, No. 09-109924, is REVOKED.
2. Notwithstanding the definition of "Revoke" in OAC 4729:3-1-01, Respondent may not apply for any license or registration over which the Board has jurisdiction, including those set forth in ORC Chapters 3719., 3796., 4729. or 4752., for a period of at least twenty-four months from the date of this Order.
 - a. Respondent may not reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code, unless Tonya Doll provides a Certificate of Qualification Employment (CQE) for Board consideration and review if she was charged criminally out of the incident referenced in the citation..
3. Respondent is prohibited from working or otherwise serving in any capacity that requires a license or registration under ORC Chapter 4729.

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

Shawn Wilt, RPh, moved for the findings and decision of the Board. Jeff Huston RPh, seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

R-2022-0166

Mr. Miller announced the dismissal of the Notice of Opportunity for Hearing issued on July 15, 2021, in the matter of **Toronto Apothecary, Toronto, Ohio.**

R-2022-0167

Mr. Miller announced the dismissal of the Notice of Opportunity for Hearing issued on February 11, 2020, in the matter of **Urdu medical Services, Portsmouth, Ohio.**

R-2022-0167.5

Mr. Miller announced the dismissal of the Notice of Opportunity for Hearing issued on July 21, 2021, in the matter of **Cleveland Back & Pain Management Center, Inc. a.k.a. Cleveland Pain Specialists, Brooklyn, Ohio.**

R-2022-0168

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

**IN THE MATTER OF:
Case No. A-2020-0370 & I-2020-0217**

**University Hospitals – Elyria Medical Center
License No. 02-0029000
c/o Donald Halliday, RPh
630 E. River Street
Elyria, Ohio 44035**

**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 University Hospitals Elyria Medical Center for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician without maintaining appropriate registration with the Board. Together, the Board and University Hospitals Elyria Medical Center are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. University Hospitals Elyria Medical Center has an active TDDD license with the Board under license number 02-0029000, which lists Donald Halliday, RPh, as the Responsible Person.

FACTS

1. The Board initiated an investigation of University Hospitals Elyria Medical Center, TDDD license number 02-0029000, related to an employee performing duties of a pharmacy technician trainee without obtaining and/or maintaining appropriate registration with the Board.
2. On or about June 22, 2021, the Board sent a Notice of Opportunity for Hearing to University Hospitals Elyria Medical Center, which outlined the allegations and provided notice of its right to a hearing,

its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. University Hospitals Elyria Medical Center neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated June 22, 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. University Hospitals Elyria Medical Center agrees to pay to the Board a monetary penalty the amount of \$250. This fine will be attached to University Hospitals Elyria Medical Center's license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
4. University Hospitals Elyria Medical Center agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. University Hospitals Elyria Medical Center agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by University Hospitals Elyria Medical Center of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to University Hospitals Elyria Medical Center by the Board and will NOT discharge University Hospitals

Elyria Medical Center from any obligation under the terms of this Agreement.

6. University Hospitals Elyria Medical Center agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. University Hospitals Elyria Medical Center understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom University Hospitals Elyria Medical Center will operate.
9. University Hospitals Elyria Medical Center waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2022-0169

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

**IN THE MATTER OF:
CASE No. A-2020-0483
I-2019-1038**

**Midwest Vein and Laser
License No. 022786800**

c/o Robert Tyrell, MD
900 S. Dixie Drive
Vandalia, OH 45377

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 Midwest Vein and Laser for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases/receiving, and possessing dangerous drugs while operating without a Board-issued license. Together, the Board and Midwest Vein and Laser 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. Midwest Vein and Laser is a licensed Terminal Distributor of Dangerous Drugs under license number 022786800.

FACTS

1. The Board initiated an investigation of Midwest Vein and Laser, Terminal Distributor of Dangerous Drugs license number 022786800, related to Midwest Vein and Laser's illegal purchases/receiving, and possession of dangerous drug while operating without a Board-issued license.
2. On or about February 25, 2021 the Board sent a Notice of Opportunity for Hearing to Midwest Vein and Laser, 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. Midwest Vein and Laser neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 25, 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. Midwest Vein and Laser agrees to pay to the Board a monetary penalty the amount of \$4,000.00 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 and process the items in your cart.
4. Midwest Vein and Laser 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. Midwest Vein and Laser 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 Midwest Vein and Laser 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 Midwest Vein and Laser by the Board and will NOT discharge Midwest Vein and Laser from any obligation under the terms of this Agreement.
6. Midwest Vein and Laser agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Midwest Vein and Laser 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 Midwest Vein and Laser will operate.
9. Midwest Vein and Laser waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

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

R-2022-0170

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

**IN THE MATTER OF:
Case No. A-2020-0144
501-2011**

**Phillip Broerman, RPh
License No. 03-218165
5746 Long Valley Drive
Liberty Township, Ohio 45011**

**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 Phillip Broerman, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. Together, the Board and Phillip Broerman 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, restrict, limit, 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. Phillip Broerman is a licensed pharmacist in the state of Ohio under license number 03-218165.

3. During the applicable time period, Phillip Broerman was the Responsible Person of Centerville Long Term Care Pharmacy, which was located at 436 Alexandersville Road, Miamisburg, Ohio.

FACTS

1. The Board initiated an investigation of Phillip Broerman, pharmacist license number 03-218165, and Centerville Long Term Care Pharmacy, related to an employee of Centerville Long Term Care Pharmacy performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.
2. On or about March 2, 2021, the Board sent a Notice of Opportunity for Hearing to Phillip Broerman, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Phillip Broerman neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated March 2, 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. Phillip Broerman agrees to pay to the Board a monetary penalty in the amount of \$250.00. This fine will be attached to Phillip Broerman's license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine, login to www.license.ohio.gov and process the items in the cart.
4. Phillip Broerman must obtain two hours of approved continuing pharmacy education (0.2 CEUs) which may not also be used for license renewal. The 0.2 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.

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

R-2022-0171

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

**IN THE MATTER OF:
CASE No. A-2020-0293
501-2374**

**Lincare Inc.
License No. 01-0858850
c/o Suzanne Skunza
975 Eastwind Drive, Ste. 170
Westerville, Ohio 43081**

**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 Lincare Inc., for the purpose of resolving all issues between the parties relating to the Board investigation of sales of medical grade oxygen, a dangerous drug, to an entity operating without a Board-issued Terminal Distributor of Dangerous Drugs License. Together, the Board and Lincare Inc. are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.56 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, reprimand, or refuse to grant or renew any license issued pursuant to Section 4729.52 of the Ohio Revised Code.
2. Lincare Inc., located at 975 Eastwind Drive, Ste. 170, Westerville, Ohio, has an active Wholesaler Distributor of Dangerous Drug License, License No. 01-0858850, which lists Suzanne Skunza, as the Responsible Person.

FACTS

1. The Board initiated an investigation of Lincare Inc., Wholesaler Distributor of Dangerous Drugs License No. 01-0858850, related to Lincare Inc.'s sales of medical grade oxygen, a dangerous drug, to an entity operating without a Board-issued Terminal Distributor of Dangerous Drugs License.
2. On or about February 17, 2021, the Board sent a Notice of Opportunity for Hearing to Lincare Inc., which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about March 17, 2021, Lincare Inc., through counsel Kelly Leahy, timely requested an administrative hearing, which was subsequently scheduled for August 10, 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. Lincare Inc. 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. Lincare Inc. agrees to pay to the Board a monetary penalty in the amount of \$250.00. This fine will be attached to your license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Lincare Inc. agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Lincare Inc. agrees to comply with all federal and state requirements related to Wholesale Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Lincare Inc. of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Lincare Inc. by the Board and will NOT discharge Lincare Inc. from any obligation under the terms of this Agreement.
6. Lincare Inc. agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Lincare Inc. understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Lincare Inc. will operate.
9. Lincare Inc. explicitly withdraws its request for a hearing, waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to appeal.

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

R-2022-0172

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

***IN THE MATTER OF: CASE No. A-2019-0339
501-0795***

Marietta Memorial Hospital Dept. Of Pediatrics-Belpre

License No. 02-2281000

c/o Renee Caslow, D.O.

P.O. Box 49

Belpre, OH 45750

**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 Marietta Memorial Hospital Dept. Of Pediatrics-Belpre (Belpre Pediatric Clinic) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of dangerous drugs operating without a Board-issued license. Together, the Board and Belpre Pediatric Clinic 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. Belpre Pediatric Clinic is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2281000.

FACTS

1. The Board initiated an investigation of Belpre Pediatric Clinic's Terminal Distributor of Dangerous Drugs license number 022281000, related to Belpre Pediatric Clinic's illegal purchases of dangerous drugs while operating without a Board-issued license.
2. On or about July 30, 2021 the Board sent a Notice of Opportunity for Hearing to Belpre Pediatric Clinic, 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. Belpre Pediatric Clinic neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 30, 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. Belpre Pediatric Clinic agrees to pay to the Board a monetary penalty the amount of \$3,000.00 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 and process the items in your cart.
4. Belpre Pediatric Clinic 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. Belpre Pediatric Clinic 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 Belpre Pediatric Clinic 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 Belpre Pediatric Clinic by the Board and will NOT discharge Belpre Pediatric Clinic from any obligation under the terms of this Agreement.

6. Belpre Pediatric Clinic agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Belpre Pediatric Clinic 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 Belpre Pediatric Clinic will operate.
9. Belpre Pediatric Clinic 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.

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

R-2022-0173

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

**IN THE MATTER OF:
CASE No. A-2019-0279
500-9253**

**Lost Creek Health Care and Rehabilitation Center
License No. 02-2301950**

c/o Frank Baldauf, MD
804 S. Mumaugh Road
Lima, Ohio 45804

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 Lost Creek Health Care and Rehabilitation Center (Lost Creek Health Care) 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 Lost Creek Health Care 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. Lost Creek Health Care is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2301950.

FACTS

1. The Board initiated an investigation of Lost Creek Health Care, Terminal Distributor of Dangerous Drugs license number 02-2301950, related to Lost Creek Health Care'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 Lost Creek Health Care, 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. Lost Creek Health Care 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. Lost Creek Health Care agrees to pay to the Board a monetary penalty the amount of \$2,300.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Lost Creek Health Care 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. Lost Creek Health Care 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 Lost Creek Health Care 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 Lost Creek Health Care by the Board and will NOT discharge Lost Creek Health Care from any obligation under the terms of this Agreement.
6. Lost Creek Health Care agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Lost Creek Health Care 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 Lost Creek Health Care will operate.
9. Lost Creek Health Care waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.

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

R-2022-0174

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

**IN THE MATTER OF:
Case No. A-2020-0117
501-1779**

**Caitlin Sabol, RPh
License No. 03-334880
3765 Mercedes Place Unit 6
Canfield, Ohio 44406**

**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 Caitlin Sabol, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. Together, the Board and Caitlin Sabol 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, restrict, limit, 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. Caitlin Sabol is a licensed pharmacist in the state of Ohio under license number 03-334880.
3. Caitlin Sabol is the Responsible Person of The Hometown Pharmacy, located at 1108 Village Plaza, Columbiana, Ohio.

FACTS

1. The Board initiated an investigation of Caitlin Sabol, pharmacist license number 03-334880, and The Hometown Pharmacy, related to an employee of The Hometown Pharmacy performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.
2. On or about June 2, 2021, the Board sent a Notice of Opportunity for Hearing to Caitlin Sabol, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Caitlin Sabol neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 2, 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. Caitlin Sabol agrees to pay to the Board a monetary penalty in the amount of \$750.00. This fine will be attached to Caitlin Sabol's license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
4. Caitlin Sabol agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Caitlin Sabol understands that she has the right to be represented by counsel for review and execution of this agreement.

6. Caitlin Sabol agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
7. Caitlin Sabol explicitly waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
11. This Agreement shall become effective upon the date of the Board President's signature below.

R-2022-0175

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

**IN THE MATTER OF:
Case No. A-2020-0116
501-1779**

**The Hometown Pharmacy
License No. 02-1985250
c/o Caitlin Sabol, RPh
1108 Village Plaza
Columbiana, Ohio 44408**

**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 Hometown Pharmacy for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration

with the Board. Together, the Board and The Hometown 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, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. The Hometown Pharmacy has an active TDDD license with the Board under license number 02-1985250, which lists Caitlin Sabol, RPh, as the Responsible Person.

FACTS

1. The Board initiated an investigation of The Hometown Pharmacy, TDDD license number 02-1985250, related to an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.
2. On or about June 2, 2021, the Board sent a Notice of Opportunity for Hearing to The Hometown 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.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. The Hometown Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated June 2, 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. The Hometown Pharmacy agrees to pay to the Board a monetary penalty the amount of \$1,000.00. This fine will be attached to The Hometown Pharmacy's license record and must be paid no later than

60 days from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.

4. The Hometown 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. The Hometown 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 The Hometown 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 The Hometown Pharmacy by the Board and will NOT discharge The Hometown Pharmacy from any obligation under the terms of this Agreement.
6. The Hometown 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. The Hometown 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 The Hometown Pharmacy will operate.
9. The Hometown Pharmacy 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-2022-0176

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

**IN THE MATTER OF:
Case No. A-2020-0115
501-1779**

**Costen Santelmo
Registration No. 09-112596
46082 New England Square
New Waterford, Ohio 44445**

**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 Costen Santelmo for the purpose of resolving all issues between the parties relating to the Board investigation of working at The Hometown Pharmacy, located at 1108 Village Plaza, Columbiana, Ohio, without a valid registration as a pharmacy technician. Together, the Board and Costen Santelmo are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Sections 4729.90 and 4729.92 of the Ohio Revised Code to perform the duties of a pharmacy technician trainee in the state of Ohio.
2. Costen Santelmo was a pharmacy technician trainee in the state of Ohio under registration number 09-112596.

FACTS

1. The Board initiated an investigation of Costen Santelmo, pharmacy technician trainee registration number 09-112596, related to Costen Santelmo's working as a pharmacy technician at The Hometown

Pharmacy without maintaining a valid registration as a pharmacy technician.

2. On or about May 26, 2021 the Board sent a Notice of Opportunity for Hearing to Costen Santelmo which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. Costen Santelmo neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated May 26, 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. Costen Santelmo agrees to pay to the OSBP the amount of amount of \$100.00. This fine will be attached to the registration record and must be paid no later than 30 days from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
4. Costen Santelmo agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Costen Santelmo understands that he has the right to be represented by counsel for review and execution of this agreement.
6. Costen Santelmo 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. Costen Santelmo 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-2022-0177

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

**IN THE MATTER OF:
CASE No. A-2018-0093**

**Downtown Drug of Hillsboro
License No. 02-2642850
c/o Gary Barr, RPh
1199 S. High Street
Hillsboro, OH 45133**

**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 Downtown Drug of Hillsboro (Downtown Drug) for the purpose of resolving all issues between the parties relating to the Board investigation of an error in dispensing. Together, the Board and Downtown Drug 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. Downtown Drug, located at 1199 S. High Street, Hillsboro, Ohio, has an active TDDD license with the Board under license number 02-

2642850, which lists Gary Barr, RPh as the Responsible Person and owner.

FACTS

1. The Board initiated an investigation of Downtown Drug, TDDD license number 02-2642850, related to an error in dispensing.
2. On or about April 21, 2021, the Board sent a Notice of Opportunity for Hearing to Downtown Drug, 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 May 5, 2021, Downtown Drug, through counsel Zachary Swisher, timely requested an administrative hearing, which was subsequently scheduled for September 15, 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. Downtown Drug neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated April 21, 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. Downtown Drug agrees to pay to the Board a monetary penalty the amount of \$500.00. This fine will be attached to your license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Downtown Drug's Responsible Person must complete the Responsible Person Roundtable, a total of one hour (0.1 CEU). The 0.1 CEU must be completed within 180 days from the effective date of this agreement and cannot be used toward license renewal for the Responsible Person. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Downtown Drug agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority

of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.

6. Downtown Drug 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 Downtown Drug 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 Downtown Drug by the Board and will NOT discharge Downtown Drug from any obligation under the terms of this Agreement.
 7. Downtown Drug agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 8. Downtown Drug understands that it has the right to be represented by counsel for review and execution of this agreement.
 9. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Downtown Drug will operate.
 10. Downtown Drug 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.
 11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 13. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 14. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2022-0178

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

IN THE MATTER OF:

CASE No. A-2019-0092, A-2019-0241, A-2019-0238, A-2019-0242, A-2019-0277, A-2019-0280, A-2020-0188, A-2021-0042, A-2021-0041, A-2021-0043, A-2021-0044

Lincare Inc.
License No. 01-2212950
c/o Steve Keller
1566 Akron-Peninsula Road, Ste. 2
Akron, Ohio 44313

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 Lincare Inc., for the purpose of resolving all issues between the parties relating to the Board investigation of sales of medical grade oxygen, a dangerous drug, to entities operating without a Board-issued Terminal Distributor of Dangerous Drugs License. Together, the Board and Lincare Inc. are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.56 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, reprimand, or refuse to grant or renew any license issued pursuant to Section 4729.52 of the Ohio Revised Code.
2. Lincare Inc., located at 1566 Akron-Peninsula Road, Ste. 2, Akron, Ohio, has an active Wholesaler Distributor of Dangerous Drug License, License No. 01-2212950, which lists Steve Keller as the Responsible Person.

FACTS

1. The Board initiated an investigation of Lincare Inc., Wholesaler Distributor of Dangerous Drugs License No. 01-2212950, related to

Lincare Inc.'s sales of medical grade oxygen, a dangerous drug, to entities operating without a Board-issued Terminal Distributor of Dangerous Drugs License.

2. On or about February 17, 2021, the Board sent a Notice of Opportunity for Hearing to Lincare Inc., which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about March 17, 2021, Lincare Inc., through counsel Kelly Leahy, timely requested an administrative hearing, which was subsequently scheduled for August 10, 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. Lincare Inc. 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. Lincare Inc. agrees to pay to the Board a monetary penalty in the amount of \$1,600.00. This fine will be attached to your license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Lincare Inc. agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Lincare Inc. agrees to comply with all federal and state requirements related to Wholesale Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040

(1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Lincare Inc. of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Lincare Inc. by the Board and will NOT discharge Lincare Inc. from any obligation under the terms of this Agreement.

6. Lincare Inc. agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Lincare Inc. understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Lincare Inc. will operate.
9. Lincare Inc. explicitly withdraws its request for a hearing, waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2022-0179

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

IN THE MATTER OF: Case No. A-2020-0605

501-2637

Krista Atkinson, RPh Lucense No. 03-223405

1105 N. Defiance Street

Archbold, Ohio 43502

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 Krista Atkinson, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. Together, the Board and Krista Atkinson 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, restrict, limit, 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. Krista Atkinson is a licensed pharmacist in the state of Ohio under license number 03-223405.

3. Krista Atkinson was the Responsible Person and owner of Family Care Pharmacy, located at 1260 S. Defiance Street, Archbold, Ohio.

FACTS

1. The Board initiated an investigation of Krista Atkinson, pharmacist license number 03-223405, and Family Care Pharmacy, related to an employee of Family Care Pharmacy performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.

2. On or about June 3, 2021, the Board sent a Notice of Opportunity for Hearing to Krista Atkinson, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.

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

TERMS

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

- 1.The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
- 2.Krista Atkinson neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 3, 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.Krista Atkinson agrees to pay to the Board a monetary penalty in the amount of \$250.00. This fine will be attached to Krista Atkinson's license record and must be paid no later than 60 days from the effective date of this Order. To pay this fine, login to www.license.ohio.gov and process the items in the cart.
- 4.Krista Atkinson must obtain two hours of approved continuing pharmacy education (0.2 CEUs) that are regulatory specific which may not also be used for license renewal. The 0.2 CEUs must be completed within six months from the effective date of this agreement. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
- 5.Krista Atkinson agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
- 6.Krista Atkinson understands that she has the right to be represented by counsel for review and execution of this agreement.
- 7.Krista Atkinson agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
- 8.Krista Atkinson explicitly waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.

9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

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

R-2022-0180

Mr. Wilt moved that the August 9, 2021, Meeting Minutes be approved as written. The motion was seconded by Ms. Buettner and approved by the Board: Yes-7, No-0.

R-2022-0181

Mr. Wilt moved that the August 9, 2021, Probation Committee Meeting Minutes be approved as written. The motion was seconded by Ms. Buettner and approved by the Board: Yes-7, No-0.

R-2022-0182

Mr. Wilt moved that the August 27, 2021, Conference Call Meeting Minutes be approved as written. The motion was seconded by Ms. Buettner and approved by the Board: Yes-7, No-0.

R-2022-0183

Mr. Wilt moved that the August 31, 2021, Conference Call Meeting Minutes be approved as written. The motion was seconded by Ms. Buettner and approved by the Board: Yes-7, No-0.

5:32 p.m.

Pursuant to Section 3719.121 of the Ohio Revised Code and under authority 4729.571(A)(1) of the Revised Code, the State of Ohio Board of Pharmacy was joined by Kevin Flaharty, *Chief of Investigations*, for the purpose of whether to consider a summary suspension related to a Terminal Distributor of Dangerous Drugs.

R-2022-0184

After hearing Mr. Flaharty discuss the significant facts regarding the activities of **Bethel Animal Clinic**, Mr. Grimm moved that the Board Summarily Suspend the Terminal Distributor of Dangerous Drugs license belonging to **Bethel Animal Clinic, New Carlisle, Ohio, License No. 02-2597000**. The motion was seconded by Mr. Wilt and approved by the Board: Yes-7, No-0.

5:39 p.m.

Pursuant to 4729.16(E) of the Revised Code, the State of Ohio Board of Pharmacy was joined by Kevin Flaharty, *Chief of Investigations*, for the

purpose of whether to order a physical and mental examination related to a pharmacist.

R-2022-0185

After hearing Mr. Flaharty discuss the significant facts regarding the activities of said Pharmacist, Mr. Wilt moved that the pharmacist be referred for a neuropsychological evaluation. The motion was seconded by Mr. Grimm and approved by the Board: Yes-7, No-0.

5:51 p.m.

Ms. Dehner and Ms. Siba provided an update on House Bill 263.

5:51 p.m.

Ms. Dehner and Ms. Siba presented the House Bill 263 Disqualifier List to the Board for consideration.

R-2022-0186

Mr. Wilt moved to approve the House Bill 263 Disqualifier List. The motion was seconded by Mr. Goodman and approved by the Board: Yes-7, No-0.

R-2022-0187

Ms. Rudell moved to Adjourn the September 2021 State of Ohio Board of Pharmacy Meeting. The motion was seconded by Mr. George and approved by the Board: Yes-7, No-0.

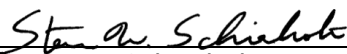
5:54 p.m.

The Board Meeting Adjourned.



Rich Miller, RPh, President

Date: 11.09.2021



Steven W. Schierholt, Executive Director

Date: 11.09.2021