



MINUTES OF THE SEPTEMBER 12, 2022
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, September 12, 2022

10:06 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:

Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPH, *Vice President*; Mindy Ferris, RPh; Jason George, RPh; Victor Goodman, *Public Member*; TJ Grimm, RPh; Jeff Huston, RPh; Christine Pfaff, RPh.

Also present were Sharon Maerten-Moore, *Chief Legal Counsel*; Ashley Gilbert, *Senior Legal Counsel*; Joseph Koltak, *Senior Legal Counsel*; Darcy Moulin, *Senior Legal Counsel*; Michelle Bohan, *Associate Legal Counsel*; Kathryn Lewis, *Legal Administrator*.

10:07 a.m. Mr. Wilt administered the Oath of New Member to Christine Pfaff.

I, Christine Pfaff, 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.

10:08 a.m. Mr. Wilt administered the Oath of New Member to Mindy Ferris.

I, Mindy Ferris, 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.

10:15 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 **Brenda Corbett, RPh, Liberty Township, Ohio.**

R-2023-0046

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

11:31 a.m.

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

R-2023-0047

After votes were taken in public session, the Board adopted the following order in the Matter of **Brenda Corbett, RPh, Liberty Township, Ohio.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2022-0006)

In The Matter Of:

Brenda Corbett, RPh
8025 Green Lake Drive
Liberty Township, Ohio 45044
Suspended License no. 03-314233

INTRODUCTION

The Matter of Brenda Corbett came for hearing on September 12, 2022 before the following members of the State of Ohio Board of Pharmacy (Board): Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh, Vice President; Mindy Ferris, RPh; Jason George, RPh; Victor Goodman,

Public Member; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh and Christine Pfaff, RPh.

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

SUMMARY OF EVIDENCE

State's Witnesses:

1. Brenda Corbett – Respondent

Respondent's Witnesses:

1. Brenda Corbett

State's Exhibits:

1. Notice Letter
2. Request for Hearing
3. Scheduling Order
4. Statement of Jacob Tunnell
5. ILC Entry
6. E-Mail from Probation Department

Respondent's Exhibits:

- A. Letter to the Board
- B. Resume
- C. ILC
- D. Drug Testing – Warren County Courthouse
- E. Medication Statement Report
- F. Statement to the Board

FINDINGS OF FACT

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

1. On or about June 27, 2022, Brenda Corbett pleaded guilty to theft of dangerous drugs (Schedule II controlled substance – methylphenidate), in violation of Ohio Revised Code Section 2913.02(A)(2), a felony of the fourth degree, in the Warren County Court of Common Pleas. As part of the plea, the court ordered Brenda Corbett to comply with Intervention In Lieu of Conviction (ILC). The terms of ILC include supervision by the probation

department for three years, compliance with the Treatment Plan, abstinence from the use of alcohol and illegal drugs, submit to drug testing and compliance with all other terms and conditions set forth by the probation officer. *State of Ohio vs. Brenda Corbett*, Case No. 22-CR-38838.

2. On or about June 30, 2022, Brenda Corbett was interviewed by an agent of the Board. She stated the following:
 - a. Brenda Corbett diverted methylphenidate on October 4, 2021. She self-administered the methylphenidate to help get through the workday and the stress of COVID.
 - b. Brenda Corbett has been submitting to court ordered drug screens since January 2022; all screens have been negative. She's subject to random drug screens throughout the duration of probation.
 - c. Stealing the methylphenidate was the stupidest thing she had ever done, and she is sorry for doing so.
 - d. Brenda Corbett self-administered one 5 mg tablet of methylphenidate per day for thirty workdays and stopped using the medication after her interview with agents of the Board on October 14, 2021.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact, constitutes a violation of Section 2913.02 of the ORC, theft of a dangerous drug (Schedule II controlled substance).
2. Such conduct as set forth in the Findings of Fact, constitutes a violation of Section 2925.11(A) of the ORC, aggravated possession of a Schedule II controlled substance.
3. Such conduct as set forth in the Findings of Fact, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of October 9, 2021:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16(A)(2)(b); and
 - b. Is... abusing... drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, ORC Section 4729.16(A)(2)(c); and
 - c. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, 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

- d. Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
- 4. Such conduct as set forth in the Findings of Fact, each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective April 25, 2022:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and
 - b. Is... abusing... drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, OAC Rule 4729:1-4-01(B)(2)(c); and
 - c. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(d); and
 - d. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration, OAC Rule 4729:1-4-01(B)(2)(k); and
 - e. Has been subject to any of the following: A finding by a court of the person's eligibility for intervention in lieu of conviction, OAC Rule 4729:1-4-01(B)(2)(o)(i).

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Brenda Corbett on July 6, 2022.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist license no. 03-314233 held by Brenda Corbett and such suspension is effective as of the date of the mailing of this Order.

Brenda Corbett, pursuant to Rule 4729:1-1-01(T) of the Ohio Administrative Code, may not be employed by or work in a facility

licensed by the State Board of Pharmacy to possess or distribute dangerous drugs and/or medical marijuana during such period of suspension.

Further, after one year from the issuance of the Notice of Opportunity for Hearing/Summary Suspension, issued on July 6, 2022, the Board will consider any petition filed by Brenda Corbett for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

1. Brenda Corbett must obtain a chemical dependency examination, conducted by a Board-approved provider, with the results being provided to the Board. Following the examination, Brenda Corbett must meet the following conditions:
 - a. Brenda Corbett must comply with all recommendations of the provider; and
 - f. If the results of the examination indicate chemical dependency or other another substance use disorder diagnosis, Ms. Corbett must sign an agreement with a Board-approved monitor and follow all terms and conditions imposed in chemical dependence cases, including, but not limited to, substance use monitoring, drug testing, and all other related requirements determined to be necessary by the monitor. Further, upon receipt of the diagnosis the Board will issue an amended Order providing with specificity the standard terms and conditions related to substance use disorder monitoring.
2. If reinstatement is not accomplished within three years of the effective date of the suspension, July 6, 2022, Brenda Corbett must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Exam (MPJE), or equivalent examination(s) approved by the Board, as required by Ohio statute and rule, prior to petitioning for reinstatement.

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

Ms. Buettner moved for Findings of Fact; Mr. Grimm seconded the motion. Motion passed (Yes- 8/ No-0).

Mr. Miller moved for Conclusions of Law; Mr. Goodman seconded the motion. Motion passed (Yes- 8/ No-0).

Ms. Ferris moved for Action of the Board; Mr. Miller seconded the motion. Motion passed (Yes- 7/ No-1 (Mr. Goodman)).

SO ORDERED.

- 11:32 a.m.** The Board recessed for lunch.
- 12:31 p.m.** The Board returned to public session and Mr. Garner provided the OARRS report.
- 12:38 p.m.** Mr. Griffin provided the Compliance and Enforcement Report.
- 12:42p.m.** Ms. Southard provided the Licensing Report.
- 12:48 p.m.** Mr. Schierholt provided the Executive Director Report.
- 12:49 p.m.** Ms. Maerten-Moore provided the Legal Report.
- 12:50 p.m.** Mr. McNamee provided the Legislative Report.
- 12:52 p.m.** Ms. Southard presented Pharmacy Technician Trainee Extension Requests from Erica Hendricks – Oregon, OH (09109781) and Erin Standifer – Cincinnati, OH (09102844) to the Board for consideration.
- R-2023-0048** Mr. Miller moved that the Board grant Erica Hendricks a one-year extension. The motion was seconded by Mr. Huston and approved by the Board: Yes-8, No-0.
- R-2023-0049** Mr. Miller moved that the Board grant Erin Standifer a one-year extension. The motion was seconded by Mr. Huston and approved by the Board: Yes-8, No-0.
- 12:54 p.m.** Ms. Southard presented a Non-Pharmacy Internship Credit Request from Ghaith Bahader – Toledo, OH (061000068) to the Board for consideration.
- R-2023-0050** Mr. Huston moved the Board grant Ghaith Bahader a maximum of two hundred (200) internship credit hours to be obtained from research done at the University of Toledo Department of Medicinal and Biological Chemistry. The motion was seconded by Ms. Buettner and approved by the Board: Yes-8, No-0.
- 12:59 p.m.** Ms. Southard presented an OBOT Non-Physician Owner/Operator Waiver Request from BrightView, LLC – Columbus, OH (APP-000586820) to the Board for consideration.

R-2023-0051

Mr. Miller moved the Board grant BrightView, LLC's waiver request. The motion was seconded by Mr. Grimm and approved by the Board: Yes-8, No-0.

1:02 p.m.

Ms. Southard presented a Pharmacist/Pharmacy Technician Trainee Ratio Request of Giant Eagle Pharmacy #8427 – Columbus, OH (0234000024) to the Board for consideration.

R-2023-0052

Mr. Grimm moved the Board grant Giant Eagle Pharmacy #8427's request for a ratio of one (1) pharmacist to ten (10) pharmacy technician trainees for a period of three (3) years. The motion was seconded by Mr. George and approved by the Board: Yes-8, No-0.

1:08 p.m.

Ms. Ghitman presented a High School Pharmacy Technician Training Program Request of the Cincinnati Public High School Technician Training Program.

R-2023-0053

Mr. Goodman moved the Board grant Cincinnati Public High School Technician Training Program request. The motion was seconded by Mr. Grimm and approved by the Board: Yes-8, No-0.

1:10 p.m.

Ms. Buettner presented a resolution for Terri D. Ghitman.

R-2023-0054

Ms. Buettner moved that the Board approve the resolution. The motion was seconded by Mr. Goodman and approved by the Board: Yes-8, No-0. The following resolution was adopted by the Board:

A Resolution for Terri D. Ghitman

WHEREAS, the administrative efforts of Terri D. Ghitman, OARRS Pharmacist 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 Terri D. Ghitman for 10 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-eighth year, so express

our profound appreciation to Terri Ghitman 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.

1:12 p.m. Mr. Cathcart and Ms. Bridget Protus presented a Petition for a New Medical Marijuana Form/Method — Suppositories — to the Board for consideration.

R-2023-0055 Ms. Buettner moved that the Board deny the New Medical Marijuana Form/Method. The motion was seconded by Ms. Farris and approved by the Board: Yes-7, No-0, and Abstain-1 (Mr. Goodman).

1:30 p.m. The Board recessed for break.

1:43 p.m. The Board returned to public session and Ms. Southard and Ms. Wai presented a resolution titled *Responsible Person Requirements for Licensure* to the Board for consideration.

R-2023-0056 Mr. George moved that the Board approve the resolution. The motion was seconded by Mr. Huston and approved by the Board: Yes-8, No-0. The following resolution was adopted by the Board:

Responsible Person Requirements for Licensure

The Board hereby makes the following additions to the Responsible Person Requirements for Licensure resolution last amended on January 10, 2022 (R-2022-0341) and publicly posted at www.pharmacy.ohio.gov/RP:

- *To the Terminal – Facility – Non-Limited license types:*

TERMINAL - FACILITY - NON-LIMITED				
Business Type	Business Type Definition	Approved Credentials for Responsible Person	Special Requirements	Applicable Inspection Guide

IC	Infusion Center	DO, MD, RPH, APRN, PA		Non-Limited Facility (OAC 4729:5-22)
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1:46 p.m.

Ms. Southard and Ms. Wai presented a resolution titled *Approval of Compliance Team for Non-Resident Compounding Pharmacy Inspections* to the Board for consideration.

R-2023-0057

Ms. Buettner moved that the Board approve the resolution. The motion was seconded by Mr. George and approved by the Board: Yes-8, No-0. The following resolution was adopted by the Board:

Approval of Compliance Team for Non-Resident Compounding Pharmacy Inspections

The Board hereby adds the Compliance Team (<https://thecomplianceteam.org/>) to the list of approved providers of non-resident pharmacy compounding inspections in accordance with paragraph (H) of OAC 4729:5-8-04. The Board further authorizes the amended filing of OAC 4729:5-8-04(H) to add the Compliance Team to the list of organizations approved in the rule.

1:48 p.m.

Mr. McNamee and Ms. Wai presented a resolution titled *Naloxone for Emergency Use (MetroHealth / ADAMHS Board of Cuyahoga County)* to the Board for consideration.

R-2023-0058

Mr. Grimm moved that the Board approve the resolution. The motion was seconded by Ms. Ferris and approved by the Board: Yes-8, No-0. The following resolution was adopted by the Board:

Naloxone for Emergency Use (MetroHealth / ADAMHS Board of Cuyahoga County) *

The Board hereby finds it permissible to deploy naloxone for emergency use in accordance with the following standards:

- *Naloxone for emergency use shall be maintained in insulated boxes that protects the medication from moisture.*
- *Excursions for naloxone stored for emergency use shall be permitted between 39°F – 101°F.*
- *Naloxone shall be replaced if it has experienced temperatures below -5°F or over 104°F for more than 48 hours.*
- *Where applicable, the naloxone should be stored in a shaded area of the park.*
- *Each box shall utilize a device or time temperature indicator (for an example, please see:*
<https://multimedia.3m.com/mws/media/215506O/3mtm-monitormarktm-time-temperature-indicators-brochure.pdf>*)*
- *Each box shall prominently display the following warning on the box that includes all the following elements:*
 - o *Naloxone freezes at temperatures below 5°F (-15°C).*
 - o *If this happens, the device will not spray.*
 - o *If naloxone is frozen and is needed in an emergency, do NOT wait for the naloxone to thaw. Get emergency medical help right away.*

Studies utilized to authorize the proposal:

- [*Effect of Extreme Temperature on Naloxone Nasal Spray Dispensing Device Performance - PubMed \(nih.gov\)*](#)
- [*The effects of heat and freeze-thaw cycling on naloxone stability | Harm Reduction Journal | Full Text \(biomedcentral.com\)*](#)
- [*Effect of Extreme Temperature on Naloxone Nasal Spray Dispensing Device Performance | Prehospital and Disaster Medicine | Cambridge Core*](#)

1:56 p.m.

Mr. McNamee and Ms. Wai presented a resolution titled *Wholesale Sales of Non-Controlled Dangerous Drugs Conducted by Local Health Departments* to the Board for consideration.

R-2023-0059

Ms. Buettner moved that the Board approve the resolution. The motion was seconded by Mr. Miller and approved by the Board: Yes-8, No-0. The following resolution was adopted by the Board:

**Wholesale Sales of Non-Controlled Dangerous Drugs Conducted
Local Health Departments***

Pursuant to division (A)(3)(c) of section 4729.51 of the Revised Code, the Board authorizes amendments to rule 4729:5-3-09 of the Administrative Code to permit occasional wholesale sales of non-controlled dangerous drugs by a local health department licensed as a terminal distributor of dangerous drugs for the purpose of improving or promoting public health within the department's jurisdiction and to exempt such authorization from the current limitations set forth in paragraph (B) of the rule. The Board hereby finds it is in the public interest to authorize this practice while the rule is pending. Licensees shall comply with all required recordkeeping requirements to conduct a sale of dangerous drugs in accordance with rule 4729:5-3-09 of the Administrative Code.

1:59 p.m.

Mr. McNamee presented rules 4729:10-1-01: Definitions - prescription drug collection, 4729:10-1-02: Authorized collectors, 4729:10-1-03: Law enforcement agencies, and 4729:10-1-04: Procedure for destruction of collected drugs to the Board for consideration.

R-2023-0060

Ms. Buettner moved that the Board approve rule 4729:10 – Drug Disposal for filing with CSI and JCARR. The motion was seconded by Ms. Pfaff and approved by the Board: Yes-8, No-0.

2:03 p.m.

Mr. McNamee presented rules 4729:1-3-02: Immunization administration, 4729:2-3-03: Immunization administration by pharmacy interns, and 4729:5-3-09: Occasional sale and drug transfers to the Board for consideration.

R-2023-0061

Mr. Miller moved that the Board approve rules 4729:1-3-02: Immunization administration, 4729:2-3-03: Immunization administration by pharmacy interns, and 4729:5-3-09: Occasional sale and drug transfers for filing with CSI and JCARR. The motion was seconded by Mr. George and approved by the Board: Yes-8, No-0.

2:20 p.m.

Mr. McNamee presented rules 3796:7-2-01: Procedure for patient registration, 3796:7-2-04: Purchase of medical marijuana, and 4729:5-3-20: Pharmacy Pilot or Research Projects to the Board for consideration.

R-2023-0062

Mr. George moved that the Board approve rules 3796:7-2-01: Procedure for patient registration, 3796:7-2-04: Purchase of medical marijuana, and 4729:5-3-20: Pharmacy Pilot or Research Projects for filing with JCARR. The motion was seconded by Ms. Buettner and approved by the Board: Yes-8, No-0.

- 2:22 p.m.** Mr. McNamee presented rule 3796:6-3-02 to the Board for consideration.
- R-2023-0063** Mr. George moved that the Board file rule 3796:6-3-02 with CSI and JCARR. The motion was seconded by Ms. Buettner and approved by the Board: Yes-8, No-0.
- 2:24 p.m.** Mr. McNamee provided an update on the Pharmacist Workload Advisory Committee Staffing Plan and Metrics/Quotas.
- R-2023-0064** Ms. Buettner 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. The motion was seconded by Mr. Huston and a roll-call vote was conducted by President Wilt as follows: Buettner-yes; Ferris-yes; George-yes; Goodman-yes; Grimm-yes; Huston-yes, Miller-yes; and Pfaff-yes.
- 4:00 p.m.** The Board returned to public session and Mr. McNamee presented rule 4729:3-3-06 – *Immunization Administration* to the Board for consideration.
- R-2023-0065** Mr. Miller moved that the Board amend rule 4729:3-3-06 – *Immunization Administration* for filing with CSI. The motion was seconded by Mr. Huston and approved by the Board: Yes-6, No-1 (Mr. Grimm).
- 4:08 p.m.** The Board adjourned for the day.

Tuesday, September 13, 2022**9:03 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:

Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPH, *Vice President*; Mindy Ferris, RPh; Jason George, RPh; Victor Goodman, *Public Member*; TJ Grimm, RPh; Jeff Huston, RPh; Christine Pfaff, RPh.

Also present were Steven Schierholt, *Executive Director*; Sharon Maerten-Moore, *Chief Legal Counsel*; Joseph Koltak, *Senior Legal Counsel*; Michelle Bohan, *Associate Legal Counsel*; Darcy Moulin, *Senior Legal Counsel*; Kathryn Lewis, *Legal Administrator*.

R-2023-0066

After votes were taken in public session, the Board adopted the following order in the Matter of **Ce'Aira Henderson, Registered Pharmacy Technician, Canton, Ohio.**

ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING AND APPROVING IN PART AND MODIFYING IN
PART
REPORT AND RECOMMENDATION OF HEARING EXAMINER
(Case No. A-2022-0082)

In the Matter of Ce'Aira Henderson:

Ce'Aira Henderson
1132 Harrison Ave. SW
Canton, OH 44706
Registered Pharmacy Technician, no. 09-215799

INTRODUCTION

Ce'Aira Henderson (Respondent) was issued a Certified Pharmacy Technician Registration (No. 09-215799) on December 15, 2021. The Board issued a Summary Suspension/Notice of Opportunity for Hearing on February 9, 2022. Respondent timely requested a hearing, and the Matter of Ce'Aira Henderson came for hearing before Hearing Examiner Anna L. Bates on June 11, 2022. Respondent appeared *pro se* and the State of Ohio was represented by Henry Appel, Assistant Attorney General. The Hearing Examiner's Report and Recommendation was issued to Respondent via certified mail, return receipt requested, on or about July 20, 2022 and September 1, 2022. A courtesy copy was also issued to Respondent via email that day. The matter subsequently came for consideration by the Board on September 13, 2022, before the following members: Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh, Vice President; Mindy Ferris, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christina Pfaff, 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: the State's Exhibits, the hearing transcript, and Hearing Examiner Bates' Report and Recommendation.

DECISION OF THE BOARD

1. Based on a thorough review of the entire administrative record in this matter, the Board hereby confirms and adopts the Findings of Fact contained in Hearing Examiner Bates' Report and Recommendation.

2. Based on a thorough review of the entire administrative record in this matter, the Board hereby confirms and adopts the Conclusions of Law in Hearing Examiner Bates' Report and Recommendation.

Based on a thorough review of the administrative record, and the findings of fact (Paragraph (1) above) and conclusion of law (Paragraph (2) above) made by the Board in this matter, the Board hereby modifies Hearing Examiner Bates' Report and Recommendation and removes the summary suspension and suspends indefinitely Ce'Aira Henderson's Registered Pharmacy Technician registration number 09-215799 as of the mailing of this order.

Ce'Aira Henderson, pursuant to Rule 4729:3-1-01(BB) of the Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

Further, after two years from the effective date of this order, the Board will consider any petition filed by Ce'Aira Henderson for a hearing pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the registered pharmacy technician registration if the following conditions are met:

1. Ce'Aira Henderson must maintain a current address with the Board throughout the duration of the suspension.
2. Ce'Aira Henderson must enter into and adhere to the terms of a new contract, signed within thirty days after the effective date of this Order, with a Board approved treatment monitor for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Ce'Aira Henderson should also submit to the Board documentation demonstrating compliance with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider, if applicable. Failure to adhere to the terms of the treatment contract and/or monitoring contract will be considered a violation of the Board's Order and subject Ce'Aira Henderson to potential sanctions up to and including revocation of license. The monitoring contract must provide that:
 - a. Random, observed urine drug screens shall be conducted at least once each month.
 - b. The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - c. Alcohol and Ethyl Glucuronide (ETG) must be added to the standard urine drug screen.

- d. Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
 - e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Ce'Aira Henderson in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.
 - f. Ce'Aira Henderson must meet the daily check-in requirements of the testing center or check-in requirements as otherwise proscribed by the treatment monitor.
 - g. The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
 - h. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - i. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- 3. Ce'Aira Henderson shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the Board's Order and request Ce'Aira Henderson reappear before the Board for possible additional sanctions, including and up to revocation of license.
 - 4. Ce'Aira Henderson shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of suspension. The Board shall treat any such refusal as a violation of the Board's Order and request Ce'Aira

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

5. Ce'Aira Henderson must immediately report any violation of the terms of this suspension to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Ce'Aira Henderson to possible additional sanctions, including and up to revocation of license.
6. Ce'Aira Henderson must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
7. Ce'Aira Henderson must provide, in the reinstatement petition, documentation of the following:
 - a. Compliance with the contract required above (e.g.- proof of giving the sample within twelve hours of notification and copies of all drug and alcohol screen reports, meeting attendance records, treatment program reports, etc.);
 - b. Compliance with the continuing pharmacy education requirements set forth in 4729:3-5-02 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
 - c. Compliance with the terms of this Order.
8. Ce'Aira Henderson must provide continuing authorization for disclosure by the monitor and treatment provider (when applicable) to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their duties.
9. Ce'Aira Henderson must obtain prior approval of the board or the board's probation committee of departures or absences in excess of ten days from the country. Periods of departure or absence shall not change the probationary term, unless otherwise determined by motion of the board or the board's probation committee. For absences of three months or longer, the board or its probation committee may toll the length of suspension, other than in instances where the board or its probation committee can be assured that monitoring is otherwise being performed.
10. Violation of any term of suspension, including but not limited to any violation of the contract signed with the treatment monitor and/or ODMHAS or other approved treatment

provider may result in additional action before the Board up to and including revocation of your pharmacy license.

11. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state, federal, or local law will be considered a violation of this Order resulting in a hearing before the Board and may also result in criminal and/or administrative charges.
12. Periods during which Ce'Aira Henderson is not in compliance with all terms of suspension shall toll the length of time of suspension during which Ce'Aira Henderson was out of compliance. The minimum length of time each violation will toll the suspension term is available on the Board's website, www.pharmacy.ohio.gov. The Board may implement additional disciplinary action in addition to or instead of tolling suspension.
13. If Ce'Aira Henderson's employment is related to the practice of pharmacy, Ce'Aira Henderson must provide copies of the board order or settlement agreement to all employers or prospective employers, all licensing authorities in which Ce'Aira Henderson holds a professional license or applies for a professional license, all persons who provide Ce'Aira Henderson chemical dependency treatment monitoring, and law enforcement and court personnel if Ce'Aira Henderson has court involvement, such as ILC, drug court or diversion, related the suspension, during the effective period of this order or agreement.
14. Failure to complete the terms set forth in this Board's Order, or to petition for reinstatement within five years of the date of this Order, may result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Ce'Aira Henderson's license.

Mr. Miller moved to confirm and adopt the Hearing Examiner's Findings of Fact; Mr. Grimm seconded the motion. Motion passed (Yes-8/No-0).

Mr. Miller moved to confirm and adopt the Hearing Examiner's Conclusions of Law; Mr. Grimm seconded the motion. Motion passed (Yes-8/No-0).

Mr. Miller moved to modify the Hearing Examiner's recommendation, as described above; Mr. Grimm seconded the motion. Motion passed (Yes-8/No-0).

SO ORDERED.

R-2023-0067

After votes were taken in public session, the Board adopted the following order in the Matter of **Jeremy Nicely, Certified Pharmacy Technician, Cincinnati, Ohio.**

ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
MODIFYING REPORT & RECOMMENDATION OF HEARING
EXAMINER

(Case Number A-2022-0142)

IN THE MATTER OF:

Jeremy Nicely

462 Vancouver Ct.

Cincinnati, OH 45244

Certified Pharmacy Technician Registration No. 09-306285

INTRODUCTION

Jeremy Nicely (Respondent) was issued a Certified Pharmacy Technician Registration (No. 09-306285) on April 4, 2018. The Board issued a Summary Suspension/Notice of Opportunity for Hearing on March 17, 2022. Respondent timely requested a hearing, and the Matter of Jeremy Nicely came for hearing before Hearing Examiner Keith Golden on June 13, 2022. Respondent appeared *pro se* and the State of Ohio was represented by Henry Appel, Assistant Attorney General. The Hearing Examiner's Report and Recommendation was issued to Respondent via certified mail, return receipt requested, on or about July 25, 2022. A courtesy copy was also issued to Respondent via email that day. The matter subsequently came for consideration by the Board on September 13, 2022, before the following members: Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh, Vice President; Mindy Ferris, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christina Pfaff, 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: the State's Exhibits, the hearing transcript, and Hearing Examiner Golden's Report and Recommendation.

DECISION OF THE BOARD

1. Based on a thorough review of the entire administrative record in this matter, the Board hereby confirms and adopts the Findings of

Fact contained in Hearing Examiner Golden's Report and Recommendation.

2. Based on a thorough review of the entire administrative record in this matter, the Board hereby modifies Hearing Examiner Golden's Report and Recommendation and adopts, as its Conclusion of Law, the following:
 - A. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of (A) of section 4729.96 of the ORC, as effective October 9, 2021:
 - I. Engaged in unprofessional conduct, as prescribed in rules adopted by the board under section 4729.94 of the Revised Code, ORC 4729.96 Section (A)(2)(b); and/or
 - II. Is addicted to or abusing alcohol or drugs or impaired physically or mentally to such a degree as to render the individual unable to perform the individual's duties, ORC 4729.96 Section (A)(2)(c); and/or
 - III. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 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 4729.96 Section (A)(2)(d); and/or
 - IV. Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted by the board under section 4729.94 of the Revised Code, ORC Section 4729.96(A)(2)(g).
 - B. Such conduct as set forth in the Allegations section, if proven, constitutes a violation of each of the following divisions of Rule 4729:3-4-01 of the OAC, as effective May 30, 2020:
 - I. Has engaged in any of the conduct specified in division (A)(2) of section 4729.96 of the Revised Code, OAC Rule 4729:3-4-01(C)(1); and/or
 - II. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired registration, OAC Rule 4729:3-4-01(C)(2); and/or
 - III. Engaged in unprofessional conduct, OAC Rule 4729:3-4-01(C)(9).

Based on a thorough review of the administrative record, and the findings of fact (Paragraph (1) above) and conclusion of law (Paragraph (2) above) made by the Board in this matter, the Board hereby modifies Hearing Examiner Golden's Report and Recommendation and removes the summary suspension and suspends indefinitely Jeremy Nicely's Certified Pharmacy Technician registration number 09-306285 as of the mailing of this Order.

Jeremy Nicely, pursuant to Rule 4729:3-1-1(BB) of the Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

Further, after one year from the effective date of this order, the Board will consider any petition filed by Jeremy Nicely for a hearing pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the certified pharmacy technician registration if the following conditions are met:

1. Jeremy Nicely must maintain a current address with the Board throughout the duration of the suspension.
2. Jeremy Nicely must enter into and adhere to the terms of a new contract, signed within thirty days after the effective date of this Order, with a Board approved treatment monitor for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Jeremy Nicely should also submit to the Board documentation demonstrating compliance with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider, if applicable. Failure to adhere to the terms of the treatment contract and/or monitoring contract will be considered a violation of the Board's Order and subject Jeremy Nicely to potential sanctions up to and including revocation of license. The monitoring contract must provide that:
 - a. Random, observed urine drug screens shall be conducted at least once each month.
 - b. The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - c. Alcohol and Ethyl Glucuronide (ETG) must be added to the standard urine drug screen.
 - d. Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including

those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

- e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Jeremy Nicely in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.
 - f. Jeremy Nicely must meet the daily check-in requirements of the testing center or check-in requirements as otherwise proscribed by the treatment monitor.
 - g. The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
 - h. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - i. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
3. Jeremy Nicely shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the Board's Order and request Jeremy Nicely reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. Jeremy Nicely shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of suspension. The Board shall treat any such refusal as a violation of the Board's Order and request Jeremy Nicely reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. Jeremy Nicely must immediately report any violation of the terms of this suspension to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will

subject Jeremy Nicely to possible additional sanctions, including and up to revocation of license.

6. Jeremy Nicely must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
7. Jeremy Nicely must provide, in the reinstatement petition, documentation of the following:
 - a. Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug and alcohol screen reports, meeting attendance records, treatment program reports, etc.);
 - b. Compliance with the continuing pharmacy education requirements set forth in 4729:3-5-02 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
 - c. Compliance with the terms of this Order.
8. Jeremy Nicely must provide continuing authorization for disclosure by the monitor and treatment provider (when applicable) to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their duties.
9. Jeremy Nicely must obtain prior approval of the board or the board's probation committee of departures or absences in excess of ten days from the country. Periods of departure or absence shall not change the probationary term, unless otherwise determined by motion of the board or the board's probation committee. For absences of three months or longer, the board or its probation committee may toll the length of suspension, other than in instances where the board or its probation committee can be assured that monitoring is otherwise being performed.
10. Violation of any term of suspension, including but not limited to any violation of the contract signed with the treatment monitor and/or ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of your pharmacy license.
11. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state, federal, or local law will be considered a violation of this Order resulting in a hearing before the Board and may also result in criminal and/or administrative charges.

12. Periods during which Jeremy Nicely is not in compliance with all terms of suspension shall toll the length of time of suspension during which Jeremy Nicely was out of compliance. The minimum length of time each violation will toll the suspension term is available on the Board's website, www.pharmacy.ohio.gov. The Board may implement additional disciplinary action in addition to or instead of tolling suspension.
13. If Jeremy Nicely's employment is related to the practice of pharmacy, Jeremy Nicely must provide copies of the board order or settlement agreement to all employers or prospective employers, all licensing authorities in which Jeremy Nicely holds a professional license or applies for a professional license, all persons who provide Jeremy Nicely chemical dependency treatment monitoring, and law enforcement and court personnel if Jeremy Nicely has court involvement, such as ILC, drug court or diversion, related the suspension, during the effective period of this order or agreement.
14. Failure to complete the terms set forth in this Board's Order, or to petition for reinstatement within five years of the date of this Order, may result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Jeremy Nicely's license.

Mr. Huston moved to confirm and adopt the Hearing Examiner's Findings of Fact; Mr. George seconded the motion. Motion passed (Yes-8/No-0).

Mr. Huston moved to modify the Hearing Examiner's Conclusions of Law, as described above; Mr. George seconded the motion. Motion passed (Yes-8/No-0).

Mr. Huston moved to modify the Hearing Examiner's recommendation, as described above; Mr. George seconded the motion. Motion passed (Yes-8/No-0).

SO ORDERED.

9:08 a.m.

Mr. Cathcart provided the Medical Marijuana Program update.

R-2023-0068

Ms. Buettner 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. The motion was seconded by Mr. Grimm and a roll-call vote was conducted by President Wilt as

follows: Buettner-yes; Ferris-yes; George-yes; Goodman-yes; Grimm-yes; Huston-yes, Miller-yes; and Pfaff-yes.

R-2023-0069

After hearing Mr. Flaharty discuss the significant facts regarding the activities of Certified Pharmacy Technician, Jaime Hamilton, Ashtabula, Ohio, Ms. Buettner moved that the Board summarily suspend the Pharmacy Technician Trainee Registration belonging to Jaime Hamilton, Ashtabula, Ohio. The motion was seconded by Mr. Huston and approved by the Board: Yes-8, No-0.

R-2023-0070

After hearing Mr. Flaharty discuss the significant facts regarding the activities of Pharmacist, Hussein Zein El-Khatib, Northville, MI, Ms. Ferris moved that the Board summarily suspend the Pharmacist License belonging to Hussein Zein El-Khatib, Northville, MI. The motion was seconded by Mr. George and approved by the Board: Yes-8, No-0.

11:31 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-2023-0071

After hearing Mr. Flaharty discuss the significant facts regarding the activities of said Pharmacist, Mr. Grimm moved that the pharmacist be referred for a neuropsychological evaluation. The motion was seconded by Ms. Buettner and approved by the Board: Yes-8, No-0.

11:55 p.m.

The Board recessed for the 5-minute break.

R-2023-0072

The Board returned to public session and Mr. Grimm moved to amend the prior motion (R-2023-0069) and to include a fourteen (14) day requested timeframe on the neuropsychological evaluation. The motion was seconded by Ms. Buettner and approved by the Board: Yes-8, No-0.

12:06 p.m.

President Wilt announced the OAC Rule 4729-2-02 appointments.

R-2023-0073

Mr. Wilt announced the dismissal of the Notice of Opportunity for Hearing issued on February 25, 2022, in the matter of **Suzanne Higginbotham, Powell, Ohio**.

R-2023-0074

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

**IN THE MATTER OF:
CASE No. A-2022-0111
501-6557**

**Eastgate Dental Excellence
License No. 02-2744150**
c/o Dr. Daniel Kelley
3241 Mt. Carmel Road
Cincinnati, Ohio 45244

**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 Eastgate Dental Excellence for the purpose of resolving all issues between the parties relating to the Board investigation of illegal purchases of dangerous drugs from a facility which was not licensed with the State of Ohio Board of Pharmacy. Together, the Board and Eastgate Dental Excellence 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. Eastgate Dental Excellence is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2744150.

FACTS

1. The Board initiated an investigation of Eastgate Dental Excellence, Terminal Distributor of Dangerous Drugs license number 02-2744150, related to Eastgate Dental Excellence's illegal purchases of dangerous drugs from a facility which was not licensed with the State of Ohio Board of Pharmacy.
2. On or about August 1, 2022 the Board sent a Notice of Opportunity for Hearing to Eastgate Dental Excellence, 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. Eastgate Dental Excellence neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 1, 2022, 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. Eastgate Dental Excellence agrees to pay to the Board a monetary penalty 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. The Board hereby imposes a written reprimand on Eastgate Dental Excellence's TDDD license, number 02-2744150.
5. Eastgate Dental Excellence 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. Eastgate Dental Excellence 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 Eastgate Dental Excellence 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 Eastgate Dental Excellence by the Board and will NOT discharge Eastgate Dental Excellence from any obligation under the terms of this Agreement.
7. Eastgate Dental Excellence agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Eastgate Dental Excellence 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 Eastgate Dental Excellence will operate.
 10. Eastgate Dental Excellence waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 13. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 14. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 15. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2023-0075

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

**IN THE MATTER OF:
Case No. A-2020-0148**

**Elizabeth Strange
Technician Trainee Registration No. 09-105694
8029 Township Line Rd.
Certified Technician No. 09-315173
Waynesville, OH 45068**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Elizabeth Strange for the purpose of resolving all issues between the parties relating to the Board investigation of Elizabeth Strange working without a valid registration as a pharmacy technician. Together, the Board and Elizabeth Strange 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. Elizabeth Strange is a certified pharmacy technician in the state of Ohio under registration number 09-315173, as of October 26, 2020 and was formerly a technician trainee under registration number 09-105694 on or between the dates of October 2018 through January 6, 2021.

FACTS

1. The Board initiated an investigation of Elizabeth Strange, certified pharmacy technician registration number 09-315173, related to Elizabeth Strange's working as a pharmacy technician trainee under an expired trainee registration (09-105694) at Walgreen's Pharmacy.
2. On or about January 5, 2022 the Board sent a Notice of Opportunity for Hearing to Elizabeth Strange 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 proceedings.

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Elizabeth Strange neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated January 5 2022;

however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.

3. Elizabeth Strange agrees to pay to the Board the amount of amount of \$25.00. This fine will be attached to the certified pharmacy technician registration record and must be paid no later than 180 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 Board hereby imposes a written reprimand on Elizabeth Strange's technician trainee registration, number 09-105694.
 5. Elizabeth Strange agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 6. Elizabeth Strange understands that she has the right to be represented by counsel for review and execution of this agreement.
 7. Elizabeth Strange agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
 8. Elizabeth Strange 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.
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R-2023-0076

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

**IN THE MATTER OF:
CASE NO. A-2022-0478
1-2022-1037**

**Dane Drugs Pharmacy
c/o Kathryn R. Green, R.Ph.
6495 E. Broad Street Columbus, OH 43213**

**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 Dane Drugs Pharmacy and/or Kathryn R. Green, for the purpose of resolving all issues between the parties relating to the Terminal Distributor of Dangerous Drugs being closed with drug stock inside and no responsible person. Together, the Board and Dane Drugs Pharmacy are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Dane Drugs Pharmacy, located at 6495 E. Broad Street, Columbus, Ohio, is a licensed Category 3 Terminal Distributor of Dangerous Drugs under license number 02-0788900. Kathryn R. Green is the owner and Responsible Person of Dane Drugs Pharmacy.

FACTS

1. The Board initiated an investigation on May 12, 2022 of Dane Drugs Pharmacy, TODD license number 02- 0788900, after receiving that Kathryn R. Green, owner and responsible person of Dane Drugs Pharmacy, was unable to properly run the pharmacy.

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 Agreement as though fully set forth herein.
 2. DANE DRUGS PHARMACY VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY ITS LICENSE AND REGISTRATION AS A TERMINAL DISTRIBUTOR OF DANGEROUS DRUGS, LICENSE NO. 02-0788900.
 3. Kathryn R. Green, owner of Dane Drugs Pharmacy, inactive Terminal Distributor of Dangerous Drugs (TODD) license no. 02-0788900, agrees the State of Ohio Board of Pharmacy (Board) will, on August 9, 2022, remove all dangerous drugs including controlled substances, as defined in sections 3719.01 and 4729.01(F) of the Ohio Revised Code, from Dane Drugs Pharmacy, located at 6495 E. Broad Street, Columbus, Ohio, for which an active, non-suspended Board license must be held in order to possess the dangerous drug or controlled substance, pursuant to ORC Section 4729.541(0).
 4. This Agreement authorizes the Board to destroy the drugs surrendered on August 9, 2022 by Dane Drugs Pharmacy and Kathryn R. Green. The drugs, considered adulterated pursuant to 3715.01 and 3715.52 to 3715.17 of the Ohio Revised Code, shall be lawfully disposed of by the Board.
 5. The Board agrees all other personal property, including pharmacy-related and patient records, of Kathryn R. Green will remain with Kathryn R. Green. Kathryn R. Green agrees to retain patient records for three years, pursuant to Ohio Administrative Code Rule 4729:5-S-04(L).
 6. 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.
 7. This Agreement shall become effective upon the date of the signature below.
 8. Dane Drugs Pharmacy and/or Kathryn R. Green understands it has the right to be represented by counsel for review and execution of this agreement.
 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 shall become effective upon the date of the Board President's signature below.
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R-2023-0077

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

**IN THE MATTER OF:
CASE NO. A-2020-0791**

**CVS Pharmacy #3613
PENDING License No. 02-0879550**
c/o Shelly Miller, RPh
5445 N. High Street
Columbus, OH 43214

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and CVS #3613 for the purpose of resolving all issues between the parties relating to the Board investigation of violations related to understaffing in the pharmacy. Together, the Board and CVS #3613 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. CVS Pharmacy #3613, located at 5445 N. High Street, Columbus, Ohio, has an active TDDD license with the Board under license number 02-0879550, which lists Shelly Miller, RPh as the Responsible Person.

FACTS

1. The Board initiated an investigation of CVS #3613, Terminal Distributor of Dangerous Drugs license number 02-0879550, related to CVS #3613's violations related to understaffing in the pharmacy.
2. On or about June 8, 2022 the Board sent a Notice of Opportunity for Hearing to CVS #3613, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about July 5, 2022, CVS #3613, through counsel Brian Convery, timely requested an administrative hearing, which was subsequently scheduled for December 7, 2022. This matter was settled via this Agreement prior to hearing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. CVS #3613 neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated June 8, 2022; 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. CVS #3613 agrees to pay to the Board a monetary penalty the amount of \$1,000.00 This fine will be attached to your license record and must be paid no later than 180 days from the effective date of this Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. The Board hereby imposes a written reprimand on CVS #3613's TDDD license, number 02-0879550.
5. CVS #3613 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. CVS #3613 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 CVS #3613 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 CVS #3613 by the Board and will NOT discharge CVS #3613 from any obligation under the terms of this Agreement.
7. CVS #3613 agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

8. CVS #3613 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 CVS #3613 will operate.
10. CVS #3613 explicitly withdraws its request for a hearing, waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an appeal.
11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
13. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
14. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
15. This Agreement shall become effective upon the date of the Board President's signature below.

R-2023-0078

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

**IN THE MATTER OF:
CASE NO. A-2021-0337**

**CVS Pharmacy #6123
License No. 02-2012600
c/o Zach Bailes, RPh
7500 Beechmont Avenue
Cincinnati, Ohio 45255**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and CVS #6123 for the purpose of resolving all issues between the parties relating to the Board investigation of failure to report a pharmacist for arriving to work while impaired and under the influence of alcohol. Together, the Board and CVS #6123 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. CVS #6123 is a licensed Terminal Distributor of Dangerous Drugs under license number 2-2012600, located at 7500 Beechmont Avenue, Cincinnati, Ohio, 45255.

FACTS

1. The Board initiated an investigation of CVS #6123, Terminal Distributor of Dangerous Drugs license number 02-80000095, related to CVS #6123's failure to report a pharmacist for arriving to work while impaired and under the influence of alcohol.
2. On or about March 9, 2022 the Board sent a Notice of Opportunity for Hearing to CVS #6123, 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 April 5, 2022, CVS #6123, through counsel Nathaniel Brand III, timely requested an administrative hearing, which was subsequently scheduled for August 10, 2022. This matter was settled via this Agreement prior to hearing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. CVS #6123 neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 9, 2022; 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. CVS #6123 agrees to pay to the Board a monetary penalty the amount of \$750.00 This fine will be attached to your license record and must be paid no later than 180 days from the effective date of this Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. The Board hereby imposes a written reprimand on CVS #6123's TDDD license, number 02-2012600.
5. CVS #6123 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. CVS #6123 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 CVS #6123 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 CVS #6123 by the Board and will NOT discharge CVS #6123 from any obligation under the terms of this Agreement.
7. CVS #6123 agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. CVS #6123 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 CVS #6123 will operate.
10. CVS #6123 explicitly withdraws its request for a hearing, waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an appeal.

11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
13. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
14. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
15. This Agreement shall become effective upon the date of the Board President's signature below.

R-2023-0079

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

**IN THE MATTER OF:
CASE NO. A-2020-0212**

**Eric Napier, RPh
License No. 03-215655
10997 Wood Rd
Miamisburg, OH 45342**

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Eric Napier, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of Eric Napier accessing an Ohio Automated Rx Reporting System (OARRS) patient profile for an individual without a legitimate reason to do so and in violation of the OARRS Acceptable Use Policy. Together, the Board and Eric Napier 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 Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Eric Napier is a licensed pharmacist in the state of Ohio under license number 03-215655.

FACTS

1. The Board initiated an investigation of Eric Napier, pharmacist license number 03-215655, related to Eric Napier accessing an Ohio Automated Rx Reporting System (OARRS) patient profile for an individual without a legitimate reason to do so and in violation of the OARRS Acceptable Use Policy.
2. On or about March 29, 2022, the Board sent a Notice of Opportunity for Hearing to Eric Napier, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about April 13, 2022, Eric Napier, through counsel Levi Tkach, timely requested an administrative hearing, which was subsequently scheduled for September 14, 2022. Settlement of this matter was reached prior to hearing.

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. Eric Napier neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated March 29, 2022; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Eric Napier agrees to pay to the Board a monetary penalty in the amount of \$500.00 This fine will be attached to Eric Napier'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.elicense.ohio.gov and process the items in the cart.

4. Eric Napier must obtain ten hours of approved continuing pharmacy education (1.0 CEUs) which may not also be used for license renewal. The 1.0 CEUs must be in ethics, proper use of OARRS, professionalism and/or general medical practices, and 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. The Board hereby imposes a written reprimand on Eric Napier 's pharmacist license, number 03-215655.
 6. Eric Napier agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Eric Napier understands that he has the right to be represented by counsel for review and execution of this agreement.
 8. Eric Napier agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
 9. Eric Napier explicitly withdraws his request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an appeal.
 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. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 14. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2023-0080

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

**IN THE MATTER OF:
Case No. A-2021-0211**

**Osama Daher, RPh
License No. 03-326904
400 Rippling Stream Road
Durham, NC 27704**

**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 Osama Daher, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of improper storage/quarantining of warm vaccines that had not been properly stored, which resulted in the administration of the vaccines to patients. Together, the Board and Osama Daher 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 Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Osama Daher is a licensed pharmacist in the state of Ohio under license number 03-326904.

FACTS

1. The Board initiated an investigation of Osama Daher, pharmacist license number 03-326904, related to improper storage/quarantining of warm vaccines that had not been properly stored, which resulted in the administration of the vaccines to patients.
2. On or about December 10, 2021, the Board sent a Notice of Opportunity for Hearing to Osama Daher, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

3. On or about March 22, 2022, Osama Daher, through counsel William Mann, timely requested an administrative hearing, which was subsequently scheduled for June 6, 2022 and continued to September 12, 2022. Settlement of this matter was reached prior to hearing.

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. Osama Daher neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 10, 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. Osama Daher agrees to pay to the Board a monetary penalty in the amount of \$1,000.00 This fine will be attached to Osama Daher'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.elicense.ohio.gov and process the items in the cart.
4. Osama Daher must obtain twelve hours of approved continuing pharmacy education (1.2 CEUs) which may not also be used for license renewal. The 1.2 CEUs must be completed within six months from the effective date of this agreement. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. The Board hereby imposes a written reprimand on Osama Daher's pharmacist license, number 03-326904.
6. Osama Daher agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Osama Daher understands that he has the right to be represented by counsel for review and execution of this agreement.
8. Osama Daher agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional

license, including to the Board on renewal applications or applications for a new license.

9. Osama Daher explicitly withdraws his request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an appeal.
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. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
14. This Agreement shall become effective upon the date of the Board President's signature below.

R-2023-0081

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

**IN THE MATTER OF:
CASE No. A-2022-0067
I-2021-1213**

Siena Woods
License No. 02-2389700
c/o Elizabeth Townsend, Responsible Person
6125 North Main Street
Dayton, OH 45415

**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 Siena Woods 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 Siena Woods are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Siena Woods is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2389700.

FACTS

1. The Board initiated an investigation of Siena Woods, Terminal Distributor of Dangerous Drugs license number 02-2389700, related to Siena Woods's illegal purchases of medical oxygen while operating without a Board-issued license.
2. On or about August 12, 2022 the Board sent a Notice of Opportunity for Hearing to Siena Woods, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Siena Woods neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 12, 2022; 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. Siena Woods agrees to pay to the Board a monetary penalty the amount of \$1,200.00. This fine will be attached to your license record and must be paid no later than 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. The Board hereby imposes a written reprimand on Siena Woods's TDDD license, number 02-2389700.
5. Siena Woods agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
6. Siena Woods agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Siena Woods of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Siena Woods by the Board and will NOT discharge Siena Woods from any obligation under the terms of this Agreement.
7. Siena Woods agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Siena Woods 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 Siena Woods will operate.
10. Siena Woods waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
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. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 15. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2023-0082

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

**IN THE MATTER OF:
CASE NO. 2021-0472**

**John F. Pangrac, R.Ph.
License No. 03-221312
623 LaGrange Street
Toledo, OH 43604**

**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 John Pangrac, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of two employees performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. Together, the Board and John Pangrac 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. John Pangrac is a licensed pharmacist in the state of Ohio under license number 03-221312.
3. John Pangrac is the Responsible Person and owner of James Pharmacy Inc., located at 623 LaGrange Street, Toledo, Ohio.

FACTS

4. The Board initiated an investigation of John F. Pangrac, pharmacist license number 03-221312, and James Pharmacy Inc. related to two employees of James Pharmacy performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.
5. On or about March 3, 2022, the Board sent a Notice of Opportunity for Hearing to John Pangrac, 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. John Pangrac neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated March 3, 2022; 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. John Pangrac agrees to pay to the Board a monetary penalty in the amount of \$250. This fine will be attached to John Pangrac'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.elicense.ohio.gov and process the items in the cart.
4. The Board hereby imposes a written reprimand on John Pangrac's pharmacist license, number 03-221312.
5. John Pangrac agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. John Pangrac understands that he has the right to be represented by counsel for review and execution of this agreement.
7. John Pangrac 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. John Pangrac 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. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2023-0083

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

**IN THE MATTER OF:
Case No. A-2021-0466**

**James Pharmacy Inc.
License No. 02-0171600
c/o John F. Pangrac, RPh
623 LaGrange Street
Toledo, Ohio 43604**

**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 James Pharmacy Inc. ("James Pharmacy") for the purpose of resolving all issues between the parties relating to the Board investigation of two employees performing duties of a pharmacy technician without maintaining appropriate registration with the Board. Together, the Board and James 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. James Pharmacy has an active TDDD license with the Board under license number 02-0171600, which lists John F. Pangrac, RPh, as the Responsible Person.

FACTS

1. The Board initiated an investigation of James Pharmacy, TDDD license number 02-0171600, related to two employees performing the duties of a pharmacy technician without maintaining appropriate registration with the Board.
2. On or about March 3, 2022, the Board sent a Notice of Opportunity for Hearing to James 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. James Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 3, 2022, 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. James Pharmacy agrees to pay to the Board a monetary penalty the amount of \$250. This fine will be attached to James Pharmacy'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. The Board hereby imposes a written reprimand on James Pharmacy's TDDD license, number 02-0171600.
5. James 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.

6. James 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 James 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 James Pharmacy by the Board and will NOT discharge James Pharmacy from any obligation under the terms of this Agreement.
7. James Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. James Pharmacy 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 James Pharmacy will operate.
10. James Pharmacy waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.
11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
12. All parties to this Agreement understand that this document is a public record pursuant to 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. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.

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

R-2023-0084

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

**IN THE MATTER OF:
Case No. A-2021-0525
I-2021-1456**

**Madison Avenue Pharmacy
License No. 02-2269200
c/o Eric Juergens, RPh
640 N. Fountain Ave.
Springfield, OH 45504**

**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 Madison Avenue 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 Madison Avenue 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. Madison Avenue Pharmacy has an active TDDD license with the Board under license number 02-2269200, which lists Eric Juergens, RPh, as the Responsible Person.

FACTS

1. The Board initiated an investigation of Madison Avenue Pharmacy, TDDD license number 02-2269200, related to an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.

2. On or about August 12, 2022 the Board sent a Notice of Opportunity for Hearing to Madison Avenue 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. Madison Avenue Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 12, 2022, 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. Madison Avenue Pharmacy agrees to pay to the Board a monetary penalty the amount of \$750.00. This fine will be attached to Madison Avenue Pharmacy'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.elicense.ohio.gov and process the items in the cart.
4. The Board hereby imposes a written reprimand on Madison Avenue Pharmacy's TDDD license, number 02-2269200.
5. Madison Avenue 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.
6. Madison Avenue 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 Madison Avenue 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 Madison Avenue Pharmacy by the Board and will NOT discharge Madison Avenue Pharmacy from any obligation under the terms of this Agreement.

7. Madison Avenue Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Madison Avenue Pharmacy 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 Madison Avenue Pharmacy will operate.
10. Madison Avenue Pharmacy waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.
11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
12. All parties to this Agreement understand that this document is a public record pursuant to 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. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
15. This Agreement shall become effective upon the date of the Board President's signature below.

R-2023-0085

Ms. Buettner moved that the July 11, 2022, Probation Meeting Minutes be approved as written. The motion was seconded by Mr. Grimm and approved by the Board: Yes-8, No-0.

R-2023-0086

Ms. Buettner moved that the July 11-12, 2022, Board Meeting Minutes be approved as written. The motion was seconded by Mr. Grimm and approved by the Board: Yes-8, No-0.

R-2023-0087 Ms. Buettner moved that the July 20, 2022, Conference Call Minutes be approved as written. The motion was seconded by Mr. Grimm and approved by the Board: Yes-8, No-0.

R-2023-0088 Ms. Buettner moved that the July 27, 2022, Conference Call Minutes be approved as written. The motion was seconded by Mr. Grimm and approved by the Board: Yes-8, No-0.

R-2023-0089 Mr. George moved that the August 8, 2022, Probation Committee Meeting Minutes be approved as written. The motion was seconded by Mr. Huston and approved by the Board: Yes-8, No-0.

R-2023-0090 Mr. George moved that the August 8, 2022, Board Meeting Minutes be approved as written. The motion was seconded by Mr. Huston and approved by the Board: Yes-8, No-0.

R-2023-0091 Mr. George moved that the August 24, 2022, Conference Call Minutes be approved as written. The motion was seconded by Mr. Huston and approved by the Board: Yes-8, No-0.

R-2023-0092 Mr. George moved that the August 31, 2022, Conference Call Minutes be approved as written. The motion was seconded by Mr. Huston and approved by the Board: Yes-8, No-0.

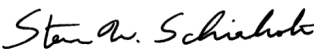
R-2023-0093 Mr. Huston moved to Adjourn the September 2022 State of Ohio Board of Pharmacy Meeting. The motion was seconded by Ms. Buettner and approved by the Board: Yes-8, No-0.

12:11 p.m. The Board Meeting Adjourned.



Shawn Wilt, RPh, President

Date: 10.11.2022



Steven W. Schierholt, Executive Director

Date: 10.11.2022