

**MINUTES OF THE FEBRUARY 3-4, 2025  
MEETING OF THE OHIO BOARD OF PHARMACY**

**Monday, February 3, 2025**

**10:00 a.m.**

The 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, with the following members present:

Mindy Ferris, RPh, *President*; Jeff Huston, RPh, *Vice President*; Trina Buettner, RPh; Jason George, RPh; TJ Grimm, RPh; Leonard Hubert, *Public Member*; Rich Miller, RPh; and Christine Pfaff, RPh.

Absent: Anthony Buchta, Sr., RPh.

Also present were Steven Schierholt, *Executive Director*; Sharon Maerten-Moore, *Chief Legal Counsel*; Kathryn Lewis, *Legal Administrator*; and Jennifer Nelson, *Legal Administrative Assistant*.

**10:01 a.m.**

Mr. Huston presented a resolution titled *Ohio Board of Pharmacy A Resolution for Rick Haun*.

**R-2025-0287**

Mr. Huston moved that the Board approve the resolution. The motion was seconded by Mr. George and approved by the Board: Yes-7, No-0. The following resolution was adopted by the Board:

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**Ohio Board of Pharmacy  
A Resolution for Rick Haun**

WHEREAS, the administrative and investigative efforts of Rick Haun, as an Agent with the Ohio Board of Pharmacy, have directly led to the successful and thoughtful enforcement of the Ohio Drug Laws; and

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

BE IT RESOLVED, that the Ohio Board of Pharmacy hereby commends Rick Haun for 30 years of service to the Cincinnati Police Department and almost 22 years of exemplary

service and performance to the Board and to the people of Ohio in carrying out the responsibilities of his positions, and

BE IT ALSO RESOLVED, that we, the members of the Ohio Board of Pharmacy, in its one hundred forty-first year, so express our profound appreciation to Rick Haun for his 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 Ohio Board of Pharmacy.

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**10:02 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 Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery, Warren, Ohio.

**R-2025-0288**

Mr. Huston 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. George and approved by the Board: Yes-7, No-0.

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**3:51 p.m.**

The Board returned to public session and Ms. Defiore-Hyrmer provided the OARRS Report.

**3:54 p.m.**

Mr. Griffin provided the Compliance and Enforcement Report.

**3:56 p.m.**

Ms. Maerten-Moore provided the Legal Report.

**3:56 p.m.**

Ms. Southard provided the Licensing Report.

**3:59 p.m.**

Ms. Southard presented the Examination Extension Request from Emmanuel Adu-Gyamfi – Eagle, ID (APP-000869259) - to the Board for consideration.

**R-2025-0289**

Mr. Grimm moved that the Board grant Emmanuel Adu-Gyamfi's request. The motion was seconded by Ms. Pfaff and approved by the Board: Yes-7, No-0.

**4:00 p.m.**

Mr. McNamee provided the Legislative Report.

- 4:02 p.m.** Mr. McNamee presented rules 4729:8-1-01 - Ohio Automated Rx Reporting System – Definitions, 4729:8-3-02 - Information required for submission, 4729:8-3-03 - Electronic format required for the transmission of drug sales, 4729:8-4-01 - Procedures for obtaining drug database information and access by peer review committees, 4729:11-1-01 - Definitions - home medical equipment, 4729:11-2-01 - Licensure, registration and renewal, 4729:3-3-06 - Immunization administration by certified and registered pharmacy technicians, 4729:2-3-03 - Immunization administration by pharmacy interns, and 4729:1-3-02 - Immunization administration by pharmacists to the Board for approval.
- 4:15 p.m.** Mr. Miller left the Board Meeting.
- R-2025-0290** Mr. Huston moved that the Board approve rules 4729:8-1-01 - Ohio Automated Rx Reporting System – Definitions, 4729:8-3-02 - Information required for submission, 4729:8-3-03 - Electronic format required for the transmission of drug sales, 4729:8-4-01 - Procedures for obtaining drug database information and access by peer review committees, 4729:11-1-01 - Definitions - home medical equipment, 4729:11-2-01 - Licensure, registration and renewal, 4729:3-3-06 - Immunization administration by certified and registered pharmacy technicians, 4729:2-3-03 - Immunization administration by pharmacy interns, and 4729:1-3-02 - Immunization administration by pharmacists for filing with CSI and JCARR. The motion was seconded by Mr. Grimm and approved by the Board: Yes-6, No-0
- 4:17 p.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 Kathy Jones Aesthetics, Cincinnati, Ohio.
- R-2025-0291** Mr. Huston 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. George and approved by the Board: Yes-6, No-0.
- 4:45 p.m.** The deliberation ended and the hearing opened to the public.
- R-2025-0292** After votes were taken in public session, the Board adopted the following order in the Matter of Kathy Jones Aesthetics, Cincinnati, Ohio.

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**ORDER OF THE STATE BOARD OF PHARMACY**

Case Number A-2021-0426

In The Matter Of:

**Kathy Jones Aesthetics**

3215 Madison Rd.

Cincinnati, OH 45209

License No. 02-2516400

#### INTRODUCTION

On March 21, 2024, the State of Ohio Board of Pharmacy (Board) issued a Notice of Opportunity for Hearing (Notice) to Kathy Jones Aesthetics (Respondent) via traceable email to Respondent's email address of record. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within thirty days of service of the Notice. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the matter came before the Board under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996) on February 3, 2025, before the following members of the Ohio Board of Pharmacy (Board): Mindy Ferris, RPh, *Presiding*; Jeff Huston, RPh, *Vice President*; Trina Buettner, RPh; Jason George, RPh; T.J. Grimm, RPh; Leonard Hubert, *Public Member*; and Christine Pfaff, RPh.

Anthony Buchta, Sr., RPh and Rich Miller, RPh; Absent.

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

#### SUMMARY OF EVIDENCE

##### State's Witnesses:

1. Elizabeth Bond, Board Compliance Specialist

##### Respondent's Witnesses:

1. None

##### State's Exhibits:

1. Notice Letter
2. Confidential Patient Key (\*filed under seal)
3. Inspection Report
4. Response to Inspection Report
5. Photos
6. Photos (\*filed under seal)
7. Prior Discipline

Respondent's Exhibits:

1. None

FINDINGS OF FACT

After hearing the testimony, observing the demeanor of the witnesses, considering the evidence, and weighing the credibility of each, the Board finds the following to be fact:

1. On or about May 10, 2021, the Board conducted an inspection at Kathy Jones Aesthetics (TDDD 02-2516400), located at 3215 Madison Rd., Cincinnati, Ohio. The inspection revealed multiple issues, including but not limited to, the following issues requiring a written response:
  - a. Records of drug administration did not contain the required information. Patient records for Patient 1 and Patient 2 were observed without the name of the drug administered specified in the record.
  - b. Dangerous drug stock was not maintained under appropriate supervision and control. Drug stock was stored in unlocked cabinets, drawers, and refrigerators.
  - c. Hypodermics were not maintained under appropriate supervision and control. Hypodermics were stored in unlocked cabinets, and drawers.
  - d. Drug storage areas were not properly maintained to ensure the integrity of the drug stock:
    - i. There was no temperature monitoring system in place.
    - ii. Refrigerators and/or freezers used for the storage of drugs were not maintained at the proper temperature.
    - iii. The refrigerator housing Botox and Hylenex did not have a temperature log.
    - iv. There was no policy to respond to temperature excursions for refrigerators and/or freezers.
    - v. Refrigerators and/or freezers used for drug storage were not free of food and beverage products. Both refrigerators used for drug storage contained beverages and/or food.

- e. The licensee did not have records of drug purchased on-site and readily available upon inspection.
- f. The licensee did not maintain records of the disposal of dangerous drugs. The clinic did not have any records of drug destruction upon inspection.
- g. Expired drug product was observed on-site. Multiple expired drugs were expired longer than one year. Expired multi-dose vials were observed in active drug stock, including on an open shelf in a patient treatment room.
- h. Non-sample drug personally furnished to patients was not properly labeled. The labels were missing the name and address of the provider, patient name, name and strength of the drug, directions for use, and the date furnished to the patient.
- i. Personally furnished drugs were not under appropriate supervision and control. Drugs were observed on open shelves in the patient waiting area of the clinic.
- j. Multi-dose drug vials were not properly labeled. Multi-dose vials were not labeled with a BUD or date of first puncture.

#### CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraphs (1)(f) and (1)(g) of the Findings of Fact section constitutes a violation of each of the following sections of Rule 4729:5-3-06 of the ORC, as effective March 1, 2019, Storage of adulterated drugs:
  - a. To prevent their use, adulterated drugs, as defined in agency 4729 of the Administrative Code, shall be stored in a separate and secure area apart from the storage of drugs used for dispensing, personally furnishing, compounding and administration.
    - i. Adulterated drugs shall be stored no longer than one year from the date of adulteration or expiration by those holding a terminal distributor of dangerous drugs license. Adulterated drugs shall be stored in a manner that prohibits access by unauthorized persons, OAC 4729:5-3-06(A); and
    - ii. Dangerous drugs, other than controlled substances, may be destroyed utilizing proper methods of disposal and following the record keeping requirements noted in agency 4729 of the Administrative Code, or may be donated to a pharmacy school pursuant to sections 3715.88 to 3715.92 of the Revised Code. Methods of disposal of non-controlled dangerous drugs shall prevent the possession or use of the drugs by unauthorized persons, OAC 4729:5-3-06(B).

2. Such conduct as set forth in paragraph (1)(h) of the Findings of Fact section constitutes a violation of each of the following sections of Rule 4729:5-19-02 of the ORC, as effective March 1, 2020, Personally furnishing dangerous drugs:
  - a. A prescriber who personally furnishes a dangerous drug, other than a sample drug pursuant to section 3719.81 of the Revised Code, shall affix to the container a label showing:
    - i. The name and address of the prescriber, OAC 4729:5-19-02(A)(1); and
    - ii. The name of the patient for whom the drug is intended, OAC 4729:5-19-02(A)(2); and
    - iii. Name and strength of the drug, OAC 4729:5-19-02(A)(3); and
    - iv. Directions for use, OAC 4729:5-19-02(A)(4); and
    - v. Date furnished, OAC 4729:5-19-02(A)(5); and
    - vi. If a compounded drug, the statement "Compounded Drug" or other similar statement shall also be displayed prominently on the label, OAC 4729:5-19-02(A)(6).
3. Such conduct as set forth in paragraphs (1)(b), (1)(c), (1)(d)(i), (1)(d)(ii), (1)(d)(iii), (1)(d)(iv), (1)(d)(v), (1)(e), (1)(f), (1)(g), (1)(i), and (1)(j) of the Findings of Fact section constitutes a violation of each of the following sections of Rule 4729:5-19-03 of the ORC, as effective March 1, 2020 and February 4, 2021, Security, control and storage of dangerous drugs:
  - a. The security and control of dangerous drugs is the responsibility of the responsible person on the terminal distributor of dangerous drugs license and the terminal distributor of dangerous drugs, OAC 4729:5-19-03(A); and
  - b. During non-business hours, hypodermics shall be stored in an area secured by a physical barrier with suitable locks, which may include a substantially constructed cabinet, locked room, or secured facility. During normal business hours, hypodermics shall not be stored in areas where members of the public are not supervised by individuals authorized to administer injections, OAC 4729:5-19-03(H); and

- c. During non-business hours, non-controlled dangerous drugs shall be stored in an area secured by a physical barrier with suitable locks, which may include a substantially constructed cabinet, locked room, or secured facility. During normal business hours, non-controlled dangerous drugs shall not be stored in areas where members of the public are not supervised by individuals authorized to administer such drugs, OAC 4729:5-19-03(I); and
- d. All records relating to the receipt, administration, distribution, personal furnishing and sale of dangerous drugs shall be maintained under appropriate supervision and control to restrict unauthorized access, OAC 4729:5-19-03(J); and
- e. All areas where dangerous drugs and devices are stored shall be dry, well-lit, well-ventilated, and maintained in a clean and orderly condition. Storage areas shall be maintained at temperatures and conditions which will ensure the integrity of the drugs prior to use as stipulated by the USP/NF and/or the manufacturer's or distributor's labeling. Refrigerators and freezers used for the storage of drugs and devices shall comply with the following:
  - i. Maintain either of the following to ensure proper refrigeration and/or freezer temperatures are maintained:
    - 1. Temperature logs with, at a minimum, daily observations, OAC 4729:5-19-03(K)(1)(a); and
    - 2. A temperature monitoring system capable of detecting and alerting staff of a temperature excursion, OAC 4729:5-19-03(K)(1)(b); and
  - ii. The terminal distributor shall develop and implement policies and procedures to respond to any out of range individual temperature readings or excursions to ensure the integrity of stored drugs, OAC 4729:5-19-03(K)(2); and
  - iii. The terminal distributor shall develop and implement a policy that no food or beverage products are permitted to be stored in refrigerators or freezers used to store drugs, OAC 4729:5-19-03(K)(3); and
- f. Upon the initial puncture of a multiple-dose vial containing a drug, the vial shall be labeled with a beyond-use date or date opened. The beyond-use date for an opened or entered (e.g., needle punctured) multiple-dose container with antimicrobial preservatives is twenty-eight days, unless otherwise specified by the manufacturer. A multiple-dose vial that exceeds its beyond-use date shall be deemed adulterated, OAC 4729:5-19-03(L); and



- g. Adulterated drugs, including expired drugs, shall be stored in accordance with rule 4729:5-3-06 of the Administrative Code OAC 4729:5-19-03(M); and
  - h. Disposal of non-controlled dangerous drugs shall be conducted in accordance with rule 4729:5-3-06 of the Administrative Code, OAC 4729:5-19-03(O).
4. Such conduct as set forth in paragraphs (1)(a), (1)(d)(i), (1)(d)(ii), (1)(d)(iii), (1)(d)(iv), (1)(e), (1)(f), (1)(h) of the Findings of Fact section constitutes a violation of each of the following sections of Rule 4729:5-19-04 of the ORC, as effective March 1, 2020, Record Keeping:
- a. A clinic or prescriber office shall keep a record of all dangerous drugs received, administered, personally furnished, disposed, sold or transferred, OAC 4729:5-19-04(A); and/or
  - b. Records of receipt shall contain the name, strength, dosage form, and quantity of the dangerous drugs received, the name and address of the seller, the name and address of the recipient, and the date of receipt. An invoice from a drug distributor licensed in accordance with division 4729:6 of the Administrative Code containing the required information may be used to meet this requirement OAC 4729:5-19-04(B); and/or
  - c. Records of temperature control monitoring described in paragraph (K)(1) of rule 4729:5-19-03 of the Administrative Code shall include any of the following:
    - i. For temperature logs, either:
      - 1. The date and time of observation, the full name or the initials of the individual performing the check, and the temperature recorded, OAC 4729:5-19-04(C)(1)(a); or
      - 2. For systems that provide automated temperature monitoring, maintain a report that provides, at a minimum, the date and time of observation and the temperature recorded, OAC 4729:5-19-04(C)(1)(b); and/or
    - ii. For temperature monitoring systems capable of detecting and alerting staff of a temperature excursion, maintain reports that provide information on any temperature excursion that includes the date, time, temperature recorded, and length of each excursion, OAC 4729:5-19-04(C)(2); and/or

- d. Records of personally furnishing shall contain the name, strength, dosage form, and quantity of the dangerous drugs personally furnished, the name, address and date of birth of the person to whom or for whose use the dangerous drugs were personally furnished, the positive identification of the prescriber personally furnishing the drug, the date the drug is personally furnished and, if applicable, the date the drug is received by the patient or patient's caregiver, OAC 4729:5-19-04(D); and/or
  - e. Records of administration shall contain the name, strength, dosage form, and quantity of the dangerous drugs administered, the name and date of birth of the person to whom or for whose use the dangerous drugs were administered, the date of administration, and for non-controlled substance dangerous drugs: the identification of the health care professional administering the drug, OAC 4729:5-19-04(E)(1)(a); and/or
  - f. Records of disposal of dangerous drugs from inventory, other than controlled substances, shall contain the name, strength, dosage form, and quantity of the dangerous drug disposed, the date of disposal, the method of disposal, and the identification of the licensed health care professional that performed the disposal, OAC 4729-5-19-04(F); and/or
  - g. All records maintained in accordance with this rule and rule 4729:5-19-03 of the Administrative Code shall be readily retrievable and shall be kept on-site for a period of three years, OAC 4729-5-19-04(J).
5. Such conduct as set forth in the Allegations section constitutes a violation of each of the following divisions of Rule 4729:5-2-01 of the OAC, as effective March 1, 2019, Responsible Person – Terminal Distributor:
    - a. The responsible person to whom the terminal distributor of dangerous drugs license has been issued and all licensed health professionals on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of dangerous drugs, OAC 4729:5-2-01(E)(4); and
    - b. The responsible person shall be responsible for ensuring the terminal distributor of dangerous drugs requirements are met, including, but not limited to, the supervision and control of dangerous drugs as required in division (B) of section 4729.55 of the Revised Code, adequate safeguards as required in division (C) of section 4729.55 of the Revised Code, security and control of dangerous drugs and maintaining all drug records otherwise required, OAC 4729:5-2-01(E)(6).

6. Such conduct as set forth in Findings of Fact Section constitutes a violation of each of the following divisions of Section 4729.55 of the ORC, as effective March 22, 2020 and March 31, 2021, TDDD license requirements:
  - a. The applicant is equipped as to land, buildings, and equipment to properly carry on the business of a terminal distributor of dangerous drugs within the category of licensure approved by the board, ORC 4729.55(A); and
  - b. A pharmacist, licensed health professional authorized to prescribe drugs, animal shelter licensed with the state board of pharmacy under section 4729.531 of the Revised Code, or a laboratory as defined in section 3719.01 of the Revised Code will maintain supervision and control over the possession and custody of dangerous drugs that may be acquired by or on behalf of the applicant, ORC 4729.55(B); and
  - c. Adequate safeguards are assured to prevent the sale or other distribution of dangerous drugs by any person other than a pharmacist or licensed health professional authorized to prescribe drugs, ORC 4729.55(C); and
  - d. Adequate safeguards are assured that the applicant will carry on the business of a terminal distributor of dangerous drugs in a manner that allows pharmacists and pharmacy interns employed by the terminal distributor to practice pharmacy in a safe and effective manner, ORC 4729.55(D).
  
7. Such conduct as set forth in Findings of Fact section constitutes a violation of each of the following divisions of Section 4729.57(B) of the ORC, as effective September 29, 2017:
  - a. Violating any rule of the board, ORC Section 4729.57(B)(2); and
  - b. Violating any provision of this chapter, ORC Section 4729.57(B)(3); and
  - c. Except as provided in section 4729.89 of the Revised Code, violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 3715. of the Revised Code, ORC Section 4729.57(B)(4); and
  - d. Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code, ORC Section 4729.57(B)(7); and

- e. Any other cause for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.57(B)(10).
8. Such conduct as set forth in Findings of Fact section each constitutes a violation of each of the following sections of Rule 4729:5-4-01 of the OAC, as effective March 1, 2019:
    - a. Violating any rule of the board, OAC Rule 4729:5-4-01(B)(2); and
    - b. Violating any provision of Chapter 4729. of the Revised Code, OAC Rule 4729:5-4-01(B)(3); and
    - c. Except as provided in section 4729.89 of the Revised Code, violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 3715. of the Revised Code, OAC Rule 4729:5-4-01(B)(4); and
    - d. Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code, OAC Rule 4729:5-4-01(B)(7).

#### DECISION OF THE BOARD

Pursuant to Section 4729.57 of the Ohio Revised Code, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy imposes a written reprimand and a monetary penalty in the amount of \$5,000.00 on Kathy Jones Aesthetics' license to practice pharmacy. This fine will be attached to Kathy Jones Aesthetics' license record and must be paid no later than six months from the effective date of this Order. To pay this fine Kathy Jones Aesthetics must login to [www.license.ohio.gov](http://www.license.ohio.gov) and process the items in the cart of the TDDD's Responsible Person.

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

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

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

SO ORDERED.

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**R-2025-0293**

Mr. George moved that the January 7, 2025, Probation Committee Meeting Minutes be approved as written. The motion was seconded by Mr. Huston and approved by the Board: Yes-6, No-0.

**R-2025-0294**

Mr. George moved that the January 7, 2025, Board Meeting Minutes be approved as written. The motion was seconded by Mr. Huston and approved by the Board: Yes-6, No-0.

**R-2025-0295**

Mr. George moved that the January 17, 2025, Emergency Meeting Minutes be approved as written. The motion was seconded by Mr. Huston and approved by the Board: Yes-6, No-0.

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**R-2025-0296**

Ms. Ferris announced the dismissal of the Notice of Opportunity for Hearing issued on August 12, 2021, in the matter of Frank Dundee (Case No. A-2020-0596).

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**R-2025-0297**

Ms. Ferris announced the dismissal of the Notice of Opportunity for Hearing issued on January 30, 2023, in the matter of East Springfield Volunteer Fire Dept (Case No. A-2021-0498).

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**R-2025-0298**

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

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**IN THE MATTER OF:  
CASE NO. A-2024-0133**

**Walgreens Co., DBA Walgreens Central Fill #21423**

**License No. 02-3000023**

6275 Winchester Blvd.

Canal Winchester, OH 43110

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

This Settlement Agreement (Agreement) is entered into by the Ohio Board of Pharmacy (Board) and Walgreens Central Fill #21423 for the purpose of resolving all issues between the parties relating to the Board investigation of Walgreen Central Fill #21423's failure to fully comply with the Automated Pharmacy System Rule. Together, the Board and Walgreens Central Fill #21423 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. Walgreens Central Fill #21423 is a licensed Terminal Distributor of Dangerous Drugs under license number 02-30000023, which lists Kristen Nicole Null, RPh, as the Responsible Person.

**FACTS**

1. The Board initiated an investigation of Walgreens Central Fill #21423, Terminal Distributor of Dangerous Drugs license number 02-30000023, related to Walgreens Central Fill #21423's failure to fully comply with the Automated Pharmacy System Rule.
2. On or about June 7, 2024, the Board sent a Notice of Opportunity for Hearing to Walgreens Central Fill #21423, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about June 12, 2024, Walgreens Central Fill #21423, through counsel Robert C. Buchbinder, timely requested an administrative hearing, which was subsequently scheduled for February 4, 2025. 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. Walgreens Central Fill #21423 neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated June 7, 2024; 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. Walgreens Central Fill #21423 agrees to pay to the Board a monetary penalty in the amount of \$125,000.00. 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](http://www.elicense.ohio.gov) and process the items in the cart of the Responsible Person.
4. The Board hereby imposes a written reprimand on Walgreens Central Fill #21423's TDDD license, number 02-30000023.
5. Walgreens Central Fill #21423 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. Walgreens Central Fill #21423 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 Walgreens Central Fill #21423 of one or more federal or state law may constitute sufficient grounds for additional and unrelated enforcement action regarding any applicable licenses granted to Walgreens Central Fill #21423 by the Board. Any such enforcement action shall not discharge Walgreens Central Fill #21423 from its obligations under the terms of this Agreement. For the avoidance of doubt, a violation of federal or state law unrelated to the obligations and subject matter of this Agreement shall not, in itself, constitute a breach of this Agreement.
7. Walgreens Central Fill #21423 agrees to pay all reasonable costs associated with the collection of any payment related to this Agreement, and of the prosecution of any violation of this Agreement.

8. Walgreens Central Fill #21423 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 Walgreens Central Fill #21423 will operate.
10. Walgreens Central Fill #21423 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.

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**R-2025-0299**

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

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**IN THE MATTER OF:  
CASE NO. A-2023-0268**



**Thornville Pharmacy, LLC****License No. 02-1397150**

c/o Stacy Appleton, RPh

2 North Main Street

Thornville, Ohio 43076

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

This Settlement Agreement (Agreement) is entered into by the Ohio Board of Pharmacy (Board) and Thornville Pharmacy, LLC for the purpose of resolving all issues between the parties relating to the Board investigation of drug security and expired medications. Together, the Board and Thornville Pharmacy, LLC 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. Thornville Pharmacy, LLC, located at 2 North Main Street, Thornville, Ohio, has an active TDDD license with the Board under license number 02-1397150, which lists Stacy Appleton, RPh as the Responsible Person and owner. David Whetstone was listed as the Responsible Person at the time of the conduct.

**FACTS**

1. The Board initiated an investigation of Thornville Pharmacy, Terminal Distributor of Dangerous Drugs license number 02-1397150, related to Thornville Pharmacy’s drug security and expired medications.
2. On or about September 11, 2024, the Board sent a Notice of Opportunity for Hearing to Thornville Pharmacy, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about September 27, 2024, Thornville Pharmacy, through counsel Gregory Tapocsi, timely requested an administrative hearing, which was subsequently scheduled for March 5, 2025.

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. Thornville Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated September 11, 2024; 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. Thornville Pharmacy agrees to pay to the Board a monetary penalty the amount of \$3,000.00. This fine will be attached to your license record and must be paid no later than 180 days from the effective date of this Agreement. To pay this fine you must login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in your cart.
4. The Board hereby imposes a written reprimand on Thornville Pharmacy's TDDD license, number 02-1397150.
5. Thornville 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. Thornville 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 Thornville 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 Thornville Pharmacy by the Board and will NOT discharge Thornville Pharmacy from any obligation under the terms of this Agreement.

7. Thornville 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. Thornville 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 Thornville Pharmacy will operate.
10. Thornville Pharmacy 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.

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**R-2025-0300**

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

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**IN THE MATTER OF:**

**CASE NO. A-2023-0326**

**David Whetstone, RPh**

**License No. 03-312937**

7590 Reading Township Road 2

Thornville, Ohio 43076

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

This Settlement Agreement (Agreement) is entered into by the Ohio Board of Pharmacy (Board) and David Whetstone, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of drug security and expired medications at Thornville Pharmacy, LLC. Together, the Board and David Whetstone, RPh 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. David Whetstone is a licensed pharmacist in the State of Ohio under license number 03-312937 who was listed as the Responsible Person of Thornville Pharmacy, LLC, located at 2 North Main Street, Thornville, Ohio during the time of the conduct.

**FACTS**

1. The Board initiated an investigation of David Whetstone, RPh, pharmacist license number 03-312937 and Thornville Pharmacy, LLC, related to inspections that revealed drug security issues and expired medications, while Mr. Whetstone was the Responsible Person on the TDDD license.
2. On or about September 11, 2024, the Board sent a Notice of Opportunity for Hearing to David Whetstone, RPh, 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.
4. On or about September 27, 2024, David Whetstone, RPh, through counsel Gregory Tapocsi, timely requested an administrative hearing, which was subsequently scheduled for March 5, 2025.

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. David Whetstone, RPh neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated September 11, 2024; 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. David Whetstone, RPh agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to David Whetstone, RPh's license record and must be paid no later than 180 days from the effective date of this Agreement. To pay this fine, login to [www.license.ohio.gov](http://www.license.ohio.gov) and process the items in the cart.
4. David Whetstone, RPh must obtain six hours of approved continuing pharmacy education (0.6 CEUs) which may not also be used for license renewal. The 0.6 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](mailto:legal@pharmacy.ohio.gov).

5. The Board hereby imposes a written reprimand on David Whetstone, RPh's pharmacist license, number 03-312937.
  6. David Whetstone, RPh agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
  7. David Whetstone, RPh understands that he has the right to be represented by counsel for review and execution of this agreement.
  8. David Whetstone, RPh 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 he currently holds a professional license, including the Board on renewal applications or applications for a new license.
  9. David Whetstone, RPh 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-2025-0301**

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

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**IN THE MATTER OF:****CASE NO. A-2023-0325****Stacy Appleton, RPh****License No. 03-222873**

5940 Mulberry Rd

Newark, OH 43056

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

This Settlement Agreement (Agreement) is entered into by the Ohio Board of Pharmacy (Board) and Stacy Appleton, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of expired medications at Thornville Pharmacy, LLC. Together, the Board and Stacy Appleton, RPh, 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. Stacy Appleton is a licensed pharmacist in the State of Ohio under license number 03-222873.

**FACTS**

1. The Board initiated an investigation of Stacy Appleton, RPh, pharmacist license number 03-222873 and Thornville Pharmacy, LLC, related to expired medications.
2. On or about September 11, 2024, the Board sent a Notice of Opportunity for Hearing to Stacy Appleton, RPh, which outlined the allegations and provided notice

of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.

3. On or about September 27, 2024, Stacy Appleton, RPh, through counsel Gregory Tapocsi, timely requested an administrative hearing, which was subsequently scheduled for March 5, 2025.

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. Stacy Appleton, RPh, neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated September 11, 2024; 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. Stacy Appleton, RPh, agrees to pay to the Board a monetary penalty in the amount of \$250.00. This fine will be attached to Stacy Appleton, RPh's license record and must be paid no later than 180 days from the effective date of this Agreement. To pay this fine, login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in the cart.
4. Stacy Appleton, RPh must obtain six hours of approved continuing pharmacy education (0.6 CEUs) which may not also be used for license renewal. The 0.6 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](mailto:legal@pharmacy.ohio.gov).
5. Stacy Appleton, RPh agrees to attend a Board-sponsored Responsible Person 101 presentation (one hour) within six months from the effective date of this Agreement.
6. The Board hereby imposes a written reprimand on Stacy Appleton, RPh's pharmacist license, number 03-222873.
7. Stacy Appleton, RPh, agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.



8. Stacy Appleton, RPh, understands that she has the right to be represented by counsel for review and execution of this agreement.
9. Stacy Appleton, RPh, 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 she currently holds a professional license, including the Board on renewal applications or applications for a new license.
10. Stacy Appleton, RPh explicitly withdraws her request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an appeal.
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-2025-0302**

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

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**IN THE MATTER OF:  
CASE NO. A-2023-0520**

**Walgreens #17595**  
**INACTIVE License No. 02-2854400**

715 Park Avenue  
Ironton, Ohio 45638

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

This Settlement Agreement (Agreement) is entered into by the Ohio Board of Pharmacy (Board) and Walgreens #17595 for the purpose of resolving all issues between the parties relating to the Board investigation of the administration of vaccines. Together, the Board and Walgreens #17595 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. Walgreens #17595, previously located at 715 Park Avenue, Ironton, Ohio, had an active TDDD license with the Board under license number 02-2854400. The business was discontinued on or about November 16, 2023.

**FACTS**

1. The Board initiated an investigation of Walgreens #17595, Terminal Distributor of Dangerous Drugs license number 02-2854400, related to Walgreens #17595’s administration of vaccines.
2. On or about April 18, 2024, the Board sent a Notice of Opportunity for Hearing to Walgreens #17595, which outlined the allegations and provided

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

3. On or about May 6, 2024, Walgreens #17595, through counsel Gary Peters, timely requested an administrative hearing, which was subsequently scheduled for January 6, 2025.

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. Walgreens #17595 neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated April 18, 2024; 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. Walgreens #17595 agrees to pay to the Board a monetary penalty the amount of \$1,000. 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](http://www.elicense.ohio.gov) and process the items in your cart.
4. The Board hereby imposes a written reprimand on Walgreens #17595's Inactive TDDD license, number 02-2854400.
5. Walgreens #17595 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. Walgreens #17595 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 Walgreens #17595 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 Walgreens #17595 by the Board and will NOT discharge Walgreens #17595 from any obligation under the terms of this Agreement.
7. Walgreens #17595 agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Walgreens #17595 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 Walgreens #17595 will operate.
10. Walgreens #17595 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.

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**R-2025-0303**

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

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**IN THE MATTER OF:  
CASE NO. A-2023-0342**

**Renee Pojman, RPh**  
**License No. 03-120379**  
20401 Foster Road  
Penfield, OH 44090

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

This Settlement Agreement (Agreement) is entered into by the Ohio Board of Pharmacy (Board) and Renee Pojman, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of the theft of store merchandise. Together, the Board and Renee Pojman 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. Renee Pojman is a licensed pharmacist in the state of Ohio under license number 03-120379.

### **FACTS**

1. The Board initiated an investigation of Renee Pojman, pharmacist license number 03-120379, related to the theft of store merchandise in early 2023.
2. On or about September 10, 2024, the Board sent a Notice of Opportunity for Hearing to Renee Pojman, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. On or about September 16, 2024, Renee Pojman, through counsel Joseph Patituce, timely requested an administrative hearing, which was subsequently scheduled for April 8, 2025.

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. Renee Pojman neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated September 10, 2024; 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. Renee Pojman agrees to pay to the Board a monetary penalty in the amount of \$750.00. This fine will be attached to Renee Pojman's license record and must be paid no later than 180 days from the effective date of this Agreement. To pay this fine, login to [www.license.ohio.gov](http://www.license.ohio.gov) and process the items in the cart.
4. Renee Pojman must obtain ten hours of approved continuing pharmacy education (1.0 CEUs), two hours (0.2 CEUs) must be in ethics, which may not also be used for license renewal. The 1.0 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](mailto:legal@pharmacy.ohio.gov).

5. The Board hereby imposes a written reprimand on Renee Pojman's pharmacist license, number 03-120379.
  6. Renee Pojman agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
  7. Renee Pojman understands that she has the right to be represented by counsel for review and execution of this agreement.
  8. Renee Pojman 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 she currently holds a professional license, including the Board on renewal applications or applications for a new license.
  9. Renee Pojman explicitly withdraws her request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an appeal.
  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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**4:48 p.m.**                    The Board Meeting adjourned for the day.



**Tuesday, February 4, 2025**

**9:00 a.m.** The 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, with the following members present:

Mindy Ferris, RPh, *President*; Jeff Huston, RPh, *Vice President*; Trina Buettner, RPh; Jason George, RPh; TJ Grimm, RPh; Leonard Hubert, *Public Member*; Rich Miller, RPh; and Christine Pfaff, RPh.

Absent: Anthony Buchta, Sr., RPh.

Also present were Steven Schierholt, *Executive Director*; Sharon Maerten-Moore, *Chief Legal Counsel*; Kevin Flaharty, *Chief of Investigations*; Ashley Gilbert, *Senior Legal Counsel*; Zoe Saadey, *Senior Legal Counsel*; Kathryn Lewis, *Legal Administrator*; and Jennifer Nelson, *Legal Administrative Assistant*.

**R-2025-0304** After hearing Mr. Flaharty discuss the significant facts regarding the activities of Registered Pharmacy Technician Felicia Beacham, Toledo, Ohio, Mr. Miller moved that the Board summarily suspend the Registered Pharmacy Technician license belonging to Felicia Beacham, Toledo, Ohio (09-216508). The motion was seconded by Mr. Huston and approved by the Board: Yes-6, No-0.

**9:04 a.m.** The Board recessed for a break.

**9:16 a.m.** The Board returned to public session and 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 Naza Anens, Cleveland, Ohio.

**R-2025-0305** Mr. Huston 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. George and approved by the Board: Yes-6, No-0.

**9:45 a.m.** The deliberation ended and the hearing opened to the public.

**R-2025-0306** After votes were taken in public session, the Board adopted the following order in the Matter of Naza Anens, Cleveland, Ohio.

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**ORDER OF THE OHIO BOARD OF PHARMACY**

Case Number A-2023-0361

In The Matter Of:

**Naza Anens**

3101 Euclid Avenue, Apt 310

Cleveland, Ohio 44115

(Application No. APP-000727002)

**INTRODUCTION**

The Matter of Naza Anens came for hearing on February 4, 2025, before the following members of the Ohio Board of Pharmacy (Board): Mindy Ferris, RPh, *Presiding*; Jeff Huston, RPh, *Vice President*; Trina Buettner, RPh; Jason George, RPh; Leonard Hubert, *Public Member*; Rich Miller, RPh; and Christine Pfaff, RPh.

Anthony Buchta, Sr., RPh; Absent and T.J. Grimm, RPh; Recusal.

Naza Anens appeared pro se. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

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

1. None

**Respondent's Witnesses:**

1. Naza Anens

**State's Exhibits:**

1. Notice Letter (Case No. A-2023-0361)
2. Notice Letter (Case No. A-2023-0410)
3. Confidential Addendum (\*to be filed under seal)
4. Board Order
5. Amended Board Order
6. Scheduling Order

**Respondent's Exhibits:**

- A. Recommendation from Andy Pierron (OhioPRO)

- B. Recommendation from PRO monitor
- C. Report of drug screen results
- D. Report of check-ins with monitoring system
- E. Attendance Sheets from February 2024- January 2025
- F. OhioPRO Contract

FINDINGS OF FACT & DECISION OF THE BOARD

After hearing the testimony, observing the demeanor of the witnesses, considering the evidence, and weighing the credibility of each, the Board finds that Naza Anens has substantially complied with the terms set forth in the Order of the Ohio Board of Pharmacy, Case No. A-2023-0361, dated December 13, 2023.

The Ohio Board of Pharmacy approved Naza Anens' application for licensure to practice pharmacy in the State of Ohio as pharmacist, application No. APP-000913035, Case No. A-2023-0410. Naza Anens no longer seeks licensure as a pharmacy intern. Accordingly, the Board closes this matter, Case No. A-2024-0361.

Further, the Board grants the State's Motion to Seal the portions of the record that include confidential patient health information, including but not limited to State's Exhibit 3 and Respondent's Exhibit F.

Mr. Huston moved for Findings of Fact and Decision of the Board; Mr. Hubert seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

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**R-2025-0307**

After votes were taken in public session, the Board adopted the following order in the Matter of Naza Anens, Cleveland, Ohio.

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**ORDER OF THE OHIO BOARD OF PHARMACY**

Case Number A-2023-0410

In The Matter Of:

**Naza Anens**

3101 Euclid Avenue, Apt 310

Cleveland, Ohio 44115

(Application No. APP-000913035)

### INTRODUCTION

The Matter of Naza Anens came for hearing on February 4, 2025, before the following members of the Ohio Board of Pharmacy (Board): Mindy Ferris, RPh, *Presiding*; Jeff Huston, RPh, *Vice President*; Trina Buettner, RPh; Jason George, RPh; Leonard Hubert, *Public Member*; Rich Miller, RPh; and Christine Pfaff, RPh.

Anthony Buchta, Sr., RPh; Absent and T.J. Grimm, RPh; Recusal.

Naza Anens appeared pro se. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

### SUMMARY OF EVIDENCE

#### State's Witnesses:

1. None

#### Respondent's Witnesses:

1. Naza Anens

#### State's Exhibits:

1. Notice Letter (Case No. A-2023-0361)
2. Notice Letter (Case No. A-2023-0410)
3. Confidential Addendum (\*to be filed under seal)
4. Board Order
5. Amended Board Order
6. Scheduling Order

#### Respondent's Exhibits:

- A. Recommendation from Andy Pierron (OhioPRO)
- B. Recommendation from PRO monitor
- C. Report of drug screen results
- D. Report of check-ins with monitoring system
- E. Attendance Sheets from February 2024- January 2025
- F. OhioPRO Contract

FINDINGS OF FACT & DECISION OF THE BOARD

After hearing the testimony, observing the demeanor of the witnesses, considering the evidence, and weighing the credibility of each, the Board finds that Naza Anens has substantially complied with the terms set forth in the Amended Board Order of the Ohio Board of Pharmacy, Case No. A-2023-0410, dated January 25, 2024.

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the Ohio Board of Pharmacy hereby approves Naza Anens' application for licensure to practice pharmacy in the State of Ohio as pharmacist, application No. APP-000913035. Naza Anens' license to practice pharmacy will be granted upon issuance of this order and will be subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

1. Naza Anens 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. Naza Anens 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 Naza Anens 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 or an alternative testing protocol (1 PETH, 1 hair, and one urine drug screen per quarter or other testing as directed by the Board approved treatment monitor) shall be followed.
  - 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 Naza Anens 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. Naza Anens must meet the daily check-in requirements of the testing center or check-in requirements as otherwise proscribed by the treatment monitor.
  2. The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
    - a. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
    - b. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
  3. Naza Anens 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 Naza Anens reappear before the Board for possible additional sanctions, including and up to revocation of license.
  4. Naza Anens shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of probation. The Board shall treat any such refusal as a violation of the Board's Order and request Naza Anens reappear before the Board for possible additional sanctions, including and up to revocation of license.
  5. Naza Anens must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:

- a. The written report and documentation provided by the treatment program pursuant to the contract, and
  - b. A written description of Naza Anens's progress towards recovery and what Naza Anens has been doing during the previous three months, and
  - c. Proof of compliance with all terms of probation, the monitoring contract, including all terms in OAC Rule 4729:4-1-04, and proof of compliance with treatment, if applicable.
6. Naza Anens must provide copies of the board order or settlement agreement to all employers or prospective employers, all licensing authorities in which Naza Anens holds a professional license or applies for a professional license, and all persons who provide Naza Anens chemical dependency treatment or monitoring, during the effective period of this order or agreement.
7. Other terms of probation are as follows:
- a. Naza Anens must meet at least annually with the Board's Probation Committee, the first meeting to be held February 2026. Additional periodic appearances may be requested.
  - b. The Ohio Board of Pharmacy hereby declares that Naza Anens' pharmacist license is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraphs (K) and (O) of Rule 4729:2-1-01 of the OAC.
  - c. Naza Anens must obtain prior approval of the board or the board's probation committee of departures or absences in excess of ten days from the country. Periods of departure or absence shall not change the probationary term, unless otherwise determined by motion of the board or the board's probation committee. For absences of three months or longer, the board or its probation committee may toll the length of probation, other than in instances where the board or its probation committee can be assured that probationary monitoring is otherwise being performed.
  - d. Naza Anens may not serve as a responsible pharmacist or a designated representative in a dispensary or for home medical equipment.

- e. Naza Anens may not engage in a consult agreement, unless approved by the board.
  - f. Naza Anens may not destroy, assist in, or witness the destruction of controlled substances.
  - g. Naza Anens may not work in a pharmacy more than 40 hours per week or 80 hours over a two week period.
  - h. Naza Anens must not violate the drug laws of Ohio, any other state, or the federal government.
  - i. Naza Anens must abide by the rules of the Ohio Board of Pharmacy.
  - j. Naza Anens must comply with the terms of this Order.
  - k. Naza Anens' license is deemed not in good standing until successful completion of the probationary period.
  - l. Naza Anens must provide continuing authorization for disclosure by the monitor and treatment provider (when applicable) to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their duties.
8. When deemed appropriate by the Board, Naza Anens must submit to a psychiatric evaluation, and, where appropriate, continued treatment acceptable to the Board.
9. Naza Anens may not request modifications to probationary terms for at least three years, however, limited, isolated deviations may be granted with approval by the Board, in exceptional circumstances.
10. Naza Anens must immediately report any violation of the terms of this probation to the Board by contacting [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov). Failure to self-report any violation shall be treated as a violation of this Board's Order and



will subject Naza Anens to possible additional sanctions, including and up to revocation of license.

11. Any violation of probation or this Board's Order may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code, including and up to revocation of Naza Anens' license.
12. Periods during which Naza Anens is not in compliance with all probationary terms shall toll the length of time of probation, or the Board may implement additional disciplinary action in addition to or instead of tolling probation.

At the conclusion of the probationary period, the Board will issue a letter indicating whether probation has been successfully completed. If the Board determines probation has not been successfully completed, it will issue a notice of opportunity for hearing to Naza Anens.

Further, the Board grants the State's Motion to Seal the portions of the record that include confidential patient health information, including but not limited to State's Exhibit 3 and Respondent's Exhibit F.

Mr. Huston moved for Findings of Fact and Decision of the Board; Mr. Hubert seconded the motion. Motion passed (Yes-6/No-0).

SO ORDERED.

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**9:59 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 Stacey Lynn Wagner-Zwiebel, Oregon, Ohio.

**R-2025-0308**

Mr. Huston 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. George and approved by the Board: Yes-7, No-0.

**10:47 a.m.**

The deliberation ended and the hearing opened to the public.

**R-2025-0309**

After votes were taken in public session, the Board adopted the following order in the Matter of Stacey Lynn Wagner-Zwiebel, Oregon, Ohio.

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**ORDER OF THE OHIO BOARD OF PHARMACY**

(Case Number A-2023-0171)

In The Matter Of:

**Stacey Wagner-Zwiebel, RPh**

8810 Cedar Point Road

Oregon, Ohio 43616

(License No. 03-122793)

**INTRODUCTION**

The Matter of Stacey Wagner-Zwiebel, RPh came for hearing on February 4, 2025, before the following members of the Ohio Board of Pharmacy (Board): Mindy Ferris, RPh, *Presiding*; Jeff Huston, RPh, *Vice President*; Trina Buettner, RPh; Jason George, RPh; T.J. Grimm, RPh; Leonard Hubert, *Public Member*; Rich Miller, RPh; and Christine Pfaff, RPh.

Anthony Buchta, Sr., RPh; Absent.

Stacey Wagner-Zwiebel, RPh was not present and not represented by counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

**State's Witnesses:**

1. Rachael Tormasi– Board Specialist

**Respondent's Witnesses:**

1. None

**State's Exhibits:\***

8. Notice Letter
9. Confidential Patient Key (filed under seal)
10. Scheduling Order
11. Prescription for Patient #1 (filed under seal)
12. Label for Patient #1 (filed under seal)
13. Patient Profile (filed under seal)

14. Prescription for Other Patient (filed under seal)
15. Inspection Report
23. Inspection Report

Respondent's Exhibits:

- A. None

\*The Matters of Stacey Wagner-Zwiebel, A-2023-0443, A-2023-0171 and A-2024-0266, were heard concurrently. Each Matter had its own exhibits and witness, and a Decision was issued for each matter.

FINDINGS OF FACT

After hearing the testimony, observing the demeanor of the witnesses, considering the evidence, and weighing the credibility of each, the Board finds the following to be fact:

1. On or about January 12, 2023, while Stacey Wagner-Zwiebel, RPh was working at CVS Pharmacy #3455, located at 200 S. Second Street, Coshocton, Ohio, she dispensed prescription #1167776 to patient 1 as oxycodone/apap 10mg/325mg tablets with a label showing a quantity of 90 and directions to “take 1 tablet by mouth three times a day.” However, Stacey Wagner-Zwiebel made an error while counting, and 120 tablets were dispensed instead of the 90 tablets that were prescribed. Ms. Wagner-Zwiebel was observed processing two prescriptions for oxycodone/apap 10/325mg tablets, this prescription and a prescription for 120 tablets. She was seen counting and filling both prescriptions for 120 tablets.
2. On or about April 6, 2023, Stacey Wagner-Zwiebel, RPh was interviewed by an agent of the Board. She stated she did not remember any circumstances surrounding the error and had been unaware of the occurrence until being interviewed on this date.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of section 3715.52(A)(2) of the ORC, the adulteration or misbranding of any food, drug, device, or cosmetic, a misdemeanor of the fourth degree.
2. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of section 3715.64(A)(1), Misbranded drug – its labeling is false or misleading in any particular.
3. Such conduct as set forth in the Findings of Fact Section, constitutes the following violations of divisions (A)(10) of section 3715.64 of the ORC, Misbranding: It is a drug and its container is so made, formed, or filled as to be misleading, ORC Section 3715.64(A)(10)(a).

4. Such conduct as set forth in the Findings of Fact Section, also constitutes a violation of Rule 4729:5-5-08(A)(5) of the OAC, as effective November 15, 2022, Incorrect drug dosage.
5. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of October 9, 2021, each violation constituting a minor misdemeanor:
  - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and
  - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and
  - c. 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 4729.16(A)(2)(l).
6. Such conduct as set forth in the Findings of Fact Section, each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective 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. 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
  - c. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration, OAC Rule 4729:1-4-01(B)(2)(k); and

- d. Failed to conform to prevailing standards of care of similar pharmacists under the same or similar circumstances, whether or not actual injury to a patient is established, OAC Rule 4729:1-4-01(B)(2)(n).

#### DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the Ohio Board of Pharmacy hereby imposes a reprimand on Stacey Lynn Wagner-Zwiebel's license to practice pharmacy in the State of Ohio, license no. 03-122793.

Further, pursuant to Section 4729.16 of the Ohio Revised Code, the Ohio Board of Pharmacy imposes a monetary penalty in the amount of \$500.00. This fine will be attached to the license record for Stacey Lynn Wagner-Zwiebel and must be paid no later than 180 days from the date of this Order. To pay this fine, Ms. Wagner-Zwiebel must log in to [www.license.ohio.gov](http://www.license.ohio.gov) and process the items in the cart.

Further, the Board hereby grants the State's Motion to Seal portions of the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State's exhibits: 9, 11, 12, 13, and 14.

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

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

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

SO ORDERED.

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#### **R-2025-0310**

After votes were taken in public session, the Board adopted the following order in the Matter of Stacey Lynn Wagner-Zwiebel, Oregon, Ohio.

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#### **ORDER OF THE OHIO BOARD OF PHARMACY**

(Case Number A-2023-0443)

In The Matter Of:

**Stacey Wagner-Zwiebel, RPh**

8810 Cedar Point Road

Oregon, Ohio 43616

(License No. 03-122793)

### INTRODUCTION

The Matter of Stacey Wagner-Zwiebel, RPh came for hearing on February 4, 2025, before the following members of the Ohio Board of Pharmacy (Board): Mindy Ferris, RPh, *Presiding*; Jeff Huston, RPh, *Vice President*; Trina Buettner, RPh; Jason George, RPh; T.J. Grimm, RPh; Leonard Hubert, *Public Member*; Rich Miller, RPh; and Christine Pfaff, RPh.

Anthony Buchta, Sr., RPh; Absent.

Stacey Wagner-Zwiebel, RPh was not present. She was not represented by counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

### SUMMARY OF EVIDENCE

#### State's Witnesses:

1. Paul Schad – Board Specialist

#### Respondent's Witnesses:

1. None

#### State's Exhibits:\*

1. Notice Letter
2. Request for Hearing
3. Scheduling Order
4. Prior Settlement
5. Application for Change of Responsible Person (part 1)
6. Application for Change of Responsible Person (part 2)
7. Settlement with CVS

#### Respondent's Exhibits:

- A. None

\*The Matters of Stacey Wagner-Zwiebel, A-2023-0443, A-2023-0171 and A-2024-0266, were heard concurrently. Each Matter had its own exhibits and witness, and a Decision was issued for each matter.

FINDINGS OF FACT

After hearing the testimony, observing the demeanor of the witnesses, considering the evidence, and weighing the credibility of each, the Board finds the following to be fact:

1. On or about August 4, 2020, a Settlement Agreement was executed between Stacey Lynn Wagner-Zwiebel, RPh and the Board for the matters of Stacey Wagner-Zwiebel, case numbers: A-2018-0077 and A-2019-0145. The Settlement Agreement outlined the following terms and conditions, in part:
  - a. Stacey Lynn Wagner-Zwiebel agrees to pay to the OSBP the amount of amount of \$1,000. This fine will be attached to your license record and must be paid no later than 90 days from the effective date of this Agreement. To pay this fine, Stacey Lynn Wagner-Zwiebel must login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in the cart.
  - b. Stacey Lynn Wagner-Zwiebel must obtain, within 90 days from the effective date of this Agreement, six hours of ACPE-approved continuing pharmacy education (0.6 CEUs) in ethics related to the dispensing of controlled substances, which may not also be used for license renewal. Copies of completed CEUs must be emailed to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov).
  - c. Stacey Lynn Wagner-Zwiebel cannot serve as a Responsible Person or Designated Representative in any facility licensed by the Board for a period of five years. After five years, Stacey Lynn Wagner-Zwiebel must petition to the Board to have these restrictions lifted.**
  - d. Stacey Lynn Wagner-Zwiebel 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.
2. On or about September 27, 2023, Stacey Lynn Wagner-Zwiebel signed a Responsible Person Application and Renewal Attestation Form. The form was submitted to the Board on or about October 5, 2023 with a Change in Responsible Person application for Stacey Lynn Wagner-Zwiebel to become the Responsible Person at CVS Pharmacy #6167, located at 418 East Main St., Ashland, Ohio. On or about October 5, 2023, Stacey Lynn Wagner-Zwiebel was named the Responsible Person at CVS #6167.
  - a. Stacey Lynn Wagner-Zwiebel submitted an application and accepted the position of Responsible Person despite your August 4, 2020 Settlement Agreement with the Board which prohibits her from becoming a Responsible

Person at a Board-licensed entity until five years have passed and she petitioned the Board to have the restriction lifted, per Allegation 1(c), above.

- b. On the application, Stacey Lynn Wagner-Zwiebel answered “No” to the question that asks, “Has the Responsible Person ever been the subject of a disciplinary action by the Drug Enforcement Administration or appropriate issuing body of any state or jurisdiction that was based in whole or in part, on the responsible person’s prescribing, dispensing, diverting, administering, storing, personally furnishing, compounding, supplying or selling a controlled substance or other dangerous drug (i.e. prescription drug), or is any such action pending.
    - i. Stacey Lynn Wagner-Zwiebel incorrectly answered “No” to this question, and signed an attestation that her answers were “true, correct, and complete;” however, on or about August 4, 2020, she entered a Settlement with the Board for two matters, which included “improperly changing fill dates on two prescriptions and for failing to conduct drug utilization review.” In both matters she was the subject of disciplinary action by the Board based in part on her dispensing a controlled substance or dangerous drug.
3. On or about October 19, 2023, Stacey Lynn Wagner-Zwiebel was interviewed by an agent of the Board. She stated:
    - a. She told CVS about the past Board action. She thought CVS had interceded on her behalf with the Board to make it happen [become a Responsible Person despite her Settlement Agreement].
    - b. She did not agree with what was in her Settlement Agreement. She signed the Agreement because she did not know any better.
  4. On or about October 19, 2023, an agent of the Board spoke with CVS District Leader, Becky Saks. Ms. Saks stated CVS would hire a new Responsible Person as soon as possible. She stated the Responsible Person application was filled out by Stacey Wagner-Zwiebel, and submitted to the Board by Ms. Saks. CVS #6167 submitted a Change of Responsible Person application to the Board on October 20, 2023.

#### CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of section 2921.13(A)(5) of the ORC, falsification: No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies: The statement is made with purpose to secure the issuance by a governmental agency of a license, permit,



authorization, certificate, registration, release, or provider agreement, each violation constituting a misdemeanor of the first degree.

2. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 6, 2023, each violation constituting a minor misdemeanor:
  - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and
  - b. Violated, 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 4729.16(A)(2)(e); and
  - c. Failed to comply with an order of the board or a settlement agreement, ORC 4729.16(A)(2)(k); 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).
3. Such conduct as set forth in the Findings of Fact Section, each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective 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. 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
  - c. Failed to comply with an order of the board or a settlement agreement, OAC Rule 4729:1-4-01(B)(2)(j); 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 disciplined by the state board of pharmacy pursuant to section 4729.16 of the Revised Code, OAC Rule 4729:1-4-01(B)(2)(l); and
- f. Has been the subject of any of the following by the drug enforcement administration or licensing agency of any state or jurisdiction: A disciplinary action that was based, in whole or in part, on the person's inappropriate prescribing, dispensing, diverting, administering, storing, securing, personally furnishing, compounding, supplying or selling a controlled substance or other dangerous drug, OAC Rule 4729:1-4-01(B)(2)(m)(ii).

#### DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the Ohio Board of Pharmacy hereby imposes a reprimand on Stacey Lynn Wagner-Zwiebel's license to practice pharmacy in the State of Ohio, license no. 03-122793.

Further, pursuant to Section 4729.16 of the Ohio Revised Code, the Ohio Board of Pharmacy imposes the following terms:

1. Stacey Wagner-Zwiebel may not serve as a responsible person for a period of five years from the date of this Order. Following the five-year period, Stacey Lynn Wagner-Zwiebel may petition the Board for permission to serve as a responsible person. Ms. Wagner-Zwiebel must appear before the Board before such permission may be granted.
2. A monetary penalty in the amount of \$2,000.00. This fine will be attached to the license record for Stacey Lynn Wagner-Zwiebel and must be paid no later than 180 days from the date of this Order. To pay this fine, Ms. Wagner-Zwiebel must log in to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in the cart.

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

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

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

SO ORDERED.

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**R-2025-0311**

After votes were taken in public session, the Board adopted the following order in the Matter of Stacey Lynn Wagner-Zwiebel, Oregon, Ohio.

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**ORDER OF THE OHIO BOARD OF PHARMACY**

(Case Number A-2024-0266)

In The Matter Of:

**Stacey Wagner-Zwiebel, RPh**

8810 Cedar Point Road

Oregon, Ohio 43616

(License No. 03-122793)

**INTRODUCTION**

The Matter of Stacey Wagner-Zwiebel, RPh came for hearing on February 4, 2025, before the following members of the Ohio Board of Pharmacy (Board): Mindy Ferris, RPh, *Presiding*; Jeff Huston, RPh, *Vice President*; Trina Buettner, RPh; Jason George, RPh; T.J. Grimm, RPh; Leonard Hubert, *Public Member*; Rich Miller, RPh; and Christine Pfaff, RPh.

Anthony Buchta, Sr., RPh; Absent.

Stacey Wagner-Zwiebel, RPh was not present and not represented by counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

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

1. Paul Schad – Board Specialist

**Respondent's Witnesses:**

1. None

**State's Exhibits:\***

16. Notice Letter
17. Confidential Patient Key (filed under seal)

18. Fill Detail (filed under seal)
19. Patient Profile (filed under seal)
20. Inspection Report
21. Written Response
22. Amended Confidential Patient Key (filed under seal)

Respondent's Exhibits:

- A. None

\*The Matters of Stacey Wagner-Zwiebel, A-2023-0443, A-2023-0171 and A-2024-0266, were heard concurrently. Each Matter had its own exhibits and witness, and a Decision was issued for each matter.

FINDINGS OF FACT

After hearing the testimony, observing the demeanor of the witnesses, considering the evidence, and weighing the credibility of each, the Board finds the following to be fact:

1. On or about March 11, 2024, while Stacey Wagner-Zwiebel, RPh was working at CVS Pharmacy #3472, located at 1116 Wheeling Avenue, Cambridge, Ohio, she dispensed prescription #2124651 to patient 1 as hydrocodone/acetaminophen 5 mg/325 mg tablets with a label showing a quantity of 60 tablets. However, Ms. Wagner-Zwiebel made an error while counting, and 90 tablets were dispensed instead of the 60 tablets that were prescribed. Ms. Wagner-Zwiebel was seen counting and filling the prescription with 90 tablets.
2. On the same day, Ms. Wagner-Zwiebel was seen leaving the pharmacy's controlled substance safe, that secures the Schedule II controlled substances, open for an hour. She was seen leaving it unattended at times during that period.
3. On or about June 6, 2024, Stacey Wagner-Zwiebel, RPh was interviewed by an agent of the Board. She stated she did not remember the error in dispensing.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of section 3715.52(A)(2) of the ORC, the adulteration or misbranding of any food, drug, device, or cosmetic, a misdemeanor of the fourth degree.
2. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of section 3715.64(A)(1), Misbranded drug – its labeling is false or misleading in any particular.

3. Such conduct as set forth in the Findings of Fact Section, constitutes the following violations of divisions (A)(10) of section 3715.64 of the ORC, Misbranding: It is a drug and its container is so made, formed, or filled as to be misleading, ORC Section 3715.64(A)(10)(a).
4. Such conduct as set forth in the Findings of Fact Section, also constitutes a violation of Rule 4729:5-5-08(A)(5) of the OAC, as effective November 15, 2022, Incorrect drug dosage.
5. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of October 9, 2021, each violation constituting a minor misdemeanor:
  - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and
  - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and
  - c. 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 4729.16(A)(2)(l).
6. Such conduct as set forth in the Findings of Fact Section, each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective 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. 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
  - c. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as

failure to obey a red light, failure to use a turn signal or expired vehicle registration, OAC Rule 4729:1-4-01(B)(2)(k); and

- d. Failed to conform to prevailing standards of care of similar pharmacists under the same or similar circumstances, whether or not actual injury to a patient is established, OAC Rule 4729:1-4-01(B)(2)(n).

#### DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the Ohio Board of Pharmacy hereby imposes a reprimand on Stacey Lynn Wagner-Zwiebel's license to practice pharmacy in the State of Ohio, license no. 03-122793.

Further, pursuant to Section 4729.16 of the Ohio Revised Code, the Ohio Board of Pharmacy imposes the following terms:

1. A monetary penalty in the amount of \$500.00. This fine will be attached to the license record for Stacey Lynn Wagner-Zwiebel and must be paid no later than 180 days from the date of this Order. To pay this fine, Ms. Wagner-Zwiebel must log in to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in the cart.
2. Stacey Wagner-Zwiebel 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 the topic area of medication safety. The CEUs must be completed within six months from the effective date of this Order. Copies of completed CEUs must be e-mailed to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov).

Further, the Board hereby grants the State's Motion to Seal parts of the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State's exhibits: 17, 18, 19 and 22.

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

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

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

SO ORDERED.

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**11:01 a.m.** The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of Nirav R. Patel, Maineville, Ohio.

**R-2025-0312** Mr. Huston 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. George and approved by the Board: Yes-7, No-0.

**11:22 a.m.** The deliberation ended and the hearing opened to the public.

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**R-2025-0313** After votes were taken in public session, the Board adopted the following order in the Matter of Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery, Warren, Ohio.

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**ORDER OF THE OHIO BOARD OF PHARMACY**

(Case Number A-2023-0367)

In The Matter Of:

**Warren Recovery Group, Inc.**

**D.B.A. Shaker Family Recovery**

c/o D'Andre Bowers

1515 E. Market Street

Warren, Ohio 44483

(License No. 02-65000056)

**INTRODUCTION**

The Matter of Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery came for hearing on February 3, 2025, before the following members of the Ohio Board of Pharmacy (Board): Mindy Ferris, RPh, *Presiding*; Jeff Huston, RPh, *Vice President*; Trina Buettner, RPh; Jason George, RPh; T.J. Grimm, RPh; Leonard Hubert, *Public Member*; Rich Miller, RPh; and Christine Pfaff, RPh.

Anthony Buchta, Sr., RPh; Absent.

Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery was represented by Michael McGee and James LaPolla. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Joseph Sidoti – Board Agent
2. Rachael Tormasi – Board Specialist

Respondent's Witnesses:

1. Debra Watson, LPCC-S, LICDC-CS -Clinical Director, Warren Recovery Group, Inc.
2. D'Andre Bowers – Respondent

State's Exhibits:

1. Notice Letter\*
2. Request for Hearing\*
3. Initial Scheduling Order\*
4. Current Scheduling Order\*
5. Inspection Report -2023-05-08
6. Photos – 2023-05-08
7. Application for Responsible Person\*
8. Inspection Report – 2023-07-23
9. Statement of Dr. J.D. LaBash
10. Statement of D'Andre Bowers
11. Photos – 2023-08-01
12. Response to Inspection Report
13. Supplemental to Response to Inspection Report\*
14. Adm.Code 4729:5-5-14\*

Respondent's Exhibits:

- A. CARF Accreditation Certificate\*
- B. CARF Accreditation Information\*
- C. Dr. Watson's Resume\*



\*Exhibits stipulated to by parties

FINDINGS OF FACT

After hearing the testimony, observing the demeanor of the witnesses, considering the evidence, and weighing the credibility of each, the Board finds D'Andre Bowers' testimony on February 3, 2025, not to be credible. The testimony was replete with falsehoods, rebuttals and denials of the plain facts. The Board further finds the following to be fact:

1. On or about May 8, 2023, agents of the Board conducted an inspection at Warren Recovery Group, Inc. D.B.A Shaker Family Recovery, located at 1515 E. Market Street, Warren, Ohio. At the time of the inspection, D'Andre Bowers, the clinic owner, was present. The Responsible Person, Dr. J.D. Labash was not present. The inspection revealed the following violations, many resulting in a warning or written response required:
  - a. D'Andre Bowers and clinic staff including a registered nurse (RN) and a licensed practical nurse (LPN)- all of whom were not licensed as a prescriber or pharmacist- had access to the drug stock, which contained controlled substances and non-controlled dangerous drugs, through a shared passcode for the locked cabinet.
    - i. There was no prescriber onsite during the inspection, so Mr. Bowers provided agents of the Board access to the drug stock, which was stored in a locked cabinet.
  - b. The cabinet contained several controlled and non-controlled patient-specific medications that had been repackaged as "facility inventory" vials after they were not picked up by patients.
    - i. The clinic failed to destroy patient-specific medications that had expired. These medications were kept in Ziplock bags to separate them from the regular drug stock.
  - c. The cabinet contained the following medications dispensed by Franklin Pharmacy:
    - i. Gabapentin 600 mg., a patient-specific vial with 21 tablets; dispensed by Franklin Pharmacy (RX1560821).
    - ii. Fluoxetine 20mg, a patient-specific vial with 7 tablets; dispensed by Franklin Pharmacy (RX1570237).

- d. The cabinet contained the following bottles labeled as “facility inventory”. All but one bottle had an expiration date prior to the inspection:
    - i. Alprazolam 0.25 mg. 3 vials labeled as “facility inventory” with 21 tablets each; repackaged on 8/8/2022.
    - ii. Clonazepam 0.5 mg labeled as “facility inventory” with 16 tablets; repackaged on 8/8/2022.
    - iii. Gabapentin 600 mg labeled as “facility inventory” with 11 tablets; repackaged on 8/16/2022.
    - iv. Buspirone 5mg labeled as “facility inventory” with 21 tablets; repackaged on 8/8/2022.
    - v. Prazosin 1mg labeled as “facility inventory” with 7 tablets; repackaged on 8/8/2022.
    - vi. Seroquel 50 mg labeled as “facility inventory” with 7 tablets; repackaged on 8/8/2022.
  - e. The clinic does not complete an annual inventory of drug stock.
  - f. The clinic was acting as a patient pick-up station for patient specific prescriptions. Clinic staff stated they stored patient-specific medications in order to help patients who had transportation issues with picking up their prescriptions.
  - g. The clinic was missing one employee’s FBI/BCI criminal record check. Although clinic staff produced the criminal record check following the inspection, it was not available at the time of inspection as required.
  - h. The practice violations found at the May 8, 2023 inspection were significant. Specifically, the inspection revealed medication vials that did not belong to the clinic, some of which held expired medications, that were labeled as “facility inventory.” Mr. Bowers told a Board agent that the vials were labeled so they could be re-dispensed to patients. Additionally, during his testimony, Mr. Bowers insisted that- despite the observations made by the Board agent and the plain letter of the law- his clinic was in fact in compliance with the Annual Inventory for Controlled Substances requirement because he conducted weekly drug counts.
2. Upon review of the photographs taken by agents of the Board at the May 8, 2023 inspection, it was discovered that Warren Recovery Group’s Terminal Distributor of Dangerous Drugs (TDDD) license that was displayed in the lobby of the facility was altered. The license displayed at the facility was not the same as the license

issued by the Board. The license displayed showed “Responsible Person: D’Andre Bowers, Managing Director”. This was false.

- a. Mr. Bowers testified that a staff member likely attached a copy of his signature to the TDDD license (Exhibit 6), and it was not “incorrect” because he is the “responsible person” for Warren Recovery Group, Inc., even though he is not the “Responsible Person” – as the Board defines the term – for the TDDD license. The license specifically directs the Responsible Person to “[p]rint, sign, and keep this license in a readily retrievable location.” It defies logic that the Board would not intend that the “responsible person” as legally defined by the Board would be the individual responsible for signing the license. Additionally, when questioned about the TDDD license, Mr. Bowers testified the license was not improperly signed, rather it was improperly read by the agent, further demonstrating a willingness to reiterate falsehoods.
3. On or about July 6, 2023, agents of the Board interviewed Dr. J.D. LaBash. He stated the following:
    - a. He is the Responsible Person for Warren Recovery Group, where he works in addiction medicine.
    - b. When showed a copy of the Responsible Person application and renewal form that were submitted to the Board on March 13, 2023, he confirmed he did not recognize the form. Further, the signature above his printed name was not his and “was not even close”. He did not sign the form.
    - c. He primarily does telemedicine and tried to be physically present at the facility once per month.
    - d. He stopped allowing the facility to receive deliveries of patient-specific medications.
  4. On or about July 24, 2023, agents of the Board interviewed D’Andrew Bowers via telephone and in-person. Mr. Bowers stated the following:
    - a. Mr. Bowers and an RN destroyed the drugs from the May 8, 2023 inspection using a combination of dirt and cat litter on May 10, 2023. A drug destruction form was completed at a later date.
    - b. When showed a copy of the Responsible Person application and renewal form, Mr. Bowers confirmed Dr. LaBash signed the form and Mr. Bowers submitted it to the Board using the online portal. He does not know why Dr. LaBash would tell agents the signature on the form was not his.

- c. When showed a copy of the TDDD license with his signature as the responsible person, Mr. Bowers stated he was confused about the form when he signed it. He signed it electronically when it should have been Dr. LaBash. He later threw this document away when he posted the new TDDD license.
    - d. He did not sign or “apply” Dr. LaBash’s signature to the March 13, 2023 Responsible Person application and renewal form, the “Medication Destruction” form, or the “Medication Inventory and Controlled Substance Count” form.
5. On or about July 25, 2023, agents of the Board interviewed Dr. J.D. LaBash. He stated the following:
  - a. The signature on the March 13, 2023 Responsible Person application and renewal form was not his.
  - b. At some point after Mr. Bower’s July 24, 2024 interview with agents of the Board, Mr. Bowers told Dr. LaBash that Dr. LaBash had signed the form, but Mr. Bowers submitted a different form to the Board for expediency. He could not submit the correct form because it would be an admission he falsified the original form.
  - c. Dr. LaBash stated he was not involved in destroying any drugs or signing any forms after the May 8, 2023 inspection.
6. On or about August 1, 2023, an agent of the Board again interviewed Dr. J.D. LaBash. He stated the following:
  - a. Mr. Bowers brought several bottles of pills to his home sometime around July 28, 2023. Mr. Bowers and Dr. LaBash put the pills in Dr. LaBash’s compost bin to render the pills non-retrievable.
  - b. Dr. LaBash was shown the May 10, 2023 “Medication Destruction” form. He recalled initialing portions of the form but the signature at the bottom- purporting to be his signature- was not his.
  - c. Dr. LaBash was shown the “Medication Inventory and Controlled Substance Count” form. He did not take part in the count, nor did he sign the form. He was informed it was correct.

7. During the August 1, 2023 interview with Dr. LaBash, he showed the Board agent the empty pill bottles from the drug destruction that occurred on July 28th. They were in his trashcan. The Board agent compared the patient-specific “facility inventory” medications found in the trashcan to the pictures of the medications from the May 8, 2023 inspection at Warren Recovery Group.
  - a. All ten bottles photographed at the May 8th inspection were found in Dr. LaBash’s trashcan. Also present were nine additional bottles of controlled, non-controlled and over the counter medication which had been repackaged to “facility inventory.”
  - b. The empty bottles were consistent with the medications listed on Warren Recovery Group’s “Medication Destruction” form from the drug destruction Mr. Bowers told agents had occurred on May 10, 2023.
  - c. The following empty bottles- shown to agents of the Board at the May 8, 2023 inspection- were recovered from the trashcan:
    - i. Gabapentin 600 mg; patient-specific vial
    - ii. Fluoxetine 20 mg; patient-specific vial
    - iii. Gabapentin 600 mg; “facility inventory” vial
    - iv. Alprazolam 0.25 mg—3 vials; “facility inventory” vials
    - v. Seroquel 50 mg; “facility inventory” vial
    - vi. Prazosin 1mg; “facility inventory” vial
    - vii. Clonazepam 0.5 mg; “facility inventory” vial
    - viii. Buspirone 5 mg; “facility inventory” vial
  - d. The following empty bottles that were *not* shown to agents of the Board at the May 8, 2023 inspection, were recovered from Dr. LaBash’s trashcan:
    - i. Ziprasidone 60 mg; “facility inventory” vial, repackaged on 8/16/2022.
    - ii. Mirtazapine 15mg; “facility inventory” vial, repackaged on 8/16/2022.
    - iii. Buspirone 5mg; “facility inventory” vial, repacked on 8/6/2022 (different than Buspirone seen at the inspection).

- iv. Clonazepam 0.5mg—2 vials; “facility inventory” vials, repackaged on 3/3/2022 and 8/16/2022 (different than the clonazepam seen at the inspection).
- v. Amoxicillin 500 mg; “facility inventory” vial, repackaged on 8/8/2022.
- vi. Lisinopril 20 mg; “facility inventory” vial, repackaged on 8/16/2022.
- vii. Gabapentin 600 mg; “facility inventory” vial, repackaged on 8/8/2022 (different than the gabapentin seen at the inspection).
- viii. Hydrochlorothiazide 25 mg; “facility inventory” vial, repackaged on 8/16/2022.
- ix. Tylenol 500 mg, expiration date of 2/10/23. Not in the manufacturer’s original packaging.
- e. The improper transportation of non-controlled dangerous drugs and controlled substances from the clinic to Dr. Labash’s house was done by Mr. Bowers, a non-licensed healthcare professional.
- f. The controlled substances and non-controlled dangerous drugs were improperly disposed of in a compost bin at Dr. LaBash’s house.
- g. The disposal of the medication vials in Dr. LaBash’s trashcan, with the patient labels and personally identifiable information (PII) still legible (State’s Exhibit 11, pgs. 62, 64, 65, 77, 78) was rife with violations of The Health Insurance Portability and Accountability Act (HIPAA).

The Board finds Mr. Bowers’ testimony that the drug destruction, required by the May 8, 2023 Inspection Report, occurred on May 10, 2023, contrary to fact. Even if the Board disregards Dr. LaBash’s statements made to the Board agent on July 25, 2023 and/or August 1, 2023, that he was not involved in the drug destruction or signing any forms after the May 8, 2023 inspection, and further, that the drugs were brought to his house sometime around July 28, 2023 (and rendered non-retrievable at that time), the evidence is clear. The vials found in Dr. LaBash’s trash on August 1, 2023 by the Board agent - and the condition of the pills observed in the compost bin (State’s Exhibit 11)-rebut Mr. Bowers’ testimony and support the conclusion that the drugs were destroyed earlier that week. The Board finds it incredulous that drugs destroyed, and vials disposed of, in May 2023 would still be observable in Dr. LaBash’s compost bin and trashcan nearly three months later. Further, regardless of whether Dr. LaBash signed the document stating that the drugs were destroyed on May 10, 2023 as Mr. Bowers contends or whether Mr. Bowers -or another agent of Warren Recovery - falsified Dr. LaBash’s signature on the document, the Board concludes that the drug destruction

document was falsified or backdated to lead the Board to believe that the drugs were destroyed earlier than their actual destruction date.

The in-hearing review of Warren Recovery Group, Inc.'s website, warrenfamilyrecovery.com, and Mr. Bowers' professional biography on the website, concerned the Board. At the time of the hearing, Mr. Bower's biography displayed "D'Andre Bowers" with credentials below his name listing "EMT, CPhT, STNA, MA, QMHS/QBHS." Mr. Bowers' testimony regarding his professional licenses, registrations, and/or credentials was false. When asked about each credential, he testified that he either has the license or registration or that Ohio does not require the license or registration in order to qualify for each professional status. Upon further questioning, he testified he received the required training and/or the qualifications in technical school. Mr. Bowers falsely testified that emergency medical technicians (EMTs) do not require licensure or certification in Ohio. *But see* ORC Chapter 4765 (First Responders, Emergency Medical Technicians). And, despite using the CPhT (Certified Pharmacy Technician) credential on his website, Mr. Bowers acknowledged that he had applied for – but then abandoned – his application for CPhT registration with this Board. The willingness to blatantly lie to the Board- about publicly available information such as professional licensing credentials - including the Board's own registration for a CPhT - shows a clear and reckless disregard for the truth and puts his clinic clients and public at risk.

Testimony was presented that Warren Recovery Group has continued to operate since the May 8, 2023 inspection by the Board; however, the clinic has not maintained dangerous drugs at the facility. Dr. Watson testified Warren Recovery Group can still service their clients without a Board-issued TDDD license. Mr. Bowers testified the Board's TDDD license helps Warren Recovery Group with the CARF accreditation (Respondent's Exhibit A).

#### CONCLUSIONS OF LAW

1. Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of ORC Section 2925.23(B)(4), Illegal Processing of Drug Documents: No person shall intentionally make, utter, or sell, or knowingly possess any of the following that is a false or forged: License for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code, a felony of the fifth degree.
2. Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of ORC Section 2925.23(A), Illegal Processing of Drug Documents: No person shall knowingly make a false statement in any prescription, order, report, or record required by Chapter 3719. or 4729. of the Revised Code, a felony of the fifth degree.
3. Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of ORC Section 2913.02(A), Theft of a dangerous drug: No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control

over either the property or services in any of the following ways: (1) Without the consent of the owner or person authorized to give consent; and/or (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent, a felony of the fourth degree.

4. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of each of the following divisions of Section 4729.55 of the ORC, as effective March 31, 2021, TDDD license requirements:
  - a. A ... licensed health professional authorized to prescribe drugs... will maintain supervision and control over the possession and custody of dangerous drugs that may be acquired by or on behalf of the applicant, ORC 4729.55(B); and
  - b. Adequate safeguards are assured to prevent the sale or other distribution of dangerous drugs by any person other than a pharmacist or licensed health professional authorized to prescribe drugs, ORC 4729.55(C).
5. Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of ORC Section 4729.55(K), as effective March 31, 2021, Terminal Distributor License Requirements, a category III terminal distributor of dangerous drugs license with an OBOT classification, the applicant meets the requirements to receive that license with that classification.
6. Such conduct as set forth in Findings of Fact Section, constitutes a violation of each of the following divisions of Section 4729.57(B) of the ORC, as effective September 29, 2017 and April 4, 2023:
  - a. Making any false material statements in an application for a license as a terminal distributor of dangerous drugs, ORC Section 4729.57(B)(1); and
  - b. Violating any rule of the board, ORC Section 4729.57(B)(2); and
  - c. Violating any provision of this chapter, ORC Section 4729.57(B)(3); and
  - d. Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code, ORC Section 4729.57(B)(5); and
  - e. Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code, ORC Section 4729.57(B)(7); and



- f. Any other cause for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.57(B)(10).
  
7. Such conduct as set forth in Findings of Fact Section, constitutes a violation of each of the following sections of Rule 4729:5-3-14 of the OAC, as effective March 1, 2020: All terminal distributors of dangerous drugs shall provide effective controls and procedures to:
  - a. Deter and detect the theft and diversion of dangerous drugs, OAC Rule 4729:5-3-14(A)(1); and
  - b. Ensure supervision and control of dangerous drugs, as required in division (B) of section 4729.55 of the Revised Code, and adequate safeguards to ensure that dangerous drugs are being distributed in accordance with all state and federal laws, as required in section 4729.55 of the Revised Code, OAC Rule 4729:5-3-14(A)(2).
  
8. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of Rule 4729:5-18-06(C) of the OAC, as effective March 2020: A clinic licensed as a terminal distributor of dangerous drugs with an office-based opioid treatment classification and all prescribers practicing at the clinic shall comply with the following: All other state and federal laws, rules, and regulations on the prescribing, personally furnishing, possessing or administration of controlled substances and other dangerous drugs.
  
9. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of the following sections of Rule 4729:5-18-04 of the OAC, as effective March 2020:
  - a. The security and control of dangerous drugs is the responsibility of the responsible person on the terminal distributor of dangerous drugs license and the terminal distributor of dangerous drugs, OAC Rule 4729:5-18-04(A); and
  - b. Except as provided in paragraphs (F) and (G) of this rule, controlled substance dangerous drugs shall be stored in a securely locked, substantially constructed cabinet or safe to deter and detect unauthorized access:
    - i. In the case of a key lock, all keys shall be maintained in a secure place that is inaccessible to anyone other than a prescriber or pharmacist if not being used by a prescriber, pharmacist or a licensed health care professional in accordance with paragraph (B)(6)(a), (B)(6)(b), or (B)(6)(c) of this rule. All locks shall be kept in good working order with keys removed therefrom, OAC Rule 4729:5-18-04(B)(4); and

- ii. Except as provided in paragraph (B)(6)(a), (B)(6)(b), or (B)(6)(c) of this rule, only a prescriber or pharmacist shall be able to access the cabinet or safe, OAC Rule 4729:5-18-04(B)(6); and
  - c. Except as provided in paragraph (G) of this rule, a licensed health care professional, acting within the scope of the professional's practice, may have access to controlled substances only under the personal supervision of a prescriber or pharmacist, OAC Rule 4729:5-18-04(C); and
  - d. Adulterated drugs, including expired drugs, shall be stored in accordance with rule 4729:5-3-06 of the Administrative Code, OAC Rule 4729:5-18-04(M); and
  - e. Disposal of controlled substances shall be conducted in accordance with rule 4729:5-3-01 of the Administrative Code, OAC Rule 4729:5-18-04(N); and
  - f. Disposal of non-controlled dangerous drugs shall be conducted in accordance with rule 4729:5-3-06 of the Administrative Code, OAC Rule 4729:5-18-04(O).
10. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of each of the following sections of Rule 4729:5-3-07 of the OAC, as effective March 1, 2019:
- a. Unless otherwise stated in this division of the Administrative Code, all category III terminal distributor licensees shall complete a controlled substances inventory in accordance with 21 CFR 1304.11 (9/9/2014), Rule 4729:5-3-07(A); and
  - b. All controlled substance inventories performed in accordance with this rule shall be conducted on an annual basis. The annual inventory may be taken on any date which is within thirteen months of the previous inventory date, Rule 4729:5-3-07(B); and
  - c. The terminal distributor's responsible person shall be responsible for completing and maintaining this inventory record at the location licensed as a terminal distributor of dangerous drugs, Rule 4729:5-3-07(C).
11. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of each of the following divisions of Rule 4729:5-2-01(D) of the OAC, as effective March 1, 2019, Responsible Person Requirements: For locations licensed as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification under section 4729.553 of the Revised Code:

- a. A physician or certified nurse practitioner shall not be designated the responsible person for a location licensed as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless the physician or certified nurse practitioner will be physically present at the location for at least fifteen hours per week. If the facility is not open more than fifteen hours per week, the minimum amount of on-site supervision shall be at least fifty per cent of the total hours the facility is open, as reported to the board by the licensee on the application. Any changes to the licensee's hours of operation shall be reported to the board, in a manner determined by the board, within three business days, OAC 4729:5-2-01(D)(3); and
  - b. The person to whom the category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification has been issued, the responsible person and all licensed health professionals practicing at that location are responsible for compliance with all state and federal laws, regulations, and rules regulating the operation of an office-based opioid treatment facility and prescribing of controlled substances, OAC 4729:5-2-01(D)(4).
12. Such conduct as set forth in the Findings of Fact Section, each constitutes a violation of the following sections of Rule 4729:5-4-01 of the OAC, as effective April 25, 2022:
  - a. Making any false material statements in an application for a license or renewal of a license as a terminal distributor of dangerous drugs, OAC Rule 4729:5-4-01(B)(1); and
  - b. Violating any rule of the board, OAC Rule 4729:5-4-01(B)(2); and
  - c. Violating any provision of Chapter 4729. of the Revised Code, OAC Rule 4729:5-4-01(B)(3); and
  - d. Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code, OAC Rule 4729:5-4-01(B)(7); and
  - e. Commission of an act that constitutes a misdemeanor that is related to, or committed in, the person's professional practice, OAC Rule 4729:5-4-01(B)(18).

DECISION OF THE BOARD

Pursuant to Section 4729.57 of the Ohio Revised Code and Ohio Administrative Code 4729:5-1-01(U), and after consideration of the record as a whole, the nature and egregiousness of the findings of fact and violations of law, the pattern of behavior and judgment shown by Warren Recovery Group, Dr. LaBash and Mr. Bowers, the Board finds that Warren Recovery Group has demonstrated a compromised ability to supervise and secure dangerous drugs and controlled substances, and continuously ensure patient safety. The risk of drug diversion, abuse, and patient harm is too great in this instance. The Ohio Board of Pharmacy adjudicates the matter of Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery as follows:

**On the basis of the Findings of Fact and Section (1) of the Conclusions of Law, the Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs (TDDD) license, No. 02-65000056, held by Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery, effective the date of this Order.**

**On the basis of the Findings of Fact and Section (2) of the Conclusions of Law, the Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs (TDDD) license, No. 02-65000056, held by Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery, effective the date of this Order.**

**On the basis of the Findings of Fact and Section (3) of the Conclusions of Law, the Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs (TDDD) license, No. 02-65000056, held by Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery, effective the date of this Order.**

**On the basis of the Findings of Fact and Section (4) of the Conclusions of Law, the Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs (TDDD) license, No. 02-65000056, held by Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery, effective the date of this Order.**

**On the basis of the Findings of Fact and Section (5) of the Conclusions of Law, the Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs (TDDD) license, No. 02-65000056, held by Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery, effective the date of this Order.**

**On the basis of the Findings of Fact and Section (6) of the Conclusions of Law, the Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs (TDDD) license, No. 02-65000056, held by Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery, effective the date of this Order.**

**On the basis of the Findings of Fact and Section (7) of the Conclusions of Law, the Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs (TDDD) license, No. 02-65000056, held by Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery, effective the date of this Order.**

**On the basis of the Findings of Fact and Section (8) of the Conclusions of Law, the Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs (TDDD) license, No. 02-65000056, held by Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery, effective the date of this Order.**

**On the basis of the Findings of Fact and Section (9) of the Conclusions of Law, the Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs (TDDD) license, No. 02-65000056, held by Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery, effective the date of this Order.**

**On the basis of the Findings of Fact and Section (10) of the Conclusions of Law, the Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs (TDDD) license, No. 02-65000056, held by Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery, effective the date of this Order.**

**On the basis of the Findings of Fact and Section (11) of the Conclusions of Law, the Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs (TDDD) license, No. 02-65000056, held by Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery, effective the date of this Order.**

**On the basis of the Findings of Fact and Section (12) of the Conclusions of Law, the Ohio Board of Pharmacy hereby revokes permanently the Terminal Distributor of Dangerous Drugs (TDDD) license, No. 02-65000056, held by Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery, effective the date of this Order.**

Pursuant to 4729.57 of the Ohio Revised Code, the State of Ohio Board of Pharmacy imposes a monetary penalty in the amount of \$2,500.00. This fine will be attached to the license record for Warren Recovery Group, Inc. D.B.A. Shaker Family Recovery and must be paid no later than 180 days from the effective date of this Order. To pay this fine a representative of Warren Recovery Group must log in to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in the cart.

Further, the Board grants the State's Motion to Seal the portions of the record that include confidential patient health information, including but not limited to State's Exhibit 6 and 11.

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

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

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

SO ORDERED.

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**R-2025-0314**

After votes were taken in public session, the Board adopted the following order in the Matter of Nirav R. Patel, Maineville, Ohio.

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**ORDER OF THE OHIO BOARD OF PHARMACY**

(Case Number A-2023-0344)

In The Matter Of:

**Nirav R. Patel, RPh**

7714 Hempston Circle

Maineville, Ohio 45039

(License No. 03-442290)

**INTRODUCTION**

On July 10, 2024, the Ohio Board of Pharmacy (Board) issued a Notice of Opportunity for Hearing (Notice) to Nirav Patel (Respondent) via registered email to Respondent's email of record with the Board. The Certified Record of Opening confirmed the Notice was delivered and opened on July 11, 2024. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within thirty days of service. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the matter came before the Board under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996) on February 4, 2025, before the following members of the Ohio Board of Pharmacy (Board): Mindy Ferris, RPh, *Presiding*; Jeff Huston, RPh, *Vice President*; Trina Buettner, RPh; Jason George, RPh; T.J. Grimm, RPh; Leonard Hubert, *Public Member*; Rich Miller, RPh; and Christine Pfaff, RPh.

Anthony Buchta, Sr., RPh; Absent.

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

SUMMARY OF EVIDENCEState's Witnesses:

1. Michael Poe – Board Agent

Respondent's Witnesses:

1. None

State's Exhibits:

1. Notice Letter
2. Statement of Respondent
3. Statement of C.B.
4. Statement of C.C.
5. Statement of S.D.
6. Statement of J.H.
7. Records from Kroger
8. Texts #1
9. Texts #2
10. Proof of Service

Respondent's Exhibits:

- A. None

FINDINGS OF FACT

After hearing the testimony, observing the demeanor of the witnesses, considering the evidence, and weighing the credibility of each, the Board finds the following to be fact:

1. On or about July 11, 2023, Nirav Patel working as a pharmacist at Kroger Pharmacy, located at 6725 Dick Flynn Boulevard, Goshen, Ohio. Nirav Patel was the Responsible Person. C.C., who worked with him when he was the Responsible Person, was interviewed by an agent of the Board. She stated the following:
  - a. Nirav Patel immediately began flirting with employees while working as a pharmacist.
  - b. Mr. Patel gave preferential treatment to her and her cousin, B.B., who also worked with Mr. Patel. He texted technicians outside of work hours.
  - c. Mr. Patel would discuss his bedroom habits and “kinks” with B.B.
  - d. Mr. Patel and K.T. would touch each other in an intimate way, i.e. arms around shoulders, while working. Mr. Patel and K.T. would drive to/from work together.

2. J.H., who worked with Nirav Patel when he was the Responsible Person, was interviewed by an agent of the Board. She stated the following:
  - a. When Mr. Patel started working at the same pharmacy, she thought Mr. Patel was going to be a good manager “until [Mr. Patel] started coming on to the younger girls.”
  - b. Mr. Patel pursued B.B. pretty heavily, but then started seeing C.B., the youngest technician, who was 19 years old.
  - c. J.H. was told the following by C.B., the technician Mr. Patel was seeing:
    - i. Mr. Patel and C.B. had been dating since January 2023 and she was in love with him. This technician found out she was pregnant.
    - ii. Mr. Patel made statements about attempting self-harm, i.e. “I don’t want to live” and “my career is over, I might as well kill myself” and “I’m going to starve myself.”
    - iii. Mr. Patel drove her to a doctor’s visit and on the way home he drove the car onto the median of the road. She yelled at him to correct the car’s path. When she asked what he was doing, he replied “just thinking about killing us both.”
  - d. Mr. Patel told J.H. that she was becoming too involved with technicians.
3. A.B., who worked with Nirav Patel when he was the Responsible Person, was interviewed by an agent of the Board. She stated the following:
  - a. Mr. Patel dated K.T. who also worked at Kroger Pharmacy. The two of them were seen in the back corner of the pharmacy cuddling with an arm on the other person’s shoulder.
  - b. When Mr. Patel was pursuing one of the other technicians, B.B., the two of them would flirt at the pharmacy. Mr. Patel afforded her special considerations, i.e. allowing her to work a flexible schedule to assist with childcare.
  - c. When B.B. decided not to pursue a relationship with him, he became hostile toward her. Mr. Patel was hard on her work and no longer allowed her to work a flexible schedule. He would send back prescriptions- stating there were data entry issues- even when there were not. It was around this time when B.B. called and advised him she could not come to work; Mr. Patel told her she would be fired if she did not come to work.



- d. Mr. Patel's relationship with C.B. impacted the day-to-day operation of the pharmacy, i.e. C.B. would leave the pharmacy crying. Mr. Patel told staff she had mental health issues.
  - e. Mr. Patel became aware Kroger's Corporate Office was aware of his relationship with C.B. Mr. Patel began to give A.B. "grief" at this time. For example, when A.B. was out sick, he told the lead technician to fire her. When she was not fired, Mr. Patel told her to write up A.B. Note: A.B. never received formal discipline.
  - f. Mr. Patel yelled at her for "sticking up for [B.B.]" and stated he was "tired of everyone acting like bitches" and he was "sick of all the bullshit."
4. On or about July 12, 2023, an agent of the Board interviewed a pharmacist who worked with Nirav Patel when she was a pharmacy intern. She stated the following:
    - a. Mr. Patel sniffed her and made comments like "you smell good."
    - b. Mr. Patel was persistent with attempts to date her casually.
    - c. In a text message about work related issues, he stated "my mom thinks you're so beautiful, and you still owe me a date."
    - d. She was told by technicians Mr. Patel worked with that he "slid into their DMs."
    - e. Mr. Patel flirted by complimenting her and asked her out on dates over and over again.
  5. C.B., who worked with Nirav Patel when he was the Responsible Person, was interviewed by an agent of the Board. She stated the following:
    - a. She confirmed she was in a romantic relationship with Mr. Patel. The relationship began when she was a technician and he was the Responsible Person.
    - b. The tone of the conversations changed when he started to say things like, "you look good today" and other compliments. Mr. Patel and C.B. mutually pursued each other.
    - c. She became pregnant with Mr. Patel's child.
    - d. The day that Mr. Patel went to a doctor appointment with her, she stated he lost focus and drifted into the median. They got into an argument when they got home. Mr. Patel stated, "you know, I just really wanted to end it today. I'm so tired of suffering." (Mr. Patel never stated what he wanted to end.)

6. On or about July 24, 2023, Nirav Patel was interviewed by an agent of the Board. He stated the following:
  - a. When he worked as an Intern at Kroger, he dated [K.T.]. Everything with her occurred outside of work.
  - b. He became the manager at Kroger (Goshen) on October 9, 2022.
  - c. He liked developing friendships with technicians, as he liked to keep his staff happy.
  - d. He developed a professional relationship with C.B. They worked together for about a month before anything started. They both ended their relationship and shortly after, she found out she was pregnant. Mr. Patel went “crazy” because he had just become a pharmacist.
  - e. He spoke about the car ride with C.B. Mr. Patel stated he was “down” and had anxiety; he saw an object in the road and avoided that object.
  - f. Around that time, he feared losing his job and pharmacist license and would be viewed as a failure by his patients. He told C.B. he didn’t know if he wanted to live anymore. He had back-to-back panic attacks. He told her he wanted to end his life.

#### CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact Section, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 6, 2023, each violation constituting a minor misdemeanor:
  - e. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and
  - f. 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 4729.16(A)(2)(e); and
  - g. 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).

2. Such conduct as set forth in the Findings of Fact Section, each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective 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. 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
  - c. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration, OAC Rule 4729:1-4-01(B)(2)(k); and
  - d. Failed to conform to prevailing standards of care of similar pharmacists under the same or similar circumstances, whether or not actual injury to a patient is established, OAC Rule 4729:1-4-01(B)(2)(n).

#### DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the Ohio Board of Pharmacy hereby imposes a reprimand on Nirav Patel's license to practice pharmacy in the State of Ohio, license no. 03-442290.

Further, pursuant to Section 4729.16 of the Ohio Revised Code, the Ohio Board of Pharmacy imposes the following terms:

1. Nirav Patel may not serve as a responsible person for a period of five years from the date of this Order. Following the five-year period, Nirav Patel may petition the Board for permission to serve as a responsible person. Mr. Patel must appear before the Board before such permission may be granted.
2. A monetary penalty in the amount of \$1,000.00. This fine will be attached to the license record for Nirav Patel and must be paid no later than 180 days from the date of this Order. To pay this fine, Nirav Patel must log in to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in the cart.
3. Nirav Patel must obtain three hours of approved continuing pharmacy education (0.3 CEUs) which may not also be used for license renewal. The 0.3 CEUs must

include the following: two hours of ethics and one hour of sexual harassment training. The CEUs must be completed within six months from the effective date of this Order. Copies of completed CEUs must be e-mailed to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov).

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

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

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

SO ORDERED.

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**R-2025-0315**

Mr. Huston moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Mr. George and a roll-call vote was conducted by President Ferris as follows: Buchta-yes; Buettner-yes; George-yes; Grimm-yes; Hubert-yes; Huston-yes, and Miller-yes.

**2:08 p.m.** The Board returned to public session.

**2:08 p.m.** Mr. Scheirholt provided a legislative update.

**2:17 p.m.** The Board Meeting Adjourned.



Mindy Ferris, RPh, President

Date: 03.04.2025



Steven W. Schierholt, Executive Director

Date: 03.04.2025