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Minutes of the January 5-6, 2009 **Meeting of the Ohio State Board of Pharmacy**

Monday, January 5, 2009

10:00 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Nathan S. Lipsyc, R.Ph., *President*; Elizabeth I. Gregg, R.Ph., *Vice-President*; Gregory Braylock, R.Ph.; Donald M. Casar, R.Ph.; Barton G. Kaderly, Public Member; Richard F. Kolezynski, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

Also present were William T. Winsley, *Executive Director*; Timothy Benedict, *Assistant Executive Director*; William McMillen, *Licensing Administrator*; Mark Keeley, *Legislative Affairs Administrator*; Chris Reed, *Compliance Supervisor*; David Rowland, *Legal Affairs Administrator*; Danna Droz, *Prescription Drug Monitoring Program Director*; and Sally Ann Steuk, *Assistant Attorney General*.

R-2009-133

Mr. Winsley announced that the following Settlement Agreement with **Ernest Gerald Parker**, R.Ph. (03-2-18135) West Chester, Ohio, had been signed by all parties making it effective.

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-081112-034

in the matter of:

Ernest Parker, R.Ph.
5800 Sawgrass Drive
West Chester, Ohio, 45069

R.Ph. Number 03-2-18135

This Settlement Agreement is entered into by and between Ernest Parker and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Ernest Parker voluntarily enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Ernest Parker acknowledges that by entering into this agreement he has waived his rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Ernest Parker is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about November 17, 2008, pursuant to Chapter 119. of the Ohio Revised Code, Ernest Parker was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Ernest Parker requested a hearing concomitant with an offer for settlement.

By entering into this Agreement Ernest Parker neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Ernest Parker knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Ernest Parker agrees to the imposition of a monetary penalty of Five Hundred Dollars (\$500.00) due and owing within thirty days from the effective date of this Agreement. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Ernest Parker must obtain, with six (6) months time from the effective date of this Agreement, five hours of continuing pharmacy education (0.5 CEUs) on preventing medication errors, which may not also be used for license renewal.

Ernest Parker acknowledges that he has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner. Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

Ernest Parker waives any and all claims or causes of action he may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Ernest Parker waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of the Board President's signature below.

/s/ Ernest Parker, R.Ph. Date Signed: 12/30/08
Respondent

/s/ Nathan S. Lipsyc Date Signed: 01/05/09
President, Ohio State Board of Pharmacy

/s/ Sally Ann Steuk Date Signed: 01/05/09
Ohio Assistant Attorney General

10:03 a.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code and to confer with an attorney for the Board regarding pending or imminent court action pursuant to Section 121.22(G)(3) of the Ohio Revised Code. The motion was seconded by Mr. Casar and a roll-call vote was conducted by President Lipsyc as follows: Braylock – *yes*; Casar – *yes*; Gregg – *yes*; Kaderly – *yes*; Kolezynski – *yes*; Pasquale – *yes*; and Wiesenbahn – *yes*.

11:04 a.m. The Executive Session ended and the meeting was opened to the public.

R-2009-134 After discussion, Mrs. Gregg moved that Mr. Winsley be allowed to approve the settlement of a Federal case in the matter of **Dawn Smith** versus the Ohio State Board of Pharmacy. The motion was seconded by Mr. Wiesenbahn and approved by the Board: *Aye* – 6; *Nay* – 1.

President Lipsyc announced that the meeting originally scheduled for Wednesday, January 9, 2009, had been cancelled.

R-2009-135 After discussion, Mr. Braylock moved that the Board approve the withdrawal of a reinstatement application submitted by **Jerry Delman**, Pompano Beach, Florida, and that the Board-issued citation in the matter be withdrawn. The motion was seconded by Mr. Kolezynski and approved by the Board: *Aye* – 7.

Mr. Keeley presented the Legislative Report.

Mr. Benedict presented the Medical Board Prescribing Committee Report for this month.

Mr. Braylock said the Nursing Board Committee on Prescriptive Governance will meet the week of January 12.

President Lipsyc announced that Mr. Braylock, whose Board term ends June 31, 2009, will be replaced on the Nursing Board Committee on Prescriptive Governance by Mr. Casar.

R-2009-136 The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

Hill's Compounding Pharmacy , Milford, Ohio	(02-1181750)
Home Care Pharmacy , Cincinnati, Ohio	(02-0565600)
Med RX Pharmacy , West Chester, Ohio	(02-1921800)
Skilled Care Pharmacy , Mason, Ohio	(02-0176650)

After discussion, Mrs. Gregg moved that the Board approve the request as long as the parties to the request comply with the requirements in the rule for such an exemption. The motion was seconded by Mr. Casar and approved by the Board: *Aye* – 7

R-2009-137 The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-11 (Responsible Person) requesting that **Joel L. Levitan**, R.Ph. (03-2-09419) Sylvania, Ohio be permitted to be the responsible person for the following sites:

The Clinic Pharmacy, Toledo, Ohio (02-0559450)
Fresenius Medical Care N. America, Perrysburg, Ohio (02-1153950)

After discussion, Mr. Braylock moved that the Board approve the request for 1 year. The motion was seconded by Mrs. Gregg and approved by the Board: *Aye* – 6; *Nay* – 1.

R-2009-138

A special Ad Hoc Committee was appointed to consider possible new rules to be created for Senate Bill 203, concerning pharmacy technicians. Mr. Braylock moved that the list be approved as amended and the motion was seconded by Mrs. Gregg. It was approved by the Board: *Aye* – 7.

OSHP:

- 1) David Bystrom, R.Ph.: Mt. Carmel East Hospital/Columbus
- 2) Teresa Cavanaugh, R.Ph.: University Hospital/Cincinnati
- 3) Suzanne Marques, R.Ph.: St. Rita's Medical Center/Lima

OPA:

- 1) Tom Whiston, R.Ph.: Whiston Pharmacy/Mt. Gilead
- 2) Dale Bertke, R.Ph.: Schwieterman's Drug Store/Minster
- 3) Shawn Eaton, R.Ph.: CVS/Corporate Office
- 4) Max Peoples, R.Ph.: Uptown Pharmacy/Westerville
- 5) Randy Myers, R.Ph.: Harry's Pharmacy/Carey
- 6) Don Bennett, R.Ph.: Pharmacy Systems Inc./Dublin

LONGTERM CARE PHARMACY:

- 1) Sue Neuber, R.Ph.: Omnicare Pharmacy/Ohio
- 2) Tim Tannert, R.Ph.: Absolute Pharmacy/North Canton

MAIL ORDER PHARMACY:

- 1) Tracy Furgiuele, R.Ph.: Medco Health/Dublin

NUCLEAR PHARMACY:

- 1) Lisa Marmon, R.Ph.: Cardinal Health Nuclear Pharmacy Services/Dublin

OTHERS:

- 1) Nick Barsan, R.Ph.: Walgreens/Cincinnati

BOARD MEMBERS:

- 1) Bart Kaderly, Public Member
- 2) Don Casar, R.Ph.
- 3) Gregory Braylock, R.Ph.

- 11:49 a.m. The Board recessed for lunch.
- 1:25 p.m. The Board reconvened, with Ms. Lange in attendance, so that all members were present.
- 1:29 p.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Caprice Lipaj Mercer**, R.Ph. (03-3-10572) Bay Village, Ohio.
- 3:00 p.m. The hearing ended and the record was closed.
- 3:01 p.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Wiesenhahn and a roll-call vote was conducted by President Lipsyc as follows: Braylock – *yes*; Casar – *yes*; Gregg – *yes*; Kaderly – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

3:27 p.m. The Executive Session ended and the meeting was opened to the public.

R-2009-139 After votes were taken in public session, the Board adopted the following order in the matter of **Caprice Lipaj Mercer**, R.Ph. (03-3-10572) Bay Village, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-080807-014

in the matter of:

CAPRICE LIPAJ MERCER, R.Ph.

615 Debbington Drive
Bay Village, Ohio 44140

R.Ph. Number 03-3-10572

INTRODUCTION

The matter of Caprice Lipaj Mercer came for hearing on January 5, 2009, before the following members of the Board: Nathan S. Lipsyc, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Donald M. Casar, R.Ph.; Elizabeth I. Gregg, R.Ph.; Barton G. Kaderly, Public Member; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

Caprice Lipaj Mercer was represented by Jeffrey S. Richardson. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness: Joann Predina, R.Ph., Ohio State Board of Pharmacy

Respondent's Witness: Caprice Lipaj Mercer, R.Ph., Respondent

State's Exhibits:

1. Copy of Notice of Opportunity For Hearing letter [08-07-08]
1A-1C. Procedurals
2. RX #159283 Ambien 6.25 mg [10-10-07]; Coupon for free trial offer of Ambien
3. Copy of email from Cappi Mercer to Jay Kuhn [04-25-08]
4. Notarized Statement of Caprice Mercer [04-29-08]
5. Copy of email from Carrie Hecht, MD to Jay Kuhn and William West with cc to Charles Emerman, MD
6. Lorain County Drug Task Force Physician Statement of Dr. Carrie Hecht [04-29-08]
7. Costco Pharmacy #343 Patient Profile for Caprice Mercer [10-15-07 to 01-10-08]
8. Signature Pad Captured Data of Caprice Mercer [10-15-07]
9. RX #94564-10029, Ambien 6.25 mg [10-10-07]
10. Lorain County Drug Task Force Physician Statement of Dr. Crandell [04-29-08]
11. RX #159640, zolpidem 10 mg [10-10-07]
12. Signature Pad Captured Data of Caprice Mercer [10-24-07]
13. Signature Pad Captured Data of Caprice Mercer [01-11-08]

Respondent's Exhibits:

A-B. Two Letters of Support [12-22-08 and 12-30-08]

FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that Caprice Lipaj Mercer was originally licensed in the State of Ohio on July 30, 1973, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Caprice Lipaj Mercer did, on or about October 10, 2007, intentionally create and/or utter a false or forged prescription, to wit: Caprice Lipaj Mercer created and uttered RX #159283 for 7 Ambien CR 6.25 mg, naming herself as the patient, without authorization from a prescriber. The prescription was filled on October 15, 2007. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (3) Caprice Lipaj Mercer did, on or about October 10, 2007, intentionally create and/or utter a false or forged prescription, to wit: Caprice Lipaj Mercer created and uttered RX #94564-10029 for 7 Ambien CR 6.25 mg, naming her mother as the patient, without authorization from a prescriber. The prescription was filled on October 14, 2007. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (4) Caprice Lipaj Mercer did, on or about October 10, 2007, intentionally create and/or utter a false or forged prescription, to wit: Caprice Lipaj Mercer created and uttered RX #159640 for 90 zolpidem 10 mg naming herself as the patient, without authorization from a prescriber. The prescription was filled on October 24, 2007. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.
- (5) Caprice Lipaj Mercer did, on or about October 15, 2007, knowingly sell a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Caprice Lipaj Mercer supplied her mother with 7 Ambien CR 6.25 mg without authorization from a prescriber and pursuant to a prescription Caprice Lipaj Mercer had forged, RX #159283. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
- (6) Caprice Lipaj Mercer did, on or about October 14, 2007, knowingly sell a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Caprice Lipaj Mercer supplied her mother with 7 Ambien CR 6.25 mg without authorization from a prescriber and pursuant to a prescription Caprice Lipaj Mercer had forged, RX #94564-10029. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
- (7) Caprice Lipaj Mercer did, on or about October 24, 2007, knowingly sell a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Caprice Lipaj Mercer supplied her mother with 90 zolpidem 10 mg without authorization from a prescriber and pursuant to a prescription Caprice Lipaj Mercer had

forged, RX #159640. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (8) Caprice Lipaj Mercer did, on or about January 11, 2008, knowingly sell a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Caprice Lipaj Mercer supplied her mother with 90 zolpidem 10 mg without authorization from a prescriber and pursuant to a prescription Caprice Lipaj Mercer had forged, RX #159640. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
- (9) Caprice Lipaj Mercer did, on or about October 10, 2007, by theft, acquire an uncompleted preprinted prescription blank used for writing a prescription, to wit: Caprice Lipaj Mercer stole 4 prescription blanks from her employer, MetroHealth Hospital. Caprice Lipaj Mercer subsequently forged 3 of them, and destroyed one that Caprice Lipaj Mercer had used to practice the forgeries. Such conduct is in violation of Section 2925.23(C)(2) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (9) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (2) through (9) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraphs (2) through (9) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby imposes a monetary penalty of four thousand dollars (\$4,000.00) on Caprice Lipaj Mercer and payment of the monetary penalty is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

Further, Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby places on probation for one year the pharmacist identification card, No. 03-3-10572, held by Caprice Lipaj Mercer effective as of the date of the mailing of this Order. The terms of probation are as follows:

- (A) Caprice Lipaj Mercer must make any current and future employers aware of this Order.
- (B) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby limits Caprice Lipaj Mercer's practice of

pharmacy in that she may not dispense prescriptions for herself or for any member of her family.

- (C) Caprice Lipaj Mercer must obtain ten hours of approved continuing pharmacy education (1.0 CEUs) in Jurisprudence, which may not also be used for license renewal. Five of these hours (0.5) must be completed within six months from the effective date of this Order.
- (D) Caprice Lipaj Mercer must not violate the drug laws of Ohio, any other state, or the federal government.
- (E) Caprice Lipaj Mercer must abide by the rules of the State Board of Pharmacy.
- (F) Caprice Lipaj Mercer must comply with the terms of this Order.
- (G) Caprice Lipaj Mercer's license is deemed to be not in good standing until successful completion of the probationary period.
- (H) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Caprice Lipaj Mercer is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

Donald Casar moved for Findings of Fact; Elizabeth Gregg seconded the motion. Motion passed (Aye-8/Nay-0).

Deborah Lange moved for Conclusions of Law; Heather Pasquale seconded the motion. Motion passed (Aye-8/Nay-0).

Gregory Braylock moved for Action of the Board; Jerome Wiesenhahn seconded the motion. Motion passed (Aye-6/Nay-2).

3:30 p.m. The Board recessed briefly.

3:38 p.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Steven Christopher Green**, R.Ph. (03-3-20041) Middletown, Ohio.

4:42 p.m. The hearing ended and the record was closed.

4:43 p.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Casar and a roll-call vote was conducted by President Lipsyc as follows: Braylock – *yes*; Casar – *yes*; Gregg – *yes*; Kaderly – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

4:53 a.m. The Executive Session ended and the meeting was opened to the public.

R-2009-140 After votes were taken in public session, the Board adopted the following order in the matter of **Steven Christopher Green**, R.Ph. (03-3-20041) Middletown, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-081021-027

in the matter of:

STEVEN CHRISTOPHER GREEN, R.Ph.

3100 Fleming Road
Middletown, Ohio 45042

R.Ph. Number 03-3-20041

INTRODUCTION

The matter of Steven Christopher Green came for hearing on January 5, 2009, before the following members of the Board: Nathan S. Lipsyc, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Donald M. Casar, R.Ph.; Elizabeth I. Gregg, R.Ph.; Barton G. Kaderly, Public Member; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

Steven Christopher Green was represented by Harry B. Plotnick. The state of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness: Rick Haun, Ohio State Board of Pharmacy

Respondent's Witness: Steven Christopher Green, R.Ph., Respondent

State's Exhibits:

1. Copy of Summary Suspension/Notice of Opportunity For Hearing Letter [10-21-08]
1A-1E. Procedurals
1F. Summary Suspension/Addendum Notice [12-10-08]
1G. Procedural
2. Notarized Statement of Steve Green [10-14-08]
3. RX #2206743 Label Placed Over RX #2006707 [09-05-08]; Two Transaction List Details [10-06-08 and 10-13-08]
4. Table of Steven Green's Fraudulent Prescriptions [04-17-08 to 10-10-08]

Respondent's Exhibits:

- A. Summary Suspension/Notice of Opportunity For Hearing Letter [10-21-08]; Summary Suspension/Addendum Notice [12-10-08]
- B. PRO Pharmacists Recovery Contract for Steven Green [01-03-09]
- C. Support Group Attendance Records [11-12-08 to 01-04-09]
- D. Counseling Report and Assessment by Janice L. Bending, Ph.D. for Steven Christopher Green [01-03-09]
- E. Continuing Pharmaceutical Education Credits and Certificates [11-23-08 to 12-16-08]

FINDINGS OF FACT

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

- (1) Records of the Board of Pharmacy indicate that Steven Christopher Green was originally licensed in the State of Ohio on July 28, 1993, pursuant to examination and that his license to practice pharmacy in Ohio was summarily suspended effective October 21, 2008.
- (2) Steven Christopher Green is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Steven Christopher Green has admitted to being addicted to controlled substances since early 2007. Steven Christopher Green has also admitted to forging prescriptions while practicing pharmacy so as to obtain drugs for his abuse. Such conduct indicates that Steven Christopher Green is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) Steven Christopher Green did, on or about September 5, 2008, intentionally create and/or knowingly possess a false or forged prescription, to wit: Steven Christopher Green took RX #2206707, originally written for 40 tablets of oxycodone 10 mg with APAP 325 mg, and altered the prescription to read 90 tablets. Steven Christopher Green paid for and obtained the drugs for his personal abuse. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (4) Steven Christopher Green did, on or about September 24, 2008, intentionally create and/or knowingly possess a false or forged prescription, to wit: Steven Christopher Green took RX #2206724, originally written for 40 tablets of oxycodone 10 mg with APAP 325 mg, and altered the prescription to read 90 tablets. Steven Christopher Green paid for and obtained the drugs for his personal abuse. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (5) Steven Christopher Green did, on or about October 8, 2008, intentionally create and/or knowingly possess a false or forged prescription, to wit: Steven Christopher Green took RX #2208743, originally written for 40 tablets of oxycodone 10 mg with APAP 325 mg, and altered the prescription to read 90 tablets. Steven Christopher Green paid for and obtained the drugs for his personal abuse. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (6) Steven Christopher Green did, on or about September 13, 2008, intentionally create and/or knowingly possess a false or forged prescription, to wit: Steven Christopher Green took RX #2203106, for oxycodone 7.5 mg with APAP 325 mg, and altered the prescription's patient, prescribing physician, and quantity. Steven Christopher Green assigned the new document RX #2206710. Steven Christopher Green paid for and obtained the drugs for his personal abuse. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (7) Steven Christopher Green did, on or about September 29, 2008, intentionally create and/or knowingly possess a false or forged prescription, to wit: Steven Christopher Green took RX #2203106, for oxycodone 7.5 mg with APAP 325 mg, and altered the prescription's patient, prescribing physician, and quantity. Steven Christopher Green assigned the new document RX #2206733. Steven Christopher Green paid for and obtained the drugs for his personal abuse. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (8) Steven Christopher Green did, on or about June 2, 2007, intentionally create and/or knowingly possess a false or forged prescription, to wit: Steven Christopher Green created RX #4454133, for 30 doses of Lorcet 10 mg, as a telephone prescription written for his deceased friend. Steven Christopher Green paid for and obtained the drugs for his personal abuse. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (9) Steven Christopher Green did, on or about June 26, 2007, intentionally create and/or knowingly possess a false or forged prescription, to wit: Steven Christopher Green created RX #4454275, for 40 doses of Lorcet 10 mg, as a telephone prescription written for his deceased friend. Steven Christopher Green paid for and obtained the drugs for his personal abuse. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (10) Steven Christopher Green did, on or about July 14, 2007, intentionally create and/or knowingly possess a false or forged prescription, to wit: Steven Christopher Green created RX #4454418, for 40 doses of Lorcet 10 mg, as a telephone prescription written for his deceased friend. Steven Christopher Green paid for and obtained the drugs for his personal abuse. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (11) Steven Christopher Green did, on or about August 18, 2007, intentionally create and/or knowingly possess a false or forged prescription, to wit: Steven Christopher Green created RX #4454656, for 20 doses of Norco 10 mg, as a telephone prescription written for his deceased friend. Steven Christopher Green paid for and obtained the drugs for his personal abuse. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (12) Steven Christopher Green did, on or about September 21, 2007, intentionally create and/or knowingly possess a false or forged prescription, to wit: Steven Christopher Green created RX #4454866, for 30 doses of Norco 10 mg, as a telephone prescription written for his deceased friend. Steven Christopher Green paid for and obtained the drugs for his personal abuse. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (13) Steven Christopher Green did, on or about April 17, 2008, intentionally create and/or knowingly possess a false or forged prescription, to wit: Steven Christopher Green created RX #4456251, for 90 doses of Norco 10 mg, as a telephone prescription written for his deceased friend. Steven Christopher Green paid for and obtained the drugs for his personal abuse. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (14) Steven Christopher Green did, on or about August 8, 2008, intentionally create and/or knowingly possess a false or forged prescription, to wit: Steven Christopher Green took RX #6944050, for Z-Pac, and altered the quantity and drug to 90 doses of oxycodone 5mg with APAP 325 mg. Steven Christopher Green assigned the new document RX #2208509. Steven Christopher Green paid for and obtained the drugs for his personal abuse. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (15) Steven Christopher Green did, on or about August 15, 2008, intentionally create and/or knowingly possess a false or forged prescription, to wit:

Steven Christopher Green labeled a prescription RX #2208525, written on August 8, 2008 by Dr. Thomas Greer in the name of Steven Green for 90 doses of oxycodone 5 mg with APAP 325, and altered it to reflect being filled on August 15, 2008. Steven Christopher Green paid for and obtained the drugs for his personal abuse. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (16) Steven Christopher Green did, on or about August 19, 2008, intentionally create and/or knowingly possess a false or forged prescription, to wit: Steven Christopher Green took RX #2208534, for oxycodone 10 mg with APAP 325 mg, and altered the prescription's quantity to 90 doses. Steven Christopher Green paid for and obtained the drugs for his personal abuse. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (17) Steven Christopher Green did, on or about October 10, 2008, intentionally create and/or knowingly possess a false or forged prescription, to wit: Steven Christopher Green took RX #2206373, for 60 doses of oxycodone 5 mg with APAP 325 mg, and altered the prescription to RX #2211563. Steven Christopher Green signed the name of the real patient, then paid for and obtained the drugs for his personal abuse. Steven Christopher Green then destroyed the original prescription. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) through (17) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (3) through (17) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render Steven Christopher Green unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) The State Board of Pharmacy concludes that paragraphs (3) through (17) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Steven Christopher Green on October 21, 2008.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-3-20041, held by Steven

Christopher Green and such suspension is effective as of the date of the mailing of this Order.

- (A) Steven Christopher Green, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Steven Christopher Green, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after twelve months from the effective date of this Order, the Board will consider any petition filed by Steven Christopher Green for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (A) Steven Christopher Green must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, mail a copy of the contract to the Board office. The contract must provide that:
 - (1) **Random, observed** urine drug screens shall be conducted at least once each month.
 - (a) 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.
 - (b) 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.
 - (2) The intervener/sponsor shall submit to the Board reports, 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.
 - (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Steven Christopher Green must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

(C) Steven Christopher Green must provide, at the reinstatement petition hearing, documentation of the following:

- (1) Compliance with the contract required above (e.g., proof of giving the sample within twelve hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);
- (2) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
- (3) Compliance with the terms of this Order.

(D) If reinstatement is not accomplished within three years of the effective date of this Order, Steven Christopher Green must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) examination.

(E) Upon such time as the Board may consider reinstatement, Steven Christopher Green will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

Elizabeth Gregg moved for Findings of Fact; Donald Casar seconded the motion. Motion passed (Aye-8/Nay-0).

Elizabeth Gregg moved for Conclusions of Law; Richard Kolezynski seconded the motion. Motion passed (Aye-8/Nay-0).

Donald Casar moved for Action of the Board; Gregory Braylock seconded the motion. Motion passed (Aye-8/Nay-0).

R-2009-141

After discussion, Mrs. Gregg moved that the Board allow the continuance request received in the matter of Risa Jo Gethers, R.Ph., (03-3-27085) West Chester, Ohio. The motion was seconded by Mr. Wiesenhahn and approved by the Board: *Aye* – 8.

Ms. Lange said there was no Medical Board Physician Assistant Policy Committee meeting this month.

4:57 p.m. The Board recessed for the day.

Tuesday, January 6, 2009

9:31 p.m. The Ohio State Board of Pharmacy convened in Room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Nathan S. Lipsyc, R.Ph., *President*; Elizabeth I. Gregg, R.Ph., *Vice-President*; Gregory Braylock, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

9:35 a.m. Mr. Casar and Mr. Kaderly arrived.

9:40 a.m. Ms. Pasquale arrived.

9:42 a.m.

R-2009-142

After discussion, Mrs. Gregg moved that the Board minutes of December 8-9, 2008, be approved as amended. Mr. Casar seconded the motion and it was approved by the Board: *Aye* – 8.

Mr. Keeley presented the following electronic prescribing system requests for approvable status:

R-2009-143

PowerWorks Electronic Medical Record (Cerner): Mrs. Gregg moved that the system be found approvable pending final inspection. Mr. Kolezynski seconded the motion and it was approved by the Board: *Aye* – 7; *Nay* – 1.

R-2009-144

Positive Business Solutions, Inc.: Mr. Casar moved that the system be found approvable pending final inspection. Mr. Wiesenhahn seconded the motion and it was approved by the Board: *Aye* – 7; *Nay* – 1.

R-2009-145

Synamed: Ms. Lange moved that the system be found approvable pending final inspection. Mrs. Gregg seconded the motion and it was approved by the Board: *Aye* – 7; *Nay* – 1.

R-2009-146

Elysium: Mr. Braylock moved that the system be found approvable pending final inspection. Ms. Pasquale seconded the motion and it was approved by the Board: *Aye* – 7; *Nay* – 1.

Mr. Keeley distributed the Ohio Pharmacists Association's suggested adult protocol for Zoster vaccine. The Board directed the staff to contact the Medical Board about adding this drug by rule to the list of approved immunizations.

R-2009-147

After discussion, Mrs. Gregg moved that Ken Hale, R.Ph., Ohio State University (or another academic representative) be approved to serve on the special Ad Hoc Committee appointed to consider new rules to be created for Senate Bill 203, concerning pharmacy technicians. Mr. Braylock seconded the motion and it was approved by the Board: *Aye* – 8.

11:10 a.m. The Board recessed briefly.

11:23 a.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of discussing personnel matters pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Ms. Lange and a roll-call vote was conducted by President Lipsyc as follows: Braylock – *yes*; Casar – *yes*; Gregg – *yes*; Kaderly – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

12:44 p.m. The Executive Session ended and the meeting was opened to the public.

12:44 p.m. Ms. Lange left the meeting for personal reasons.

12:45 p.m. The Board recessed for lunch.

1:30 p.m.

R-2009-148

The following candidates for licensure by reciprocity met with members of the Board in Room South A, 31st Floor of the Vern Riffe Center. The candidates introduced themselves to the Board, and then participated in a discussion of pharmacy laws and rules with Mr. McMillen.

Michael Adjei Achampong	<i>Kentucky</i>	Hyun Jung Lee	<i>Tennessee</i>
Patricia Miree Achoe	<i>Illinois</i>	Pamela Lipasek	<i>Indiana</i>
Mark D. Boesen	<i>Arizona</i>	William James Montgomery	<i>Pennsylvania</i>
Melissa D. Burke	<i>Kentucky</i>	Dineshkumar Babulal Patel	<i>Michigan</i>
Susan Carpenter	<i>Kentucky</i>	Debora Lynn Rogers	<i>Georgia</i>
Natalie A. Dancak	<i>Pennsylvania</i>	Michelle Renee Rogers	<i>Mississippi</i>

Jeffrey Paul Deleonardis	<i>Pennsylvania</i>	Mitchell Silverman	<i>Michigan</i>
Wallace Shelby Klein	<i>Virginia</i>	Nicole R. Stephens	<i>Pennsylvania</i>
Leslie Thi Le	<i>Nevada</i>	Tracey L. Wilson	<i>Kentucky</i>
		Kenneth John Zielinski	<i>Michigan</i>

2:00 p.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Charles Thomas Hodapp**, R.Ph. (03-3-26992) Sidney, Ohio.

3:42 p.m. The hearing ended and the record was closed.

3:43 p.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Mr. Kolezynski and a roll-call vote was conducted by President Lipsyc as follows: Braylock – *yes*; Casar – *yes*; Gregg – *yes*; Kaderly – *yes*; Kolezynski – *yes*; Pasquale – *yes*; and Wiesenbahn – *yes*.

4:08 p.m. The Executive Session ended and the meeting was opened to the public.

R-2009-149 After votes were taken in public session, the Board adopted the following order in the matter of **Charles Thomas Hodapp**, R.Ph. (03-3-26992) Sidney, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-081030-028

in the matter of:

CHARLES THOMAS HODAPP, R.Ph.

125 Leisure Court
Sidney, Ohio 45365

R.Ph. Number 03-3-26992

INTRODUCTION

The matter of Charles Thomas Hodapp came for hearing on January 6, 2009, before the following members of the Board: Nathan S. Lipsyc, R.Ph. (*presiding*); Gregory Braylock, R.Ph.; Donald M. Casar, R.Ph.; Elizabeth I. Gregg, R.Ph.; Barton G. Kaderly, Public Member; Richard F. Kolezynski, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenbahn, R.Ph. Deborah A. Lange, R.Ph.; Board Member, absent

Charles Thomas Hodapp was not represented by counsel. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness: Kevin J. Kinneer, Ohio State Board of Pharmacy

Respondent's Witness: Charles Thomas Hodapp, R.Ph., Respondent

State's Exhibits:

1. Copy of Summary Suspension/Notice of Opportunity For Hearing letter [10-30-08]
1A-1C. Procedurals
2. Written Statement of Charles Hodapp [10-22-08]

3. Written Statement of William Zacharie Camp [10-22-08]
4. Prescription Vial Containing 80 tablets of alprazolam, 2mg and four (4) tablets of Effexor Prescription Bottle RX #619979 [not dated]; Sealed Plastic Evidence Bag Containing Tablets

Respondent's Exhibits: None

FINDINGS OF FACT

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

- (1) Records of the Board of Pharmacy indicate that Charles Thomas Hodapp was originally licensed in the State of Ohio on August 30, 2005, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended effective October 30, 2008. Records further reflect during the relevant time periods stated herein, Charles Thomas Hodapp was the Responsible Pharmacist at Wal-Mart #10-3251, 1397 Leesburg Avenue, Washington Court House, Ohio, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) Charles Thomas Hodapp is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Charles Thomas Hodapp has admitted to practicing pharmacy while impaired; Charles Thomas Hodapp has admitted stealing and abusing drugs; Charles Thomas Hodapp has been observed acting under the influence while practicing pharmacy; Charles Thomas Hodapp has been observed making errors while dispensing, and Charles Thomas Hodapp has admitted stealing patients' medications while dispensing. Such conduct indicates that Charles Thomas Hodapp is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) Charles Thomas Hodapp did, on or about October 18, 2008, knowingly possess a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Charles Thomas Hodapp admittedly possessed 80 stolen tablets of alprazolam 2 mg, a Schedule IV Controlled Substance. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (4) Charles Thomas Hodapp did, on or about October 18, 2008, possess a Dangerous Drug when the conduct was not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: Charles Thomas Hodapp admittedly possessed 4 stolen capsules of Effexor XR 150 mg, a dangerous drug. Such conduct is in violation of Section 4729.51 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) and (4) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (3) and (4) of the Findings of Fact constitute being guilty of dishonesty and unprofessional

conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

- (3) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes abusing liquor or drugs or being impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) The State Board of Pharmacy concludes that paragraph (3) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Charles Thomas Hodapp on October 30, 2008.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-3-26992, held by Charles Thomas Hodapp and such suspension is effective as of the date of the mailing of this Order.

- (A) Charles Thomas Hodapp, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Charles Thomas Hodapp, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after a minimum of one year from the effective date of this Order, the Board will consider any petition filed by Charles Thomas Hodapp for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (A) Charles Thomas Hodapp must have submitted to the Board within 90 days from this date of this Order a full psychiatric evaluation and treatment plan. Upon reappearance, Charles Thomas Hodapp must show compliance with his treatment plan and show fitness to practice pharmacy.
- (B) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
- (C) Compliance with the terms of this Order.
- (D) If reinstatement is not accomplished within three years of the effective date of this Order, Charles Thomas Hodapp must also show successful completion

of the North American Pharmacist Licensure Examination (NAPLEX) examination.

(E) Upon such time as the Board may consider reinstatement, Charles Thomas Hodapp will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

Elizabeth Gregg moved for Findings of Fact; Donald Casar seconded the motion. Motion passed (Aye-7/Nay-0).

Heather Pasquale moved for Conclusions of Law; Jerome Wiesenbahn seconded the motion. Motion passed (Aye-7/Nay-0).

Gregory Braylock moved for Action of the Board; Elizabeth Gregg seconded the motion. Motion passed (Aye-7/Nay-0).

4:12 p.m. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Ohio Revised Code. The motion was seconded by Ms. Pasquale and a roll-call vote was conducted by President Lipsyc as follows: Braylock – *yes*; Casar – *yes*; Gregg – *yes*; Kaderly – *yes*; Kolezynski – *yes*; Pasquale – *yes*; and Wiesenbahn – *yes*.

4:27 p.m. The Executive Session ended and the meeting was opened to the public.

4:27 p.m.
R-2009-150 Mrs. Gregg moved that the Board summarily suspend the license to practice pharmacy belonging to **Lucille Mary Leone-Walker**, R.Ph. (03-1-27612) Hudson, Ohio, pursuant to Ohio Revised Code 3719.121 (A) and (B). Mr. Casar seconded the motion and it was approved by the Board: *Aye* – 7.

Mrs. Gregg moved that the Board receive Per Diem as follows:

<u>PER DIEM</u>	<u>01/05</u>	<u>01/06</u>	<u>Total</u>
Braylock	1	1	2
Casar	1	1	2
Gregg	1	1	2
Kaderly	1	1	2
Kolezynski	1	1	2
Lange	1	1	2
Lipsyc	1	1	2
Pasquale	1	1	2
Wiesenbahn	1	1	2

Mr. Braylock seconded the motion and it was approved by the Board: *Aye* – 7.

4:28 p.m. Mr. Wiesenbahn moved that the meeting be adjourned. The motion was seconded by Mrs. Gregg and approved by the Board: *Aye* – 7.

The Ohio State Board of Pharmacy
approved these Minutes February 3, 2009