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Ohio State Board of Pharmacy 77 South High Street, Room 1702 Columbus, Ohio 43215-6126  
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## Minutes of the December 7-9, 2009 Meeting of the Ohio State Board of Pharmacy

### Monday, December 7, 2009

10:02 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31<sup>st</sup> Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Elizabeth I. Gregg, R.Ph., *President*; Heather L. Pasquale, R.Ph., *Vice-President*; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

Also present were Timothy Benedict, *Assistant Executive Director*; Mark Keeley, *Legislative Affairs Administrator*; Kyle Parker, *Licensing Administrator*; Chris Reed, *Compliance Supervisor*; David Rowland, *Legal Affairs Administrator*; Danna Droz, *Prescription Drug Monitoring Program Director*; and Tracy Greuel, *Assistant Attorney General*.

10:03 a.m. Mr. Wiesenbahn 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. Gahm and a roll-call vote was conducted by President Gregg as follows: Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Pasquale – *yes*; and Wiesenbahn – *yes*.

10:47 a.m. The Executive Session ended and the meeting was opened to the public.

R-2010-076 Mr. Gahm moved that the Board summarily suspend the license to practice pharmacy belonging to **John Theodore Rohal**, R.Ph. (03-3-13391) Broadview Heights, Ohio, pursuant to Ohio Revised Code 3719.121(A). Mr. Joyce seconded the motion and it was approved by the Board: *Aye* – 5.

R-2010-077 Ms. Pasquale moved that the Board summarily suspend the license to practice pharmacy belonging to **Kyle Francis Higgins**, R.Ph. (03-1-17530) Amherst, Ohio, pursuant to Ohio Revised Code 3719.121(A). Mr. Gahm seconded the motion and it was approved by the Board: *Aye* – 5.

R-2010-078 Mr. Kolezynski moved that the Board approve the continuance request received in the matter of **Bruce Alan Thomas**, R.Ph. (03-3-14551) Minerva, Ohio. The motion was seconded by Mr. Gahm and approved by the Board: *Aye* – 5.

R-2010-079 Mr. Gahm moved that the Board approve the continuance request received in the matter of **Brian Lee Martin**, R.Ph. (03-3-25201) Morgantown, West Virginia. The motion was seconded by Mr. Wiesenbahn and approved by the Board: *Aye* – 5.

R-2010-080 Mr. Gahm moved that the Board approve the continuance request received in the matter of **Neil Frederick Stump**, R.Ph. (03-1-09301) Arcanum, Ohio. The motion was seconded by Mr. Joyce and approved by the Board: *Aye* – 5.

R-2010-081 Mr. Joyce moved that the settlement offer in the matter of **Neil Frederick Stump**, R.Ph. (03-1-09301) Arcanum, Ohio, be denied. The motion was seconded by Ms. Pasquale and approved by the Board: *Aye* – 3; *Nay* – 2.

R-2010-082 The Board considered the Order issued by the Trumbull County Common Pleas Court that ordered the Board to pay attorney's fees in the matter of **Donald Robert Sutton**, R.Ph. (03-3-12930) Kinsman, Ohio. Mr. Gahm moved that the Board pay the fees after the appeal time expires if no appeal is filed. Mr. Wiesenhahn seconded the motion and it was approved by the Board: *Aye* – 5.

10:48 a.m. The Board recessed briefly.

11:02 a.m.

R-2010-083 Mr. Keeley reported that the 2009 rules changes have been approved by the Joint Committee on Agency Rule Review. After discussion, Mr. Kolezynski moved that the Board approve the filing of the rules with an implementation date of January 1, 2010. The motion was seconded by Mr. Joyce, and approved by the Board: *Aye* – 5.

Mr. Keeley also noted that the "No-Change" Rules were filed December 1, 2009.

R-2010-084 The Board considered a request from the University of Toledo for approval of its updated immunization training program for pharmacists. Mr. Gahm moved that the request be approved. The motion was seconded by Ms. Pasquale and approved by the Board: *Aye* – 5.

R-2010-085 Mr. Wiesenhahn moved that the electronic prescribing system **eCast**, North Carolina, be found approvable pending final inspection. Mr. Kolezynski seconded the motion and it was approved by the Board: *Aye* – 5.

R-2010-086 Mr. Gahm moved that the electronic prescribing system **DoctorsPartner**, Florida, be found approvable pending final inspection. Mr. Joyce seconded the motion and it was approved by the Board: *Aye* – 5.

R-2010-087 Mr. Gahm moved that the electronic prescribing system **Streamline Healthcare**, Michigan, be found approvable pending final inspection. Mr. Wiesenhahn seconded the motion and it was approved by the Board: *Aye* – 5.

11:17 a.m. Ms. Lange arrived and joined the meeting in progress.

R-2010-088 The Board considered the letter written by Executive Director Winsley to the Drug Enforcement Agency in support of its proposal to reclassify the drug Carisoprodol to Schedule IV. Mr. Gahm moved that the letter be approved. The motion was seconded by Ms. Pasquale and approved by the Board: *Aye* – 6.

R-2010-089 Mr. Benedict presented a request from pharmacy intern **Deepali Anant Pitre**, Intern (06-0-06860) Lewis Center, Ohio, for permission to extend her internship for the current year due to extraordinary circumstances pursuant to Rule 4729-3-04 (Pharmacy Intern Identification Card Renewal). After discussion, Mr. Gahm moved that **Ms. Pitre's** request be approved. The motion was seconded by Ms. Lange and approved by the Board: *Aye* – 6.

R-2010-090 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:

<b>Ritzman Natural Health Pharmacy</b> , Akron, Ohio	(02-1548700)
<b>Abdon E. Villalba, MD</b> , Cuyahoga Falls, Ohio	(pending)

After discussion, Ms. Lange 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. Kolezynski and approved by the Board: *Aye* – 6.

**R-2010-091** The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-11 (Responsible Person) requesting that, **Richard Adams**, R.Ph. (03-1-17765) Cadiz, Ohio be permitted to be the responsible person for the following sites:

<b>Harrison Community Hospital,</b>	Cadiz, Ohio	(02-0034450)
<b>Health Connection Pharmacy,</b>	Cadiz, Ohio	(02-0560300)

After discussion, Mr. Gahm moved that the Board approve the request for one year. The motion was seconded by Ms. Pasquale and approved by the Board: *Aye* – 6.

Ms. Lange said there was no report from the Medical Board's Physician-Assistant Policy Committee this month.

Mr. Benedict said there was no report from the Medical Board Prescribing Committee this month.

Mr. Keeley presented the Legislative Report.

There was no report from the Nursing Board Committee on Prescriptive Governance.

Mr. Keeley and Ms. Lange reported on the current status of the pharmacy technician exams.

Mrs. Droz presented the Ohio Automated Prescription Reporting System update.

12:16 p.m. The Board recessed for lunch.

1:31 p.m. The Board reconvened with the following members present:

Elizabeth I. Gregg, R.Ph., *President*; Heather L. Pasquale, R.Ph., *Vice-President*; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah Lange, R.Ph., and Jerome J. Wiesenhahn, R.Ph.

The Board was joined by Assistant Attorney General Tracy Greuel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Bradley Alan Collins**, R.Ph. (03-2-23055) Syracuse, Ohio.

2:14 p.m. The hearing ended and the record was closed.

2:14 p.m. Mr. Kolezynski 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. Joyce and a roll-call vote was conducted by President Gregg as follows: Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

2:21 p.m. The Executive Session ended and the meeting was opened to the public.

**R-2010-092** After votes were taken in public session, the Board adopted the following order in the matter of **Bradley Alan Collins**, R.Ph. (03-2-23055) Syracuse, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-090429-133

*in the matter of:*

**BRADLEY ALAN COLLINS, R.Ph.**

2064 W. College Road  
Syracuse, Ohio 45779

R.Ph. Number 03-2-23055

**INTRODUCTION**

The matter of Bradley Alan Collins came for hearing on December 7, 2009, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (*presiding*); Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Donald M. Casar, R.Ph., absent.

Bradley Alan Collins was represented by Jeffrey J. Jurca. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

State's Witnesses: None

Respondent's Witnesses: Jarrod Grossman, R.Ph.  
Bradley Alan Collins, R.Ph., Respondent  
Carissa Collins

State's Exhibits:

1. Reinstatement hearing request letter [04-27-09]
- 1A-1B. Procedurals
2. State Board of Pharmacy Order in re Bradley Alan Collins, R.Ph. [11-07-08]

Respondent's Exhibits:

- A. PRO Pharmacist's Recovery Contract for Brad Collins [11-18-08]
- B. First Lab OHPRO Test History Report [08-11-08 to 10-27-09]; Letter from Racinda Kimes, AAS, CDCA of TASC of Southeast Ohio to Brad Collins [02-10-09]; TASC of Southeast Ohio, Inc. Completion Award to Bradley A. Collins [02-10-09]; TASC of Southeast Ohio, Inc. Urine Drug Screen Results [11-13-08 to 12-17-08]; Meigs County TASC Drug Results [10-06-08 to 11-06-08]
- C. List of Daily Support Group Meetings; Support Group Attendance Records [10-07-08 to 10-29-09]; Health Recovery Services, Inc. Notification of Completion of Treatment for Bradley A. Collins [09-08-09]
- D. Receipt of documentation of restitution paid by Bradley Collins from Diane Lynch, Meigs County Clerk of Courts [01-06-09]
- E. Continuing Pharmacy Education Credits and Certificates [04-27-08 to 10-26-09]
- F. Entry of Dismissal and Order Sealing Record, State of Ohio vs. Bradley A. Collins, Case No. 08-CR-042 [11-09-09]
- G. Three letters of support [11-16-09 to 11-19-09]
- H. Support Group Attendance Records [11-01-09 to 11-25-09]

### 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 that Bradley Alan Collins has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-080325-041, effective November 7, 2008.

### DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-2-23055, held by Bradley Alan Collins to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

- (A) Bradley Alan Collins 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) approved treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office before his pharmacist identification card is issued. The contract must provide that:
- (1) **Random, observed** urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.
    - (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 urine screen or a diluted urine 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 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.
  - (3) Attendance is required a minimum of three times per calendar week (Sunday through Saturday), 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) Bradley Alan Collins 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:

- (1) The written report and documentation provided by the treatment program pursuant to the contract and
  - (2) A written description of Bradley Alan Collins' has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Bradley Alan Collins' pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
  - (2) Bradley Alan Collins may not serve as a responsible pharmacist.
  - (3) Bradley Alan Collins may not destroy, assist in, or witness the destruction of controlled substances.
  - (4) Bradley Alan Collins must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
  - (5) Bradley Alan Collins must not violate the drug laws of Ohio, any other state, or the federal government.
  - (6) Bradley Alan Collins must abide by the rules of the State Board of Pharmacy.
  - (7) Bradley Alan Collins must comply with the terms of this Order.
  - (8) Bradley Alan Collins' license is deemed not in good standing until successful completion of the probationary period.
- (D) 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.

Bradley Alan Collins 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.

Brian Joyce moved for Action of the Board; Troy Gahm seconded the motion.  
Motion passed (Aye-6/Nay-0).

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- 2:23 p.m. The Board recessed briefly.
- 2:28 p.m. The Board discussed various issues that did not require Board action.
- 3:03 p.m. The Board was joined by Assistant Attorney General Tracy Greuel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Michael Steven Ray**, R.Ph. (03-1-13487) Springboro, Ohio.
- 3:38 p.m. The hearing ended and the record was closed.

3:39 p.m. Mr. Kolezynski 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. Lange and a roll-call vote was conducted by President Gregg as follows: Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

3:48 p.m. The Executive Session ended and the meeting was opened to the public.

3:49 p.m.

**R-2010-093**

After votes were taken in public session, the Board adopted the following order in the matter of **Michael Steven Ray**, R.Ph. (03-1-13487) Springboro, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-090806-007

*in the matter of:*

**MICHAEL STEVEN RAY, R.Ph.**

120 Allspice Court  
Springboro, Ohio 45066

R.Ph. Number 03-1-13487

**INTRODUCTION**

The matter of Michael Steven Ray came for hearing on December 7, 2009, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (*presiding*); Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Donald M. Casar, R.Ph., Absent.

Michael Steven Ray was not represented by counsel. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

State's Witnesses: Jesse Wimberly, Ohio State Board of Pharmacy  
Michael Steven Ray, R.Ph., Respondent

Respondent's Witnesses: None

State's Exhibits:

1. Copy of Notice of Opportunity for Hearing letter [08-06-09]
- 1A-1C. Procedurals
2. Notarized statement of Michael Ray, R.Ph. [05-19-09]
3. Ohio State Board of Pharmacy Credential View Screen and renewal application for Michael Steven Ray, R.Ph. [05-06-09]
4. Copy of check from Michael S. Ray in the amount of \$135.00 [05-06-09]
5. Copy of RX #2206909 [09-17-08]
6. Copy of RX #2206922 [10-02-08]
7. Copy of RX #2206949 [11-04-08]
8. Copy of RX #2206975 [12-02-08]
9. Copy of RX #2207002 [01-02-09]
10. Copy of RX #2207031 [02-05-09]
11. Copy of RX #2207064 [03-13-09]
12. Copy of RX #2207079 [04-01-09]

13. Copy of RX #2207110 [05-04-09]

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 State Board of Pharmacy indicate that Michael Steven Ray was originally licensed in the State of Ohio on March 24, 1980, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Michael Steven Ray did, on or about September 17, 2008, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Michael Steven Ray did not renew his license to practice pharmacy, Michael Steven Ray dispensed RX #2206909 for oxycodone/APAP 5/325mg tablets and Michael Steven Ray performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (3) Michael Steven Ray did, on or about October 2, 2008, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Michael Steven Ray did not renew his license to practice pharmacy, Michael Steven Ray dispensed RX #2206922 for dextroamphetamine 5mg tablets and Michael Steven Ray performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (4) Michael Steven Ray did, on or about November 4, 2008, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Michael Steven Ray did not renew his license to practice pharmacy, Michael Steven Ray dispensed RX #2206949 for Vyvanese 50mg capsules and Michael Steven Ray performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (5) Michael Steven Ray did, on or about December 2, 2008, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Michael Steven Ray did not renew his license to practice pharmacy, Michael Steven Ray dispensed RX #2206975 for Fentanyl 50 mcg/hr and Michael Steven Ray performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (6) Michael Steven Ray did, on or about January 2, 2009, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Michael Steven Ray did not renew his license to practice pharmacy, Michael Steven Ray dispensed RX #2207002 for Focalin XR 5mg capsules and Michael Steven Ray performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.



- (7) Michael Steven Ray did, on or about February 5, 2009, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Michael Steven Ray did not renew his license to practice pharmacy, Michael Steven Ray dispensed RX #2207031 for oxycodone/APAP 5/325mg tablets and Michael Steven Ray performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (8) Michael Steven Ray did, on or about March 13, 2009, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Michael Steven Ray did not renew his license to practice pharmacy, Michael Steven Ray dispensed RX #2207064 for oxycodone/APAP 5/500mg tablets and Michael Steven Ray performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (9) Michael Steven Ray did, on or about April 1, 2009, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Michael Steven Ray did not renew his license to practice pharmacy, Michael Steven Ray dispensed RX #2207079 for Adderall XR 20mg tablets and Michael Steven Ray performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (10) Michael Steven Ray did, on or about May 4, 2009, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though Michael Steven Ray did not renew his license to practice pharmacy, Michael Steven Ray dispensed RX #2207110 for oxycodone/APAP 5/325mg tablets and Michael Steven Ray performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

#### CONCLUSIONS OF LAW

The State Board of Pharmacy concludes that paragraphs (2) through (10) of the Findings of Fact constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) 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 two thousand two hundred and fifty dollars (\$2,250.00) on Michael Steven Ray 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.

Deborah Lange moved for Findings of Fact; Troy Gahm seconded the motion. Motion passed (Aye-6/Nay-0).

Troy Gahm moved for Conclusions of Law; Heather Pasquale seconded the motion. Motion passed (Aye-6/Nay-0).

Jerome Wiesenhahn moved for Action of the Board; Troy Gahm seconded the motion. Motion passed (Aye-6/Nay-0).

3:50 p.m. The meeting adjourned for the day.

## **Tuesday, December 8, 2009**

9:10 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31<sup>st</sup> Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Elizabeth I. Gregg, R.Ph., *President*; Heather L. Pasquale, R.Ph., *Vice-President*; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Deborah Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

9:11 a.m. The Board was joined by Assistant Attorney General Tracy Greuel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Eastside Urgent Care**, TDDD (02-1611800) Cincinnati, Ohio.

10:39 a.m. The hearing ended and the record was closed.

10:40 a.m. Ms. Lange 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 Gregg as follows: Gahm – *yes*; Joyce – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

10:56 a.m. The Executive Session ended and the meeting was opened to the public.

10:57 a.m.  
**R-2010-094** After votes were taken in public session, the Board adopted the following order in the matter of **Eastside Urgent Care**, TDDD (02-1611800) Cincinnati, Ohio.

### **ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-091123-028

*in the matter of:*

#### **EASTSIDE URGENT CARE**

c/o Noor Hassan, M.D.

872 Ohio Pike

Cincinnati, Ohio 45245

T.D.D.D. Number 02-1611800

#### **INTRODUCTION**

The matter of Eastside Urgent Care came for hearing on December 8, 2009, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (*presiding*); Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Deborah A. Lange, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Donald M. Casar, R.Ph., Absent.

Richard F. Kolezynski, R.Ph., Absent.

Eastside Urgent Care was represented by Donna L. Crossley. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

## SUMMARY OF EVIDENCE

State's Witnesses: None

Respondent's Witnesses: Noor Hassan, M.D.  
Tasnim Welden

### State's Exhibits:

1. Respondent's Petition for a Lift of Restrictions Imposed by Settlement Agreement [10-22-09]
- 1A-1D. Procedurals
2. Ohio State Board of Pharmacy Settlement Agreement in re Eastside Urgent Care [05-12-09]
3. Copy of Notice of Opportunity for Hearing in re Eastside Urgent Care [09-11-08]
4. Dangerous Drug Distributor Inspection Report for Eastside Urgent Care [03-11-09]
5. Drug Administration Logs for Stadol [12-16-08 and 02-18-09]; Nubain [02-18-09 to 03-09-09]
6. Eastside Urgent Care response to Inspection Report [03-12-09]
7. Dangerous Drug Distributor Inspection Report at Eastside Urgent Care [08-13-09]
8. Drug Administration Log for Stadol [12-16-08 to 08-03-09]
9. Eastside Urgent Care Plan of Corrections in re August 13, 2009 Ohio State Board of Pharmacy Inspection [08-27-09]
10. Dangerous Drug Distributor Inspection Report at Eastside Urgent Care [11-03-09]
11. Written Plea of Guilty, State of Ohio vs. Tasnim Welden, Case No. 08-CR-215, Clermont County, Ohio Court of Common Pleas [09-10-08]; Judgment Entry Sentencing Defendant to Community Control [11-06-08]; Judgment Entry of Sentence, State of Ohio vs. Tasnim Welden, Case No. 08CR25031, Warren County Common Pleas Court [01-22-09]

### Respondent's Exhibits:

- A. Notarized Affidavit of Keomi Barber [12-05-09]
- B. Notarized Affidavit of Ryan Loftin, M.D. [12-06-09]
- C. Copy of monetary payment to Ohio State Board of Pharmacy [04-29-09]
- D. Copy of e-mail message from Evan DeAngelis regarding compliance with Clermont County Community Control in the matter of Tasnim Welden [12-08-09]

## 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 that Eastside Urgent Care has complied with the terms set forth in the Settlement Agreement with the State Board of Pharmacy, Docket No. D-080911-019, effective May 12, 2009.

## DECISION OF THE BOARD

On the basis of the Findings of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby lifts the restrictions of the State Board of Pharmacy Settlement Agreement effective May 12, 2009, with the condition that the State Board of Pharmacy inspects the facility quarterly for the next 12 months.

Brian Joyce moved for Action of the Board; Troy Gahm seconded the motion.  
Motion passed (Aye-3/Nay-2).

10:58 a.m. The Board recessed briefly.

11:03 a.m. After discussion, Ms. Pasquale moved that the Board minutes of November 2-4, 2009 be approved as amended. Ms. Lange seconded the motion and it was approved by the Board: *Aye* – 5.

11:24 a.m. Mr. Gahm 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. Lange and a roll-call vote was conducted by President Gregg as follows: Gahm – *yes*; Joyce – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

11:30 a.m. The Executive Session ended and the meeting was opened to the public.

**R-2010-095** Mr. Gahm moved that the Board summarily suspend the license to practice pharmacy belonging to **Nicole Marie DiSabato**, R.Ph. (03-1-29878) Westerville, Ohio, pursuant to Ohio Revised Code 3719.121(A). Mr. Joyce seconded the motion and it was approved by the Board: *Aye* – 5.

11:33 a.m. The Board recessed for lunch.

1:30 p.m. The following candidates for licensure by reciprocity met with members of the Board in Room South A, 31<sup>st</sup> Floor of the Vern Riffe Center. The candidates introduced themselves to the Board. The candidates then participated in a discussion of pharmacy laws and rules with Mr. Parker.

Jennifer Katrina Ashby	<i>Arizona</i>
Francis Chiu	<i>Washington</i>
Virginia Coakley	<i>Kentucky</i>
Bryson D. Fitch	<i>Virginia</i>
Ana Margarita Garcia-Good	<i>Pennsylvania</i>
Sarah Marie Holbrook	<i>Kentucky</i>
Timothy Chad Kaylor	<i>Pennsylvania</i>
Cory Jonathan Krebs	<i>Arizona</i>
Andrew J. Mihalyo	<i>Pennsylvania</i>
Megan Perkins	<i>North Carolina</i>
Elmer Roulhac	<i>West Virginia</i>
Dominic K. Tran	<i>Michigan</i>

1:50 p.m. The Board recessed for the day.

### **Wednesday, December 9, 2009**

10:13 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31<sup>st</sup> Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Elizabeth I. Gregg, R.Ph., *President*; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

10:14 a.m. The Board was joined by Assistant Attorney General Tracy Greuel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Ronald Eugene Lidderdale**, R.Ph. (03-2-11472) Magnolia, Ohio.

11:06 a.m. The hearing ended and the record was closed.

11:06 a.m. Mr. Gahm 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. Lange and a roll-call vote was conducted by President Gregg as follows: Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; and Wiesenhahn – *yes*.

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

**R-2010-096** After votes were taken in public session, the Board adopted the following order in the matter of **Ronald Eugene Lidderdale**, R.Ph. (03-2-11472) Magnolia, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-091008-023

*in the matter of:*

**RONALD EUGENE LIDDERDALE, R.Ph.**

9926 Cleveland Avenue, S.E.

Magnolia, Ohio 44643

R.Ph. Number 03-2-11472

**INTRODUCTION**

The matter of Ronald Eugene Lidderdale came for hearing on December 9, 2009, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (*presiding*); Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Donald Casar, R.Ph., Absent.

Heather Pasquale, R.Ph., Absent.

Ronald Eugene Lidderdale was not represented by counsel. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

**State's Witnesses:** Louis R. Mandi, R.Ph., Ohio State Board of Pharmacy  
Ronald Eugene Lidderdale, R.Ph., Respondent

**Respondent's Witnesses:** None

**State's Exhibits:**

1. Copy of Notice of Opportunity for Hearing letter [10-08-09] 1A-1D. Procedurals
2. Dangerous Drug Distributor Inspection Report for Valley View Pharmacy [06-19-09]
3. Response to Inspection Report by Ron Lidderdale [06-19-09]
4. Notarized Statement of Ron Lidderdale [06-19-09]
5. Patient prescription log and prescription copy [06-18-09]
6. Patient Counseling Log [05-30-09 to 06-01-09]

**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 State Board of Pharmacy indicate that Ronald Eugene Lidderdale was originally licensed in the State of Ohio on November 19, 1975 pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Ronald Eugene Lidderdale did, on or about May 30, 2009, misbrand a drug, to wit: when Ronald Eugene Lidderdale received a prescription for 90 dosages of Wellbutrin-SR 150 mg, RX #6293614, Ronald Eugene Lidderdale dispensed 90 dosages of bupropion-XL 300 mg, which had not been specifically prescribed by the physician. Additionally, Ronald Eugene Lidderdale did not indicate the directions for use of the drug as prescribed by the physician, to wit: the prescriber's directions were to take 2 tablets at 8AM, and 1 tablet at noon; Ronald Eugene Lidderdale indicated on the label "take 2 tablets at 8AM, noon, and PM." Further, Ronald Eugene Lidderdale labeled the vial with NDC 00093-5351-56 (Teva) Budeprion-SR 300 mg rather than the drug found in the bottle, NDC 67767-145-90 (Actavis bupropion -XL 300 mg). The patient subsequently experienced harm. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code and Rule 4729-5-16 of the Ohio Administrative Code.
- (3) Ronald Eugene Lidderdale did, on or about May 30, 2009, prior to dispensing RX #6293614, fail to review the patient profile in order to conduct prospective drug utilization review, to wit: Ronald Eugene Lidderdale failed to adequately review the patient profile for over-utilization and/or incorrect drug dosage and duration of drug treatment. Ronald Eugene Lidderdale dispensed twice the ordered strength of medication and additionally caused the patient to over-utilize the medication through not only the strength but also the frequency of use. Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code.
- (4) Ronald Eugene Lidderdale did, on or about June 15, 2009, misbrand a drug, to wit: when Ronald Eugene Lidderdale was advised of his previous error filling RX #6293614, Ronald Eugene Lidderdale again dispensed the prescription, written for 90 dosages of Wellbutrin-SR 150 mg, RX #6293614, Ronald Eugene Lidderdale dispensed 90 dosages of bupropion-SR 150 mg, but Ronald Eugene Lidderdale did not indicate the correct directions for use of the drug as prescribed by the physician, to wit: the prescriber's directions were to take 2 tablets at 8AM, and 1 tablet at noon; Ronald Eugene Lidderdale indicated on the label "take 2 tablets at 8AM, noon." Further, Ronald Eugene Lidderdale labeled the vial with NDC 00185-0415-60 (Sandoz bupropion-SR 150 mg rather than the drug found in the bottle, NDC 0093-5502-01 (Teva bupropion -SR 150 mg). The patient had experienced harm. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code and Rule 4729-5-16 of the Ohio Administrative Code.

### CONCLUSIONS OF LAW

The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty unprofessional conduct in the practice of

pharmacy as provided in Division (A)(2) 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 adjudicates the matter of Ronald Eugene Lidderdale as follows:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby imposes on Ronald Eugene Lidderdale a monetary penalty of one thousand dollars (\$1,000.00) due and owing within thirty days of the mailing of this Order. 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) Ronald Eugene Lidderdale must obtain, within one year from the effective date of this Order, six hours of approved continuing pharmacy education (0.6 CEUs) in medication errors, which may not also be used for license renewal.

Deborah Lange moved for Findings of Fact; Jerome Wiesenbahn seconded the motion. Motion passed (Aye-5/Nay-0).

Troy Gahm moved for Conclusions of Law; Deborah Lange seconded the motion. Motion passed (Aye-5/Nay-0).

Troy Gahm moved for Action of the Board; Richard Kolezynski seconded the motion. Motion passed (Aye-5/Nay-0).

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11:12 a.m. The Board recessed briefly.

R-2010-097 The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-11 (Responsible Person) requesting that **David R. Lutes**, R.Ph. (03-3-20247) Englewood, Ohio be permitted to be the responsible person for the following sites:

<b>Mallinckrodt Inc.</b> , Cincinnati, Ohio	(021293000)
<b>Mallinckrodt Inc.</b> , Dayton, Ohio	(02-0765250)

After discussion, Mr. Gahm moved that the Board approve the request for 120 days. The motion was seconded by Ms. Lange and approved by the Board: *Aye* – 5.

11:27 a.m. Mr. Gahm 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 Ms. Lange and a roll-call vote was conducted by President Gregg as follows: Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; and Wiesenbahn – *yes*.

12:01 p.m. The Executive Session ended and the meeting was opened to the public.

R-2010-098 A request to be registered as a Continuing Pharmacy Education provider was received from **Jeffrey Dwayne Lewis**, R.Ph. (03-2-16479) Cedarville, Ohio. Mr. Gahm moved that the request be approved. Mr. Kolezynski seconded the motion and it was approved by the Board: *Aye* – 5.

Mr. Gahm moved that the Board receive Per Diem as follows:

PER DIEM	12/07	12/08	12/09	Total
Casar	-	-	-	0
Gahm	1	1	1	3
Gregg	1	1	1	3
Joyce	1	1	1	3
Kolezynski	1	-	1	2
Lange	1	1	1	3
Pasquale	1	1	-	2
Wiesenhahn	1	1	1	3

Mr. Wiesenhahn seconded the motion and it was approved by the Board: *Aye* – 5.

12:04 p.m.

Mr. Gahm moved that the meeting be adjourned. The motion was seconded by Ms. Lange and approved by the Board: *Aye* – 5.

<p><b>The Ohio State Board of Pharmacy approved these Minutes January 5, 2010</b></p>
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