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Minutes of the May 3-4, 2010
Meeting of the Ohio State Board of Pharmacy

Monday, May 3, 2010

9:00 a.m. The Ohio State Board of Pharmacy convened in the Kresge Auditorium, the University of Cincinnati, Cincinnati, Ohio, with the following members present:

Elizabeth I. Gregg, R.Ph., *President*; Heather L. Pasquale, R.Ph., *Vice-President*; Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

Also present were William T. Winsley, *Executive Director*; Timothy Benedict, *Assistant Executive Director*; Mark Keeley, *Legislative Affairs Administrator*; Kyle Parker, *Licensing Administrator*; David L. Rowland, *Legal Affairs Administrator*; and Tracy Greuel, *Assistant Attorney General*.

The Board members and staff introduced themselves and Mr. Winsley discussed the duties and responsibilities of the Board.

Kyle Parker, Licensing Administrator, gave an overview of the licensing process.

Mark Keeley presented the Legislative Report.

10:00 a.m. The Board recessed briefly.

10:19 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 **Jonathan Mark Allen**, Intern Applicant, Columbus, Ohio.

11:26 a.m. The hearing ended and the record was closed.

11:27 a.m. The Board recessed for lunch.

Mr. Wiesenbahn left the meeting for personal reasons.

1:33 p.m. The Board reconvened with the following members present:

Elizabeth I. Gregg, R.Ph., *President*; Heather L. Pasquale, R.Ph., *Vice-President*; Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; and Deborah A. Lange, 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 **Derek James Rhoades**, Intern (06-0-06710) Bellefontaine, Ohio.

2:55 p.m. The hearing ended and the record was closed.

2:56 p.m. After responding to questions from the students, Mr. Keeley reviewed the Pharmacy Board rule process.

3:05 p.m. The Board meeting was recessed for the day.

Tuesday, May 4, 2010

8:49 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:

Elizabeth I. Gregg, R.Ph., *President*; Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

8:50 a.m. Mr. Joyce 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: Cain – *yes*; Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; and Wiesenbahn – *yes*.

9:00 a.m. The Executive Session ended and the meeting was opened to the public.

R-2010-218 Mr. Casar moved that the settlement offer in the matter of **Sheryl C. Santos**, R.Ph. (03-2-24959) Akron, Ohio, be denied. The motion was seconded by Mr. Joyce and approved by the Board: *Aye* – 7.

9:01 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 **Sheryl C. Santos**, R.Ph. (03-2-24959) Akron, Ohio.

9:43 a.m. The hearing ended and the record was closed.

9:44 a.m. Mr. Casar 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 Gregg as follows: Cain – *yes*; Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; and Wiesenbahn – *yes*.

9:51 a.m. The Executive Session ended and the meeting was opened to the public.

R-2010-219 Mr. Gahm moved that the settlement offer in the matter of **Bruce Alan Thomas**, R.Ph. (03-3-14551) Minerva, Ohio, be accepted. The motion was seconded by Mr. Kolezynski and approved by the Board: *Aye* – 7.

R-2010-220 After votes were taken in public session, the Board adopted the following order in the matter of **Sheryl C. Santos**, R.Ph. (03-2-24959) Akron, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-091210-032

in the matter of:

SHERYL C. SANTOS, R.Ph.

68 Hawthorne Avenue
Akron, Ohio 44303

R.Ph. Number 03-2-24959

INTRODUCTION

The matter of Sheryl C. Santos came for hearing on May 4, 2010, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (*presiding*); Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; 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.

Heather L. Pasquale, R.Ph., absent

Sheryl C. Santos was represented by Garth G. Cox. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses: Eric Griffin, Ohio State Board of Pharmacy
Sheryl C. Santos, R.Ph., Respondent

Respondent's Witnesses: None

State's Exhibits:

1. Copy of Notice of Opportunity for Hearing letter [12-10-09]
1A-1H. Procedurals
2. Notarized statement of Sheryl Santos [07-09-09]
3. Notarized statement of Long Vu [07-13-09]
4. Notarized statement of Cecily Renee Carpio Santos [07-31-09]
5. Ohio State Board of Pharmacy Diverted Drug Report in re Sheryl Santos, R.Ph. [07-14-09]
6. Prescription documentation regarding RX #553205 [01-01-09 through 07-08-09]
7. Prescription documentation regarding RX #552007 and RX #554003 [01-01-09 through 07-08-09]

Respondent's Exhibits:

- A. One letter of support [05-03-10]

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 Sheryl C. Santos was originally licensed in the State of Ohio on November 8, 2001, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect during the relevant time periods stated herein, Sheryl C. Santos was the Responsible Pharmacist at Walgreens Pharmacy #7525, 2150 E. Dublin-Granville Road, Columbus, Ohio 43229, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) Sheryl C. Santos did, on or about June 6, 2009, intentionally create and/or knowingly possess a false or forged prescription, to wit: Sheryl C. Santos created RX #553205, for ProAir inhaler 8.5 grams with 5 refills, listing her

cousin, a pediatrician in Maryland, as the prescriber and her brother as the patient. Sheryl C. Santos' brother was not a patient of the prescriber and the prescription was not authorized. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

- (3) Sheryl C. Santos did, on or about June 9, 2009, intentionally create and/or knowingly possess a false or forged prescription, to wit: Sheryl C. Santos initially created RX #552007, for Viagra 100 mg with 3 refills, listing her cousin, a pediatrician in Maryland, as the prescriber and her boyfriend as the patient. The prescription was put on hold when created on June 2, 2009, and when dispensed was assigned RX #554003. Sheryl C. Santos' boyfriend was not a patient of the prescriber and the prescription was not authorized. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) and (3) 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) and (3) 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) and (3) 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 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 Sheryl C. Santos 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 Sheryl C. Santos a monetary penalty of one thousand dollars (\$1,000.00) due and owing within thirty days of the issuance 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) Sheryl C. Santos must obtain and submit, within six months from the effective date of this Order, three hours (0.3 CEUs) of approved continuing pharmacy education in Jurisprudence, which may not also be used for license renewal.
- (C) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby limits Sheryl C. Santos' practice of pharmacy in that she may not dispense prescriptions for herself or for any member of her family.

Richard Kolezynski moved for Findings of Fact; Deborah Lange seconded the motion. Motion passed (Aye-7/Nay-0).

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

Brian Joyce moved for Action of the Board; Donald Casar seconded the motion. Motion passed (Aye-7/Nay-0).

9:54 a.m. The Board recessed briefly.

10:08 a.m. Mr. Winsley announced that the following Settlement Agreements had been signed by all parties, making them effective.

R-2010-221 The following Settlement Agreement is a duplicate of the Agreement that was announced in the April 2010 Board meeting.

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100217-074

in the matter of:

CHRISTY MICHELLE LOCKHART, R.Ph.

3400 Lakewood Court
Hamilton, Ohio 45011

R.Ph. Number 03-3-24115

This Settlement Agreement is entered into by and between Christy Michelle Lockhart 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.

Christy Michelle Lockhart voluntarily enters into this Agreement being fully informed of her 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. Christy Michelle Lockhart acknowledges that by entering into this agreement she has waived her 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, Christy Michelle Lockhart is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 17, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Christy Michelle Lockhart was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Christy Michelle Lockhart accepted this offer for settlement rather than a hearing. The February 17, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Christy Michelle Lockhart was originally licensed in the State of Ohio on July 14, 2000, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Christy Michelle Lockhart did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Christy Michelle Lockhart was short one continuing education hour (0.1CEU) on board approved Jurisprudence and Christy Michelle Lockhart was short three hours (0.3 CEUs) on board approved continuing education. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Christy Michelle Lockhart neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 17, 2010; 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, Christy Michelle Lockhart knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Christy Michelle Lockhart agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks 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) Christy Michelle Lockhart will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Christy Michelle Lockhart's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Christy Michelle Lockhart appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, revoke the Agreement and may institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Christy Michelle Lockhart acknowledges that she 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.

Christy Michelle Lockhart waives any and all claims or causes of action she 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. Christy Michelle Lockhart 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/ Christy Michelle Lockhart, R.Ph. Date Signed: 03/09/10

Respondent

/s/ Elizabeth I. Gregg Date Signed: 05/04/10

President; Ohio State Board of Pharmacy

/s/ Tracy Marie Greuel Date Signed: 05/06/10

Ohio Assistant Attorney General

R-2010-222

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100219-088

in the matter of:

MELANIE THERESE HASEL, R.Ph.

5084 Ravenway Drive
N. Ridgeville, Ohio 44039

R.Ph. Number 03-3-26892

This Settlement Agreement is entered into by and between Melanie Therese Hasel 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.

Melanie Therese Hasel voluntarily enters into this Agreement being fully informed of her 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. Melanie Therese Hasel acknowledges that by entering into this agreement she has waived her 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, Melanie Therese Hasel is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 24, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Melanie Therese Hasel was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Melanie Therese Hasel accepted this offer for settlement rather than a hearing. The February 24, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Melanie Therese Hasel was originally licensed in the State of Ohio on July 19, 2005, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.

- (2) Melanie Therese Hasel did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Melanie Therese Hasel was short three continuing education hours (0.3 CEUs) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Melanie Therese Hasel neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 24, 2010; 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, Melanie Therese Hasel knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Melanie Therese Hasel agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks 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) Melanie Therese Hasel will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Melanie Therese Hasel's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Melanie Therese Hasel appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, revoke the Agreement and may institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Melanie Therese Hasel acknowledges that she 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.

Melanie Therese Hasel waives any and all claims or causes of action she 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. Melanie Therese Hasel 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/ Melanie Therese Hasel, R.Ph. Date Signed: 04/01/10

Respondent

/s/ Elizabeth I. Gregg Date Signed: 05/04/10

President; Ohio State Board of Pharmacy

/s/ Tracy Marie Greuel Date Signed: 05/04/10

Ohio Assistant Attorney General

R-2010-223

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100217-065

in the matter of:

HEATHER LYNN PLESKA, R.Ph.

8935 W. Pine Lake Road

Salem, Ohio 44460

R.Ph. Number 03-3-26696

This Settlement Agreement is entered into by and between Heather Lynn Pleska 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.

Heather Lynn Pleska voluntarily enters into this Agreement being fully informed of her 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. Heather Lynn Pleska acknowledges that by entering into this agreement she has waived her 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, Heather Lynn Pleska is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 17, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Heather Lynn Pleska was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Heather Lynn Pleska accepted this offer for settlement rather than a hearing. The February 17, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Heather Lynn Pleska was originally licensed in the State of Ohio on June 10, 2005, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Heather Lynn Pleska did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Heather Lynn Pleska was short two continuing education hours (0.2 CEUs) on board approved

Jurisprudence. Also, it was determined that Heather Lynn Pleska was short 24.5 hours (2.45 CEUs) of Board approved continuing education. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Heather Lynn Pleska neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 17, 2010; 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, Heather Lynn Pleska knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Heather Lynn Pleska agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks 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) Heather Lynn Pleska will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Heather Lynn Pleska's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Heather Lynn Pleska appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, revoke the Agreement and may institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Heather Lynn Pleska acknowledges that she 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.

Heather Lynn Pleska waives any and all claims or causes of action she 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. Heather Lynn Pleska 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/ Heather Lynn Pleska, R.Ph.

Date Signed: 04/22/10

Respondent

/s/ Elizabeth I. Gregg

Date Signed: 05/04/10

President; Ohio State Board of Pharmacy

/s/ Tracy Marie Greuel

Date Signed: 05/04/10

Ohio Assistant Attorney General

R-2010-224

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-100423-093

in the matter of:

KEMBRE LEIGH WALKER, R.Ph.

4641 Devereux Drive

Copley, Ohio 44321

R.Ph. Number 03-3-26932

This Settlement Agreement is entered into by and between Kembre Leigh Walker 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.

Kembre Leigh Walker voluntarily enters into this Agreement being fully informed of her 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. Kembre Leigh Walker acknowledges that by entering into this agreement she has waived her 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, Kembre Leigh Walker is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about April 23, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Kembre Leigh Walker was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Kembre Leigh Walker accepted this offer for settlement rather than a hearing. The April 23, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Kembre Leigh Walker was originally licensed in the State of Ohio on August 8, 2005, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Kembre Leigh Walker did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Kembre Leigh Walker did not complete 0.1 Continuing Education Unit (C.E.U.) of Board approved

Jurisprudence until after Kembre Leigh Walker signed her Continuing Pharmacy Education Report Form on February 28, 2009. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Kembre Leigh Walker neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated April 23, 2010; 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, Kembre Leigh Walker knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Kembre Leigh Walker agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks 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) Kembre Leigh Walker will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Kembre Leigh Walker's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Kembre Leigh Walker appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, revoke the Agreement and may institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Kembre Leigh Walker acknowledges that she 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.

Kembre Leigh Walker waives any and all claims or causes of action she 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. Kembre Leigh Walker 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/ Kembre Leigh Walker, R.Ph. Date Signed: 04/28/10
Respondent

/s/ Elizabeth I. Gregg Date Signed: 05/04/10
President; Ohio State Board of Pharmacy

/s/ Tracy Marie Greuel Date Signed: 05/04/10
Ohio Assistant Attorney General

10:09 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: Cain – *yes*; Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; and Wiesenhahn – *yes*.

10:24 a.m. Board Member Heather Pasquale joined the meeting in progress.

11:00 a.m. The Executive Session ended and the meeting was opened to the public.

R-2010-225 After discussion, Mr. Casar moved that the citation issued to **Elizabeth M. Hartranft**, R.Ph. (03-3-08439) Bay Village, Ohio, be withdrawn. Mr. Kolezynski seconded the motion and it was approved by the Board: *Aye* – 7; *Nay* – 0; *Recused* – 1 (Pasquale).

R-2010-226 After votes were taken in public session, the Board adopted the following order in the matter of **Jonathan Mark Allen**, Intern Applicant, Columbus, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-100119-037
in the matter of:

JONATHAN MARK ALLEN
1293 Neil Avenue, Apt. 3
Columbus, Ohio 43201

INTRODUCTION

The matter of Jonathan Mark Allen came for hearing on May 3, 2010, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (*presiding*); Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; 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.

Jonathan Mark Allen was not represented by counsel. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses: Eric Griffin, Ohio State Board of Pharmacy
Jonathan Mark Allen, Respondent

Respondent's Witnesses: Allison Lash, DVM
Heather Deters, Director of Student Affairs, The Ohio State University

State's Exhibits:

1. Proposal to Deny/Notice of Opportunity for Hearing letter [01-19-10]
1A-1C. Procedurals
2. Pharmacy Intern Registration Application for Jonathan Mark Allen [10-09-09]

Respondent's Exhibits:

- A. Letter to the Ohio State Board of Pharmacy [05-03-10]
 - A1. [REDACTED]
 - A2-A9. Awards and certificates [April 2003 through June 2005]
 - A10-A11. Ohio EPA certification with attachment [06-22-07]
 - A12-A14. Research documentation with award [not dated]
 - A15-A19. Cleveland State University Dean's List documentation [2007 through 2009]
 - A20-A40. Grant documentation [2009]
 - A41-A45. State of Ohio Articles of Incorporation [01-09-10 through 01-12-10]

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 Jonathan Mark Allen applied to the Board for registration as an intern in the State of Ohio on October 9, 2009.
- (2) Jonathan Mark Allen was [REDACTED]
[REDACTED]
Further, Jonathan Mark Allen has admitted to a Board agent that he abused LSD on several occasions. Such [REDACTED] underlying activity constitutes [REDACTED] not being of good moral character and habits; and/or abusing drugs within the meaning of Rule 4729-5-04 of the Ohio Administrative Code.

CONCLUSIONS OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes not being of good moral character and habits as set forth in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.

DECISION OF THE BOARD

Pursuant to Section 4729.11 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the Application for Pharmacy Intern Registration submitted by Jonathan Mark Allen on or about October 9, 2009.

Further, the Board places Jonathan Mark Allen on probation for the duration of his Internship. The terms of probation are as follows:

- (A) Jonathan Mark Allen must not violate the laws of the State of Ohio, any other state, or the federal government.

- (B) Jonathan Mark Allen must abide by the rules of the State Board of Pharmacy.
- (C) Jonathan Mark Allen must comply with the terms of this Order.
- (D) Jonathan Mark Allen's license is deemed not in good standing until successful completion of the probationary period.
- (E) 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.

Jonathan Mark Allen 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; Deborah Lange seconded the motion. Motion passed (Aye-8/Nay-0).

Troy Gahm moved for Conclusions of Law; Edward Cain seconded the motion. Motion passed (Aye-7/Nay-1).

Donald Casar moved for Action of the Board; Edward Cain seconded the motion. Motion passed (Aye-5/Nay-3).

R-2010-227 After votes were taken in public session, the Board adopted the following order in the matter of **Derek James Rhoades**, R.Ph. (06-0-06710) Bellefontaine, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-100208-059

in the matter of:

DEREK JAMES RHOADES, INTERN

3101 Township Road 45
Bellefontaine, Ohio 43311

Intern Number 06-0-06710

INTRODUCTION

The matter of Derek James Rhoades came for hearing on May 3, 2010, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (*presiding*); Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Heather L. Pasquale; R.Ph.

Jerome J. Wiesenhahn, R.Ph, absent

Derek James Rhoades was not represented by counsel. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses: Todd Knauss, Ohio State Board of Pharmacy
Derek James Rhoades, Respondent

Respondent's Witnesses: None

State's Exhibits:

1. Copy of Summary Suspension Order/Notice of Opportunity for Hearing letter [02-08-10]
- 1A-1C. Procedurals
2. Ohio State Board of Pharmacy Order in re Derek James Rhoades [02-06-08]
3. Ohio State Board of Pharmacy Order in re Derek James Rhoades [08-14-08]
4. PRO Pharmacist's Recovery Contract in re Derek James Rhoades [02-19-08]
5. Results of random drug screen report [12-08-09]

Respondent's Exhibits:

- A. Letter from Derek J. Rhoades [05-03-10]
- B. Support group attendance records [08-04-08 to 04-30-10]
- C. Drug Testing Summary [03-26-08 to 03-31-09]
- D. Letter from Jon E. Sprague, PhD., RPh. of Ohio Northern University to Derek Rhoades [03-01-10]
- D2-D4. Letter from Derek J. Rhoades to Dr. Sprague [02-19-10]
- D5-D6. Letter from Jan Rhoades LISW-S, LICDC [02-14-10]
- D7. Two letters of support [02-08-10]
- E2-E4. Ohio Northern University transcripts of Derek James Rhoades [Fall Quarter 2005-2006 through Winter Quarter 2009-2010]
- E1. Ohio Northern University Journal cover page [not dated]

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 Derek James Rhoades was originally licensed as an intern in the State of Ohio on May 5, 2009. On February 6, 2008, the Board found Derek James Rhoades addicted to alcohol and drugs.
- (2) Derek James Rhoades did, on or about December 5, 2009, knowingly possess and/or use a controlled substance, to wit: Derek James Rhoades admittedly smoked marijuana, a Schedule I Controlled Substance.

As part of his PRO (Pharmacist's Rehabilitation Organization) contract, Derek James Rhoades submitted to urinalysis and tested positive. Accordingly, Derek James Rhoades violated the terms of his previous Board Orders and his PRO contract. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of and 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 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 him unfit to practice pharmacy as provided in Division (A)(3) 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 Derek James Rhoades on February 8, 2010.

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 Derek James Rhoades as follows:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes permanently the pharmacy intern identification card, No. 06-0-06710, held by Derek James Rhoades effective as of the date of the mailing of this Order.
- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes permanently the pharmacy intern identification card, No. 06-0-06710, held by Derek James Rhoades effective as of the date of the mailing of this Order.

Derek James Rhoades, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his license to practice (pocket ID card) and registration (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.

Troy Gahm moved for Findings of Fact; Heather Pasquale seconded the motion. Motion passed (Aye-7/Nay-0).

Troy Gahm moved for Conclusions of Law; Richard Kolezynski seconded the motion. Motion passed (Aye-7/Nay-0).

Brian Joyce moved for Action of the Board; Troy Gahm seconded the motion. Motion passed (Aye-6/Nay-1).

11:02 a.m. Board Member Brian Joyce left the meeting for personal business.

R-2010-228 The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-11 (Responsible Person) requesting that **Brian Blocker**, R.Ph. (03-2-18078) Akron, Ohio, be permitted to be the responsible person for the following sites:

Ritzman Infusion Services, Akron, Ohio
Summa Home Infusion, Akron, Ohio

(02-1230050)
(02-1222300)

After discussion, Mr. Wiesenhahn moved that the Board approve the request for one year. The motion was seconded by Mr. Gahm and approved by the Board: *Aye – 7.*

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

Mr. Benedict said there was no Medical Board Prescribing Committee Report this month.

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

Mr. Casar said that the Nursing Board Committee on Prescriptive Governance will meet May 10.

R-2010-229 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:

Buderer Drug Company , Sandusky, Ohio	(02-1106900)
Buderer Drug Company , Perrysburg, Ohio	(02-1198400)
Mercy Hospital of Tiffin , Tiffin, Ohio	(02-0029150)

After discussion, Mr. Casar 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* – 7.

R-2010-230 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:

Streamline Infusion & Pharmacy Specialists , Coshocton, Ohio	(02-2015850)
Central Admixture Pharmacy Services , Valley View, Ohio	(02-1312700)

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. Gahm and approved by the Board: *Aye* – 7.

Mr. Winsley presented a reported on the Ohio Prescription Drug Abuse Task Force that met April 21, 2010, in the Riffe Center.

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

11:46 a.m. The Board recessed for lunch and Ms. Pasquale left the meeting for personal reasons.

1:30 p.m.

R-2010-231 The Board reconvened in Room West B & C, 31st Floor of the Vern Riffe Center. The following candidates for licensure by reciprocity introduced themselves to the Board, and then participated in a discussion of pharmacy laws and rules with Mr. Parker, Licensing Administrator and the Board.

Daniel Paul Blakeley	<i>Missouri</i>
Stephen Madison Cogan	<i>Florida</i>
Rachel Dalzell	<i>Wisconsin</i>
Prince Chukwunyere Egesi	<i>Texas</i>
Deborah Patricia Israni	<i>Illinois</i>
Lulu Jin	<i>Illinois</i>
Laura Beth Kangas	<i>Pennsylvania</i>
Megan S. Kappes	<i>Kentucky</i>
Hester Magdalena Catharina Krein	<i>Kentucky</i>
Victor Leopold	<i>Kentucky</i>
William Michael Mckinley	<i>Indiana</i>
Ivan Derek Du Preez	<i>California</i>
Lindsay Carole Rudzik	<i>Pennsylvania</i>

Gregory Scheuermann	<i>Michigan</i>
Yan Shao	<i>Michigan</i>
Mary Elizabeth Smith	<i>Pennsylvania</i>
Dana Spickard	<i>Kentucky</i>
Matthew Bryant Stockton	<i>Indiana</i>
Thomas Lee Tucker	<i>Michigan</i>
Lauren Vitale	<i>Pennsylvania</i>
Jill Celeste Wise	<i>Michigan</i>

1:55 p.m. The meeting resumed in Room East B with the following members present:

Elizabeth I. Gregg, R.Ph., *President*; Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; 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.

Mr. Kolezynski reported on the April 7 & 8, 2010, survey of the Accreditation Council for Pharmacy Education at the University of Findlay.

Ms. Lange discussed her participation on the National Association of Boards of Pharmacy Constitution and Bylaws Committee.

R-2010-232 Mr. Gahm moved that the hearing in the case of **Nicole Marie DiSabato**, R.Ph., (03-1-29878) Westerville, Ohio be continued to August 2, 2010. The motion was seconded by Mr. Joyce and approved by the Board: *Aye – 6; Nay – 1.*

R-2010-233 After discussion, Mr. Gahm moved that the Board minutes of April 5-7, 2010, be approved as amended. Mr. Casar seconded the motion and it was approved by the Board: *Aye – 7.*

2:32 p.m. Mr. Casar 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: Cain – *yes*; Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; and Wiesenhahn – *yes*.

3:30 p.m. The Executive Session ended and the meeting was opened to the public.

3:31 p.m. Mr. Casar moved that the Board receive Per Diem as follows:

PER DIEM	05/03	05/04	04/07	04/08	04/28	Total
Cain	1	1	-	-	-	2
Casar	1	1	-	-	1	3
Gahm	1	1	-	-	-	2
Gregg	1	1	-	-	-	2
Joyce	1	1	-	-	-	2
Kolezynski	1	1	1	1	-	4
Lange	1	1	-	-	-	2
Pasquale	1	1	-	-	1	3
Wiesenhahn	1	1	-	-	-	2

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

3:31 p.m. Mr. Gahm moved that the meeting be adjourned. The motion was seconded by Ms. Lange and approved by the Board: *Aye – 7.*

**The Ohio State Board of Pharmacy
approved these Minutes June 7, 2010**