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Minutes of the March 7-9, 2011
Meeting of the Ohio State Board of Pharmacy

Monday, March 7, 2011

- 9:00 a.m. The Ohio State Board of Pharmacy met at **Cardinal Nuclear Pharmacy** to tour the facility.
- 11:25 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:
- Richard F. Kolezynski, R.Ph., *President*; Donald M. Casar, R.Ph.; *Vice-President*; Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.
- Also present were William T. Winsley, *Executive Director*; 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*.
- 11:25 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. Gahm and a roll-call vote was conducted by President Kolezynski as follows: Cain – *yes*; Casar – *yes*; Gahm – *yes*; Lange – *yes*; Wiesenhahn – *yes*.
- 11:45 a.m. The Executive Session ended and the Board recessed for lunch.
- 1:00 p.m. The Board meeting resumed.
- Ms. Lange and Mr. Keeley discussed the Technician Exam Status Report with the Board.
- Mr. Keeley discussed Rule 4729-5-24 with the Board. The Board considered rescinding the rule and reverting to the language used prior to January 1, 2011. It was agreed that Board staff would work with Governor John Kasich's office to consider filing an emergency rule. No action was taken at this time and the discussion was tabled.
- Mr. Keeley presented the Legislative Report.
- Mrs. Droz presented the Ohio Automated Prescription Reporting System update.
- 2:45 p.m. The Board recessed briefly.
- 3:00 p.m. Mr. Casar said there was no report from the Nursing Board Committee on Prescriptive Governance.
- Ms. Lange said there was no report from the Medical Board's Physician-Assistant Policy Committee this month.

R-2011-170 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:

RightSource Pharmacy, Cincinnati, Ohio (02-1712850)
Multiple Physician Offices on letter on letter of request

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. Wiesenhahn and approved by the Board: *Aye* – 5.

R-2011-171 Mr. Parker presented a request for approvable status for the electronic prescribing system **Intelligent Medical Software (IMS) - SuiteMed**. Ms. Lange moved that the system be found approvable pending final inspection. Mr. Cain seconded the motion and it was approved by the Board: *Aye* – 5.

R-2011-172 A request to be registered as a Continuing Pharmacy Education provider was received from **Donald Steven Mashni, R.Ph.** (03-2-16644) Cincinnati, Ohio. After discussion, Mr. Gahm moved that the request be approved. Mr. Casar seconded the motion and it was approved by the Board: *Aye* – 5.

3:39 p.m. Mr. Gahm 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 Kolezynski as follows: Casar – *yes*; Cain – *yes*; Gahm – *yes*; Lange – *yes*; Wiesenhahn – *yes*.

4:31 p.m. The Executive Session ended and the meeting was opened to the public.

R-2011-173 After further discussion, Mr. Gahm moved that Rule 4729-5-24, as currently written, be rescinded and the language in use prior to January 1, 2011, be restored. Board staff will work with the Governor's Office to facilitate filing an emergency rule to effect that change. Mr. Wiesenhahn seconded the motion and it was approved by the Board: *Aye* – 5.

4:35 p.m. The Board recessed for the day.

Tuesday, March 8, 2011

9:01 a.m. The meeting 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:

Richard F. Kolezynski, R.Ph., *President*; Donald M. Casar, R.Ph.; *Vice-President*; Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Deborah A. Lange, R.Ph.; Michael A. Moné, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

9:02 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 **Stefan Nickolas Ourlian, R.Ph.** (03-1-16265) Avon, Ohio.

11:07 a.m. The hearing ended and the record was closed.

11:07 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 Kolezynski as follows: Cain – *yes*; Casar – *yes*; Gahm – *yes*; Lange – *yes*; Moné – *yes*; Wiesenhahn – *yes*.

11:29 a.m. The Executive Session ended and the meeting was opened to the public.

R-2011-174 After votes were taken in public session, the Board adopted the following order in the matter of **Stefan Nickolas Ourlian, R.Ph.** (03-1-16265) Avon, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-100210-060

in the matter of:

STEFAN NICKOLAS OURLIAN, R.Ph.

37810 Brian Lakes Drive
Avon, Ohio 44011

R.Ph. Number 03-1-16265

INTRODUCTION

The matter of Stefan Nickolas Ourlian came for hearing on March 8, 2011, before the following members of the Board: Richard F. Kolezynski, R.Ph. (*presiding*); Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Deborah A. Lange, R.Ph.; Michael A. Moné, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Brian M. Joyce, R.Ph., absent

Stefan Nickolas Ourlian was represented by Michael J. Duff. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses: Christopher K. Reed, Ohio State Board of Pharmacy
Stefan Nickolas Ourlian, R.Ph., Respondent

Respondent's Witnesses: None

State's Exhibits:

1. Copy of Summary Suspension Order/Notice of Opportunity for Hearing letter [02-10-10]
- 1A-1I. Procedurals
2. Indictment, The State of Ohio vs. Stefan N. Ourlian, Case No. 09-CR0000078701, Lorain County Common Pleas Court, [08-26-09]
3. Journal Entry, The State of Ohio vs. Stefan N. Ourlian, Case No. 09-CR0-78701, Lorain County Common Pleas Court [12-16-09]
4. Journal Entry, The State of Ohio vs. Stefan N. Ourlian, Case No. 09CR078701, Lorain County Common Pleas Court, [12-16-09]
5. Avon Police Department Incident Report, with attachments [05-13-09]
6. Giant Eagle Patient Profiles for Stefan Ourlian [08-25-08 to 04-06-09]

Respondent's Exhibits:

- A. Letter from Francis J. Matese, Ph.D., LICDC to Michael J. Duff, Esq. [02-24-11]
- B. Summary of Medical History for Stefan Nickolas Ourlian [not dated]
- C. MRI Final Report of Stefan Ourlian [08-28-08]
- D. Echocardiography Final Report of Stefan Ourlian [06-26-09]
- E. Cleveland Clinic Foundation patient records for Stefan Ourlian [08-18-09]
- F. Cleveland Clinic Foundation patient records for Stefan Ourlian [08-19-09]
- G. Cleveland Clinic Foundation patient records for Stefan Ourlian [07-16-10]
- H. Cleveland Clinic Foundation patient records for Stefan Ourlian [10-29-10]

- I. Public Docket Information, Ohio vs. Ourlian, Case No. 09CR078701, Lorain County Common Pleas Court [02-24-11]
- J. Stefan Ourlian's narrative of events of May 30, 2009 and May 31, 2009 [08-15-09]
- K. Four photographs of prescription bottles for Stefan Ourlian [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 Stefan Nickolas Ourlian was originally licensed in the State of Ohio on March 6, 1986, pursuant to examination, and his license to practice pharmacy in Ohio was summarily suspended effective February 10, 2010.
- (2) Stefan Nickolas Ourlian was, on or about December 16, 2009, found eligible for, and granted, Intervention in Lieu of Conviction in the Common Pleas Court of Lorain County, Ohio. State of Ohio vs. Stefan N. Ourlian, Case No. 09CR078701, Lorain County Common Pleas Court.
- (3) Stefan Nickolas Ourlian did, on or about May 31, 2009, 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: Stefan Nickolas Ourlian possessed 1 Dilaudid 2 mg tablet, 2 Percocet 325 mg/5 mg tablets, and 2 Adderall XR capsules, Schedule II Controlled Substances, outside the confines of a pharmacy and without a valid prescription. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (4) Stefan Nickolas Ourlian did, on or about May 31, 2009, 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: Stefan Nickolas Ourlian possessed 45 Vicodin 750 mg/7.5 mg tablets, 2 halves of a Vicodin ES 750 mg/7.5 mg tablet, and 10 Norco 10 mg/325 mg tablets, Schedule III Controlled Substances, outside the confines of a pharmacy and without a valid prescription. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (5) Stefan Nickolas Ourlian did, on or about May 31, 2009, recklessly or by force, resist lawful arrest, to wit: when Stefan Nickolas Ourlian was being arrested by the Avon Police Department for Carrying a Concealed Weapon and Drug Abuse, Stefan Nickolas Ourlian resisted the lawful authority of the officers. Such conduct is in violation of Section 2921.33 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) through (5) 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 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 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 paragraphs (3) and (4) 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 Stefan Nickolas Ourlian on February 10, 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 hereby suspends indefinitely the pharmacist identification card, No. 03-1-16265, held by Stefan Nickolas Ourlian and such suspension is effective as of the date of the mailing of this Order.

- (A) Stefan Nickolas Ourlian, 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) Stefan Nickolas Ourlian, 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 five years from the effective date of this Order, the Board will consider any petition filed by Stefan Nickolas Ourlian 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) Stefan Nickolas Ourlian must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
- (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) Stefan Nickolas Ourlian must show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) six months preceding reappearance.
- (D) Compliance with the terms of this Order.

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

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

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

11:39 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 **Andrea Christine Bullock**, R.Ph. (03-2-26193) Massillon, Ohio.

1:04 p.m. The hearing ended and the record was closed.

1:05 p.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. Gahm and a roll-call vote was conducted by President Kolezynski as follows: Cain – *yes*; Casar – *yes*; Gahm – *yes*; Lange – *yes*; Moné – *yes*; Wiesenhahn – *yes*.

1:24 p.m. The Executive Session ended and the meeting was opened to the public.

R-2011-175 After votes were taken in public session, the Board adopted the following order in the matter of **Andrea Christine Bullock**, R.Ph. (03-2-26193) Massillon, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-100908-144

in the matter of:

ANDREA CHRISTINE BULLOCK, R.Ph.

1027 Queen Anne Dr., N.W.

Massillon, Ohio 44647

R.Ph. Number 03-2-26193

INTRODUCTION

The matter of Andrea Christine Bullock came for hearing on March 8, 2011, before the following members of the Board: Richard F. Kolezynski, R.Ph. (*presiding*); Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Deborah A. Lange, R.Ph.; Michael A. Moné, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Brian M. Joyce, R.Ph., absent

Andrea Christine Bullock was represented by Terri-Lynne B. Smiles. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses: David Gallagher, Ohio State Board of Pharmacy
Andrea Christine Bullock, R.Ph., Respondent

Respondent's Witness: Andrea Christine Bullock, R.Ph.

State's Exhibits:

1. Copy of Summary Suspension Order/Notice of Opportunity for Hearing Letter [09-08-10]
- 1A-1D. Procedurals
2. Written Letter of Explanation of Andrea Bullock [04-05-10]
3. Internal Loss Incident Report [04-05-10]
4. Report of Theft or Loss of Controlled Substances [04-07-10]
5. Notarized Written Statement of Andrea Bullock [08-26-10]; Copy of RX #0534157 [01-11-10]; Copy of RX #0538589 [03-03-10]; Patient History Report for Jean B. [04-08-07 to 04-08-10]
6. Indictment for Theft of Drugs, 1CT. [R.C.2913.02(A)(1)] (F4), The State of Ohio, Stark County,ss., Case No. 2010CR0490 [05-24-10]; Motion for Intervention in Lieu of Conviction, State of Ohio vs. Andrea C. Bullock, Case No. 2010CR0490, Stark County, Common Pleas Court [06-23-10]; Defendant Found Eligible for Treatment in Lieu of Conviction and Change of Plea and Pre-Sentence Investigation, State of Ohio vs. Andrea Christine Bullock, Case No. 2010CR0490, Stark County Common Pleas Court [07-20-10]; Pleas of Guilty, State of Ohio vs. Andrea Christine Bullock, Case No. 2010CR0490, Stark County Common Pleas Court [07-14-10]; Defendant Granted Intervention in Lieu of Conviction, State of Ohio vs. Andrea Christine Bullock, Case No. 2010CR0490, Stark County Ohio [08-18-10]
7. Patient History Report for Andrea Bullock [04-08-07 to 04-08-10]
8. Letter from Karen J. Mickley, State Probation/Parole Officer, Ohio Department of Rehabilitation and Correction to Ohio State Board of Pharmacy [03-03-11]

Respondent's Exhibits: Quest Recovery and Prevention Services Client Progress Report for Andrea Bullock [03-03-11]
E-mail from Michael D. Quigley, R.Ph., Executive Director, Pharmacists Rehabilitation Organization to Andrea Bullock [02-25-11]

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 Andrea Christine Bullock was originally licensed in the State of Ohio on July 12, 2004, pursuant to examination, and her license to practice pharmacy in Ohio was summarily suspended effective September 8, 2010.
- (2) In accordance with Section 2929.24 of the Ohio Revised Code, the office of the Prosecuting Attorney of Stark County, Ohio, has submitted to this Board information which indicates that on August 18, 2010, Andrea Christine Bullock was found eligible for, and granted, Intervention in Lieu of Conviction in the Common Pleas Court of Stark County, Ohio, State of Ohio v. Andrea Christine Bullock, Case No. 2010CR0490, Stark County Common Pleas Court.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes 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 paragraph (2) of the Findings of Fact constitutes 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 and abusing liquor or drugs or impaired physically or mentally to such a degree as to render her 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 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. 03-2-26193, held by Andrea Christine Bullock and such suspension is effective as of the date of the mailing of this Order.

- (A) Andrea Christine Bullock, 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) Andrea Christine Bullock, 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 one year from the effective date of the Summary Suspension Order/Notice of Opportunity for Hearing letter issued September 8, 2010, the Board will consider any petition filed by Andrea Christine Bullock 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) Andrea Christine Bullock 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, submit 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 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) Andrea Christine Bullock must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
- (C) Andrea Christine Bullock 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 and alcohol 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) Once reinstated, the State Board of Pharmacy will limit Andrea Christine Bullock's practice of pharmacy in that she may not dispense prescriptions for herself or for any member of her family.
- (E) If reinstatement is not accomplished within three years of the effective date of this Order, Andrea Christine Bullock must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board.

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

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

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

R-2011-176 Mr. Gahm moved that the settlement offer in the matter of **Natalie J. Fries**, R.Ph. (03-1-29472) West Chester, Ohio, be accepted. The motion was seconded by Mr. Moné and approved by the Board: *Aye – 4/Nay – 1* (abstain Lange)

1:30 p.m.

R-2011-177 The Board reconvened in Room South A, 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.

Kimberly N. Villio	<i>Georgia</i>
Wendy Schultz	<i>Florida</i>
Eric Shane Hendrick	<i>West Virginia</i>
Sophia Le	<i>Illinois</i>
Trisha L. Lobo	<i>North Carolina</i>
Janet Lynn Blunt	<i>Illinois</i>
Dwana Sue Clark	<i>Kentucky</i>
Jace Larkin	<i>Utah</i>
Christopher Richard Antypas	<i>Pennsylvania</i>
William Albert Grbcich	<i>Missouri</i>
Scott Joseph Knoer	<i>Kansas</i>
Adam Bradley Smith	<i>Connecticut</i>
Ying June Chow	<i>Illinois</i>
Maro Mounir Shafik Siha	<i>California</i>

1:45 p.m. The Board recessed for lunch.

2:35 p.m. The Board reconvened with the following members present:

Richard Kolezynski, R.Ph., *President*; Donald Casar, R.Ph.; *Vice-President*; Edward Cain, Public Member; Deborah Lange, R.Ph.; Michael Moné, R.Ph.; Jerome Wiesenhahn, R.Ph.

2:37 p.m. Mr. Cain 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. Moné and a roll-call vote was conducted by President Kolezynski as follows: Cain – *yes*; Casar – *yes*; Lange – *yes*; Moné - *yes*; Wiesenhahn – *yes*.

3:32 p.m. The Executive Session ended and the meeting was opened to the public.

3:52 p.m.

R-2011-178 Mr. Casar moved that the Board minutes of February 7-9, 2011, be approved as amended. Ms. Lange seconded the motion and it was approved by the Board: *Aye* – 5.

4:00 p.m. The Board recessed for the day.

Wednesday, March 9, 2011

9:00 a.m. The meeting 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:

Richard F. Kolezynski, R.Ph., *President*; Donald M. Casar, R.Ph.; *Vice-President*; Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Deborah A. Lange, R.Ph.; Michael A. Moné, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

9:00 a.m.

R-2011-179 President Kolezynski administered the oath for a new Board member to **Kevin J. Mitchell**, R.Ph.

OATH OF NEW MEMBER

I, Kevin J. Mitchell, as a Member of the Ohio Board of Pharmacy do solemnly swear to uphold the Constitution of the United States and the State of Ohio; to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the state of Ohio; and carry out the responsibilities of the Board as mandated by the laws of the state of Ohio without bias or prejudice, so help me God.

9:10 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 **Michael R. Krusling**, R.Ph. (03-1-10023) Bethel, Ohio.

12:01 p.m. The Board recessed for lunch.

1:04 p.m. The hearing in the matter of **Michael R. Krusling**, R.Ph. (03-1-10023) Bethel, Ohio resumed.

5:03 p.m. The hearing ended and the record was closed.

5:04 p.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 Kolezynski as follows: Cain – *yes*; Casar – *yes*; Gahm – *yes*; Lange – *yes*; Mitchell – *yes*; Moné – *yes*; Wiesenhahn – *yes*.

5:23 p.m. The Executive Session ended and the meeting was opened to the public.

5:25 p.m.

R-2011-180 After votes were taken in public session, the Board adopted the following order in the matter of **Michael R. Krusling**, R.Ph. (03-1-10023) Bethel, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-100806-139

in the matter of:

MICHAEL R. KRUSLING, R.Ph.
2360 Bethel New Richmond Road
Bethel, Ohio 45106

R.Ph. Number 03-1-10023

INTRODUCTION

The matter of Michael R. Krusling came for hearing on March 9, 2011, before the following members of the Board: Richard F. Kolezynski, R.Ph. (*presiding*); Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Deborah A. Lange, R.Ph.; Kevin J. Mitchell R.Ph.; Michael A. Moné R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Brian M. Joyce, R.Ph., absent

Michael R. Krusling was represented by Elizabeth Y. Collis. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses: Michael R. Krusling, R.Ph., Respondent
Ann Abele, R.Ph., Ohio State Board of Pharmacy

Respondent's Witness: Michael R. Krusling, R.Ph., Respondent

State's Exhibits:

- 1A. Copy of Notice of Opportunity for Hearing letter [08-06-10]
- 1B-1I. Procedurals
- 2A. Spreadsheet of Unauthorized Prescriptions, Verified with Prescribers for Mike's Batavia Pharmacy [not dated]
- 2B. Spreadsheet of Prescriptions Not Found or Produced for Mike's Batavia Pharmacy [08-27-09]
- 2C. Notarized Written Statement of Kathryn Peeden, M.D. with attachments [06-25-09]
- 2D. Notarized Written Statement of Todd A. Tegtmeier, M.D. [06-25-09]
- 2E. RX Profile of Paul C. [05-28-08 to 08-25-08]
- 2F. Copy of RX #96578 [06-30-08 and 07-01-08]
- 2G. Mike's Batavia Pharmacy Signature Log [07-23-08]
- 2H. Request for Release of Records [05-13-09]; Letter from Michael R. Krusling, R.Ph. to the Ohio State Board of Pharmacy [05-17-09]
- 2I. Copy of RX #99255 [07-30-08]
- 2J. Mike's Batavia Pharmacy Signature Log [07-30-08]
- 3A. Notarized Written Statement of Mark Poynter, M.D. [06-15-09]
- 3B. RX Profile of Carolyn D. [06-17-08 to 01-31-09]
- 3C. Mike's Batavia Pharmacy Signature Log [01-08-09]
- 4A. Notarized Written Statement of Jesus C. Hontanosas, M.D. with attachment [06-19-09]
- 4B. RX Profile of William W. [06-23-08 to 01-29-09]
- 4C. Mike's Batavia Pharmacy Signature Log [11-12-08]
- 5A. Copy of RX #C116203 [01-09-09]
- 5B. Notarized Written Statement of Monica Kennedy, M.D. [06-10-09]
- 5C. RX Profile of Elizabeth S. [10-13-08 to 01-21-09]
- 6A. Copy of RX #C109272 [11-04-08]
- 6B. Mike's Batavia Pharmacy Signature Log [11-04-08]
- 7A. Spreadsheet of Controlled Substances Dispensed Before Date Authorized by Prescriber for Mike's Batavia Pharmacy [09-03-09]
- 7B. Copy of RX #N40884 and RX #N40883 [01-12-07 and 01-17-07]; Copy of RX #N44031 [02-09-07 and 02-15-07]; Copy of RX #N44032 and RX #N44033 [02-09-07 and 02-15-07]; RX Profile of Mark B. [01-17-07 to 05-15-07]
- 7C. Copy of RX #N46474 [02-27-07 and 03-08-07]; Copy of RX #N46475 [02-27-07 and 03-08-07]; RX Profile for Roscoe J. [02-27-07 to 04-19-07]
- 7D. Copy of RX #N96797 [07-02-08 and 08-13-08]; Copy of RX #N105269 [09-27-08 and 10-11-08]; Copy of RX #N108289 [10-27-08 and 11-11-08]; Copy of RX #N113119 [12-10-08 and 12-11-08]; Copy of RX #N114671 [12-26-08 and 01-21-09]; RX Profile of William S. [07-02-08 to 01-05-09]
- 7E. Notarized Written Statement of Natverlall Patel, M.D. [07-09-09]
- 7F. Copy of RX #N107068 [10-14-08 and 10-16-08]; Copy of RX #N107753 [10-21-08 and 12-23-08]; RX Profile for Jeff B. [06-07-07 to 01-19-09]
- 7G. Copy of RX #C116523 [01-06-09 and 01-12-09]; RX Profile for Edward R. [01-13-09 to 02-02-09]
- 7H. Copy of RX #N118610 [02-02-09 and 02-13-09]; Mike's Batavia Pharmacy Signature Log [02-02-09]
- 8A. Spreadsheet of Internet Prescriptions for Mike's Batavia Pharmacy [08-17-09]

- 8B. Copies of Internet Prescriptions [02-07-07 to 02-26-07]
- 9A. Copy of RX #92444 [05-19-08]
- 9B. Letter from Michael R. Krusling to Ann Abele, R.Ph., MBA, [09-11-08]
- 9C. Notarized Written Statement of Gregory Stephens, M.D. [09-26-08]
- 9D. Notarized Written Statement of Gregory W. Stephens [06-23-09]
- 9E. RX Profile for Alisha E. [01-02-07 to 02-03-09]
- 9F. Request for Release of Records [06-25-09]
- 9G. RX Profile for Sherry P. [02-02-07 to 01-24-09]
- 9H. Notarized Statement of Maureen Li, M.D. [06-03-09 and 06-10-09]
- 9I. RX Profile for Ricky B. [01-02-07 to 01-12-09]
- 9J. Notarized Written Statement of Sean Lynd, M.D. [06-29-09]
- 9K. Notarized Written Statement of Roger Chang, M.D. [05-19-09]
- 9L. Mike's Batavia Pharmacy Signature Log [09-11-08]
- 9M. Notarized Written Statement of Ali Razavi, M.D. [06-29-09]
- 9N. RX Profile of John D. [10-16-07 to 01-14-09]
- 10A. Notarized Written Statement of Scott Behrens, M.D. [06-01-09]
- 10B. Copy of RX #114570 [12-23-08]; Copy of RX #114653 [12-24-08]; Copy of RX #106259 [10-07-08]; Copy of RX #102476 [09-02-08] Copy of RX #102475 [09-02-08]; Copy of RX #100103 [08-07-08]; RX Profile for Lewis K. [05-07-07 to 01-26-09]
- 10C. Notarized Written Statement of Elena S. Caoili, M.D. [06-19-09]
- 10D. Copy of RX #116350 [01-10-09]
- 10E. Copy of RX #111747 [11-26-08]; Copy of RX #111839 [11-26-08 and 11-28-08]; RX Profile for Valerie C. [09-15-08 to 01-31-09]
- 10F. Copy of RX #100543 [08-13-08]; Documentation for RX #100543 [08-15-08]; RX Profile for Rebecca H. [08-13-08 to 01-12-09]
- 10G. Copy of RX #114324 [12-22-08]; Copy of RX #114431 [12-22-08]; Copy of RX #103123 [09-08-08]; Copy of RX #103209 [09-08-08]; Copy of RX #103122 [09-08-08]; Copy of RX #103211 [09-08-08]; Copy of RX #103121 [09-08-08]; Copy of RX #103210 [09-08-08]; Copy of RX #100185 [08-08-08]; RX Profile for James M. [07-08-08 to 01-26-09]
- 10H. Copy of RX #117904 [01-24-09]; Copy of RX #118014 [01-26-09]; Copy of RX #116561 [01-13-09]; Mike's Batavia Pharmacy Signature Log [01-13-09]; Copy of RX #116999 [01-13-09 and 01-15-09]; Mike's Batavia Pharmacy Signature Log [01-17-09]; Copy of RX #116148 [01-08-09]; Copy of RX #116299 [01-09-09]; Copy of RX #107430 [10-17-08]; Copy of RX #107489 [10-17-08]; Copy of RX #105757 [10-02-08]; Copy of RX #105757 [10-02-08]; Mike's Batavia Pharmacy Signature Log [10-02-08]; Mike's Batavia Pharmacy Signature Log [10-05-08]; Copy of RX #105756 [10-02-08]; Copy of RX #105882 [10-02-08]; Copy of RX #101609 [08-23-08]; Copy of RX #98945 [07-26-08]; Copy of RX #99016 [07-28-08]; Copy of RX #98944 [07-26-08]; Copy of RX #97444 [07-11-08]; Copy of RX #97453 [07-11-08]; Copy of RX #107335 and RX #107337 [10-16-08]
- 10I. Copy of RX #109563 [11-06-08]; Copy of RX #96959 [07-01-08 and 07-04-08]; Copy of RX #43473 [02-09-07]
- 10J. Copy of RX #114318 [12-22-08]; Prescription Log Report for Mike's Batavia Pharmacy [12-22-08]
- 10K. Copy of RX #110368 [11-13-08]; Copy of RX #109420; RX #109416; RX #109419; and RX #109417 [11-05-08]; Mike's Batavia Pharmacy Signature Log [11-05-08]; Copy of RX #106337 [10-07-08]; Copy of RX #106451 [10-08-08]; Copy of RX #106336 [10-07-08]; Copy of RX #106454 [10-08-08]; Prescription Log Report for Mike's Batavia Pharmacy [10-07-08]; Copy of RX #106335 [10-07-08]; Copy of RX #106334 [10-07-08]; Copy of RX #106453 [10-08-08]; Copy of RX #106333 [10-07-08]; Copy of RX #106452 [10-08-08]; Copy of RX #106329 [10-07-08]; Copy of RX #103699 [09-12-08]; Mike's Batavia Pharmacy Signature Log [09-12-08]; Copy of RX #103698 [09-12-08]; Copy of RX #103697 [09-12-08]; Copy of RX #103694

- [09-12-08]; Mike's Batavia Pharmacy Signature Log [11-05-08]; Mike's Batavia Pharmacy Signature Log [09-12-08]; Copy of RX #103694 [09-12-08]; Copy of RX #98523 [09-12-08]; Copy of RX #98523 [07-23-08]; Copy of RX #98500 [07-22-08]; Copy of RX #98522 [07-23-08]; Copy of RX #98499 [07-22-08]; Copy of RX #98498 [07-22-08]; Copy of RX #98524 [07-23-08]
- 10L. Copy of RX #112486 [01-14-09]; Copy of RX #112485 [01-14-09]; Copy of RX #112485 and RX #112486 [12-04-08]; Copy of RX #109120 [11-03-08]; Copy of RX #109048 [01-14-09]; Copy of RX #109048 [11-01-08]; Copy of RX #102990 [09-05-08 and 09-06-08]; Copy of RX #98235 [07-19-08]; Copy of RX #98295 [07-21-08]; Copy of RX #97597 and RX #97598 [07-14-08]
- 10M. Copy of RX # 96716 [07-01-08]
- 10N. Notarized Written Statement of Barbara Ralmo-Halsted, M.D. [06-16-09]
- 10O. Copy of RX #103049 [09-08-08]; Copy of RX #103048 [09-08-08]; Copy of RX #103047 [09-08-08]; Copy of RX #103046 [09-08-08]; Copy of RX #98393 [07-22-08]; Copy of RX #98392 [07-22-08]; Copy of RX #98391 [07-22-08]; RX Profile for Barbara S. [07-08-08 to 09-08-08]
- 10P. Copy of RX #107603 [10-20-08]; Copy of RX #106835 [10-13-08]; Copy of RX #106928 [10-13-08]; Copy of RX #106514 [10-09-08]
- 10Q. Notarized Written Statement of Michael Schmerler, M.D. [06-23-09]
- 10R. Copy of RX #101060 [08-19-08]; Copy of RX #96135 [06-26-08]
- 10S. Notarized Written Statement of Gaurang Shah, D.O. [05-18-09]
- 10T. Copy of RX #115292 [01-02-09]; Copy of RX #111035 [11-18-08 and 11-19-08]; Copy of RX #107740 [10-21-08]; Copy of RX #104905 [09-24-08]; RX Profile for Jenny M. [06-27-08 to 02-03-09]
- 10U. Copy of RX #114547 [12-23-08]; Copy of RX #109104 [11-03-08]; Mike's Batavia Pharmacy Signature Log [11-03-08]; Mike's Batavia Pharmacy Signature Log [11-07-08]; Copy of RX #106310 [10-07-08]; Mike's Batavia Pharmacy Signature Log [10-07-08]; Mike's Batavia Pharmacy Signature Log [10-11-08]; Copy of RX #103059 [09-08-08]; Copy of RX #97192 [07-08-08]; Prescription Log Report for Mike's Batavia Pharmacy [05-19-08]
- 11A. Referred
- 11B. Copy of RX #C115396 [01-02-09]
- 11C. Notarized Written Statement of Kathleen A. Gibson [06-23-09]
- 11D. Copy of RX #110381 [11-13-08]
- 11E. Facsimile from Hy-Vee Drugstore Ames Clinic to Ann Abele [04-21-09]
- 11F. Copy of RX #101110 [08-19-08]; Copy of RX for Paul S. [03-09-07]
- 11G. Notarized Written Statement of Sara DeAtley, R.Ph. [05-19-09]
- 11H. Statement of Paul Szczykutowicz, M.D. [06-30-08]
- 11I. RX Profile for Paul S. [08-19-08]
- 11J. Copy of RX #100770 [08-15-08]
- 11K. Facsimile from Hy-Vee Drugstore Ames Clinic to Ann Abele [not dated]
- 11L. Copy of RX #100769 [08-15-08]; Copy of RX #99552 [08-01-08]
- 11M. Copy of RX #98390 [07-22-08]
- 11N. Notarized Written Statement of Brian C. Bratcher, R.Ph. [06-15-09]
- 11O. Copy of RX #97729 [07-15-08]; Copy of RX #96837 [07-03-08]
- 12A. RX Profile for Angela G. [05-15-08 to 09-22-08]
- 12B. RX Profile for Ramond B. [12-22-08]
- 12C. RX Profile for Patricia P. [01-02-09]
- 12D. RX Profile for Alfreda S. [07-14-08 to 02-02-09]
- 12E. Dispensed Drug Report including RX #00114603 [12-24-08]
- 12F. Dispensed Drug Report including RX #00114766 [12-26-08]
- 12G. Dispensed Drug Report including RX #00111395, RX #00115276, and RX #00115317 [01-02-09]
- 12H. Dispensed Drug Report including RX #00116693 [01-13-09]
- 12I. Dispensed Drug Report including RX #00118041 [01-26-09]

- 12J. Dispensed Drug Report including RX #00113149 [12-10-08]
- 12K. Dispensed Drug Report including RX #00114645 [12-27-08]
- 12L. Dispensed Drug Report including RX #00117458 [01-21-09]
- 12M. Dispensed Drug Report including RX #00118868 [02-03-09]
- 13A. Referred
- 13B. Copy of RX #C113631 [12-15-08]; Mike's Batavia Pharmacy Signature Log [12-15-08]
- 13C. Controlled Substance Report for Schedule 4 RX's [12-15-08]
- 13D. Copy of RX #N101046 [08-18-08 and 08-19-08]
- 13E. Mike's Batavia Pharmacy Signature Log [08-19-08]
- 13F. RX Profile for Carl C. [10-03-08 to 11-13-08]
- 13G. Copy of RX #N99254 [07-30-08]; Mike's Batavia Pharmacy Signature Log [07-30-08]
- 13H. Copy of RX #N96301 [06-26-08 and 06-27-08]; Mike's Batavia Pharmacy Signature Log [06-27-08]; Controlled Substance Report for Schedule 2 RX's [06-27-08]
- 14A. Copy of RX #92345, RX #92346, RX #92347 [05-16-08]; Prescription Log Report [07-07-08]
- 14B. Notarized Written Statement of Nancy W. [07-14-08]
- 15A. Errors in Dispensing Discussed with Prescribers Spreadsheet for Mike's Batavia Pharmacy [07-24-08 to 02-02-09]
- 15B. Errors in Dispensing Not Discussed with Prescribers Spreadsheet for Mike's Batavia Pharmacy [01-02-07 to 01-30-09]
- 15C. Copy of RX #C116738 [01-14-09]; Copy of RX #C116786 [01-14-09]
- 15D. Notarized Statement of Marc P. Orlando, M.D. [06-24-09]
- 15E. Controlled Substance Report for Schedule 3 RX's [01-14-09]
- 15F. Mike's Batavia Pharmacy Signature Log [01-14-09]
- 15G. RX Profile for Linda N. [01-08-09 to 01-16-09]
- 15H. Copy of RX #110959 [11-18-08]; Copy of RX #110960 [11-18-08]; Prescription Log Report [11-18-08]; Mike's Batavia Pharmacy Signature Log [11-19-08]
- 15I. Copy of RX #107825 [10-21-08]; Prescription Log Report [10-21-08]; Mike's Batavia Pharmacy Signature Log [08-22-08]
- 16A. Copy of RX #118517 and RX #118516 [01-30-09]; Home Solutions Print Out [not dated]
- 16B. Copy of RX #C117052 [01-16-09]; Copy of RX #C117434 [01-20-09]; Prescription Log Report [01-16-09]; Mike's Batavia Pharmacy Signature Log [01-16-09]; Prescription Log Report [01-20-09]; Mike's Batavia Pharmacy Signature Log [01-20-09]
- 16C. Copy of RX #C117006 [01-16-09]; Dispensed Drug Report [12-02-08 to 01-16-09]
- 16D. Copy of RX #C116687 [01-13-09]; Dispensed Drug Report [01-07-09 to 01-13-09]
- 16E. Copy of RX #N112908 [12-09-08]; Controlled Substance Report of Schedule 2 RX's [12-08-08 and 12-09-08]
- 16F. Copy of RX #112693 [12-05-08]; RX Profile for Donald P. [10-29-08 to 01-26-09]
- 16G. Copy of RX #N107215 [10-15-08]
- 16H. Copy of RX #N105560 [09-28-08 and 09-30-08]
- 16I. Notarized Written Statement of Brain M. Harmyck, M.D. [06-24-09]
- 16J. Copy of RX #102937, RX #102938, RX #102940 [09-05-08]; RX Profile for Michael K. [01-27-07 to 01-17-09]
- 16K. Copy of RX #N91755 [05-12-08]
- 16L. Copy of RX #N59640 [07-15-07]; Prescription Log Report [07-15-07]; Mike's Batavia Pharmacy Signature Log [07-15-07]
- 16M. Copy of RX #C39120 [01-02-07]
- 17A. Copy of RX #118575 [01-30-09 and 01-31-09]

- 17B. Notarized Written Statement of Jill C. Manahan, D.O. [06-11-09]
- 17C. RX Profile for Dorthy R. [10-31-08 to 01-31-09]
- 17D. Copy of RX #116982 [01-15-09]; RX Profile for Tammy H. [01-02-09 to 02-06-09]
- 17E. Copy of RX #116055 [01-08-09]
- 17F. Copy of RX #114723; RX #114722; RX #114724 [12-26-08]
- 17G. Copy of RX #114498 [12-23-08]
- 17H. Copy of RX #N114384 [12-22-08]
- 17I. Copy of RX #C114183 [12-19-08]; Dispensed Drug Report [12-02-08 to 12-24-08]
- 17J. Copy of RX #109739 [11-06-08 and 11-07-08]
- 17K. Copy of RX #105558 [09-29-08 and 09-30-08]
- 17L. Copy of RX #105058 [09-17-08 and 09-25-08]; RX Profile for Emma J. [09-25-08 to 01-19-09]
- 17M. Copy of RX #103771 and RX #103769 [09-12-08]
- 17N. Copy of RX #0622324N6 [01-15-08]; Prescription Log Report [08-15-08]; Mike's Batavia Pharmacy Signature Log [08-15-08]
- 17O. Copy of RX #C100146 [08-08-08]; RX Profile for Victoria S. [06-19-08 to 01-22-09]
- 17P. Copy of RX #99327 and RX #99328 [07-30-08]
- 17Q. Copy of RX #C98738 [07-24-08]
- 17R. Copy of RX #98682 [07-24-08]
- 17S. Copy of RX #96354 [06-27-08]
- 17T. Copy of RX #C95181 and RX #C95180 [06-16-08]
- 17U. Copy of RX #N42855 [02-05-07]; RX Profile for Ralph R. [01-03-07 to 11-26-07]
- 17V. Copy of RX #N39180 [01-02-07]
- 17W. Copy of RX #C44115 [02-13-07 and 02-15-07]
- 17X. Copy of RX #C44423 [02-19-07]
- 18A. Copy of RX #C100529 [08-13-08]
- 18B. Notarized Statement of Rodney E. Vivian, M.D. [06-03-09]
- 19. See Exhibit 9
- 20A. Copy of RX #C103673 [09-11-08]
- 21A. Letter from Michael R. Krusling, R.Ph to the Ohio Board of Pharmacy [07-24-08]
- 21B. Copy of RX #C105266 [09-26-08]
- 22A. Not Printed End of Day Reports Spreadsheet for Mike's Batavia Pharmacy [02-08-10]
- 22B. Request for Release of Records with Attached Spreadsheet [02-06-09]
- 23A. RX's Dispensed on Date Different from Date Filled Date Spreadsheet for Mike's Batavia Pharmacy [08-20-09]
- 23B. Dangerous Drug Distributor Inspection Report for Mike's Batavia Pharmacy [10-23-08]
- 23C. Dangerous Drug Distributor Inspection Report for Mike's Batavia Pharmacy [02-17-09]
- 24A. Copy of RX #N112771 [12-08-08]; Dispensed Drug Report [12-05-08 to 12-08-08]; Mike's Batavia Pharmacy Signature Log [12-08-08]; Prescription Log Report [12-08-08]; RX Profile for Robert R. [12-05-07 to 12-08-08]; Transaction Data Systems, Inc., Report [12-08-08]
- 25A. Dangerous Drug Distributor Inspection Report for Mike's Batavia Pharmacy [08-03-06]
- 25B. Letter from Michael R. Krusling, R.Ph. to the Ohio Board of Pharmacy [11-09-08]
- 25C. Dangerous Drug Distributor Inspection Report for Mike's Batavia Pharmacy [02-03-09]
- 25D. Dangerous Drug Distributor Inspection Report for Mike's Batavia Pharmacy [02-26-09]

- 25E. Letter from Michael R. Krusling, R.Ph. to the Ohio Board of Pharmacy [03-02-09]
- 25F. Dangerous Drug Distributor Inspection Report for Mike's Batavia Pharmacy [03-11-09]
- 25G. Dangerous Drug Distributor Inspection Report for Mike's Batavia Pharmacy [05-18-09]
- 25H. Dangerous Drug Distributor Inspection Report for Mike's Batavia Pharmacy [06-23-09]
- 25I. Notarized Statement of Daniel J. Muchmore [07-27-09]
- 25J. Photographs of Mike's Batavia Pharmacy; 1014 Hospital Drive, Batavia, Ohio 45103 [not dated]
- 25K. Photographs of Mike's Batavia Pharmacy; 2234 Batavia Road, Suite A, Batavia, Ohio 45103 [not dated]
- 25L. Dangerous Drug Distributor Inspection Report for Mike's Batavia Pharmacy [07-16-08]
- 26. Prescription Bottle for RX #92345
- 27. Prescription Bottle for RX #59863

Respondent's Exhibits:

- A. Curriculum Vitae for Michael R. Krusling, R.Ph.
- B. RX Profile for RX #96709 [date illegible]; Copy of Check Number 2153; Copy of RX for Paul Cummings [06-30-08]; Copy of Refund Receipt
- C. RX Profile for RX #116159
- D. RX Profile for RX #108966
- E. Patient Refill Request for RX #C116203[
- F. Copy of RX #109272
- G. Intentionally Left Blank
- H. Contract for Services Agreement Mail Order/Telepharmacy
- I. RX Profile for RX #106309; Patient Refill Request for RX #106514
- J1. Copy of RX #96959
- J2. Copy of RX #109563
- J3. Copy of RX #43473
- J4. Patient Refill Request for RX #98523
- J5. Patient Refill Request for RX #103694
- J6. Copy of RX #103694
- J7. Patient Refill Request for RX #103697
- J8. Patient Refill Request for RX #103698
- J9. Copy of RX #103699
- J10. Patient Refill Request for RX #106329
- J11. Patient Refill Request for RX #106335
- J12. Copy of RX #110368
- J13. Copy of RX #109419, 109420, 109417, and 109416
- J14. Copy of RX #98392
- J15. Copy of RX #98391
- J16. Copy of RX #98393
- J17. Patient Refill Request for RX #103047
- J18. Copy of RX #97597
- J19. Copy of RX #112485
- J20. Copy of RX #109120
- J21. Copy of RX #109048
- J22. Copy of RX #107603
- J23. Copy of RX #115292
- J24. Copy of RX #111035
- J25. Patient Refill Request for RX #107740
- J26. Patient Refill Request for RX #100103
- J27. Copy of RX #114570
- J28. Patient Refill Request for RX #106259

- J29. Patient Refill Request for RX #102476
- J30. Patient Refill Request for RX #102475
- J31. Copy of RX #109104
- J32. Copy of RX #114547
- J33. Patient Refill Request for RX #103059
- J34. Patient Refill Request for RX #106310
- J35. Patient Refill Request for RX #106514
- J36 - J43. RX Profile for RX #s 107337, 109272, 116148, 116561, and 117904
- J44. Patient Refill Request for RX #116203
- J45. Copy of RX #109272
- K. Copy of RX #98390; Copy of RX #96837; Copy of RX #97729; Copy of RX #99552; Copy of RX #100769; Copy of RX #110381; Copy of RX #100770
- L. Clermont County Sheriff Offense Report

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 R. Krusling was originally licensed in the State of Ohio on February 18, 1972, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect that Michael R. Krusling has previously been disciplined by the Board.
- (2) Michael R. Krusling did, on or about July 23, 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: Michael R. Krusling sold 60 OxyContin 60 mg tablets pursuant to RX #N96709 which was not authorized by a prescriber. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
- (3) Michael R. Krusling did, on or about January 8, 2009, 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: Michael R. Krusling sold 50 oxycodone 5 mg tablets pursuant to RX #N116159 which was not authorized by a prescriber. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
- (4) Michael R. Krusling did, on or about November 12, 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: Michael R. Krusling sold 20 hydrocodone/APAP 5/500 tablets pursuant to RX #C108966 which was not authorized by a prescriber. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
- (5) Michael R. Krusling did, on or about January 9, 2009, 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: Michael R. Krusling sold 90 alprazolam 1 mg tablets pursuant to RX #C116203 which was not authorized by a prescriber. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
- (6) Michael R. Krusling did, on or about November 4, 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: Michael R. Krusling

sold 20 hydrocodone/APAP 5/500 tablets pursuant to RX #C109272 which was not authorized by a prescriber. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (7) Michael R. Krusling did, from January 17, 2007, through February 2, 2009, 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: Michael R. Krusling sold the following controlled substances prior to the date authorized by the prescribers, thereby unauthorized:

RX#	Date of dispensing	Authorized date to be dispensed	Controlled Substance
N40883&4	1/17/07	1/21/07	oxycodone 15 mg #360
N44031	2/15/07	2/20/07	methadone 40 mg #180
N44032&3	2/15/07	2/19/07	oxycodone 15 mg #360
N46474	3/08/07	3/14/07	OxyContin 40 mg #90
N46475	3/08/07	3/14/07	Percocet 5/325 #120
N96797	7/02/08	8/13/08	methadone 10 mg #75
N105269	9/27/08	10/11/08	methadone 10 mg #75
N107068	10/14/08	10/16/08	oxycodone 15 mg #42
N107753	10/21/08	10/23/08	oxycodone 15 mg #84
N108289	10/27/08	11/11/08	methadone 10 mg #75
N113119	12/10/08	12/21/08	methadone 10 mg #75
N114671	12/26/08	1/21/09	methadone 10 mg #75
C116523	2/02/09	2/04/09	Suboxone 8 mg #60
N118610	2/02/09	2/13/09	methadone 10 mg #120

Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (8) Michael R. Krusling did, from February 8, 2007, through February 26, 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: Michael R. Krusling sold the following controlled substances pursuant to prescriptions received through Internet sales without a valid physician-patient relationship:

Date Dispensed	RX#	Drug	Strength	Quantity	Patient	Doctor
2/26/07	C45197	hydrocodone/APAP	10/325	90	OH	NY
2/26/07	C45195	hydrocodone/APAP	10/325	120	OH	TN
2/23/07	C45036	Vicodin ES	7.5/750	120	IN	IL
2/23/07	C45027	Lortab	10/500	120	IN	CO
2/23/07	C45024	hydrocodone/APAP	10/500	120	WV	CO
2/23/07	C45020	hydrocodone/APAP	10/325	120	OH	IL
2/23/07	C45018	hydrocodone/APAP	5/500	60	OH	CO
2/23/07	C45016	hydrocodone/APAP	10/650	120	WV	IL
2/23/07	C45015	hydrocodone/APAP	7.5/750	120	OH	IL
2/22/07	C44909	alprazolam	1 mg	60	OH	TN
2/22/07	C44908	hydrocodone/APAP	7.5/500	120	OH	TN
2/22/07	C44842	Vicodin ES	7.5/750	120	OH	IL
2/22/07	C44841	hydrocodone/APAP	10/500	90	OH	CO
2/22/07	C44840	hydrocodone/APAP	10/500	90	OH	CO
2/21/07	C44814	diazepam	5 mg	60	WV	CO
2/21/07	C44813	hydrocodone/APAP	10/325	120	WV	CO
2/21/07	C44812	hydrocodone/APAP	10/325	60	OH	CO

Date Dispensed	RX#	Drug	Strength	Quantity	Patient	Doctor
2/21/07	C44744	hydrocodone/APAP	10/325	120	OH	CO
2/21/07	C44738	hydrocodone/APAP	7.5/750	90	OH	CO
2/21/07	C44721	hydrocodone/APAP	10/500	90	WV	CO
2/21/07	C44715	hydrocodone/APAP	10/650	120	OH	IL
2/21/07	C44714	alprazolam	1 mg	90	OH	IL
2/21/07	C44688	hydrocodone/APAP	7.5/750	90	IN	IL
2/21/07	C44687	hydrocodone/APAP	10/325	120	IN	IL
2/21/07	C44678	diazepam	10 mg	60	OH	NY
2/21/07	C44676	hydrocodone/APAP	7.5/500	120	OH	NY
2/21/07	C44675	hydrocodone/APAP	10/500	90	OH	NY
2/21/07	C44667	hydrocodone/APAP	10/325	90	OH	CO
2/21/07	C44666	diazepam	10 mg	60	WV	CO
2/21/07	C44665	hydrocodone/APAP	10/325	90	WV	CO
2/21/07	C44664	hydrocodone/APAP	5/500	60	OH	IL
2/20/07	C44592	hydrocodone/APAP	10/325	90	WV	CO
2/20/07	C44584	hydrocodone/APAP	10/325	60	OH	IL
2/20/07	C44580	hydrocodone/APAP	7.5/750	90	OH	IL
2/20/07	C44579	hydrocodone/APAP	10/325	90	OH	CO
2/20/07	C44555	hydrocodone/APAP	10/325	120	OH	MD
2/20/07	C44512	hydrocodone/APAP	10/500	90	OH	CO
2/20/07	C44511	hydrocodone/APAP	10/500	90	OH	TN
2/20/07	C44509	hydrocodone/APAP	10/650	120	OH	CO
2/19/07	C44487	hydrocodone/APAP	10/650	90	OH	CO
2/19/07	C44486	hydrocodone/APAP	7.5/750	120	OH	CO
2/19/07	C44464	propoxyphene/APAP	100/650	60	IN	IL
2/19/07	C44430	hydrocodone/APAP	10/325	60	WV	CO
2/19/07	C44428	hydrocodone/APAP	10/500	120	OH	CO
2/19/07	C44427	hydrocodone/APAP	7.5/750	90	WV	CO
2/19/07	C44426	alprazolam	2 mg	60	WV	CO
2/19/07	C44425	hydrocodone/APAP	10/500	120	OH	NY
2/19/07	C44424	hydrocodone/APAP	10/325	120	WV	CO
2/19/07	C44423	diazepam	10 mg	60	OH	NY
2/15/07	C44162	hydrocodone/APAP	10/650	120	OH	CO
2/15/07	C44115	hydrocodone/APAP	10/650	120	WV	CO
2/15/07	C44106	hydrocodone/APAP	5/500	120	IN	IL
2/15/07	C44105	hydrocodone/APAP	10/650	120	OH	TN
2/15/07	C44039	hydrocodone/APAP	7.5/750	90	OH	PA
2/15/07	C44037	hydrocodone/APAP	7.5/750	90	OH	PA
2/15/07	C44028	alprazolam	1 mg	90	OH	TN
2/15/07	C44026	hydrocodone/APAP	10/500	120	OH	TN
2/15/07	C44024	hydrocodone/APAP	10/325	90	OH	TN
2/14/07	C43991	hydrocodone/APAP	10/325	120	OH	CO
2/14/07	C43987	alprazolam	2 mg	60	IN	IL
2/14/07	C43986	hydrocodone/APAP	10/500	90	IN	IL
2/14/07	C43958	hydrocodone/APAP	10/325	90	IN	IL
2/14/07	C43945	hydrocodone/APAP	7.5/750	120	OH	IL
2/14/07	C43944	hydrocodone/APAP	10/650	120	OH	CO
2/14/07	C43933	hydrocodone/APAP	10/325	90	OH	CO
2/14/07	C43932	Vicodin ES	7.5/750	60	IN	IL
2/14/07	C43931	hydrocodone/APAP	10/500	120	WV	CO

Date Dispensed	RX#	Drug	Strength	Quantity	Patient	Doctor
2/14/07	C43917	hydrocodone/APAP	10/500	120	WV	CO
2/14/07	C43914	alprazolam	1 mg	60	OH	NY
2/14/07	C43913	hydrocodone/APAP	10/650	120	OH	NY
2/13/07	C43886	hydrocodone/APAP	10/500	90	WV	CO
2/13/07	C43853	hydrocodone/APAP	10/325	120	OH	CO
2/13/07	C43837	hydrocodone/APAP	7.5/500	90	OH	CO
2/13/07	C43822	hydrocodone/APAP	10/325	120	OH	NY
2/12/07	C43756	hydrocodone/APAP	7.5/750	90	OH	TN
2/12/07	C43674	hydrocodone/APAP	10/500	120	OH	NY
2/12/07	C43672	hydrocodone/APAP	10/500	120	OH	NY
2/12/07	C43666	alprazolam	1 mg	60	OH	IL
2/12/07	C43665	hydrocodone/APAP	10/650	120	OH	IL
2/12/07	C43655	Xanax	1 mg	60	OH	CO
2/12/07	C43638	hydrocodone/APAP	7.5/750	120	OH	CO
2/12/07	C43634	hydrocodone/APAP	10/325	60	OH	IL
2/12/07	C43630	hydrocodone/APAP	10/650	120	OH	CO
2/12/07	C43628	hydrocodone/APAP	10/500	90	OH	CO
2/12/07	C43623	hydrocodone/APAP	10/325	120	OH	IL
2/10/07	C43557	hydrocodone/APAP	10/500	120	OH	CO
2/09/07	C43466	hydrocodone/APAP	10/650	90	IN	IL
2/09/07	C43464	hydrocodone/APAP	10/325	120	WV	IL
2/09/07	C43452	hydrocodone/APAP	10/325	90	OH	TN
2/09/07	C43447	hydrocodone/APAP	7.5/500	90	OH	TN
2/09/07	C43442	hydrocodone/APAP	10/650	120	OH	NY
2/09/07	C43430	hydrocodone/APAP	10/500	120	WV	CO
2/09/07	C43420	hydrocodone/APAP	10/650	120	OH	IL
2/09/07	C43416	hydrocodone/APAP	10/650	120	OH	IL
2/09/07	C43412	hydrocodone/APAP	10/500	60	WV	NY
2/09/07	C43390	hydrocodone/APAP	10/650	120	OH	CO
2/09/07	C43388	hydrocodone/APAP	10/500	120	OH	CO
2/09/07	C43384	hydrocodone/APAP	7.5/500	120	IN	IL
2/09/07	C43370	Ambien	10 mg	60	OH	IL
2/09/07	C43368	hydrocodone/APAP	10/325	90	OH	IL
2/09/07	C43367	hydrocodone/APAP	10/650	120	WV	NY
2/08/07	C43236	hydrocodone/APAP	10/325	90	IN	IL

Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (9) Michael R. Krusling did, from July 17, 2007, through January 8, 2009, intentionally create and/or knowingly possess a false or forged prescription, to wit: Michael R. Krusling created the following documents purporting to be prescriptions; and Michael R. Krusling kept them on file in the pharmacy's computer system though they were not authorized by prescribers:

Date	Dispensed	RX#	Drug	Alleged Prescriber
7/17/07	7/17/07	59863	Chromagen	Stephens
10/15/07	10/15/07	69080	promethazine 25 mg #30	Li
7/1/08	7/23/08	N96709	OxyContin 60 mg #60	Peeden
9/12/08	9/12/08	103098	lisinopril 20 mg #30	Lynd

9/11/08	9/11/08	103631	albuterol 90 mcg	Chang
10/7/08	10/11/08	106309	fenofibrate 54 mg #30	Stephens
10/8/08	10/8/08	106500	potassium Cl 10 mEq #60	Razavi
10/31/08	11/12/08	C108966	hydrocodone/APAP 5/500 #20	Hontanosas
1/8/09	1/08/09	N116159	oxycodone 5 mg #50	Poynter

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (10) Michael R. Krusling did, from February 9, 2007, through January 24, 2009, intentionally create and/or knowingly possess a false or forged prescription, to wit: Michael R. Krusling created the following documents purporting to be prescriptions; Michael R. Krusling kept them on file in the pharmacy's computer system and created hard-copies for his files though they were not authorized by prescribers:

Date	RX#	Drug	Alleged Prescriber
1/24/09	117904	ProAir HFA	Chang
1/13/09	116561	prednisone 20 mg	Chang
1/10/09	116350	glyburide-metformin 5/500	Caoili
1/9/09	C116203	alprazolam 1 mg	Kennedy
1/8/09	116148	Z-pack	Chang
1/2/09	115292	fluticasone 50 mcg	Shah
12/23/08	114570	metoprolol 50 mg	Behrens
12/23/08	114547	Lipitor 20 mg	Stephens
12/22/08	114324	metformin 500 mg	Chang
12/22/08	114318	furosemide 40 mg	Lynd
12/4/08	112486	carvedilol 25 mg	Razavi & Patel
1/14/09	112486	carvedilol 25 mg	Patel
12/4/08	112485	warfarin 5 mg	Patel
1/14/09	112485	warfarin 5 mg	Patel
11/26/08	111747	lisinopril 10 mg	Chang
11/19/08	111035	fluticasone 50 mcg	Shah
11/13/08	110368	glimepiride 2 mg	Lynd
11/6/08	109563	promethazine 25 mg	Li
11/5/08	109420	atenolol 50 mg	Lynd
11/5/08	109419	potassium chloride 10 mEq	Lynd
11/5/08	109417	isosorbide 30 mg	Lynd
11/5/08	109416	warfarin 5 mg	Lynd
11/4/08	C109272	Vicodin #20	Hontanosas
11/3/08	109120	warfarin 5 mg	Patel
11/3/08	109104	Lipitor 20 mg	Stephens
11/1/08	109048	Synthroid 50 mcg	Patel
1/14/09	109048	Synthroid 50 mcg	Patel
10/21/08	107740	hydrocortisone 0.2% cream	Shah
10/20/08	107603	Coreg 25 mg	Razavi
10/17/08	107430	Prilosec 20 mg	Chang
10/16/08	107337	NS Irrigation	Hontanosas
10/13/08	106835	Lanoxin 125 mcg	Razavi

Date	RX#	Drug	Alleged Prescriber
10/9/08	106514	potassium chloride	Razavi
10/7/08	106337	furosemide 40 mg	Lynd
10/7/08	106336	warfarin 5 mg	Lynd
10/7/08	106335	isosorbide 30 mg	Lynd
10/7/08	106334	clonidine 0.1 mg	Lynd
10/7/08	106333	lisinopril 20 mg	Lynd
10/7/08	106329	glimepiride 2 mg	Lynd
10/7/08	106310	Lipitor 20 mg	Stephens
10/7/08	106259	metoprolol 50 mg	Behrens
10/2/08	105757	Effexor XR 150 mg	Chang
10/2/08	105756	Advair 500/50	Chang
9/24/08	104905	pseudoephedrine 60 mg	Shah
9/12/08	103699	furosemide 40 mg	Lynd
9/12/08	103698	isosorbide 30 mg	Lynd
9/12/08	103697	clonidine 0.1 mg	Lynd
9/12/08	103694	warfarin 5 mg	Lynd
11/5/08	103694	warfarin 5 mg	Lynd
9/8/08	103123	metformin 500 mg	Chang
9/8/08	103122	glimepiride 2 mg	Chang
9/8/08	103121	lisinopril 10 mg	Chang
9/8/08	103059	magnesium oxide 400 mg	Stephens
9/8/08	103049	lisinopril 20 mg	Ramlo-Halsted
9/8/08	103048	Januvia 100 mg	Ramlo-Halsted
9/8/08	103047	Clarinox 5 mg	Ramlo-Halsted
9/8/08	103046	atenolol 50 mg	Ramlo-Halsted
9/6/08	102990	glimepiride 2 mg	Patel
9/2/08	102476	metoprolol 50 mg	Smith
9/2/08	102475	furosemide 40 mg	Behrens
8/23/08	101609	allopurinol 100 mg	Chang
8/19/08	101060	zonisamide 100 mg	Schmerler
8/13/08	100543	cyclobenzaprine 10 mg	Chang
8/8/08	100185	lisinopril 10 mg	Chang
8/7/08	100103	metoprolol 50 mg	Smith
7/26/08	98945	albuterol 90 mcg	Chang
7/26/08	98944	naproxen 500 mg	Chang
9/12/08	98523	furosemide 40 mg	Lynd
7/22/08	98500	metformin 500 mg	Lynd
7/22/08	98499	furosemide 40 mg	Lynd
7/22/08	98498	atenolol 50 mg	Lynd
7/22/08	98393	Clarinox 5 mg	Ramlo-Halsted
7/22/08	98392	Januvia 100 mg	Ramlo-Halsted
7/22/08	98391	lisinopril 20 mg	Ramlo-Halsted
7/19/08	98235	glimepiride 2 mg	Patel
7/13/08	97598	Lanoxin 125 mcg	Razavi
7/13/08	97597	Synthroid 50 mcg	Patel

Date	RX#	Drug	Alleged Prescriber
7/11/08	97444	metronidazole 0.75% top gel	Chang
7/8/08	97192	Prilosec 20 mg	Stephens
7/4/08	96959	promethazine 25 mg	Li
7/1/08	96716	Avelox 400 mg	Peeden
6/26/08	96135	zonisamide 100 mg	Schmerler
5/19/08	92444	magnesium oxide 400 mg	Stephens
2/9/07	43473	Imitrex 100 mg	Li

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (11) Michael R. Krusling did, from July 3, 2008, through January 2, 2009, intentionally create and/or knowingly possess a false or forged prescription, to wit: Michael R. Krusling created the following documents purporting to be prescriptions as "copies" which were not in fact obtained by transfer from the pharmacy with the original prescription:

Date	MBPh RX#	Pharmacy with original Rx
01/02/09	C115396	Walgreens #2875
11/13/08	110381	Hy-Vee
8/19/08	101110	Kroger #902
8/15/08	100770	Hy-Vee
8/15/08	100769	Hy-Vee
8/01/08	99552	Hy-Vee
7/22/08	98390	CVS #7790
7/15/08	97729	Hy-Vee
7/03/08	96837	Hy-Vee

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (12) Michael R. Krusling did, on or about February 3, 2009, fail to keep prescriptions on file and make them available for inspection, to wit: the following prescriptions were not kept on file and were not produced when requested by Board agents:

RX#	1 st disp date	Drug name
N100994	8/18/08	Endocet 10-650
N111671	11/25/08	oxycodone 5 mg
N114382	12/22/08	oxycodone/APAP 5/325
N115372	1/02/09	oxycodone/APAP 5/325
C99563	8/01/08	temazepam 15 mg
C111395	1/02/09	hydrocodone/APAP 5/500
C113149	12/10/08	alprazolam 0.25 mg
C114603	12/24/08	Vicodin 5/500
C114644	12/29/08	lorazepam 2 mg
C114645	12/27/08	zolpidem 10 mg
C114766	12/26/08	hydrocodone/APAP 5/500
C115276	1/02/09	hydrocodone/APAP 5/500
C115317	1/02/09	hydrocodone/APAP 5/500
C116693	1/13/09	hydrocodone/APAP 5/500
C117458	1/21/09	zolpidem 10 mg
C118041	1/26/09	hydrocodone/APAP 5/500

RX#	1 st disp date	Drug name
C118868	2/03/09	zolpidem 10 mg

Such conduct is in violation of Sections 3719.07 and 4729.37 of the Ohio Revised Code.

- (13) Michael R. Krusling did, as the Responsible Pharmacist, from June 27, 2008, through December 15, 2008, fail to obtain, document, and maintain a patient profile allowing for immediate retrieval of information regarding the following prescriptions and/or patients who had received prescriptions from the pharmacy, nor did Michael R. Krusling maintain a patient profile for a period of not less than one year from the date of any last entry in the profile record:

Date	RX#	Controlled substance
12/15/08	C113631	lorazepam 1 mg
8/19/08	N101046	oxycodone 30 mg
7/30/08	N99255	OxyContin 60 mg
7/30/08	N99254	Percocet 5/325
6/27/08	N96301	Percocet 5/325

Such conduct is in violation of Rule 4729-5-18 of the Ohio Administrative Code.

- (14) Michael R. Krusling did, on or about July 7, 2008, misbrand a drug, to wit: when Michael R. Krusling received a prescription for 60 tablets of naproxen 500 mg, RX #92345, Michael R. Krusling dispensed 26 tablets of hydrocodone/APAP 5/500 mg, and 34 tablets of naproxen 500 mg intermixed which had not been specifically prescribed by the physician. The patient subsequently was harmed. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

- (15) Michael R. Krusling did, on or about the following dates, misbrand a drug, to wit: when Michael R. Krusling received the following prescriptions, Michael R. Krusling dispensed them with the wrong patient denoted on the label, which had not been specifically prescribed by the physician:

RX#	Date	Also:
C116738	1/14/09	wrong strength
110959	11/18/08	
110960	11/18/08	
107825	10/21/08	wrong prescriber

Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

- (16) Michael R. Krusling did, on or about the following dates, misbrand a drug, to wit: when Michael R. Krusling received the following prescriptions, Michael R. Krusling dispensed them with the wrong drug denoted on the label, which had not been specifically prescribed by the physician:

RX#	Drug prescribed	Drug in computer	Date
118517	Mucinex (guaifenesin 600 mg)	guaifenesin 400 mg	1/30/09
C117052	Vicodin ES (hydrocodone/APAP 7.5/750 mg)	hydrocodone/APAP 5/500 mg	1/16/09
C117006	Vicodin (hydrocodone/APAP 5/500 mg)	hydrocodone/APAP 5/325 mg	1/16/09
C116687	Vicodin ES 7.5/500	hydrocodone/APAP 7.5/750 mg	1/13/09
C116523	Suboxone 4 mg #60	Suboxone 8 mg #60	1/12/09

RX#	Drug prescribed	Drug in computer	Date
N112908	Percocet (oxycodone/APAP 7.5/325)	oxycodone/APAP 5/325	12/09/08
112693	Phenergan (promethazine) 12.5 mg #30	promethazine 25 mg #30	12/05/08
N107215	oxycodone 5 mg	oxycodone/APAP 5/325	10/15/08
N105560	2 rx written for: 1-oxycodone 5 mg/ 5 mL #1L, 5-20 mg every 3 hrs prn pain 2-Tylenol 650 mg #qs 2 weeks, 650 mg every 6 hrs prn pain	Roxicet 5/325 oral solution #1000, 1-4 teaspoonsfulls [sic] every 3 hours as needed	9/30/08
102940	Norvasc (amlodipine) 5 mg #45, 1½ qd	amlodipine 10 mg #30, 1 daily	9/05/08
N91755	oxycodone/APAP 5/325	oxycodone/APAP 10/325	5/12/08
N59640	Percocet (oxycodone/APAP) 10/325 #42	oxycodone 5 mg #84	7/15/07
C39120	Vicoden ES 7.5/750	hydrocodone/APAP 7.5/500	1/2/07

Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

- (17) Michael R. Krusling did, on or about the following dates, dispense and thereby misbrand a drug pursuant to prescription without having the correct directions for use indicated on the label affixed to the container, to wit: when dispensing the following prescriptions, Michael R. Krusling did not indicate the directions for use of the drug as was prescribed by the physician.

RX#	Drug prescribed	Directions on Rx	Directions on label	Date
118575	Nitroquick 0.4 mg	As directed	Place 1 under tongue every 4 hours as needed for chest pain. If no relief after 3 doses, call 911.	1/30/09
116982	chlorpheniramine 12 mg	every 8- 12 hours prn	Every 12 hours as needed	1/15/09
C116786	hydrocodone/APAP 7.5/325 mg	1 tab four times daily	Take one 3 times daily or up to 4 times daily as needed for pain	1/14/09
116055	Trileptal 600 mg	2 times daily or increase as directed	twice daily	1/08/09
114723	Flexeril 10 mg	at bedtime	Every 8 hours as needed	12/26/08
114498	Aldactone 25 mg	Daily but may increase to 3x as directed	Daily or more as directed	12/23/08
N114384	Percocet 5/325	1-2 tabs	Take 1	12/22/08
C114183	Norco 7.5/325 mg	Every 6 hrs	Every 8 hours	12/19/08
109739	B-12 injection	subcutaneously	Use 1 injection	11/07/08
105558	Pepcid (famotidine) 20 mg	PGT (per gastric tube)	No route on label	9/30/08
105058	Proventil HFA	As needed	As needed for pain	9/25/08
103770	Prednisone 10 mg	Taper with #tabs changing every 4 days	2 nd taper dose labeled for only 3 days	9/12/08
100769	Glimepiride 2 mg	Twice daily	1 daily	8/15/08
C100146	Tylenol #4	4 times a day	Every 4-6 hours as needed for pain. Do not take more than 10 per day.	8/08/08
99328	Imitrex 100 mg	May repeat in 2 hrs	May repeat in 1 hr	7/30/08
C98738	Vicodin 5/500	Every 6 hrs prn	Every 8 hrs prn	7/24/08
98682	Pseudoephedrine 60 mg	1	Take ½	7/24/08
96354	Nystatin ointment	Apply 3x/day	Apply to affected area	6/27/08
C95180	Vicodin (hydrocodone/APAP 5/500)	every day (QD on VO Rx)	Twice daily	6/16/08
C44423	Diazepam 10 mg	½ - 1	Take ½	2/19/07
C44115	Hydrocodone/APAP 10/650	½ - 1	Take 1	2/15/07
N42855	Endocet 10/650	Every 4-6 hrs	Every 6-8 hrs	2/05/07

RX#	Drug prescribed	Directions on Rx	Directions on label	Date
N39180	Methadone 10 mg	3 tabs in the am...	Take 2 in the am ...	1/02/07

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.

- (18) Michael R. Krusling did, on or about August 13, 2008, misbrand a drug, to wit: when Michael R. Krusling's intern received a verbal prescription for Ativan 1 mg #10, RX #C100529, Michael R. Krusling dispensed lorazepam 2 mg #30, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (19) Michael R. Krusling did, on or about July 17, 2007, misbrand a drug, to wit: when Michael R. Krusling received a prescription for magnesium oxide 400 mg, RX #59863, Michael R. Krusling dispensed Chromagen, which had not been specifically prescribed by the physician. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (20) Michael R. Krusling did, on or about November 3, 2008, prior to dispensing RX #C103673, fail to review the patient profile in order to conduct prospective drug utilization review, to wit: Michael R. Krusling failed to review the patient profile for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse. The prescriber ordered Ativan 1 mg #10/month, yet Michael R. Krusling dispensed it on 10/30/08 and again 11/3/08. Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code.
- (21) Michael R. Krusling did, on or about September 26, 2008, permit a person other than a pharmacist or pharmacy intern to receive an oral prescription, to wit: Michael R. Krusling permitted his wife to receive and reduce to writing telephone RX #C105266 for Ativan 1 mg. Michael R. Krusling had previously been warned by a Board agent, in writing on July 24, 2008, about such conduct. Such conduct is in violation of Rule 4729-5-21 of the Ohio Administrative Code.
- (22) Michael R. Krusling did, from January 1, 2007, through February 2, 2009, fail to maintain accurate positive ID compliant records of dangerous drug refill dispensing, to wit: for the 25-month period that refill dispensing records were requested by Board agents, there were no original positive ID compliant records for the following 287 days:

1/1/07	5/1/07	10/6/07	1/19/08	5/18/08	10/12/08
1/3/07	5/5/07	10/11/07	1/20/08	5/21/08	10/18/08
1/6/07	5/8/07	10/13/07	1/22/08	5/25/08	10/19/08
1/7/07	5/12/07	10/14/07	1/26/08	5/26/08	10/24/08
1/8/07	5/20/07	10/16/07	1/27/08	5/29/08	10/25/08
1/13/07	5/23/07	10/19/07	1/28/08	5/31/08	10/26/08
1/14/07	5/26/07	10/20/07	2/9/08	6/1/08	10/27/08
1/15/07	5/28/07	10/21/07	2/10/08	6/3/08	10/30/08
1/18/07	6/5/07	10/24/07	2/11/08	6/7/08	11/1/08
1/20/07	6/9/07	10/27/07	2/12/08	6/8/08	11/2/08
1/21/07	6/16/07	10/28/07	2/13/08	6/9/08	11/8/08
1/26/07	6/17/07	10/31/07	2/16/08	6/14/08	11/9/08

1/27/07	6/23/07	11/2/07	2/17/08	6/15/08	11/10/08
1/28/07	6/24/07	11/3/07	2/23/08	6/21/08	11/15/08
1/30/07	7/1/07	11/4/07	2/24/08	6/22/08	11/16/08
2/3/07	7/4/07	11/7/07	3/1/08	6/25/08	11/17/08
2/4/07	7/6/07	11/10/07	3/5/08	6/26/08	11/21/08
2/6/07	7/15/07	11/11/07	3/8/08	6/28/08	11/22/08
2/10/07	7/26/07	11/13/07	3/12/08	7/5/08	11/23/08
2/11/07	7/27/07	11/14/07	3/15/08	7/12/08	11/24/08
2/13/07	7/28/07	11/16/07	3/19/08	7/13/08	11/25/08
2/17/07	7/29/07	11/17/07	3/21/08	7/20/08	11/26/08
2/24/07	8/12/07	11/18/07	3/22/08	7/26/08	11/27/08
2/25/07	8/15/07	11/21/07	3/23/08	7/27/08	11/28/08
3/3/07	8/24/07	11/22/07	3/24/08	8/2/08	11/29/08
3/4/07	8/25/07	11/24/07	3/25/08	8/3/08	11/30/08
3/6/07	8/26/07	11/25/07	3/30/08	8/7/08	12/7/08
3/10/07	8/31/07	11/27/07	4/2/08	8/9/08	12/11/08
3/11/07	9/1/07	11/30/07	4/4/08	8/10/08	12/13/08
3/13/07	9/2/07	12/1/07	4/5/08	8/16/08	12/14/08
3/14/07	9/3/07	12/2/07	4/6/08	8/17/08	12/20/08
3/15/07	9/4/07	12/5/07	4/9/08	8/20/08	12/23/08
3/16/07	9/6/07	12/8/07	4/12/08	8/23/08	12/25/08
3/17/07	9/7/07	12/9/07	4/13/08	8/24/08	12/27/08
3/24/07	9/8/07	12/11/07	4/14/08	8/30/08	12/28/08
3/27/07	9/9/07	12/14/07	4/19/08	8/31/08	1/1/09
4/1/07	9/11/07	12/15/07	4/23/08	9/1/08	1/4/09
4/3/07	9/15/07	12/16/07	4/24/08	9/6/08	1/11/09
4/7/07	9/16/07	12/21/07	4/26/08	9/7/08	1/17/09
4/12/07	9/18/07	12/22/07	5/2/08	9/13/08	1/18/09
4/14/07	9/21/07	12/23/07	5/3/08	9/14/08	1/20/09
4/15/07	9/23/07	12/25/07	5/4/08	9/20/08	1/24/09
4/18/07	9/26/07	1/1/08	5/5/08	9/21/08	1/25/09
4/21/07	9/27/07	1/3/08	5/8/08	9/27/08	1/27/09
4/22/07	9/28/07	1/5/08	5/10/08	9/28/08	1/31/09
4/27/07	9/29/07	1/11/08	5/11/08	10/4/08	2/1/09
4/28/07	9/30/07	1/12/08	5/12/08	10/5/08	2/2/09
4/29/07	10/4/07	1/13/08	5/16/08	10/11/08	

Such conduct is in violation of Rule 4729-5-27(A)(3) of the Ohio Administrative Code.

- (23) Michael R. Krusling as the Responsible Pharmacist did, from November 28, 2008, through January 26, 2009, fail to maintain accurate records of prescriptions entered into the computer system but not immediately dispensed, to wit: the following "hold" prescriptions appeared in the records as dispensed even though they had not been dispensed. Michael R. Krusling was previously warned about such conduct on October 23, 2008, and had responded to the Board on November 9, 2008, that such conduct would be corrected.

DF Date	RX #	Dispensed Date
11/28/08	111839	unknown
12/22/08	114431	01/19/09
02/24/08	114653	01/08/09
01/09/09	116299	01/29/09
01/12/09	116523	02/02/09
01/26/09	118014	unknown

Such conduct is in violation of Rule 4729-5-27(N) of the Ohio Administrative Code.

- (24) Michael R. Krusling as the Responsible Pharmacist did on or about December 8, 2008, through December 15, 2008, fail to keep an accurate record of controlled substances sold, to wit: RX #112771 was dispensed on December 8, 2008 with oxycodone 5 mg, but computer records indicate oxycodone 5 mg with APAP was dispensed. Such conduct is in violation of Section 3719.07 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (11) 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 (24) of the Findings of Fact constitute being guilty of dishonesty and/or 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 (13) and (20) through (24) 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.
- (4) The State Board of Pharmacy concludes that paragraph (21) of the Findings of Fact constitutes being guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy as provided in Division (A)(6) 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 Michael R. Krusling as follows:

- (1) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-1-10023, held by Michael R. Krusling effective as of the date of the mailing of this Order.
- (2) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-1-10023, held by Michael R. Krusling effective as of the date of the mailing of this Order.

- (3) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-1-10023, held by Michael R. Krusling effective as of the date of the mailing of this Order.
- (4) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-1-10023, held by Michael R. Krusling effective as of the date of the mailing of this Order.

Michael R. Krusling, 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.

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

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

Troy Gahm moved for Action of the Board; Edward Cain seconded the motion. Motion passed (Aye-7/Nay-0).

5:26 p.m. Mr. Wiesenhahn moved that the Board receive Per Diem as follows:

PER DIEM	03/07	03/08	03/09	Total
Cain	1	1	1	3
Casar	1	1	1	3
Gahm	1	1	1	3
Joyce	-	-	-	0
Kolezynski	1	1	1	3
Lange	1	1	1	3
Mitchell	-	-	1	1
Moné	-	1	1	2
Wiesenhahn	1	1	1	3

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

5:27 p.m. Mr. Casar 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 April 5, 2011**