

Minutes of the February 29-March 1, 2016
Meeting of the Ohio State Board of Pharmacy

Monday, February 29, 2016

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

Kilee S. Yarosh, R.Ph., *President*; Edward T. Cain, *Public Member*; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Also present were Steven Schierholt, *Executive Director*; Kevin Mitchell, *Assistant Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Eric Griffin, *Director of Compliance and Enforcement*; David Ingram, *Associate Legal Counsel*; Chad Garner, *Director of OARRS*; and Cameron McNamee, *Director of Policy and Communications*.

10:02 a.m. Ms. Marchal moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law. The motion was seconded by Mr. Passafume and a roll-call vote was conducted by President Yarosh as follows: Cain – yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

10:31 a.m. The meeting reconvened in Room South B&C.

R-2016-227 Ms. Yarosh announced that the request for settlement presented by **Krista Bolton, R.Ph.** (03-3-28989) Delaware, Ohio, be accepted allowing for sufficient time for the preparation and approval of settlement documentation.

10:36 a.m. The Board was joined by Assistant Attorney General Matthew Lampke to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Sean Jones, Intern**, Akron, Ohio.

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

Mr. Weaver moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Mr. Moné and a roll-call vote was conducted by President Yarosh as follows: Cain – yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

11:14 a.m. The recess ended and the hearing was opened to the public.

R-2016-228 After votes were taken in public session, the Board adopted the following order in the matter of **Sean Jones, Intern**, Akron, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2015-1920)

In The Matter Of:

Sean Jones

848 North Firestone Boulevard

Akron, Ohio 44306

(*Pending* Intern No. 06-014555)

INTRODUCTION

The Matter of Sean Jones came for hearing on February 29, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Sean Jones was represented by Brian Pierce. The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

None

Respondent's Witnesses:

1. Sean Jones, Respondent

State's Exhibits:

- | | | |
|----|-----------------------------------|------------|
| 1. | Notice of Opportunity for Hearing | 01-14-2016 |
| 2. | Request for Hearing | 02-03-2016 |
| 3. | Notice of Hearing | 02-09-2016 |
| 4. | Pharmacy Intern Application | 09-03-2015 |
| 5. | Convictions | Various |

Respondent's Exhibits:

- | | | |
|----|----------------------|---------|
| A. | Résumé of Sean Jones | No Date |
|----|----------------------|---------|

FINDINGS OF FACT

The State of Ohio and Sean Jones, by and through counsel, stipulate to the following Findings of Fact, which are accepted and adopted by the Board:

1. On the form submitted on or about September 3, 2015, Sean Jones answered "Yes" to the question that asked "have you ever been charged or convicted of a felony or misdemeanor other than a minor traffic violation even if expunged or sealed."
2. Upon further investigation by an Agent of the Board, it was discovered:
 - a. On or about August 13, 2004, Sean Jones was charged with "Possession of Marijuana," a misdemeanor, in the Willoughby Municipal Court in Lake County, Ohio. Case No. 2004CRB03165.
 - b. On or about November 10, 2007, Sean Jones was charged with "appearing in public in an intoxicated condition," a misdemeanor, in the Montgomery County General District Court in Montgomery County, Virginia. Case No. 12GM5170702196.
3. During the investigation, Sean Jones was interviewed by an Agent of the Board and confirmed that he was charged and convicted of these criminal offenses.

CONCLUSIONS OF LAW

Such conduct, as set forth in the Findings of Fact, constitutes having been convicted of violating any state or federal pharmacy or drug law, Rule 4729-5-04(B) of the Ohio Administrative Code.

DECISION OF THE BOARD

On the basis of the Findings of Fact set forth above and after consideration of the record as a whole, the Board hereby approves the Intern application submitted on or about September 3, 2015. The Intern license is to be issued and effective as of February 29, 2016.

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

Mr. Moné moved for Action of the Board; Mr. Weaver seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

11:17 a.m. Ms. Marchal moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law. The motion was seconded by Mr. Passafume and a roll-call vote was conducted by President Yarosh as follows: Cain – yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

12:10 p.m. The meeting reconvened in Room South B&C.

The Board recessed for lunch.

1:04 p.m. The meeting reconvened in Room South B&C.

Mr. Schierholt introduced the Board’s new Director of Administration, Kenneth Moon.

Mr. McNamee provided the Legislative update.

R-2016-229 Mr. Passafume moved that Rules 4729-29-01 and 4729-29-02 be approved as amended for filing with CSI and JCARR, and Rules 4729-29-01; 4729-29-02; 4729-29-03; 4729-29-04; 4729-29-06; and 4729-29-07 be rescinded. The motion was seconded by Mr. Weaver and approved by the Board: Aye –6.

R-2016-230 Mr. Passafume moved that Rule 4729-11-07 be approved for filing with JCARR. The motion was seconded by Ms. Marchal and approved by the Board: Aye –6.

R-2016-231 Mr. Moné moved that Rules 4729-5-17 and 4729-5-39 be approved for filing with JCARR. The motion was seconded by Mr. Wilt and approved by the Board: Aye –6.

1:35 p.m. Mr. Mitchell provided the Licensing update.

Mr. Griffin provided the Compliance and Enforcement update.

1:52 p.m. Mr. Mitchell led a discussion regarding change of ownership for licensees.

R-2016-232 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Michael Danko, M.D.** (35.099137) Dublin, Ohio, be the responsible person for the following pain management clinics:

Premier Pain Treatment Institute, Mason (Application Pending)
Premier Pain Treatment Institute, Williamsburg (Application Pending)

After discussion, Mr. Moné moved that the Board approve the request contingent upon completion of an inspection from the Board for a period of one year. The motion was seconded by Mr. Wilt and approved by the Board: Aye –6.

2:04 p.m. Vincent DiMaggio and Scott Clark gave a presentation to the Board regarding Humana Pharmacy.

2:43 p.m. Mr. Garner provided the OARRS update.

2:48 p.m. Ms. Marchal moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law. The motion was seconded by Mr. Passafume and a roll-call vote was conducted by President Yarosh as follows: Cain – yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

3:41 p.m. The meeting reconvened in Room South B&C.

R-2016-233 Ms. Yarosh announced that the citation issued to **Masters Pharmaceuticals, Inc.**, Cincinnati, Ohio is dismissed and that the Board adopts the following resolution.

**IN THE MATTER OF:
Masters Pharmaceutical, Inc.
CASE NO. 2014-1589**

Masters Pharmaceutical, Inc.
d.b.a. River City Pharma
11930 Kemper Springs Drive
Cincinnati, OH 45240

WDDD License No. 01-1271450

RESOLUTION

This resolution is entered into at the request of Masters Pharmaceutical, Inc. dba River City Pharma (“Masters”) with the State of Ohio Board of Pharmacy (Board) for the purpose of resolving all issues between the parties relating to the Board investigation of selling/distributing at wholesale dangerous drugs to a Terminal Distributor of Dangerous Drugs that were outside the parameters of the Terminal Distributor’s limited Ohio license. Together, the Board and Masters are referred to hereinafter as “the parties.”

On or about July 2014, the Board initiated an investigation of Masters Wholesale Distributor of Dangerous Drugs license number WFSR.011271450-03, related to Masters’ alleged sales of dangerous drugs to a Terminal Distributor that possessed a Limited Category III license where such sales were not permitted by the terms of the Terminal Distributor’s license addendum.

On or about August 5, 2014, Masters sent a written response to the Board’s Inspection Report detailing the corrective action taken to ensure a similar situation does not reoccur.

The parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings. The parties agree and acknowledge that this resolution does not constitute disciplinary action or a disciplinary sanction, but instead represents the amicable resolution of disputed claims.

Masters must continue to adhere to the following procedures to ensure that it sells dangerous drugs to Ohio customers only as permitted by the customer's license addendum:

1. Sell dangerous drugs only to Ohio customers that possess a valid Ohio Terminal Distributor of Dangerous Drugs License (TDDD) or exemption letter;
2. Ensure that any Ohio customer that possesses a Limited Category license of any kind is not able to purchase dangerous drugs that are not permitted in accordance with the customer's license addendum;
3. Masters shall continue to require all new Ohio customers to provide either a TDDD license or proof of exemption prior to being set up in Masters' system to place an order for dangerous drugs;
4. Masters agrees to continue to provide timely notice of suspicious orders to Board in accordance with Masters' suspicious order process and to support Board's drug diversion program.

Masters agrees to continue to comply with all federal and state requirements related to Wholesale Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Masters of the terms of one or more federal or state requirements may constitute sufficient grounds for enforcement action related to any licenses granted to Masters by the Board.

Contemporaneous with the consummation of this resolution and to assist pharmacists and prescribers in detecting opiate abuse, Masters will contribute \$5,000 to support the Ohio Automated RX Reporting System, in accordance with Ohio Revised Code §4729.83. This contribution will be provided within 30 day of execution of this resolution.

This resolution is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Masters will operate.

This resolution may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

All parties to this Resolution understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

This resolution contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Resolution.

R-2016-234 Ms. Yarosh announced that the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:
CASE NO. 2015-1761**

Stephen Ricci
3620 Scioto Run Blvd.
Hilliard, Ohio 43026
License No. 03-3-16880

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Stephen Ricci, for the purpose of resolving all issues between the parties relating to the OSBP investigation of the positive answer to the legal question on his renewal application. Together, OSBP and Stephen Ricci are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Stephen Ricci is a licensed pharmacist under license number 03-3-16880.

FACTS

1. On or about September 11, 2015, the OSBP initiated an investigation of Stephen Ricci, pharmacist license number 03-3-16880, related to Stephen Ricci’s positive answer to the legal question on his renewal application.
2. On or about February 11, 2016, the OSBP sent a Notice of Opportunity for Hearing to Stephen Ricci, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Stephen Ricci neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated February 11, 2016; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. Stephen Ricci agrees to pay to the OSBP the amount of \$250.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. Stephen Ricci agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Stephen Ricci understands that he has the right to be represented by counsel for review and execution of this agreement.
6. Stephen Ricci agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
7. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
8. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

R-2016-235

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

**IN THE MATTER OF:
CASE NO. 2015-1013**

Mark Robbins

4581 Dungannon Drive
Grove City, Ohio 43123
License No. 03-3-26916

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Mark Robbins, for the purpose of resolving all issues between the parties relating to the OSBP investigation of misbranding of prescription number RX#6000770. Together, OSBP and Mark Robbins are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Mark Robbins is a licensed pharmacist under license number 03-3-26916.

FACTS

1. On or about January 7, 2015, the OSBP initiated an investigation of Mark Robbins, pharmacist license number 03-3-26916, related to Mark Robbins’s misbranding of prescription number RX#6000770.
2. On or about December 11, 2015, the OSBP sent a Notice of Opportunity for Hearing to Mark Robbins, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about December 21, 2015, Mark Robbins timely requested an administrative hearing, which was subsequently scheduled for February 3, 2016.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.

2. Mark Robbins neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 11, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. Mark Robbins agrees to pay a monetary penalty to the OSBP in the amount of \$750.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. Mark Robbins must obtain, within 90 days from the effective date of this Agreement, 6 hours of approved continuing pharmacy education (0.6 CEUs) in medication errors and/or patient safety, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov within 90 days of the effective date of this Agreement.
5. Mark Robbins agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Mark Robbins understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Mark Robbins agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
8. Failure to comply with the terms of this Agreement may result in additional Board disciplinary action, up to and including license revocation.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

R-2016-236

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

**IN THE MATTER OF:
CASE NO. 2014-2077**

Roy Palumbo, III
901 Pearson Circle Drive
Unit 2
Boardman, Ohio 44512
License No. 03-2-30118

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Roy Palumbo, III, for the purpose of resolving all issues between the parties relating to the OSBP investigation of an error in dispensing for RX#6730811. Together, OSBP and Roy Palumbo, III are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Roy Palumbo, III is a licensed pharmacist under license number 03-2-30118.

FACTS

1. On or about November 13, 2014, the OSBP initiated an investigation of Roy Palumbo, III, pharmacist license number 03-2-30118, related to Roy Palumbo, III's error in dispensing of RX#6730811.
2. On or about February 5, 2016, the OSBP sent a Notice of Opportunity for Hearing to Roy Palumbo, III, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.

2. Roy Palumbo, III neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated February 5, 2016; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. Roy Palumbo, III agrees to pay to the OSBP the amount of \$500.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. Roy Palumbo, III must obtain, within 90 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs) in medication errors, which may not also be used for license renewal.
5. Roy Palumbo, III agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Roy Palumbo, III understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Roy Palumbo, III agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

R-2016-237

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

**IN THE MATTER OF:
CASE NO. 2016-1099**

Jennifer Keller, R.Ph.
7574 Longmeadow Lane
Athens, OH 45701
License No. 03-3-18641

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Jennifer Keller, for the purpose of resolving all issues between the parties relating to Ms. Keller's failure to report disciplinary action of a professional licensing board on her renewal applications. Together, the Board and Jennifer Keller are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to revoke, suspend, limit, place on probation, or refuse to grant or renew any license issued to practice pharmacy the state of Ohio.
2. Jennifer Keller is a licensed pharmacist under license number 03-3-18641.

FACTS

1. In September of 2014 and 2015, Jennifer Keller submitted renewal applications for her Ohio pharmacist license to the Board in which she failed to provide an affirmative answer to the question inquiring whether she had been the subject of disciplinary action by any state or federal agency within the last 18 months.
2. On or about October 28, 2013, Jennifer Keller entered into a Consent Agreement and Order with the West Virginia Board of Pharmacy for having created and filled illegal prescriptions for her own use.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Jennifer Keller neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated February 5, 2016; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. Jennifer Keller must enter into a **new** contract, signed within thirty days after the effective date of this Agreement, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) 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:

- a. Random, observed urine drug screens shall be conducted at least once each month for the first year and at the schedule set by the treatment provider for the remaining four years.
 - i. 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.
 - ii. Alcohol and Ethyl Glucuronide (ETG) must be added to the standard urine drug screen.
 - iii. 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.
 - iv. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Respondent in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.
- b. 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.
- c. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
- d. The treatment program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- e. Jennifer Keller shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the terms of this Agreement and request Ms. Keller to appear before the Board for possible additional sanctions, including and up to revocation of license.

- f. Jennifer Keller shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of probation. The Board shall treat any such refusal as a violation of this Agreement and request Ms. Keller appear before the Board for possible additional sanctions, including and up to revocation of license.
4. Jennifer Keller must immediately report any violation of the terms of this Agreement and or any new offenses to the Board by contacting the legal department at legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Agreement and will subject Respondent to possible additional sanctions, including and up to revocation of license.
5. Jennifer Keller must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:
 - a. The written report and documentation provided by the treatment program pursuant to the contract, and
 - b. A written description of Jennifer Keller's progress towards recovery and what Jennifer Keller has been doing during the previous three months.
6. Violation of any term of the contract signed with the ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of your pharmacy license.
7. Jennifer Keller may not fill prescriptions for herself or her family members.
8. Jennifer Keller must continue with her current counselor/psychiatrist at the schedule required by the counselor/psychiatrist. Jennifer Keller must follow the mental health treatment plan and all recommendations; failure to do so will constitute a violation of this Agreement.
9. Jennifer Keller must conduct a quarterly audit of controlled substances at the pharmacy where she is employed as a "Responsible Person." A second pharmacist must participate in the audit and sign off as a witness/participant. The quarterly audit results must be submitted to the Board.
10. Jennifer Keller's license is deemed not in good standing until successful completion of the contract with the treatment provider.
11. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state or federal law will be considered a violation of this Agreement resulting in a hearing before the Board and may also result in criminal and/or administrative charges.

12. Jennifer Keller agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including the Board on renewal applications or applications for a new license.
 13. Jennifer Keller agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 14. Jennifer Keller understands that she has the right to be represented by counsel for review and execution of this agreement.
 15. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 16. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 17. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
-

R-2016-238

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

**IN THE MATTER OF:
CASE NO. 2014-1555**

David Salmi, R.Ph.
199 Ashwood Drive
Avon Lake, Ohio 44012
License No. 03-1-15004

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

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and David Salmi, for the purpose of resolving all issues between the parties relating to the OSBP investigation of misbranding of prescription numbers RX#0254560 and RX#0254561. Together, OSBP and David Salmi are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew

any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.

2. David Salmi is a licensed pharmacist under license number 03-1-15004.

FACTS

1. On or about May 30, 2014, the OSBP initiated an investigation of David Salmi, pharmacist license number 03-1-15004, related to David Salmi's misbranding of prescription numbers RX#0254560 and RX#0254561.
2. On or about December 15, 2015, the OSBP sent a Notice of Opportunity for Hearing to David Salmi, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about December 31, 2015, David Salmi timely requested an administrative hearing, which was subsequently scheduled for April 4, 2016.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. David Salmi neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 15, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. David Salmi agrees to pay a monetary penalty to the OSBP in the amount of \$750.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. David Salmi must obtain, within 90 days from the effective date of this Agreement, 6 hours of approved continuing pharmacy education (0.6 CEUs) in medication errors and patient safety, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov within 90 days of the effective date of this Agreement.
5. David Salmi agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

6. David Salmi understands that he has the right to be represented by counsel for review and execution of this agreement.
 7. David Salmi agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
 8. Failure to comply with the terms of this Agreement may result in additional Board disciplinary action, up to and including license revocation.
 9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
-

3:45 p.m. The Board recessed for the day.

Tuesday, March 1, 2016

9:01 a.m. The Ohio State Board of Pharmacy convened in Room South B&C, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Kilee S. Yarosh, R.Ph., *President*; Edward T. Cain, *Public Member*; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

R-2016-239 Mr. Moné moved that Rules 4729-29-02, 4729-5-01 and 4729-5-15 be approved as amended for filing with CSI and JCARR. The motion was seconded by Mr. Passafume and approved by the Board: Aye –6.

R-2016-240 Mr. Passafume moved that the Board adopt the following resolution.

A RESOLUTION

Authorized individuals personally furnishing naloxone on behalf of a physician pursuant to a protocol established in accordance with section 4731.941 of the revised code, are authorized to conduct all of the following:

- (1) Prepare, package and appropriately label the naloxone.
- (2) Conduct the final check of the naloxone prior to personally furnishing on behalf of the prescriber.
- (3) Keep and maintain all records in accordance with rule 4729-9-22 of the Administrative Code.
- (4) Conduct patient counseling, including training on the use of naloxone, as specified in the physician protocol.

Authorized individuals personally furnishing naloxone on behalf of a physician pursuant to a protocol established in accordance with section 4731.941 of the revised code may personally furnish the drug to themselves in order to assist an individual who there is reason to believe is experiencing an opioid-related overdose if all of the following conditions are met:

- (1) The authorized individual complies with the protocol established by the authorizing physician, including having completed the training required by the protocol.
- (2) The authorized individual has received training instructing them to summon emergency services as soon as practicable either before or after administering naloxone.
- (3) Such practice is authorized in the physician approved protocol.
- (4) Authorized individuals personally furnishing naloxone to themselves shall not be required to conduct the following prior to personally furnishing the drug:
 - (a) Prepare, package and appropriately label the naloxone.
 - (b) Conduct the final check of the naloxone prior to personally furnishing on behalf of the prescriber.
 - (c) Conduct patient counseling, including training on the use of naloxone, as specified in the physician protocol.

The motion was seconded by Ms. Marchal and approved by the Board: Aye –6.

R-2016-241 Ms. Yarosh announced that the request for settlement presented by **Charles Bedel, R.Ph.** (03-1-29673) Union, Ohio, be accepted allowing for sufficient time for the preparation and approval of settlement documentation.

9:12 a.m. The Board was joined by Assistant Attorney General Matthew Lampke to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Jill Caruso, R.Ph.**, Medina, Ohio.

9:59 a.m. The hearing ended and the record was closed.

Ms. Marchal moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Mr. Passafume and a roll-call vote was conducted by President Yarosh as follows: Cain – yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

10:06 a.m. The recess ended and the hearing was opened to the public.

R-2016-242 After votes were taken in public session, the Board adopted the following order in the matter of **Jill Caruso, R.Ph.**, Medina, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2013-1317)

In The Matter Of:

Jill Caruso, R.Ph.
4300 Butterfly Circle
Medina, Ohio 44256
(R.Ph. Number 03-2-26184)

INTRODUCTION

The Matter of Jill Caruso came for hearing on March 1, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Jill Caruso was represented by Levi Tkach. The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

None

Respondent's Witnesses:

1. Jill Caruso, Petitioner
2. David Hipp, PRO Monitor

State's Exhibits:

- | | |
|--------------------------------------|------------|
| 1. Request for Reinstatement Hearing | 10-28-2015 |
| 2. Notice of Hearing | 10-30-2015 |
| 3. Order of the Board | 01-09-2014 |

Respondent's Exhibits:

- | | |
|----------------------------|------------|
| A. Curriculum Vitae | No Date |
| B. Letters of Support | Various |
| C. PRO Treatment Contracts | 02-07-2014 |
| D. DT History Report(s) | Various |
| E. CE Certificates | Various |
| F. CE Hours | Various |

G.	CE Statements of Credit	Various
H.	Meeting Logs	Various
I.	Case No. CR-13-580257-A Information	02-04-2016

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the Board finds that Jill Caruso has substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case No. 2013-1317, dated January 9, 2014.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the Board hereby approves the reinstatement of the pharmacist identification card, No. 03-2-26184, held by Jill Caruso to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

1. Jill Caruso must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) 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:
 - a. **Random, observed** urine drug screens shall be conducted at least once each month.
 - b. The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - c. Alcohol and Ethyl Glucoronide (ETG) must be added to the standard urine drug screen.
 - d. Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
 - e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Jill Caruso in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.

2. The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
 - a. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - b. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
3. Jill Caruso shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the Board's Order and request Jill Caruso reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. Jill Caruso shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of probation. The Board shall treat any such refusal as a violation of the Board's Order and request Jill Caruso reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. Jill Caruso must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:
 - a. The written report and documentation provided by the treatment program pursuant to the contract, and
 - b. A written description of Jill Caruso's progress towards recovery and what Jill Caruso has been doing during the previous three months.
6. Other terms of probation are as follows:
 - a. The State Board of Pharmacy hereby declares that Jill Caruso's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - b. Jill Caruso may not serve as a responsible pharmacist.
 - c. Jill Caruso may not destroy, assist in, or witness the destruction of controlled substances.

- d. Jill Caruso may not work in a pharmacy more than 40 hours per week or 80 hours over a two-week period.
 - e. Jill Caruso must not violate the drug laws of Ohio, any other state, or the federal government.
 - f. Jill Caruso must abide by the rules of the State of Ohio Board of Pharmacy.
 - g. Jill Caruso must comply with the terms of this Order.
 - h. Jill Caruso's license is deemed not in good standing until successful completion of the probationary period.
7. Jill Caruso must immediately report any violation of the terms of this probation to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Jill Caruso to possible additional sanctions, including and up to revocation of license.
8. Any violation of probation or this Board's Order may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code, including and up to revocation of Jill Caruso's license.

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

Mr. Weaver moved for Action of the Board; Mr. Moné seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

10:31 a.m. The Board was joined by Assistant Attorney General Matthew Lampke to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Adam P. Hall, D.O., Inc.**, Ironton, Ohio.

11:00 a.m. The hearing ended and the record was closed.

Ms. Marchal moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Mr. Wilt and a roll-call vote was conducted by President Yarosh as follows: Cain – yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

11:13 a.m. The recess ended and the hearing was opened to the public.

R-2016-243 After votes were taken in public session, the Board adopted the following order in the matter of **Adam P. Hall, D.O., Inc.**, Ironton, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2013-1429)

In The Matter Of:

Adam P. Hall, D.O., Inc.

c/o Adam P. Hall, D.O.

906 S. Tampa Kennedy Blvd.

Tampa, Florida 33602

(Pending PMC License No. 02-2152950)

INTRODUCTION

The Matter of Adam P. Hall, D.O., Inc. came for hearing on March 1, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Adam P. Hall, D.O., Inc. was not represented by Counsel. The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Adam P. Hall, Respondent
2. Kevin Flaharty, State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|----|-----------------------------------|------------|
| 1. | Notice of Opportunity for Hearing | 06-18-2014 |
| 2. | Request for Hearing | 07-01-2014 |
| 3. | Notice of Hearing | Various |
| 4. | Credential View Screen | 09-23-2015 |
| 5. | Application for TDDD License | 05-31-2011 |
| 6. | Ohio State Medical Board Orders | Various |
| 7. | Indictments | Various |
| 8. | Ohio State Medical Board Citation | 04-13-2005 |

Respondent's Exhibits:

None

FINDINGS OF FACT

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

1. Records of the Board of Pharmacy indicate that on or about May 31, 2011, Adam P. Hall was the responsible person for Dr. Adam P. Hall, DO, Inc., and that on May 31, 2011, Dr. Adam P. Hall, DO, Inc. applied for registration as a Terminal Distributor of Dangerous Drugs with a Pain Management Clinic Classification.

2. Adam P. Hall disclosed to the State of Ohio Board of Pharmacy, in the written explanation he included with his application for Terminal Distributor of Dangerous Drugs licensure with Pain Management Classification, that his medical license has been subject to disciplinary action in the states of Ohio, Florida, and Missouri, to wit: the written explanation he included with his terminal distributor licensure with pain management classification application indicates that the action taken against his medical license by the Florida Board of Medicine and the Missouri Board of Medicine is based on the disciplinary action taken against him by the State Medical Board of Ohio.

The State Medical Board of Ohio took disciplinary action against his medical license on or about December 14, 2005. In the Matter of Adam P. Hall, D.O., Entry of Order, Before the State Medical Board of Ohio. The actions forming the basis for the above-cited Entry of Order occurred on or between May 30, 2003 and June 6, 2003. He made fraudulent statements to the Acting Director of Medical Education for his residency program at the Medical Center of Independence, Independence, Missouri, pertaining to his failure to appear or respond to pages when he was on-call. His application for medical licensure in Ohio was granted subject to suspension for 30 days; subsequent probationary terms, conditions, and limitations for a period of at least two years were established.

On or about September 13, 2006, he entered into an agreement with the State Medical Board of Ohio. Step I Consent Agreement Between Adam P. Hall, D.O. and the State Medical Board of Ohio. The basis for the above-cited Step I Consent Agreement occurred beginning on or about July 31, 2006. He self-reported that he was terminated from his anesthesia residency program at Doctors Hospital in Columbus, Ohio, because he diverted for self-use Celestone and Kenalog, which he prescribed for patients. He admitted diagnoses of substance abuse and Bipolar Disorder with Mixed Anxiety. His medical license was indefinitely suspended; interim monitoring conditions and conditions for reinstatement were established, including the requirement that he enter into a subsequent consent agreement incorporating probationary terms, conditions, and limitations to monitor practice.

On or about March 14, 2007, he entered into an agreement with the State Medical Board of Ohio. Step II Consent Agreement Between Adam P. Hall, D.O. and the State Medical Board of Ohio. The basis for the above-cited Step II Consent Agreement occurred on or about September 13, 2006. His medical license was reinstated subject to probationary terms, conditions, and limitations imposed to monitor his practice based on having been deemed capable of practicing according to acceptable and prevailing standards of care so long as certain treatment and monitoring conditions are in place. The Step II Agreement was to remain in effect for at least five years prior to any request for termination. On or about March 14, 2012, he was released from the terms of probation, however, on or about April 1, 2013, the State Medical Board of Ohio summarily suspended his medical license. In the Matter of Adam P. Hall, D.O., Case No. 13-CRF-018, Entry of Order, Before the State Medical Board of Ohio.

The basis for the above-cited Entry of Order arose during part of an investigation that occurred during or about mid-March 2013, concerning his treatment and prescribing practices, and includes allegations that: he employed an unlicensed individual, a convicted felon, to practice osteopathic medicine in his Ironton, Ohio office, pre-signed prescriptions or permitted the use of a signature stamp on prescriptions to prescribe drugs, including controlled substances, to patients without having been examined by a properly licensed physician; documented in patient records that you evaluated patients and purportedly issued prescriptions for dangerous drugs and controlled substances on specific dates when he was outside of the United States; and he violated terms the previously cited Step II Agreement.

CONCLUSIONS OF LAW

1. Such conduct, as set forth in paragraph (2) of the Findings of Fact constitutes failure to satisfy the qualifications of a terminal distributor with pain management classification, in violation of Sections 4729.552 and 4729.57 of the Ohio Revised Code.
2. Such conduct, as set forth in paragraph (2) of the Findings of Fact constitutes discipline by a professional licensing board, in violation of Rule 4729-9-19(A)(7) of the Ohio Administrative Code.
3. Such conduct, as set forth in paragraph (2) of the Findings of Fact constitutes multiple instances of not being of good moral character and habit, in violation of Rule 4729-9-19(A)(4) of the Ohio Administrative Code.

DECISION OF THE BOARD

Pursuant to Sections 4729.55, 4729.552, and 4729.57 of the Ohio Revised Code, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby refuses to grant a Terminal Distributor of Dangerous Drugs license with Pain Management Clinic Classification to Dr. Adam P. Hall, D.O., Inc. The Application submitted on or about May 31, 2011 by Dr. Adam P. Hall, D.O., Inc. is denied.

Mr. Moné moved for Findings of Fact; Ms. Marchal seconded the motion. Motion passed (Aye-6/Nay-0).

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

Mr. Cain moved for Action of the Board; Mr. Weaver seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

11:18 a.m. The Board recessed for lunch.

1: 25 p.m. The meeting reconvened in Room South B&C.

R-2016-244 Mr. Passafume moved that the Board Minutes of February 1-3, 2016, be approved as written. The motion was seconded by Mr. Wilt and approved by the Board: Aye – 6.

1:30 p.m. The following candidates for licensure by reciprocity participated in a discussion of pharmacy laws and rules with Ms. Terri Ghitman, *OARRS Pharmacist*, in Room South A, 31st Floor of the Vern Riffe Center for Government and the Arts:

CHRISTINA M. ALLEN	NEW YORK
JESSICA LEE BRENNAN	TEXAS
JESSICA CHING-TING CHAN	CALIFORNIA
STACY M. GOFF	WEST VIRGINIA
MATTHEW L. HERSHBERGER	PENNSYLVANIA
SHAWNA LEE MCCANN	PENNSYLVANIA
EMMANUEL R. ORFALI	MICHIGAN
NISHA JAGDISH PATEL	INDIANA
LISA JUDD PENNY	ALABAMA
MARINA HANY RAFLA	PENNSYLVANIA
JULIE M. THOMAS	PENNSYLVANIA
AMY NICOLE VUCUREVICH	WEST VIRGINIA
NICHOLAS COLTON VUCUREVICH	WEST VIRGINIA
ELIZABETH ASHLEY WALLACE	WEST VIRGINIA
AARTI MAHENDRA YOGINA	ILLINOIS

1:47 p.m. The meeting reconvened in Room South B&C.

3:00 p.m. The Board was joined by Assistant Attorney General Matthew Lampke to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Gregory Leksan, Intern**, West Chester, Ohio.

4:12 p.m. The hearing ended and the record was closed.

Mr. Moné moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Mr. Wilt and a roll-call vote was conducted by President Yarosh as follows: Cain – yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

4:44 p.m. The recess ended and the hearing was opened to the public.

R-2016-245 After votes were taken in public session, the Board adopted the following order in the matter of **Gregory Leksan, Intern**, West Chester, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2015-1879)

In The Matter Of:

Gregory Leksan
6630 Apache Way
West Chester, Ohio 45069
(Pending Intern No. 06-014494)

INTRODUCTION

The Matter of Gregory Leksan came for hearing on March 1, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Edward T. Cain, Public Member; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Gregory Leksan was represented by Harry Plotnick. The State of Ohio was represented by Matthew J. Lampke, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Gregory Leksan, Respondent

Respondent's Witnesses:

1. Gregory Leksan, Respondent

State's Exhibits:

- | | |
|--------------------------------------|------------|
| 1. Notice of Opportunity for Hearing | 02-09-2016 |
| 2. Request for Hearing | 02-16-2016 |

- | | | |
|----|-----------------------------|------------|
| 3. | Notice of Hearing | 02-17-2016 |
| 4. | Pharmacy Intern Application | 08-26-2015 |
| 5. | Convictions | Various |
| 6. | Statement of Gregory Leksan | 11-10-2015 |

Respondent's Exhibits:

- | | | |
|----|---|------------|
| A. | Record of Proceedings, Indiana v. Gregory Leksan | 10-23-2014 |
| B. | Counselor's Report to Probation Officer | 02-25-2015 |
| C. | Acceptance Letter, University of Cincinnati College of Pharmacy | No Date |
| D. | Letter of Support from Andrea Wall,
Associate Dean of University of Cincinnati | 11-13-2015 |
| E. | Letter of Support from Joseph Ferguson, R.Ph., CVS | No Date |
| F. | Letter of Support from Indiana Counsel for Respondent | 11-12-2015 |
| G. | Letters from Respondent to President,
Indiana University & IU Law Enforcement | No Date |

FINDINGS OF FACT

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

1. On Gregory Leksan's application, he truthfully answered "YES" to question 5(A) that inquired whether he has ever been charged or convicted of a felony or a misdemeanor other than a minor traffic violation (even if expunged or sealed). He included a statement with his application that detailed his arrest on charges for Attempted Residential Entry, Criminal Mischief and Public Intoxication.

a. On or about October 18, 2014, Gregory Leksan was arrested for Attempted Residential Entry, Criminal Mischief and Public Intoxication by the Monroe Circuit Court in Monroe County, Indiana. Case No. 53C03-1410-F6-001007.

b. On or about January 15, 2015, Gregory Leksan plead guilty to Attempted Residential Entry, a felony offense and was found guilty and convicted of a Class A misdemeanor, in exchange for the dismissal of the Criminal Mischief and Public Intoxication Offenses. He was sentenced to one-year probation, 50 hours of community service and to complete alcohol counselling.

2. During an interview about the application by an Agent of the Board, Gregory Leksan discussed in detail the events which lead to the arrest and conviction. He explained that you tailgated before a football game with friends and became highly intoxicated. He then went on to explain that he left to make it back to the house he was staying at and attempted to enter the house and actually broke a window trying to gain entry. It was later determined by the Agent that he attempted to enter the residence of the Indiana University President and the police were dispatched to this residence based on a complaint of a possible robbery.

DECISION OF THE BOARD

On the basis of the Findings of Fact set forth above and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby approves the Intern application submitted on or about September 5, 2015, by Gregory Leksan.

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

Mr. Passafume moved for Action of the Board; Ms. Marchal seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

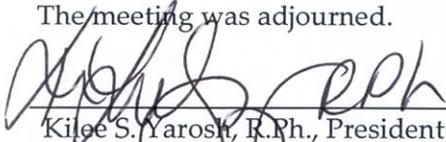
4:46 p.m.

Ms. Marchal moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Yarosh as follows: Cain – yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

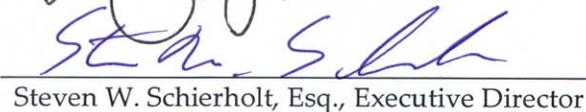
The meeting reconvened in Room South B&C.

5:10 p.m.

The meeting was adjourned.


Kilee S. Yarosh, R.Ph., President

Date: 4-4-16


Steven W. Schierholt, Esq., Executive Director

Date: 4/4/16