



MINUTES OF THE JANUARY 8-9, 2018
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, January 8, 2018

10:04 a.m. The State of Ohio Board of Pharmacy convened in the Hearing Room, 17th Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Megan E. Marchal, RPh, Presiding; Richard J. Newlon, *Public Member*; Michael A. Moné, RPh; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; and Shawn C. Wilt, RPh.

Joshua M. Cox, RPh and Kilee S. Yarosh, RPh; Absent.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Sarah Ackman, *Senior Legal Counsel*; Joe Koltak, *Senior Legal Counsel*; Jenni Wai, *Chief Pharmacist*; Chad Garner, *Director of OARRS*; Yvonne Tertel, *Assistant Attorney General*; and Cameron McNamee, *Director of Policy and Communications*.

Mr. Schierholt provided the Executive Director report.

Ms. Dehner provided the Legal Report.

Mr. Garner provided the OARRS/IT update.

10:22 a.m. Mr. Cox joined the meeting.

Mr. Griffin provided the Compliance and Enforcement update.

Mr. Passafume provided the MMAC report.

Mr. Cox provided the PAPC update.

R-2018-197 The Board received an application for the Continuing Education Provider Status of **Emily Capora, RPh** (03-1-35801) Cincinnati, Ohio. Mr. Passafume moved that the Continuing Education Provider Status be approved. The motion was seconded by Ms. Rudell and approved by the Board: Aye-6/Abstain-1.

10:34 a.m. Ms. Dehner led a discussion with the Board regarding Out of State Treatment Providers.

10:55 a.m. Ms. Yarosh joined the meeting and the Board recessed briefly.



11:06 a.m. The meeting reconvened in the Hearing Room.

The Board was joined by Assistant Attorney General Yvonne Tertel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Cynthia Yu, RPh**, Kettering, Ohio.

12:08 p.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. Newlon and a roll-call vote was conducted by President Marchal as follows: Cox-yes; Newlon-yes; Moné-yes; Passafume-yes; Rudell-yes; Weaver-yes; Wilt-yes and Yarosh-yes.

12:10 p.m. The recess ended and the hearing was opened to the public.

R-2018-198 After votes were taken in public session, the Board adopted the following order in the matter of **Cynthia Yu, RPh**, Kettering, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2015-1877)

In The Matter Of:

Cynthia Yu, RPh

453 Rolling Timber Trail

Kettering, Ohio 45429

(License No. 03-1-27791)

INTRODUCTION

The Matter of Cynthia Yu came for hearing on January 8, 2018, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Richard J. Newlon, *Public Member*; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Cynthia Yu was represented by Christopher Connor. The State of Ohio was represented by Yvonne Tertel, Assistant Attorney General.

SUMMARY OF EVIDENCEState's Witnesses:

None

Petitioner's Witnesses:

1. Cynthia Yu, RPh—Petitioner
2. Jarrod Grossman, RPh—PRO, Inc.
3. Risa Gethers, RPh—PRO Advocate

State's Exhibits:

- | | | |
|----|--|------------|
| 1. | Request for Reinstatement Hearing | 08-01-2017 |
| 2. | Scheduling Letter | 08-02-2017 |
| 3. | Scheduling Letter | 10-12-2017 |
| 4. | Order of the State of Ohio Board of Pharmacy | 06-07-2016 |
| 5. | E-mail String | Various |
| 6. | PRO Contract | 07-07-2016 |
| 7. | Letter of State of Ohio Board of Pharmacy | 07-13-2016 |
| 8. | E-mail String | 12-14-2016 |

Petitioner's Exhibits:

- | | | |
|----|-----------------------------------|--------------------------|
| A. | PRO Contract | 07-07-2016 |
| B. | Letter of Jarrod Grossman | 11-28-2017 |
| C. | Lindner Center of Hope Statements | Various |
| D. | Meeting Attendance Sheets | Various |
| E. | Meeting Calendar | Various |
| F. | Urine Screens | Various |
| G. | Letter of Risa Gethers | 12-05-2017 |
| H. | Letter of Raymond Messer | 11-08-2017 |
| I. | CE Transcript | 01-01-2014 to 09-15-2016 |
| J. | CE Transcript | 09-15-2016 to 10-22-2017 |
| K. | Letters of Support | Various |

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 Cynthia Yu has substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case No. 2015-1877, dated June 7, 2016.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-1-27791, held by Cynthia Yu 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. Cynthia Yu must enter into and adhere to the terms of 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. Failure to adhere to the terms of the treatment contract will be considered a violation of the Board's Order and subject Cynthia Yu to potential sanctions up to and including revocation of license. 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 Glucuronide (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 Cynthia Yu 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. Cynthia Yu 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 Cynthia Yu reappear before the Board for possible additional sanctions, including and up to revocation of license.

4. Cynthia Yu 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 Cynthia Yu reappear before the Board for possible additional sanctions, including and up to revocation of license.

5. Cynthia Yu 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 Cynthia Yu's progress towards recovery and what Cynthia Yu has been doing during the previous three months.

6. Other terms of probation are as follows:

a. Cynthia Yu must meet at least annually with the Board's Probation Committee, the first meeting to be held Monday, August 6, 2018.

b. The State of Ohio Board of Pharmacy hereby declares that Cynthia Yu'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.

c. Cynthia Yu may not serve as a responsible pharmacist.

d. Cynthia Yu may not destroy, assist in, or witness the destruction of controlled substances.

e. Cynthia Yu may not work in a pharmacy more than 40 hours per week or 80 hours over a two- week period.

f. Cynthia Yu must, during the first six months of practice, work only with a pharmacist whose license is in good standing.

g. Cynthia Yu must not violate the drug laws of Ohio, any other state, or the federal government.

h. Cynthia Yu must abide by the rules of the State of Ohio Board of Pharmacy.

i. Cynthia Yu must comply with the terms of this Order.

j. Cynthia Yu's license is deemed not in good standing until successful completion of the probationary period.

7. Cynthia Yu 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 Cynthia Yu 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 Cynthia Yu's license.

At the conclusion of the probationary period, the Board will issue a notice of opportunity for hearing to Cynthia Yu regarding the status of Cynthia Yu's probation and whether Cynthia Yu has successfully met all terms of probation and may be considered in good standing.

Further, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State's exhibits: 6 and Petitioner's exhibits: A, C, D, E, and F.

Ms. Yarosh moved for Findings of Fact; Mr. Weaver seconded the motion. Motion passed (Aye-8/Nay-0).

Ms. Yarosh moved for Action of the Board; Mr. Weaver seconded the motion. Motion passed (Aye-8/Nay-0).

SO ORDERED.

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

1:30 p.m. The meeting reconvened in the Hearing Room.

Mr. McNamee provided the Legislative Update.

R-2017-199 Mr. Passafume moved that the Board approve the Rules packet, as amended, for revised filing with JCARR. The motion was seconded by Mr. Cox and approved by the Board: Aye-/Nay-1.

2:40 p.m. Mr. Weaver 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 pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by President Marchal as follows: Cox-yes; Newlon-yes; Moné-yes; Passafume-yes; Rudell-yes; Weaver-yes; Wilt-yes and Yarosh-yes.

4:10 p.m. Executive Session concluded and the Board recessed for the day.

Tuesday, January 9, 2018

9:01 a.m. The State of Ohio Board of Pharmacy convened in the Hearing Room, 17th Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Megan E. Marchal, RPh, Presiding; Richard J. Newlon, *Public Member*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Fred M. Weaver, RPh; Absent.

R-2018-200 Ms. Yarosh moved that the Conference Call Minutes of January 2, 2018, be approved as written. The motion was seconded by Mr. Wilt and approved by the Board: Aye-7.

R-2018-201 Mr. Passafume moved that the December 11-12, 2017, Meeting Minutes be approved as amended. The motion was seconded by Mr. Newlon and approved by the Board: Aye-7.

9:03 a.m. Mr. Weaver joined the meeting.

R-2018-202 Ms. Marchal announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. 2017-2290**

Maryam Kafi-Heidarpoor
7689 Somerly Court
New Albany, Ohio 43054
License No. 03-1-18962

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 Maryam Kafi-Heidarpoor, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Maryam Kafi-Heidarpoor's failure to obtain the required amount of continuing education units. Together, OSBP and Maryam Kafi-Heidarpoor 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. Maryam Kafi-Heidarpoor is a licensed pharmacist under license number 03-1-18962.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Maryam Kafi-Heidarpoor, pharmacist license number 03-1-18962. The audit showed she failed to complete the required hours.
2. On or about November 29, 2017, the OSBP sent a Notice of Opportunity for Hearing to Maryam Kafi-Heidarpoor, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her 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. Maryam Kafi-Heidarpoor neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated November 29, 2017; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. The State of Ohio Board of Pharmacy hereby reprimands Maryam Kafi-Heidarpoor.
4. Maryam Kafi-Heidarpoor agrees to pay to the Board a monetary penalty in 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 Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
5. Maryam Kafi-Heidarpoor must obtain, within 90 days from the effective date of this Agreement, 13.5 hours of approved continuing pharmacy education (1.35 CEUs) which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
6. The 13.5 hours (1.35 CEUs) of continuing pharmacy education that were proactively completed by Maryam Kafi-Heidarpoor, after the Request for Evidence of Completion of Continuing Education letter was mailed, do not count towards the continuing pharmacy education in term #5 and may not also be used for license renewal.

7. Maryam Kafi-Heidarpoor agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 8. Maryam Kafi-Heidarpoor understands that she has the right to be represented by counsel for review and execution of this agreement.
 9. Maryam Kafi-Heidarpoor agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
 10. Maryam Kafi-Heidarpoor waives any request for a hearing in this matter and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code, and specifically waives any right to an appeal.
 11. 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.
 12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 13. 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.
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R-2018-203

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

**IN THE MATTER OF:
CASE No. 2017-2551-B**

Northeast Ohio Surgery Center
c/o Reuben Gobezie, MD
3755 Orange Place, Suite 102
Beachwood, Ohio 44122
License No. 02-1313500

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 Northeast Ohio Surgery Center (NOSC), for the purpose of resolving all issues between the parties relating to the Board investigation of Dr. Jerome Yokiél's employment at NOSC. Together, the Board and NOSC are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. NOSC is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1313500.

FACTS

1. On or about October 18, 2017, the Board initiated an investigation of NOSC, Terminal Distributor of Dangerous Drugs license number 02-1313500, related to Dr. Jerome Yokieli's employment at NOSC.
2. On or about October 19, 2017, the Board sent a Summary Suspension/Notice of Opportunity for Hearing to NOSC, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about October 23, 2017, NOSC entered into a Temporary Settlement with the Board. The Board lifted the Summary Suspension order issued on October 19, 2017. NOSC agreed to refrain from affiliation with Dr. Jerome Yokieli and terminate all current employment contracts with him.

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. NOSC neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated October 19, 2017; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. NOSC agrees that it has terminated all contractual relationships with Dr. Jerome Yokieli and it will not enter into any other agreement or affiliation with Dr. Jerome Yokieli without first obtaining the Board's written permission.
4. NOSC agrees to the Board's findings and report as a result of its investigation and survey of NOSC in this case, and NOSC has submitted its response to the Board and will continue to comply with the action items required by the report.

5. NOSC agrees to utilize a protocol which includes processes and procedures for treating Propofol as a controlled substance in its facility.
6. NOSC agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
7. NOSC agrees to comply with all federal and state requirements related to Terminal 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 NOSC of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to NOSC by the Board and will NOT discharge NOSC from any obligation under the terms of this Agreement.
8. NOSC agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
9. NOSC understands that it has the right to be represented by counsel for review and execution of this agreement.
10. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom NOSC will operate.
11. NOSC waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.
12. 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.
13. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
14. 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-2018-204

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

**IN THE MATTER OF:
CASE NO. 2017-2271**

Amber McClung

3005 Hundley Road
Smoot, WV 24977
License No. 03-1-27519

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 Amber McClung, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Amber McClung's failure to obtain the required amount of continuing education units. Together, OSBP and Amber McClung 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. Amber McClung is a licensed pharmacist under license number 03-1-27519.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Amber McClung, pharmacist license number 03-1-27519. The audit showed she failed to complete the required hours.
2. On or about November 21, 2017, the OSBP sent a Notice of Opportunity for Hearing to Amber McClung, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her 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. Amber McClung neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter November 21, 2017; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. The State of Ohio Board of Pharmacy hereby reprimands Amber McClung.

4. Amber McClung agrees to pay to the Board a monetary penalty in 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 Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
5. Amber McClung must obtain, within 90 days from the effective date of this Agreement, 5 hours of approved continuing pharmacy education (0.5 CEUs), which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
6. Amber McClung agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Amber McClung understands that she has the right to be represented by counsel for review and execution of this agreement.
8. Amber McClung agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
9. Amber McClung waives any request for a hearing in this matter and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code, and specifically waives any right to an appeal.
10. 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.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. 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-2018-205

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

**IN THE MATTER OF:
CASE NO. 2017-2229**

Lekha Shah
6268 Bellow Valley Drive
Dublin, Ohio 43016
License No. 03-1-29933

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 Lekha Shah, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Lekha Shah's failure to obtain the required amount of continuing education units. Together, OSBP and Lekha Shah 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. Lekha Shah is a licensed pharmacist under license number 03-1-29933.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Lekha Shah, pharmacist license number 03-1-29933. The audit showed she failed to complete the required hours.
2. On or about November 21, 2017, the OSBP sent a Notice of Opportunity for Hearing to Lekha Shah, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her 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. Lekha Shah neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated November 21, 2017; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. The State of Ohio Board of Pharmacy hereby reprimands Lekha Shah.
4. Lekha Shah agrees to pay to the Board a monetary penalty in 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 Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.

5. Lekha Shah must obtain, within 90 days from the effective date of this Agreement, 10 hours of approved continuing pharmacy education (1.0 CEUs) which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
6. Lekha Shah agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Lekha Shah understands that she has the right to be represented by counsel for review and execution of this agreement.
8. Lekha Shah agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
9. Lekha Shah waives any request for a hearing in this matter and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code, and specifically waives any right to an appeal.
10. 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.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. 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-2018-206

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

**IN THE MATTER OF:
CASE NO. 2017-2288**

Aimee Belton-Jackson
970 W. Wooster St. 121
Bowling Green, Ohio 43402
License No. 03-1-20942

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 Aimee Belton-Jackson, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Aimee Belton-Jackson's failure to obtain the required amount of continuing education units. Together, OSBP and Aimee Belton-Jackson 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. Aimee Belton-Jackson is a licensed pharmacist under license number 03-1-20942.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Aimee Belton-Jackson, pharmacist license number 03-1-20942. The audit showed she failed to complete the required hours.
2. On or about November 29, 2017, the OSBP sent a Notice of Opportunity for Hearing to Aimee Belton-Jackson, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her 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. Aimee Belton-Jackson neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated November 29, 2017; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. The State of Ohio Board of Pharmacy hereby reprimands Aimee Belton-Jackson.
4. Aimee Belton-Jackson agrees to pay to the Board a monetary penalty in 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 Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
5. Aimee Belton-Jackson must obtain, within 90 days from the effective date of this Agreement, 4 hours of approved continuing pharmacy education (0.4 CEUs) in general topics, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.

6. Aimee Belton-Jackson must obtain, within 90 days from the effective date of this Agreement, 6 hours of approved continuing pharmacy education (0.6 CEUs) in law, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
 7. Aimee Belton-Jackson must obtain, within 90 days from the effective date of this Agreement, 4 hours of approved continuing pharmacy education (0.4 CEUs) in patient/medication safety (ACPE category 05), which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
 8. Aimee Belton-Jackson agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 9. Aimee Belton-Jackson understands that she has the right to be represented by counsel for review and execution of this agreement.
 10. Aimee Belton-Jackson agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
 11. Aimee Belton-Jackson waives any request for a hearing in this matter and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code, and specifically waives any right to an appeal.
 12. 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.
 13. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 14. 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-2018-207

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

**IN THE MATTER OF:
CASE NO. 2017-2343**

Kathryn A. Honkala, RPh
1770 N. Ashwood Lane
Painesville, Ohio 44077
License No. 03-1-32260

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 Kathryn A. Honkala, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Kathryn A. Honkala's failure to obtain the required amount of continuing education units. Together, OSBP and Kathryn A. Honkala 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. Kathryn A. Honkala is a licensed pharmacist under license number 03-1-32260.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Kathryn A. Honkala, pharmacist license number 03-1-32260. The audit showed she failed to complete the required hours.
2. On or about November 27, 2017 the OSBP sent a Notice of Opportunity for Hearing to Kathryn A. Honkala, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her 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. Kathryn A. Honkala neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated November 27, 2017; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. The State of Ohio Board of Pharmacy hereby reprimands Kathryn A. Honkala.
4. Kathryn A. Honkala agrees to pay to the Board a monetary penalty in 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 Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.

5. Kathryn A. Honkala must obtain, within 90 days from the effective date of this Agreement, 6 hours (0.6 CEUs) approved continuing pharmacy education in general topics, and 3 hours (0.3 CEUs) approved continuing pharmacy education in patient or medication safety, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
6. Kathryn A. Honkala agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Kathryn A. Honkala understands that she has the right to be represented by counsel for review and execution of this agreement.
8. Kathryn A. Honkala agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
9. Kathryn A. Honkala waives any request for a hearing in this matter and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code, and specifically waives any right to an appeal.
10. 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.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. 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-2018-208

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

**IN THE MATTER OF:
CASE NO. 2017-2283**

Luke Fawcett
503 Meyerson Avenue SE
Canton, Ohio 44707
License No. 03-1-31778

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 Luke Fawcett, for the purpose of resolving all issues between the parties relating to

the OSBP investigation of Luke Fawcett's failure to obtain the required amount of continuing education units. Together, OSBP and Luke Fawcett 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. Luke Fawcett is a licensed pharmacist under license number 03-1-31778.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Luke Fawcett, pharmacist license number 03-1-31778. The audit showed he failed to complete the required hours.
2. On or about November 21, 2017, the OSBP sent a Notice of Opportunity for Hearing to Luke Fawcett, 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. Luke Fawcett neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated November 21, 2017; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. The State of Ohio Board of Pharmacy hereby reprimands Luke Fawcett.
4. Luke Fawcett agrees to pay to the Board a monetary penalty in 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 Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.

5. Luke Fawcett must obtain, within 90 days from the effective date of this Agreement, 1 hour of approved continuing pharmacy education (0.1 CEUs) in law, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
6. The 31 hours (3.1 CEUs) of continuing pharmacy education that were proactively completed by Luke Fawcett, after the Request for Evidence of Completion of Continuing Education letter was mailed, do not count towards the continuing pharmacy education in term #5 and may not also be used for license renewal.
7. Luke Fawcett agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Luke Fawcett understands that he has the right to be represented by counsel for review and execution of this agreement.
9. Luke Fawcett 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.
10. Luke Fawcett waives any request for a hearing in this matter and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code, and specifically waives any right to an appeal.
11. 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.
12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
13. 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-2018-209

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

**IN THE MATTER OF:
CASE NO. 2017-2223**

Pamela Black
2160 Mount Vernon Avenue
Toledo, Ohio 43607
License No. 03-1-18903

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 Pamela Black, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Pamela Black's failure to obtain the required amount of continuing education units. Together, OSBP and Pamela Black 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. Pamela Black is a licensed pharmacist under license number 03-1-18903.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Pamela Black, pharmacist license number 03-1-18903. The audit showed she failed to complete the required hours.
2. On or about November 29, 2017, the OSBP sent a Notice of Opportunity for Hearing to Pamela Black, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her 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. Pamela Black neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated November 29, 2017; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. The State of Ohio Board of Pharmacy hereby reprimands Pamela Black.
4. Pamela Black agrees to pay to the Board a monetary penalty in 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 Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.

5. Pamela Black must obtain, within 90 days from the effective date of this Agreement, 39 hours of approved continuing pharmacy education (3.9 CEUs) which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
6. The 24 hours (2.4 CEUs) of continuing pharmacy education that were proactively completed by Pamela Black, after the Request for Evidence of Completion of Continuing Education letter was mailed, do not count towards the continuing pharmacy education in term #5 and may not also be used for license renewal.
7. Pamela Black agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Pamela Black understands that she has the right to be represented by counsel for review and execution of this agreement.
9. Pamela Black agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
10. Pamela Black waives any request for a hearing in this matter and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code, and specifically waives any right to an appeal.
11. 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.
12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
13. 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-2018-210

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

**IN THE MATTER OF:
CASE NO. 2017-2323**

Shannon Skilskyj
8162 Branch Road
Medina, Ohio 44256
License No. 03-1-24749

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 Shannon Skilskyj, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Shannon Skilskyj's failure to obtain the required amount of continuing education units. Together, OSBP and Shannon Skilskyj 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. Shannon Skilskyj is a licensed pharmacist under license number 03-1-24749.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Shannon Skilskyj, pharmacist license number 03-1-24749. The audit showed she failed to complete the required hours.
2. On or about December 19, 2017, the OSBP sent a Notice of Opportunity for Hearing to Shannon Skilskyj, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her 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. Shannon Skilskyj neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 19, 2017; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. The State of Ohio Board of Pharmacy hereby reprimands Shannon Skilskyj.
4. Shannon Skilskyj agrees to pay to the Board a monetary penalty in 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 Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.

5. Shannon Skilskyj must obtain, within 90 days from the effective date of this Agreement, 4 hours of approved continuing pharmacy education (0.4 CEUs) which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
 6. Shannon Skilskyj agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 7. Shannon Skilskyj understands that she has the right to be represented by counsel for review and execution of this agreement.
 8. Shannon Skilskyj agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
 9. Shannon Skilskyj waives any request for a hearing in this matter and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code, and specifically waives any right to an appeal.
 10. 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.
 11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 12. 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-2018-211

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

**IN THE MATTER OF:
CASE NO. 2017-2284**

Nicole Lloyd, RPh
316 East Water Street
Sandusky, Ohio 44870
License No. 03-1-24802

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 Nicole Lloyd, for the purpose of resolving all issues between the parties relating to the OSBP investigation of Nicole Lloyd's failure to obtain the required amount of continuing education units. Together, OSBP and Nicole Lloyd 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. Nicole Lloyd is a licensed pharmacist under license number 03-1-24802.

FACTS

1. The OSBP initiated an audit of continuing education units completed by Nicole Lloyd, pharmacist license number 03-1-24802. The audit showed she failed to complete the required hours.
2. On or about November 6, 2017, the OSBP sent a Notice of Opportunity for Hearing to Nicole Lloyd, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her 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. Nicole Lloyd neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated November 6, 2017; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. The State of Ohio Board of Pharmacy hereby reprimands Nicole Lloyd.
4. Nicole Lloyd agrees to pay to the Board a monetary penalty in 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 Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
5. Nicole Lloyd must obtain, within 90 days from the effective date of this Agreement, 2 hours of approved continuing pharmacy education (0.2 CEUs) in law, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
6. Nicole Lloyd must obtain, within 90 days from the effective date of this Agreement, 18 hours of approved continuing pharmacy education (1.8 CEUs) in general topics, which may not

also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.

7. Nicole Lloyd agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

8. Nicole Lloyd understands that she has the right to be represented by counsel for review and execution of this agreement.

9. Nicole Lloyd agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.

10. Nicole Lloyd waives any request for a hearing in this matter and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code, and specifically waives any right to an appeal.

11. 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.

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

13. 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.

9:08 a.m. The Board was joined by Assistant Attorney General Yvonne Tertel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Chance Newcomer, RPh**, Independence, Ohio.

10:43 a.m. The Board recessed briefly.

10:53 a.m. The meeting reconvened in the Hearing Room.

12:34 p.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. Passafume and a roll-call vote was conducted by President Marchal as follows: Cox-yes; Newlon-yes; Moné-yes; Passafume-yes; Rudell-yes; Weaver-yes; Wilt-yes and Yarosh-yes.

12:54 p.m. The recess ended and the hearing was opened to the public.

R-2018-212 After votes were taken in public session, the Board adopted the following order in the matter of **Chanice Newcomer, RPh**, Independence, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2017-1266)

In The Matter Of:

Chanice Newcomer, RPh
5500 Hillside Road
Independence, Ohio 44131
(License No. 03-1-34177)

INTRODUCTION

The Matter of Chanice Newcomer came for hearing on January 9, 2018, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Richard J. Newlon, *Public Member*; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Chanice Newcomer was represented by Sarah Gelsomino and Terry Gilbert. The State of Ohio was represented by Yvonne Tertel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Joann Predina, RPh—State of Ohio Board of Pharmacy
2. Trey Edwards—State of Ohio Board of Pharmacy

Respondent's Witnesses:

1. Chanice Newcomer, RPh—Respondent
2. Jarrod Grossman, RPh—Executive Director, PRO, Inc.

State's Exhibits:

- | | | |
|-----|--|------------|
| 1. | Summary Suspension/Notice of Opportunity for Hearing | 02-22-2017 |
| 2. | Amended Summary Suspension/Notice of Opportunity for Hearing | 11-21-2017 |
| 3. | Request for Hearing | 05-25-2017 |
| 4. | Scheduling Letter | 09-27-2017 |
| 5. | Credential View Screen | 01-04-2018 |
| 6. | Pharmacy Records | Various |
| 7. | Statement of Chanice Newcomer, RPh | 02-17-2017 |
| 8. | Statement of Chanice Newcomer, RPh | 02-17-2017 |
| 9. | DEA—106 Form | 02-14-2017 |
| 10. | OSBP Property Impound Reports | 04-06-2017 |
| 11. | Cuyahoga Co. Commons Pleas Court, Case No. 621918-17-CR | 10-02-2017 |
| 12. | Walgreens Surveillance Video | 12-28-2016 |

Respondent's Exhibits:

A.	PRO Contract	05-10-2017
B.	Meeting Attendance Sheets	Various
C.	Urine Screens	Various
D.	Calendar of Meeting Attendance and Urine Screens	Various
E.	Glenbeigh Records	Various
F.	Glenbeigh Certificate of Completion	06-13-2017
G.	Quarterly Self-Reports	Various
H.	Letters of Support	Various
I.	Cuyahoga Common Pleas Court—Proposed Plea Agreement	12-15-2017
J.	State of Ohio Board of Pharmacy—ROI-1 Report	04-14-2017

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. During a theft of drugs investigation, Chanice Newcomer admitted to the agents of the Board that from on or about January of 2016 through February of 2017 she stole various quantities and types of controlled substances from her employer, Walgreens Pharmacy #3256 located at 11401 Union Avenue in Cleveland, Ohio 44105. The drugs she admitted to taking included the following estimated amounts over the course of approximately one year:
 - a. Carisoprodol 350mg, schedule IV controlled substance, approximately 500 tablets; and
 - b. Phentermine 37.5mg, schedule IV controlled substance, approximately 100 capsules; and
 - c. Oxycodone 5mg, schedule II controlled substance, approximately 400 tablets; and
 - d. Oxycodone 10mg, schedule II controlled substance, approximately 500 tablets; and
 - e. Oxycodone 15mg, schedule II controlled substance, approximately 500 tablets; and
 - f. Oxycodone 20mg, schedule II controlled substance, approximately 100 tablets; and
 - g. Oxycodone 30mg, schedule II controlled substance, approximately 200 tablets; and
 - h. Oxycodone APAP 5/325, schedule II controlled substance, approximately 500 tablets; and
 - i. Oxycodone APAP 7.5/325, schedule II controlled substance, approximately 300 tablets; and
 - j. Oxycodone APAP 10/325, schedule II controlled substance, approximately 200 tablets; and
 - k. Hydrocodone APAP 10/325, schedule II controlled substance, approximately 300 tablets.

2. Video footage and review of Walgreen Pharmacy's records confirm Chanice Newcomer's involvement in the above-described significant thefts of controlled substances.

3. On or about October 2, 2017, Chanice Newcomer was indicted in Cuyahoga County for eleven (11) counts of Theft of Drugs, felonies of the fourth degree; six (6) counts of Drug Possession, felonies of the second degree; two (2) counts of Drug Possession, felonies of the third degree; two (2) counts of Drug Possession, felonies of the fourth degree; one (1) count of Drug Possession, a felony of the fifth degree; one (1) count of Tampering with Records, a felony of the fourth degree; one (1) count of Unauthorized Use of Property, a felony of the fourth degree; and one (1) count of Illegal Processing of Drug Documents, a felony of the fourth degree. CR-17-621918-A.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact 1(a) through 1(k) each constitutes a violation of 2913.02(A).

2. Such conduct as set forth in the Allegations Section 1(a) through 1(k), if proven, each constitutes a violation of 2925.11(A), aggravated possession of drugs, each punishable by up to the following penalty:

a. Carisoprodol 350mg, schedule IV controlled substance, approximately 500 tablets, a felony of the fourth degree;

b. Phentermine 37.5mg, schedule IV controlled substance, approximately 100 capsules, a felony of the fourth degree;

c. Oxycodone 5mg, schedule II controlled substance, approximately 400 tablets, a felony of the second degree;

d. Oxycodone 10mg, schedule II controlled substance, approximately 500 tablets, a felony of the second degree;

e. Oxycodone 15mg, schedule II controlled substance, approximately 500 tablets, a felony of the second degree;

f. Oxycodone 20mg, schedule II controlled substance, approximately 100 tablets, a felony of the third degree;

g. Oxycodone 30mg, schedule II controlled substance, approximately 200 tablets, a felony of the second degree;

h. Oxycodone APAP 5/325, schedule II controlled substance, approximately 500 tablets, a felony of the second degree;

- i. Oxycodone APAP 7.5/325, schedule II controlled substance, approximately 300 tablets, a felony of the second degree;
 - j. Oxycodone APAP 10/325, schedule II controlled substance, approximately 200 tablets, a felony of the second degree;
 - k. Hydrocodone APAP 10/325, schedule II controlled substance, approximately 300 tablets, a felony of the second degree.
3. Such conduct as set forth in the Findings of Fact 1(a) through 1(k) each constitutes a violation of 2925.03(A)(2):
- a. Carisoprodol 350mg, schedule IV controlled substance, approximately 500 tablets, a felony of the fourth degree;
 - b. Phentermine 37.5mg, schedule IV controlled substance, approximately 100 capsules, a felony of the fourth degree;
 - c. Oxycodone 5mg, schedule II controlled substance, approximately 400 tablets, a felony of the second degree;
 - d. Oxycodone 10mg, schedule II controlled substance, approximately 500 tablets, a felony of the second degree;
 - e. Oxycodone 15mg, schedule II controlled substance, approximately 500 tablets, a felony of the second degree;
 - f. Oxycodone 20mg, schedule II controlled substance, approximately 100 tablets, a felony of the third degree;
 - g. Oxycodone 30mg, schedule II controlled substance, approximately 200 tablets, a felony of the second degree;
 - h. Oxycodone APAP 5/325, schedule II controlled substance, approximately 500 tablets, a felony of the second degree;
 - i. Oxycodone APAP 7.5/325, schedule II controlled substance, approximately 300 tablets, a felony of the second degree;
 - j. Oxycodone APAP 10/325, schedule II controlled substance, approximately 200 tablets, a felony of the second degree;
 - k. Hydrocodone APAP 10/325, schedule II controlled substance, approximately 300 tablets, a felony of the second degree.

4. Such conduct as set forth in the Findings of Fact 1(a) through 1(k) each constitutes a violation of 4729.51(A)(1), possessing/distributing/delivering dangerous drugs at wholesale, a misdemeanor of the first degree.
5. Such conduct as set forth in the Findings of Fact 1(a) through 1(k) each constitutes a violation of 4729.51(C)(3), possessing dangerous drugs, a misdemeanor of the first degree.
6. Such conduct as set forth in the Findings of Fact constitutes a violation of Section 4729.16 of the O.R.C.:
 - a. Guilty of a felony or gross immorality, O.R.C. 4729.16(A)(1); and
 - b. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, O.R.C. 4729.16(A)(2); and
 - c. Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, O.R.C. 4729.16(A)(3); and
 - d. Guilty of willfully violating any of the provisions of this chapter...Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, O.R.C. 4729.16(A)(5).
7. Such conduct as set forth in the Findings of Fact also constitute a violation of Chapter 4729-5 of the Ohio Administrative Code (O.A.C.), which allows the Board to consider as evidence of a person not meeting the requirements for licensure in the Revised Code:
 - a. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed..., O.A.C. Rule 4729-5-04(A); and
 - b. Violated...any of the provisions of Chapters 4729., 3715., 3719., and 2925. of the Revised Code, or any rule adopted by the board under those provisions, O.A.C. Rule 4729-5-04(B); and
 - c. Committed acts that constitute moral turpitude as defined in section 4776.10 of the Revised Code or gross immorality, O.A.C. Rule 4729-5-04(C); and
 - d. Is addicted to or abusing alcohol, drugs or other chemical substances or impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, O.A.C. Rule 4729-5-04(D).

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 Chanice Newcomer on November 21, 2017.

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. 03-1-34117, held by Chanice Newcomer and such suspension is effective as of the date of the mailing of this Order.

1. Chanice Newcomer, 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.
2. Chanice Newcomer, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her 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 3 years from the effective date of this Order, the Board will consider any petition filed by Chanice Newcomer 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:

1. Chanice Newcomer must maintain a current address with the Board throughout the duration of the suspension.
2. Chanice Newcomer must enter into and adhere to the terms of 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. Failure to adhere to the terms of the treatment contract will be considered a violation of the Board's Order and subject Chanice Newcomer to potential sanctions up to and including revocation of license. 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 Glucuronide (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 Chanice Newcomer 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.

- f. 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.
 - g. 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.
 - h. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
3. Chanice Newcomer 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 Chanice Newcomer reappear before the Board for possible additional sanctions, including and up to revocation of license.
 4. Chanice Newcomer shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of suspension. The Board shall treat any such refusal as a violation of the Board's Order and request Chanice Newcomer reappear before the Board for possible additional sanctions, including and up to revocation of license.
 5. Chanice Newcomer must immediately report any violation of the terms of this suspension 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 Chanice Newcomer to possible additional sanctions, including and up to revocation of license.
 6. Chanice Newcomer 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.
 7. Chanice Newcomer must successfully complete all terms of her plea agreement in the State of Ohio vs. Newcomer, hereinafter Cuyahoga County case CR-17-621918-A; failure to comply with any term of her plea agreement or the Court's Orders constitutes a violation of this Board Order.
 8. Chanice Newcomer must appear before the Board's Probation Committee no sooner than 6 months prior to her ability to petition for reinstatement to request permission from the Board's Probation Committee to retake the North American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Examination (MPJE). Chanice Newcomer must bring written evidence from the Cuyahoga County Prosecutor's Office regarding her compliance with any plea agreement in Cuyahoga County case CR-17-621918-A.
 9. Chanice Newcomer must provide, in the reinstatement petition, documentation of the following:

- a. 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.);
- 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. Proof of passing the NAPLEX and MPJE;
- d. Compliance with the terms of this Order.

10. Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction or any other plea agreement or Court Orders in Cuyahoga County case CR-17-621918-A, has been successfully completed.

11. Violation of any term of this Board's suspension Order, including but not limited to any violation of the contract signed with the ODMHAS or other approved treatment provider or any violation of her plea agreement may result in additional action before the Board up to and including revocation of Chanice Newcomer's pharmacy license.

12. 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 Order resulting in a hearing before the Board and may also result in criminal and/or administrative charges.

13. If Chanice Newcomer's employment is related to the practice of pharmacy, Chanice Newcomer must notify her employer of the terms of her suspension and this Board's Order.

14. Failure to complete the terms set forth in this Board's Order, or to petition for reinstatement within five years of the date of this Order, will result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Chanice Newcomer's license.

Further, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically Respondent's exhibits: C and E.

Mr. Weaver moved for Findings of Fact; Mr. Wilt seconded the motion. Motion passed (Aye-8/Nay-0).

Mr. Weaver moved for Conclusions of Law; Mr. Passafume seconded the motion. Motion passed (Aye-8/Nay-0).

Mr. Moné moved for Action of the Board; Ms. Yarosh seconded the motion. Motion passed (Aye-7/Nay-1).

SO ORDERED.

12:57 p.m. The Board recessed for lunch and Mr. Newlon left the meeting for the day.

2:00 p.m. The meeting reconvened in the Hearing Room.

The Board was joined by Assistant Attorney General Yvonne Tertel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Mollie Foster, RPh**, Lancaster, Ohio.

3:10 p.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 Marchal as follows: Cox-yes; Moné-yes; Passafume-yes; Rudell-yes; Weaver-yes; Wilt-yes and Yarosh-yes.

3:24 p.m. The recess ended and the hearing was opened to the public.

R-2018-213 After votes were taken in public session, the Board adopted the following order in the matter of **Mollie Foster, RPh**, Lancaster, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2016-2367)

In The Matter Of:

Mollie Foster, R.Ph.
8910 Clearport Road
Lancaster, Ohio 43130
(License No. 03-1-29642)

INTRODUCTION

The Matter of Mollie Foster came for hearing on January 9, 2018, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Richard J. Newlon, *Public Member*; Absent.

Mollie Foster was represented by Bill Mann. The State of Ohio was represented by Yvonne Tertel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. David Gonzalez—State of Ohio Board of Pharmacy

Respondent's Witnesses:

1. Mollie Foster, RPh—Respondent

State's Exhibits:

- | | | |
|-----|---|------------|
| 1. | Notice of Opportunity for Hearing | 03-14-2017 |
| 2. | Request for Hearing | 04-16-2017 |
| 3. | Scheduling Letter | 04-17-2017 |
| 4. | Request for Continuance | 09-06-2017 |
| 5. | Scheduling Letter | 09-08-2017 |
| 6. | Credential View Screen | No Date |
| 7. | Online Renewal Application | 10-28-2016 |
| 8. | Court Documents | Various |
| 9. | E-mail (Lima Municipal Court) and Smart Web Documents | Various |
| 10. | Statement of Mollie Foster, RPh | 12-06-2016 |

Respondent's Exhibits:

- | | | |
|----|-----------------------------|------------|
| A. | Letter of Blake Bryan | 09-01-2017 |
| B. | Letter of Joshua Gulier | 08-29-2017 |
| C. | Letter of Breanna Maravy | 09-04-2017 |
| D. | Letter of Kaylee Maravy | 09-01-2017 |
| E. | Letter of Christopher White | 09-06-2017 |
| F. | Letter of Debbie Lap | 08-28-2017 |
| G. | Letter of Tresa Getz | 08-25-2017 |
| H. | Letter of S. Alan Risch | No Date |
| I. | Letter of Becky Summers | 08-27-2018 |
| J. | Letter of William Nungesser | 08-19-2017 |

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 Mollie Foster's renewal application submitted on or about October 28, 2016, she answered "Yes" to the question inquiring in the last 18 months whether she had a record of arrest of criminal charges pending or had a conviction of a felony, misdemeanor, or traffic violation (even if expunged or sealed) or the equivalent in another jurisdiction?
 - a. On or about July 22, 2016, Mollie Foster was arrested and charged for operating a vehicle under the influence of alcohol and/or a drug of abuse "High Levels", a misdemeanor offense, in

the Lima Municipal Court. She submitted a breath sample that registered .255 blood alcohol content, over the legal limit of .08. On or about August 30, 2016, she pleaded guilty to operating a vehicle under the influence of alcohol and/or a drug of abuse "High Levels." She was sentenced to 60 days in jail with 57 days suspended, a mandatory 3 days in jail, one year probation, S.M.A.R.T mobile alcohol monitoring, a drug and alcohol assessment, a driver intervention program, and payment of \$375 in fines and court costs. Case No. 2016 TRC 09700.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraph (1)(a) of the Findings of Fact constitutes the following violations of the ORC:

a. Guilty of willfully violating...any rule adopted by the board, ORC Section 4729.16(A)(5).

2. Such conduct as set forth in paragraph (1)(a) of the Findings of Fact constitutes a violation of each of the following divisions of Rule 4729-5-04 of the OAC:

a. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, OAC Rule 4729-5-04(A); and

b. Violated...any of the provisions of Chapters 4729...of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729-5-04(B); and

DECISION OF THE BOARD

After consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby reprimands Mollie Foster for her actions in this matter.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State of Ohio Board of Pharmacy imposes a monetary penalty in 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 Order.

Mr. Weaver moved for Findings of Fact; Mr. Wilt seconded the motion. Motion passed (Aye-7/Nay-0).

Mr. Weaver moved for Conclusions of Law; Ms. Rudell seconded the motion. Motion passed (Aye-7/Nay-0).

Ms. Yarosh moved for Action of the Board; Mr. Passafume seconded the motion. Motion passed (Aye-6/Nay-1).

SO ORDERED.

3:37 p.m. The Board was joined by Assistant Attorney General Yvonne Tertel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Kaitlin Baughman, RPh**, Stow, Ohio.

4:09 p.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 Ms. Rudell and a roll-call vote was conducted by President Marchal as follows: Cox-yes; Moné-yes; Passafume-yes; Rudell-yes; Weaver-yes; Wilt-yes and Yarosh-yes.

4:24 p.m. The recess ended and the hearing was opened to the public.

R-2018-214 After votes were taken in public session, the Board adopted the following order in the matter of **Kaitlin Baughman, RPh**, Stow, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2017-1921)

In The Matter Of:

Kaitlin R. Baughman, R.Ph.

2082 Hidden Lake Drive, Apt. B

Stow, Ohio 44224

(License No. 03-2-33771)

INTRODUCTION

The Matter of Kaitlin R. Baughman came for hearing on January 9, 2018, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Richard J. Newlon, *Public Member*; Absent.

Kaitlin R. Baughman was not represented by Counsel. The State of Ohio was represented by Yvonne Tertel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Trey Edwards, Compliance Agent—State of Ohio Board of Pharmacy

Respondent's Witnesses:

1. Kaitlin R. Baughman—Respondent

State's Exhibits:

1.	Notice of Opportunity for Hearing	08-17-2017
2.	Request for Hearing	08-19-2017
3.	Scheduling Letter	08-21-2017
4.	Credential View Screen	12-20-2017
5.	Statement (Kaitlin Baughman)	07-27-2017
6.	Statement (Monica Allebech)	07-31-2017
7.	Statement (Michael Klein)	07-31-2017
8.	Patient Prescription	06-08-2017

Respondent's Exhibits:

A.	Discharge Summary from Outpatient AoD at Townhall II	11-01-2017
B.	Return to Work Agreement for Walgreens	08-25-2017
C.	Pharmacists Rehabilitation Organization, Inc. Pharmacist's Treatment Contract (PRO)	08-21-2017
D.	OHPRO Test History Results	01-01-2017
E.	Summary Calendars of Meeting Attendance	06-01-2017
F.	Signed and Stamped Meeting Attendance Sheets	06-11-2017
G.	Signed Proof of Attendance at PRO Meetings	08-21-2017
H.	Letter of Support from Executive Director of PRO, Inc.	01-02-2018
I.	Additional Letters of Support	01-02-2018

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 June 8, 2017 Kaitlin R. Baughman appeared intoxicated when she reported to work for the afternoon shift as a Pharmacist at Walgreens Pharmacy #10784 located at 144 E. Main St, Ravenna, Ohio. The Walgreens medical review officer was called and ordered administration of a breathalyzer test on Baughman, which reported a result of 0.12 BAC. Baughman was interviewed and admitted to drinking two margaritas at lunch. She indicated she rarely drinks. She also indicated she was scared to call off sick and did not fill any prescriptions before she left. The pharmacy transaction journal revealed 38 prescriptions were filled in the time she was in the pharmacy. Upon further review, two issues were identified; a typo on instructions that Baughman did not catch and a prescription in the will-call area that did not have a cap on securely.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraph (1) of the Allegations Section, if proven, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 6, 2017, each violation constituting a minor misdemeanor, each punishable by a maximum penalty of \$150:

a. Engaged in unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and/or

- b. Violated any of the provisions of this chapter 3715.75 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e).
 - c. Engaged in any conduct for which the board may imposed discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
2. Such conduct as set forth in paragraph (1) of the Findings of Fact, if proven, constitutes a violation of each of the following divisions of Rule 4729-5-04 of the OAC as effective April 28, 2016:
 - a. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, OAC Rule 4729-5-04(A); and
 - b. Violated any of the provisions of Chapters 4729...of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729-5-04(B); and

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby imposes a monetary penalty of \$300 on Kaitlin Baughman and payment is due in full no later than thirty days from the effective date of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6162.

Kaitlin Baughman must continue to comply with her Walgreens employer treatment program. Should Kaitlin Baughman ever cease to be employed at Walgreens, she must enter into and adhere to the terms of 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. Failure to adhere to the terms of the treatment contract will be considered a violation of the Board's Order and subject Kaitlin Baughman to potential sanctions up to and including revocation of license. 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 Glucuronide (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 Kaitlin Baughman 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.

Further, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State's exhibits: 8.

Mr. Passafume moved for Findings of Fact; Ms. Rudell seconded the motion. Motion passed (Aye-7/Nay-0).

Mr. Moné moved for Conclusions of Law; Ms. Yarosh seconded the motion. Motion passed (Aye-7/Nay-0).

Mr. Moné moved for Action of the Board; Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

4:27 p.m. The Board recessed briefly.

4:33 p.m. The meeting reconvened in the Hearing Room.

The Board was joined by Assistant Attorney General Yvonne Tertel to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Shekhar Sinha, RPh, Maineville, Ohio.**

4:53 p.m. The hearing ended and the record was closed.

Mr. McNamee presented the Revised Prescriber Compounding rules.

R-2018-215 Mr. Passafume moved that the Revised Prescriber Compounding rules packet be approved for filing with CSI and JCARR. The motion was seconded by Mr. Moné and approved by the Board: Aye-7.

5:05 p.m. Ms. Galante provided the Licensing update.

R-2018-216 Mr. Passafume moved that the Board adopt the following decisions of the Responsible Person Committee for requests to be Responsible Person on more than one location—Wholesale Distributor:

a. Valerie Wirick--Approved

- I. Lincare—*Marion, OH (01-2651450)*
- II. American Homepatient, Inc.—*Columbus, OH (01-1285600)*

b. Josh Weinmann-Approved

- I. Nyeco Gas—*Fostoria, Ohio* (01-2659050)
- II. Nyeco Gas—*Northwood, Ohio* (01-2659150)

The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7.

R-2018-217

Mr. Passafume moved that the Board adopt the following decisions of the Responsible Person Committee for requests to be Responsible Person on more than one location—Terminal Distributor:

a. Pam Swarny, RPh (03-3-14353) Bolivar, Ohio—Denied

- I. Union Hospital Association—*Dover, OH* (02-00301450)
- II. Union Hospital Association Outpatient—*Dover, OH* (02-2818250)

b. Sandra Witherspoon, RPh (03-2-19619) Baltimore, Ohio—Approved until July 6, 2018

- I. St. Ann's Hospital of Columbus, Inc.—*Westerville, Ohio* (02-0034150)
- II. Diley Ridge Medical Center—*Canal Winchester, Ohio* (02-2007400)

c. Bilal Salim, RPh (03-1-22832) Sylvania, Ohio—Approved until open

- I. Holland Discount Pharmacy—*Holland, Ohio* (02-2303650)
- II. Junction Healthmart Pharmacy—*Toledo, Ohio* (02-2832250)

The motion was seconded by Mr. Cox and approved by the Board: Aye-7.

R-2018-218

Mr. Passafume moved that the Board adopt the following decisions of the Responsible Person Committee for requests to be Responsible Person on more than one location—Pain Management Clinic:

a. Adam Hedaya, MD (35.094290) Westlake, Ohio—Approved 1 year

- I. Cleveland Pain Care—*Westlake, OH* (02-2834300)
- II. Cleveland Pain Care—*Beachwood, OH* (02-2834250)

b. Richard Ray, MD (35.066948) Copley, Ohio—Approved

- I. St. Ann's Hospital of Columbus, Inc.—*Westerville, Ohio* (02-0034150)
- II. Diley Ridge Medical Center—*Canal Winchester, Ohio* (02-2007400)

The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7.

R-2018-219

Mr. Passafume moved that the Board adopt the following decisions of the Responsible Person Committee for requests of licensure as an Office-based Opioid Treatment Facility:

- a. Leroy Varney, MD: Brian Varney, MD & Associates, LLC—*Lancaster, Ohio*
- b. Craig Strafford, MD: Groups—*Greenfield, Ohio*
- c. Craig Strafford, MD: Groups—*Hillsboro, Ohio*

- d. **Craig Strafford, MD: Groups—Wilmington, Ohio**
- e. **Sunny Lu, MD: Groups—Middletown, Ohio**
- f. **Sunny Lu, MD: Groups—Cincinnati, Ohio**
- g. **Ahmed Turjoman: Compass Community Health—Portsmouth, Ohio**
- h. **Thomas D’Onofrio: A.M.C. of Columbus—Reynoldsburg, Ohio**
- i. **Richard Pitt, DO: Dr. Richard L. Pitt, DO—Akron, Ohio**

The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7.

R-2018-220

Mr. Weaver moved that the Board approve the request of **Sheila Dunn, APRN: Woodman Primary Care, LLC—Dayton, Ohio** for licensure as an Office-based Opioid Treatment Facility. The motion was seconded by Mr. Passafume and approved by the Board: Aye-7.

R-2018-221

The Board received a request for approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Troy Balgo, DO** (34.006700) *St. Clairsville, Ohio*, be the Responsible Person for the following Pain Management Clinics:

Belmont Urgent Care Center—*St. Clairsville, Ohio* (02-2139100)
Belmont Urgent Care Center—*St. Clairsville, Ohio* (Pending)

After discussion, Mr. Passafume moved that the Board approve the request. The motion was seconded by Mr. Cox and approved by the Board: Aye-7.

R-2018-222

The Board received a request for approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Eskender Getachew, MD** (35.086201) *Galena, Ohio*, be the Responsible Person for the following Pain Management Clinics:

University of Sleep—*Worthington, Ohio* (02-2139100)
University Sleep Medicine, LLC —*Columbus, Ohio* (Pending)

After discussion, Mr. Passafume moved that the Board deny the request. The motion was seconded by Mr. Moné and approved by the Board: Aye-7.

5:25 p.m.

The Board led a discussion regarding Out of State Treatment Providers.

5:30 p.m.

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 and then immediately 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 pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Mr. Wilt and a roll-call vote was conducted by President Marchal as follows: Cox-yes; Moné-yes; Passafume-yes; Rudell-yes; Weaver-yes; Wilt-yes and Yarosh-yes.

6:04 p.m.

The recess ended and the hearing was opened to the public.

R-2018-223 After votes were taken in public session, the Board adopted the following order in the matter of **Shekhar Sinha, RPh**, Maineville, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2014-1787-C)

In The Matter Of:

Shekhar Sinha, RPh
7380 Capri Way, Apt #1
Maineville, Ohio 45039
(License No. 03-2-28372)

INTRODUCTION

The Matter of Shekhar Sinha came for consideration on January 10, 2018, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Richard J. Newlon, *Public Member*; Absent.

Shekhar Sinha was not present nor represented by Counsel. The State of Ohio was represented by Yvonne Tertel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Paul Schad, RPh—State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
|----|---|------------|
| 1. | Notice of Opportunity for Hearing | 03-30-2017 |
| 2. | Credential View Screen | 12-28-2017 |
| 3. | Statement of Shekhar Sinha, RPh | 09-16-2014 |
| 4. | Prescription | 01-03-2014 |
| 5. | Patient Profile ("Customer Statement Report") | 08-14-2014 |

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. On or about April 7, 2014, Shekhar Sinha misbranded a drug within the meaning of ORC 3715.64, to wit: he received a prescription under prescription number 01400405-6240572 for clomiphene 50mg tablets for patient D.B. and caused another to dispense clomipramine 50mg capsules which was not specifically prescribed by the physician.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraphs (1) through (3) of the Findings of Fact constitutes a violation of Section 3715.52(A)(1) of the ORC.
2. Such conduct as set forth in paragraphs (1) through (3) of the Findings of Fact constitutes a violation of Section 3715.64(A)(10)(d) of the ORC.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State of Ohio Board of Pharmacy imposes a monetary penalty in 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, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Order.

Shekhar Sinha 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

Further, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State's exhibits: 4 and 5.

Ms. Yarosh moved for Findings of Fact; Mr. Cox seconded the motion. Motion passed (Aye-7/Nay-0).

Mr. Passafume moved for Conclusions of Law; Mr. Wilt seconded the motion. Motion passed (Aye-7/Nay-0).

Mr. Wilt moved for Action of the Board; Ms. Rudell seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

R-2018-224 Ms. Marchal announced that the Notice of Opportunity for Hearing issued to **Mahmoud Rifai, RPh**, Case No. 2017-2440, is hereby dismissed.

R-2018-225 Ms. Marchal announced that the Notice of Opportunity for Hearing issued to **Kathryn Craig, RPh**, Case No. 2017-2314, is hereby dismissed.

- R-2018-226** Ms. Marchal announced that the Notice of Opportunity for Hearing issued to **Lorrie Klaserner, RPh**, Case No. 2017-2311, is hereby dismissed.
- R-2018-227** Ms. Marchal announced that the Notice of Opportunity for Hearing issued to **Charles Sloan, RPh**, Case No. 2017-2228, is hereby dismissed.
- R-2018-228** Mr. Moné moved that the meeting be adjourned. The motion was seconded by Ms. Rudell and approved by the Board: Aye-7.


Megan E. Marchal, RPh, President

2/6/18
Date


Steven W. Schierholt, Esq., Executive Director

2/6/18
Date

The following candidates for licensure by reciprocity participated in a discussion of pharmacy laws and rules with Ms. Terri Ghittman, *OARRS Pharmacist*, in Room South B&C, 31st Floor of the Vern Riffe Center for the Government and the Arts:

M.Y. ABSHIR	03-337814
JOSEPHINE ADUTWUMWAA	03-3-37627
HELEN ASHUNTANTANG	03-3-37644
DEVIN MARIE BASHORE	03-3-37801
ANNE BUTERA	03-3-37800
MARIE A. CORBO	03-3-37729
SHERREE CORA DISMUKE	03-3-37657
JEROME EDWARD DROGALIS	03-3-37643
MEGAN E. GOETZ	03-3-37778
HOSSAM HAWARI	03-3-37725
BETH KILKEARY	03-3-37820
SARAH L. KWON	03-3-37811
TIMOTHY DAYTON MILLS	03-3-37812
AMY NICOLE PUNTURERI	03-3-37809
DARIA SALAKAS	03-3-37794
JAMES BROCKMAN SANDERS	03-3-37797
CHIRAG AVINASH SHAH	03-3-37744
SAGAR SINGH	03-3-37822
LESLIE J. VAUGHAN	03-3-37793